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ORDINANCE NO. 2009-11

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES & PUBLIC SERVICES, TITLE FIVE – OTHER PUBLIC SERVICES, CHAPTER 941 – USE OF PUBLIC PROPERTY OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

WHEREAS, pursuant to Section 3.31 of the Charter, Council shall enact any and all legislation deemed necessary for the preservation of the safety and welfare of the community and to provide for the orderly and desirable growth of the community for the efficient and orderly operation of the local government; and

WHEREAS, the City owns various properties and facilities that are available for rent by the general public; and

WHEREAS, Council has an obligation as a legislative body to define, monitor, set fees and address all matters concerning the development, maintenance, and management of public playgrounds and public recreational activities in and for the City; and

WHEREAS, this issue has been referred to the Recreation Commission which according to the City Charter Section 5.42 has the responsibility for developing, maintaining and overseeing the planned programs for public playground operation and other recreational activities in the Municipality for review and recommendation; and

WHEREAS, the Recreation Committee of Council has reviewed and accepts the recommendations of the Recreation Commission and intends to establish and provide a standard for the use of public property, along with a fair and just fee structure.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The existing **Section 941.01 – Premises Available for Private Recreation and Civic Purposes** of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is, amended to read and provide, in its entirety, as follows:

“941.01 PREMISES AVAILABLE FOR PRIVATE RECREATION AND CIVIC PURPOSES.

The following realty owned or leased by the City may be used for recreational or other civic purposes by private groups or residents in compliance with the provisions of this Chapter:

- (a) Campbell Park
- (b) Roemisch Fields
- (c) Willoughby Hills Community Center”

SECTION 2. The existing **Section 941.02 – Application; Time of Filing** of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is, amended to read and provide, in its entirety, as follows:

“941.02 APPLICATION; TIME OF FILING.

Completed applications for use of such facilities shall be filed with the Mayor, or his designee, on forms supplied by the City.”

SECTION 3. Existing **Section 941.04 – *Schedule of Charges; Municipal Hall Community Rooms*** of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is, repealed in its entirety.

SECTION 4. The existing **Section 941.05 – *Campbell Park*** of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is amended to read and provide, in its entirety, as follows:

“941.05 CAMPBELL PARK.

(a) The City park directly to the north of the existing City Hall site containing approximately eleven and six-tenths acres of land is hereby named “***Campbell Park***”.

(b) The use and rental of the Campbell Park Pavilions, Courts and Buildings shall be subject to the rules, regulations and policy procedures as established and administered by the Mayor of the City of Willoughby Hills.

(d) To qualify for the Resident rate, contract holder must be a Willoughby Hills resident, provide proof of residency and must be present at the event. Payment and all event details must be facilitated through contract holder only.

(c) The schedule of charges for Campbell Park shall be established by the Council of the City of Willoughby Hills. ***The schedule of charges and General Stipulations for Use Campbell Park Pavilions are as follows:***

Rates

Below rates are for rentals for private events. Private events are events not open to the general public, i.e. family parties, birthdays, receptions, showers, etc.

Campbell Park Pavilions	
<u>Resident</u>	<u>Non-Resident</u>
\$ 25.00	\$ 75.00

Park Rental Rules and Procedures

1. Electricity is available in both pavilions and must be turned off when through with use.
2. Permit gives exclusive rights to the above referenced pavilion only.
3. Softball field is reserved for league play only.
4. If entering Park via Eddy Road gate: pick up key at Police Dispatch (City Hall). You must leave a photo ID with dispatch and sign for the key.
5. By order of Fire and Police, vehicles are not permitted in Campbell Park, other than for loading and unloading of supplies.
6. Campbell Park closes at dusk. No alcoholic beverages on premises.
7. All dogs shall be maintained on a leash not to exceed 8 feet. Be sure to pick up after your pet.
8. No set up of tents or temporary shelters.
9. No profane language or boisterous behavior.
10. No motorized vehicles.
11. No golfing.

