

RESOLUTION NO. 350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA, SUPPORTING THE LAKE COUNTY BOARD OF COMMISSIONERS IN THE DEVELOPMENT OF A PLAN FOR A COORDINATED WASTE TREATMENT MANAGEMENT SYSTEM FOR THE FLATHEAD DRAINAGE AREA.

WHEREAS, the City of Polson, Montana, has a sanitary waste treatment system for the City of Polson, to-wit: a lagoon system, which, according to periodic tests, is satisfactory for the present and immediate future needs of the City of Polson, Montana, and;

WHEREAS, the Lake County Board of Commissioners has adopted Resolution No. 156 indicating an intent to join with other general purpose units of local government in the Flathead Drainage area within Flathead and Lake Counties to develop and implement a plan resulting in a coordinated waste treatment management system for the area, and;

WHEREAS, the said Lake County Board of Commissioners has asked for the support of the City of Polson, in the development of a waste treatment management system for the Flathead Drainage area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Polson, Montana, that the City of Polson recognizes the need for an area wide waste treatment system for the Flathead Drainage and strongly supports the efforts of the Lake County Board of Commissioners and all other governmental agencies and units in the development and implementation of such plan.

The foregoing Resolution was duly and regularly passed by the City Council of the City of Polson, Montana, and adopted and approved by the Mayor of the City of Polson, Montana, this 7th day of October, 1974.

CITY OF POLSON

/s/ Gordon G. Fisher
Acting Mayor

ATTEST:

/s/ Ardath E. Morton
City Clerk

ORDINANCE NO. 350

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE OPERATION, USE AND CONTROL OF CITY PARKS, PIERS AND RECREATIONAL FACILITIES, ESTABLISHING FEES FOR USE AND PENALTIES FOR VIOLATIONS.

WHEREAS, the City of Polson Recreation and Dock Commission which as been duly created and ordained by Chapter 6 of Title 2 of the City Code of Polson, 1965, has heretofore administered the City's recreational and pier facilities on a problem to problem basis; and

WHEREAS the nature and extent of the City's recreational and pier facilities and the use thereof have expanded to a degree that formal rules and regulations for the operation, use and control have become necessary;

NOW, THEREFORE, be it ordained by the City Council of the City of Polson, Montana:

Title 3 of the City Code of Polson, 1965, shall be amended by the addition of Chapter 6 which shall read as follows:

3-6-1: City's Recreational and Pier Facilities Furnished Gratuitously.
All of the City's recreational and pier facilities shall be furnished to the public for its use and enjoyment free of charge with the exception of the camping facility at Riverside Park for which there shall be a charge levied for overnight camping. This charge shall be determined annually

by the Recreation and Dock Commission, subject to the approval of the City Council of the City of Polson, Montana.

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3-6-2: O'Maile Park O'Malie Baseball Park shall be made available to the several baseball and softball associations that function within the City of Polson, Montana, without charge to either the said associations or the concessions which they sponson, provided said associations shall be and remain non-profit organizations.

3-6-3 (A): GOLF COURSE PARK. Members of the public shall be permitted to use the Golf Course Park, including picnic area, playground equipment, swimming beach, pier and diving platforms free of charge subject, however, to the direction and control of the City of Polson Recreation and Dock Commission and its duly authorized representatives and agents, There shall be no camping, tenting or overnight use of this park facility.

3-6-3 (B): No person, firm or corporation shall be permitted to operate any concession within the Golf Course Park area without first obtaining a permit from the City of Polson. Any applicant for such permit shall submit an annual fee of \$350.00 or a proposal to furnish labor or services to the City of Polson of a value of \$350.00, together with a written application to the City of Polson Recreation and Dock Commission for its approval. The decision of said Commission shall be submitted to the City Council of the City of Polson for ratification and confirmation. Both the number and type of concession which may be permitted in this park shall be determined by the Recreation and Dock Commission, subject to ratification and confirmation by the City Council of the City of Polson, whose decision in such matter shall be final.

3-6-3 (C): Any holder of a permit issued pursuant to the terms of Section 3-6-3 (B) shall furnish the City of Polson proof that they are insured for bodily injury and property damage liability coverage and in addition thereto shall agree to save and hold the City of Polson harmless from and on account of any injury of damage to persons or property as a result of the operation of their enterprise within the said Golf Course Park.

3-6-4: Riverside Park. Riverside Park shall have a dual function, in addition to its water front, playground pier, swimming and diving facilities, which shall be available for use and enjoyment by the general public without charge, it shall have an overnight camping area with restroom facilities. The said overnight camping and restroom facility shall be under the management and control of a contract employee of the City of Polson who shall be responsible for charging and collecting camping fees and the cleanliness of the park during the period of time from May 1 through September 30 of each year and for protection of said park facility against vandalism for the period of time commencing with October 1 of each year and ending with April 30 of the following year. Boat launching in Riverside Park is discouraged; provided, however, that subject to the control of the aforesaid City of Polson contract employee, boat launching will be permitted on a fee basis with the fees to be established from time to time by the Recreation and Dock Commission of the City of Polson, subject to ratification and confirmation by the City Council of the City of Polson.

