

TITLE I. GOVERNMENT CODE

CHAPTER 245: PARKS AND RECREATION

ARTICLE I. GENERAL

Section 245.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City: The “City” shall mean the City of Osage Beach, Missouri.

City Property: Real or personal property owned or leased by the City of Osage Beach, Missouri.

Peanick Park: The City’s park located on Hwy 42, Osage Beach, Missouri.

Osage Beach City Park: The City’s park located on Hatchery Road, Osage Beach, Missouri.

Vendor: Any person who sells, exposes or offers for sale any food, beverage or merchandise.

Normal Business Hours: Refers to the City of Osage Beach - City Hall, Parks and Recreation Department’s business hours of Monday – Friday, 8:30 AM – 5:00 PM, excluding legal holiday.

Youth Associations/Little League: A group of teams organized to play against one another with the majority of the participating members/individuals under the age of eighteen (18) years. The association/little league may be a non-profit or for-profit group. The association/little league shall have at least two organized teams and shall have a specified season with regular scheduled games.

Section 245.020. General Powers.

The City Administrator or his/her designee shall coordinate and generally supervise the operation of the Parks and Recreation Department of the City.

Section 245.030. Park Rules and Regulations.

- A. Employees. No provision hereof shall make unlawful any act necessary in the performance by any officer or employee of the City in the line of duty or work.
- B. Hours: The City parks shall be open to the public everyday. Peanick Park shall be open from 6 AM – 10 PM and the Osage Beach City Park shall be open from dawn to dusk.
 - 1. The City shall post signs stating the opening and closing hours of City parks.

2. The City of Osage Beach's sports fields and other park facilities (pavilions and softball/baseball and soccer fields) at both Peanick Park and the Osage Beach City Park are available for reservations by the public when not otherwise scheduled. See Section 150.040 Reservations and User Fees and Appendix A: Park Use Application For Permit.
 3. Permits for the reserved use of park facilities may be approved for individuals or groups for use of any City park during the park operating hours. When no previously reserved, park facilities are open to the public on a first come first served basis.
- C. Code of Conduct. The City's parks provide a positive, family-based environment for the community. All users of the City's facilities are expected to conduct themselves in a manner consistent with that environment. All park patrons and permitted park users will be held responsible for the actions of their guests.
- D. Vehicular and pedestrian traffic:
1. It shall be unlawful for any person in a City park to:
 - a. Drive any vehicle on any area except the City park roadways or parking areas or such areas as may on occasion be specifically designated as temporary areas.
 - b. Park a vehicle anywhere except on a designated parking area.
 - c. Leave a vehicle standing or parked in established parking areas or elsewhere in a City park during closed hours.
 2. It shall be unlawful for any person or vehicle to be in a City park outside the posted hours. Exceptions are as followed:
 - a. Vehicular or pedestrian traffic through a City park permitted for approved vendors within the park.
 - b. Vehicular and pedestrian traffic as part of an approved City-sponsored event or program shall be permitted at all times.
 - c. Vehicular and pedestrian traffic necessary in the performance by any officer or employee of the City in the line of duty or work.
- E. Prohibited activities:
1. Animals. No livestock, horses or other animals shall be permitted in a City park at any time. Exceptions are as followed:
 - a. Pets on leashes and guide, hearing or service animals trained for the purpose of accompanying a person with a visual, aural or physical disability.