12. No willful destruction of property. Persons responsible for damage must reimburse the City of Willoughby Hills for any damage to premises.
13. Area and facility will be cleaned of refuse upon departure and left in original condition.
14. Organization or persons using the facility are responsible for their own clean-up.
15. Permit will be available for inspection by officials.
16. Vacate the premises at scheduled time.
17. The facility should be used only for the assigned purpose outlined in the permit.
18. Applicant agrees to hold the City of Willoughby Hills harmless from any claims, losses, expenses, including but not limited to attorney fees, which may be sustained by the City of Willoughby Hills because of any activity, use or negligence of the applicant, his heirs, successors or assigns any person using or present upon said property because of the issuance of a permit in accordance with this application.
19. Applicant will notify the City of any cancellation of reservation.
20. Failure to comply with the above rules will result in forfeiture of future facility use.”

SECTION 5. The existing **Section 941.06 – *Roemisch Fields Named*** of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is, amended to read and provide, in its entirety, as follows:

“941.06 ROEMISCH FIELDS.

- (a) The schedule of charges for the use of Roemisch Fields shall be established by the Council of the City of Willoughby Hills.
- (b) The use and rental of Roemisch Fields shall be subject to the rules, regulations and policy procedures established and administered by the Mayor of the City of Willoughby Hills.”

SECTION 6. The existing **Section 941.07 – *Willoughby Hills Community Center*** of the Codified Ordinances of the City of Willoughby Hills be, and it hereby is, amended to read and provide, in its entirety, as follows:

“941.07 WILLOUGHBY HILLS COMMUNITY CENTER.

The building constructed on the Roemisch Field site opposite City Hall is hereby formally named “*The Willoughby Hills Community Center*”.

- (a) The room currently known as the ‘Community Room’, located within The Willoughby Hills Community Center, shall hereafter be formally named the “O’Ryan Room” in recognition of the tireless work and contributions of Mayor Morton E. O’Ryan, and his wife, Florine.
- (b) The room currently known as the “Orchard Room”, located within The Willoughby Hills Community Center, shall hereafter be formally named the “Schaefer Room” in recognition of the tireless work and contributions of Mayor Melvin G. Schaefer and his wife, Jeannette.
- (c) The schedule of charges for the use of the meeting facilities and room rentals in The Willoughby Hills Community Center shall be established by the Council of the City of Willoughby Hills and administered by the Mayor of the City of Willoughby Hills.
- (d) The Director of Finance shall be directed to deposit all income derived from the renting of rooms in The Willoughby Hills Community Center into the General Fund to defray the operational costs of the Community Center.
- (e) The rates as provided are for rentals for private events. Private events are events not open to the general public, i.e. family parties, birthdays, receptions, showers, etc.
- (f) To qualify for the Resident rate, contract holder must be a Willoughby Hills resident, provide proof of residency and must be present at the event. Payment and all event details must be facilitated through contract holder only.

(g) The *Schedule of Charges*, as established by Council along with *General Stipulations* for the use of the Willoughby Hills Community Center are provided as follows:

O’Ryan Room (Capacity 160)		Schaefer Room (Capacity 60)	
Resident \$ 300.00	Non-Resident \$ 450.00	Resident \$ 70.00	Non-Resident \$ 95.00
Lions Club Room (Capacity 100)		Historical Room (Capacity 40)	
Resident \$ 110.00	Non-Resident \$ 175.00	Resident \$ 60.00	Non-Resident \$ 85.00

Rates include tables and chairs, and setup/take down of chairs by city employees (chairs & tables are provided by city). Also included are cleaning supplies and one (1) 55 cup coffee pot.

Rental Hours

Private rentals are offered in consecutive seven (7) hour periods within the building open/close times listed below. The seven (7) hours includes; renter’s set up, party, and clean-up. Additional hours for set up may be purchased when booked, at the rate of \$25 per hour.

Security Deposit

Rentals must be paid in advance. A security deposit of \$100 is required when booking the O’Ryan and Lions room, and \$50.00 for the Schaefer and Historical rooms, regardless of size of the event. Facility must be returned to “pre-event” conditions.

Non-profit or Not for Profit Organizations

Non-profit or Not for Profit organizations can use the Community Center at no charge if they meet the following conditions:

- Meetings of groups that are Willoughby Hills Community Groups or organizations whose aims are educational, cultural, or civic in nature may meet free of charge.
- Other Non-Profit or Not for Profit groups, the majority of whose members are residents of Willoughby Hills may meet free of charge.
- Rooms must be reserved in advance. Renters must phone ahead to 440-975-3540 or email recreation@willoughbyhills-oh.gov for room availability.
- All groups must submit a Meeting Room Request form and Group Information form to the Recreation Department.
- Groups must select a member to act as the contact person member to act as the contact person and assume responsibility for the group.