3-6-5: Ducharme Park. Ducharme Park shall be kept and maintained as a roadside park, with no camping, tenting or overnight facilities for the use and enjoyment of the general public, without charge.

3-6-6 (A): Sacajawea Park. The Sacajawea Park, pier and boat launching facilities shall be furnished for the use and enjoyment of the general public free of charge.

3-6-6 (B): No person, firm or corporation shall operate any private, commercial, or industrial enterprise from Sacajawea Park or pier, not the waterfront area extending to the north and east thereof, without first obtaining a permit from the City of Polson for such purpose. Applications for such permit shall be submitted to the City of Polson Recreation and Dock Commission together with an annual fee of \$500.00, which shall submit its recommendation with regard thereto to the City Council of the City of Polson which shall have final authority to issue or deny such permit.

3-6-6 (C): No person, firm or corporation, including a permittee under the the next preceding section shall store or otherwise permit or cause to be permitted an accumulation of any item, article, or thing of any nature whatsoever within their designated area of business, commercial or industrial enterprise within Sacajawea Park or the water front area to the north and east hereof. A violation of this Section shall result in an automatic cancellation of the permit and forfeiture of the unused portion of the permit fee.

3-6-6 (D); Any holder of a permit issued pursuant to the terms of Section 3-6-6 (B) shall furnish the City of Polson proof that such permittee is insured for bodily injury and property damage liability with minimum coverage of \$100,000, \$300,000 and \$50,000, and in addition thereto shall agree to save and hold the City of Polson harmless from and on account of any injury of damage to persons or property as a result of the operation of their enterprise within the said Sacajawea Park or waterfront area situate to the north and east thereof.

3-6-6 (E): No private or commercial vessel equipped with toilet facilities shall be permitted to utilize the City of Polson pier or boat slip area for moorage unless such vessel shall have adequate sewage disposal plan acceptable to the City of Polson Recreation and Dock Commission.

3-6-6 (F); Any person, firm or corporation who shall have received a permit pursuant to the provisions of Section 3-6-6 (B) hereof shall be responsible for any and all damage occasioned to any of the properties of the City of Polson, including the pier, pilings, breakwater, and boat slips, resulting from or arising out of their enterprise and activities. Unless all such damage has been repaired within 30 days of the date of demand, which shall be made by the City of Polson's Recreation and Dock Commission, in writing, the City of Polson shall cause such repair to be made and submit the bill therefor to the permittee. If said bill is not paid within 15 days of the date of submission thereof the permit shall be automatically revoked and cancelled and all rights thereunder terminated and balance of the unused portion of the permit fee forfeited.

3-6-6 (G): No person, firm or corporation shall be permitted to operate any concession within Sacajawea Park, including the pier and the waterfront area extending to the north and east thereof, without first obtaining a permit from the City of Polson. Any applicant for such permit shall submit an annual fee of \$350.00 or a proposal to furnish labor or services to the City of Polson of a value of \$350.00, together with a written application to the City of Polson Recreation and Dock Commission for its approval. The decision of said Commission shall be submitted to the City Council of the City of Polson for ratification and confirmation. Both the number and type of concession which may be permitted in this park shall be determined by Recreation and Dock Commission, subject to ratification and confirmation by the City Council of the City of Polson, Montana, whose decision in such matters shall be final.

3-6-6 (h): Non-profit organizations, corporations and enterprises, subject to obtaining prior reservation of a designated area from the City of Polson Recreation and Dock Commission, shall be permitted to utilize Sacajawea Park without charge.

3-6-6 (I): No person, firm or corporation shall dominate the use of the boat slip facilities in this Park, it being understood that these facilities are to be available to all members of the boating public, free of charge, on a temporary basis. It shall be conclusively presumed that domination of said facilities shall have occurred whenever any boat shall be continuously moored for a period in excess of forty-eight (48) hours.

REPEALING CLAUSE: All ordinances of parts of ordinances in conflict herewith are hereby repealed.

EMERGENCY: A public emergency is hereby declared to exist and this Ordinance is hereby declared to be necessary for the immediate preservation of public peace, health and safety, and therefore this Ordinance shall be in full force and effect, from and after its passage and approval.

PASSED AND APPROVED this 7th day of October, 1974.

/s/ Gordon G. Fisher
Acting Mayor

ATTEST:

/s/ Ardath E. Morton
City Clerk