- b. Other service animals necessary in the performance by any officer or employee of the City or agency in the line of duty or work.
 - c. Animals as part of an approved City-sponsored event or program.
2. Excessive noise. No loud noise or excessive noises, sound or permitting the sound by any device which produces a loud and discordant noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public shall be permitted in a City park. Events or activities sponsored by the City or for which a permit has been issued to the extent authorized shall be exempted.
 3. Alcohol. The possession or consumption of alcoholic beverages is prohibited in any City park except for permitted consumption set forth in City of Osage Beach Municipal Code Section 600.085 Permitted Public Consumption. Groups or individuals issued permits for public consumption shall comply with the terms and conditions of the issued permit.
 4. Weapons. Weapons of any kind are strictly prohibited in any City building or on any City property. Exceptions may apply by way of a permit issued by the City to the extent authorized thereby.
 5. Misuse of property. Exceptions may apply by way of a permit to the extent authorized thereby.
 - a. No group or individual shall use any City facilities for business purposes without a permit authorized thereby. Receipt of authorized permit shall be produced by the individual or group upon request by the City as proof of authorized park use.
 - b. No public or private gathering of groups shall use any City facilities for the purpose of fundraising without a permit authorized thereby. Receipt of authorized permit shall be produced by the individual or group upon request by the City as proof of authorized park use.
 - c. No group or individual shall hunt, trap or remove wildlife from any City park.
 - d. No group or individual shall dig or remove any soil, rock, trees, shrubs, plants or other wood or materials from any City park; nor make any excavation by tool, equipment, blasting or other means.
 - e. No group or individual shall construct or erect any building or structure, or disrupt or tamper with any public service, whether permanent or temporary, in any City park.
 - f. No group or individual shall deposit, or otherwise place or cause to be placed, litter within any City park except in appropriate receptacles. Where receptacles are not provided, all such litter shall be lawfully removed by the group or individual responsible for its presence.

g. No group or individual shall throw, discharge or otherwise place or cause to be placed, pollutants within or adjacent to any City park's ponds, lakes, streams, storm drainage or other bodies of water.

6. Sports Complex.

a. No person shall use any of the City's sports fields for purposes other than the intended field play.

b. Metal cleats shall not be worn on any City sports field.

c. No glass containers of any kind shall be permitted on any City sports field.

F. Violations and Enforcement.

Any person violating any of the provisions of this chapter shall be deemed guilty of an ordinance violation and shall be punished upon conviction pursuant to Section 100.190 of this Code.

ARTICLE II. PARK RESERVATIONS AND USER FEES

Section 245.040. Park Reservations and User Fees.

The City of Osage Beach's sports fields and other park facilities (pavilions and softball/baseball and soccer fields) at both Peanick Park and the Osage Beach City Park are available for reservation by the public when not otherwise scheduled.

A. Reservations

1. Reservation Procedures.

a. Reservations for park facilities may be made throughout the year based on availability. The Parks and Recreation Department must approve all reservations.

b. Reservations shall be made by submitting a *Park Use Application for Permit*, Appendix A, by fax, mail or in person at the City of Osage Beach - City Hall, Parks and Recreation Department, 1000 City Parkway, Osage Beach, Missouri 65065, during normal business hours, excluding legal holidays.

c. Park Use Application for Permit must be received by the City at least ten (10) business days prior to event. Reservations requested less than ten (10) business days prior to event may be taken at the discretion of the Parks and Recreation Department.

2. Inclement Weather. The City's Parks and Recreation Department will determine field playability. In the event inclement weather occurs after the Parks and

Recreation Department's business hours, the applicant will be responsible for determining if the event occurs or is canceled.

- a. If an event is canceled prior to starting due to inclement weather, User Fees will be reimbursed in full.
 - b. If an event is shortened due to inclement weather, User Fees will be charged based on time used.
3. Maintenance Schedule.
- a. All sports fields may be closed for maintenance starting mid-December – February and periodically throughout the year for routine maintenance.
 - b. The Parks and Recreation Department shall make available to the public dates and times of closings. However, if determined by the Parks and Recreation Department dates and times of scheduled closings change, reservations shall be made on a first come, first serve basis.

B. User Fees

1. Fee Schedule – Peanick Park and the Osage Beach City Park.

Pavilion Rental

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|--------------------|---------|
| 1/2 Day (4 Hours) | \$10.00 |
| Full Day (8 Hours) | \$17.00 |

Baseball/Softball

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|-----------------------|----------|
| Private Use/Per Field | |
| Per Hour | \$15.00 |
| 1/2 Day (4 hours) | \$50.00 |
| Full Day (8 hours) | \$100.00 |

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|--|----------|
| Tournament/Fundraiser/Commercial Event | |
| Per Field/Per Day | \$100.00 |

| | |
|---------------------------------|----------|
| Adult League Play | |
| Game Play - Per Team/Per Season | \$225.00 |
| Practice - Per Hour | \$5.00 |

| | |
|----------------------------------|---------|
| Youth Associations/Little League | |
| Game Play - Per Team/Per Season | \$45.00 |
| Practice - Per Hour | \$5.00 |