Fee-based Organizations

Groups or Organizations that become recognized through the City, are open to Willoughby Hills residents, are offering or providing a non-exclusive service to the community, and who may or may not collect fees or have paid membership may use the facility on a repeat basis.

- The following table is provided for a flat fee scale:

1 X Monthly – Sept – May = \$ 90.00 flat rate
1 X Monthly – Sept – Sept = \$120.00 flat rate
2 X Monthly – Sept – May = \$180.00 flat rate
2 X Monthly – Sept – Sept = \$240.00 flat rate
4 X Monthly – Sept – May = \$360.00 flat rate
4 X Monthly – Sept – Sept = \$480.00 flat rate

- (b) Groups requesting room usage at varying frequencies, other than listed above, will be addressed and assigned a fee by the City of Willoughby Hills.
- (c) Flat rate ensures continued usage of the facility during the pre-agreed calendar period. There will be no reduction in fee if group meets on a lesser basis.
- (d) Renter will be advised of dates that are not available due to City related or City sponsored events that take precedence over other organizations and groups,
- (e) Payment can be made in advance quarterly, semi-annually or annually. The specific room used will be determined by the city administrator based upon size of group and room availability.
- (f) Rental agreements will be reviewed upon expiration, and renter will be advised if room usage will be continued. City of Willoughby Hills reserves the right to modify or terminate rental agreement at any time.
- (g) Groups that require additional set up, cleanup, room usage may be charged additional fees. Reservations for fee-based organizations must be made in advance by calling **440-975-3540** or **email recreation@willoughbyhills-oh.gov** for details and room availability.
- (h) Groups using the building on a fee basis will be required to complete a rental agreement.
- (i) Groups must select a member to act as the contact person and assume responsibility for the group.

Storage of Supplies

Rental groups or individuals are not permitted to store materials in the facility. Items left behind are subject to storage fees or confiscation. The City is not responsible for lost or stolen items and renters must take appropriate precautions.

Funeral Luncheons

Willoughby Hills' residents may rent the facility for a funeral luncheon for a flat fee of \$50.00. The City will determine room based upon number of guests and room availability.

Room Availability

The Community Center room rented is not guaranteed to be the same one for multiple rentals. The administrator will do the best possible accommodation to all requests. City functions and city sponsored groups take precedent over private rentals. Some rooms may be subject to blackout dates due to preparation for upcoming events.

Available Building Hours

Monday -Thursday	8:00 a.m. – 10:00 p.m.
Friday & Saturday	9:00 a.m. – 12:00 a.m.
Sunday	9:00 a.m. – 10:00 p.m.

Cleaning and Catering Service

The Council may authorize the Mayor to provide to the users of the facility either catering services or post-event cleaning services for those using the facilities. Rates are subject to contract rates negotiated and reviewed on for not more than a yearly term."

SECTION 7. The existing **Chapter 941 – Use of Public Property** of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is, amended by the addition of a new **Section 941.09 – Report of Income and Use**, which shall read and provide, in its entirety, as follows:

"941.09 REPORT OF INCOME AND USE.

The Mayor shall provide to Council a detailed report of the income, expenses and usage of all public property within the City on a regular basis. The Mayor shall provide, in conjunction with the Finance Director, a break out report of the Willoughby Hills Community Center Statement of Cash Flow Income and Expense Report on a **Quarterly** basis."

SECTION 8. The existing **Chapter 941 – Use of Public Property** of the Codified Ordinances of the City of Willoughby Hills be and the same hereby is, amended by the addition of a new **Section 941.10 – Emergency Use**, which shall read and provide in its entirety, as follows:

"941.10 EMERGENCY USE.

The Willoughby Hills Community Center shall be designated as a site for residents in the event of emergency home evacuation."

SECTION 9. All Ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they are hereby, repealed as of the effective date of this Ordinance.

SECTION 10. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 11. This Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: June 23, 2009

Submitted to the Mayor for his approval
on this 23 day of June, 2009

ATTEST:

Victoria Ann Savage, CM
Victoria Ann Savage, CM
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor

April 23, 2009
Robert M. Weger
Robert M. Weger
Mayor