Soccer

| | |
|-----------------------|----------|
| Private Use/Per Field | |
| Per Hour | \$15.00 |
| 1/2 Day (4 hours) | \$50.00 |
| Full Day (8 hours) | \$100.00 |

| | |
|---|------------------------------------|
| Tournament/Fundraiser/Commercial Event Per Field/Per Day | 100.00 |
| Adult League Play | |
| Game Play - Per Team/Per Season | \$225.00 |
| Practice - Per Hour | \$5.00 |
| Youth Associations/League Play | |
| Game Play - Per Team/Per Season | \$45.00 |
| Practice - Per Hour | \$5.00 |
| Field Lights \$/Hour - Per Field | \$7.00 |
| Field Attendee \$/Hour – Per Event | \$30.00 |
| Non-profit 501(c) status DISCOUNT (Excludes Lights & Field Attendee Fee) | Less 25% |
| Concessions/Vendors | |
| Concession/Vendor Use Fee (Whichever is greater) | \$25.00 or 5% of Gross Sales |
| Concession/Vendor Use Fee Non-profit 501(c) status (Whichever is greater) | \$15.00 or 2% of Gross Sales |

2. Payments and Deposits.

- a. Park User Fees shall be paid in full at least ten (10) business days prior to event. The City reserves the right to request a non-refundable security deposit if deemed necessary by the City.
- b. A Key/Scoreboard Remote Control deposit of Twenty Dollars (\$20.00) is required for each applicant requiring access to locked facilities, i.e. lights, concessions, and/or applicants requesting the use of one or more scoreboard. To expedite return of a deposit, deposits are requested to be paid by check and shall be returned when all keys and/or scoreboard remote controls are returned. Key(s) and/or remote(s) must be picked up and returned during normal business hours. If a permitted event falls on a weekend or holiday, key(s) and/or remote(s) shall be picked up on the business day immediately prior to the event and returned on the business day immediately following the event. Other arrangements may be made at the discretion of the City.
- c. Non-profit groups with proof of current 501(c) Internal Revenue Code status shall receive a discount of Twenty-Five percent (25%) on Park User Fees, excluding required deposits, Field Lights and Field Attendee Fee and the Concession/Vendor Use Fee.

- d. Other applicable fees determined to be owed by the applicant at the conclusion of the event may be invoiced and paid within thirty (30) days from the event date, if agreed to by the City.
3. Modifications and Refunds.
 - a. Applicants may cancel reservations no less than ten (10) business days prior to reserved date to receive full refund, otherwise no refund or credit will be given.
 - b. Applicants may modify reservations no less than ten (10) business days prior to reserved date to receive any refund or credit due. Any additional User Fees due to the City shall be paid at the time of modification. The Parks and Recreation Department must approve all modifications.
 - c. Cancellations and Modifications shall be made by mail or in person at the, City of Osage Beach - City Hall, Parks and Recreation Department, 1000 City Parkway, Osage Beach, Missouri 65065, during normal business hours, excluding legal holidays.
 - d. The City reserves the right to postpone, cancel or delay any activity on City property.
 4. Use Terms of Agreement.
 - a. Reservations are only for designated area/facility permitted and limited to activity listed. Use of other areas/facilities not listed on the permit may result in User Fees assessed and may be grounds for immediate removal from City property.
 - b. Reservations requiring the use of scoreboards and/or locked facilities after business hours require a deposit by the permitted applicant. The permitted applicant shall be responsible for turning on and turning off all scoreboards and unlocking and locking the appropriate facilities under their care.
 - c. Admission fees shall not be charged to the general public to any City facility for any event without prior approval from the City.
 - d. It is unlawful for any material such as sand, dirt or other substances to be added or taken off any sports fields at any time. All sports field preparation shall be done by the Parks and Recreation Department. The Parks and Recreation Department may authorize field preparation by permitted event applicants.
 - e. Tents, awnings, canopies and temporary structures or fences are not allowed without prior approval in writing by the Parks and Recreation Department.

- f. Applicant is responsible for cleaning, trash disposal and any repairs necessary as a result of the event.
- g. The City reserves the right to cancel or revoke any permit at its discretion.
- h. Applicant agrees to indemnify and hold harmless the City of Osage Beach, its employees and agents for all liability claims arising out of the event.
- i. The City reserves the right to request a Certificate of Insurance showing the City as additional insured with specific liability coverage as deemed necessary by the City.
- j. Applicant agrees to comply with all City codes, applicable laws, regulations and orders of the City Administrator.

ARTICLE III. VENDING AND CONCESSIONS

Section 245.050. Vending and Concessions.

No business or individual shall sell or offer for sale, any food, beverage or merchandise in any City park or on any City property without a contract or permit from the City.

A. Concessionaire.

- 1. The City shall request proposals with the intent to enter into a contract(s) with qualified companies or individuals to provide concessions in the concession facilities at the Osage Beach City Park and to provide vending services for areas within the City parks.
- 2. Contracted concessionaire(s) shall have concession rights to food and beverage sales according to the contract and to the extent authorized thereby. Events requesting concessions or vendor concession rights shall obtain authorization from the contracted concessionaire in order to sell or offer for sale, any food or beverage in any City facility, area/location, dates and times contracted thereby.
- 3. Contract terms shall be for at least one year and subject to the terms of the contract.

B. Vendors.

- 1. Permitted events requesting vendor concession rights within the City parks, included but not limited to merchandise, food and beverage items, must submit a *Concession/Vendor Permit*, Appendix B, for approval.
- 2. All requests for vendor concession rights infringing upon a current concessionaire contract must obtain authorization from the contracted concessionaire by the use of the *Concession/Vendor Permit*. *Concession/Vendor*

Permit shall accompany the Park Use Application for Permit and shall follow the permitting process associated with it.

3. Concession/Vendor Use Fee shall be paid within 10 (Ten) business days following the event.
4. Permitted events with authorized vendor concession rights shall obtain all necessary licenses, permits and insurance and shall comply with all City codes, applicable laws and regulations by federal, state or local governmental agencies and the Park Rules and Regulations of the City.
5. Concession/Vendor Use Fee of Twenty-Five Dollars (\$25.00) or 5% of Gross Sales (whichever is greater) shall be charged to each applicant for each permitted event with authorized vendor concession rights for the use of the City facility to the extent authorized thereby.
6. Non-profit groups with proof of current 501(c) Internal Revenue Code status shall pay a reduced Concession/Vendor Use Fee of Fifteen Dollars (\$15.00) or 2% of Gross Sales (whichever is greater).

ARTICLE IV. ADVERTISING

Section 245.060. Park Advertising.

- A. Event Advertising and Signage. Only banners and signs for permitted events shall be allowed within the City's parks or on City property and must be approved by the Parks and Recreation Department. Approval shall be done through the *Park Use Application for Permit* process.
 1. Banners and signs for permitted events shall only be temporary in use and not permanently constructed, installed or built on City property.
 2. Applicant agrees to comply with all City codes, applicable laws and regulations.
 3. The City reserves the right to edit advertising for content. All advertising shall be approved by the Parks and Recreation Department.
- B. Scoreboard Advertising. The City's Scoreboard Advertising Program will allow businesses the opportunity to advertise permanently within the City's parks' sports complex. Scoreboard advertising will be available in both the Peanick Park and the Osage Beach City Park.
 1. Terms of Agreement.
 - a. Businesses shall contract with the City for advertising space and will be reserved on a first come, first serve basis and shall be subject to the terms of the contract.
 - b. Minimum term of advertising shall be for at least one year and shall include first right of refusal or opportunity to enter into a new contract.

- c. Rates are non-exclusive, allowing competing products or services to purchase advertising.
 - d. Rates are due payable upon receipt of invoice by the City.
 - e. If the City has, or will acquire, naming rights to a City facility, such naming rights may impact the ability of a competitive advertiser in that City facility and/or in the areas associated directly with that facility.
 - f. Advertising contracts shall be based on available advertising space, advertising product, ad copy and graphics.
 - g. The City reserves the right to edit advertising for content. All advertising shall be approved by the Parks and Recreation Department.
2. Rates. The City will charge for scoreboard advertising at an annual rate. Rates do not include design and production costs.

Soccer Scoreboards

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|---------------|------------|
| Full Ad Board | \$1,200.00 |
| Half Ad Board | \$600.00 |

Baseball/Softball Scoreboards

| | |
|---------------|------------|
| Full Ad Board | \$1,200.00 |
| Half Ad Board | \$600.00 |