

## ORDINANCE NO. 376

AN ORDINANCE AMENDING CHAPTER 6 TITLE III OF THE CODE OF THE CITY OF POLSON, BY AMENDING THE SECTION 6 TO PROVIDE A MORE DETAILED FEE SCHEDULE & PERMIT SYSTEM.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

CHAPTER 6 OF TITLE III, Section 6 shall be amended to read as follows:

## SECTION:

3-6-1:	City's Recreational and Pier Facilities Furnished Gratuitously
3-6-2:	O'Malie Park
3-6-3:	Boettcher Park
3-6-4:	Riverside Park
3-6-5:	Ducharme Park
3-6-6:	Sacajawea Park

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 exception as provided herein.

3-6-2: O'MALIE PARK: O'Malie Baseball Park shall be reserved for the baseball associations that function within the City of Polson, Montana, without charge to either the said associations or the concessions which they sponsor, provided said associations shall be and remain non-profit organizations.

3-6-3 (a): BOETTCHER PARK: Members of the public shall be permitted to use the Boettcher Park, including picnic area, playground equipment, swimming beach, pier and diving platform 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 Boettcher Park area without first obtaining a permit from the City of Polson. Any applicant for such permit shall submit to the City of Polson Recreation and Dock Commission for its approval a written application, together with consideration as follows:

(1) Annual fee of \$350.00 or a proposal to furnish labor or services to the City of Polson of a value of \$350.00.

(2) Monthly fee of \$150.00 or a proposal to furnish labor or services to the City of Polson of a value of \$150.00. 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 the 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, which 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 in an amount commensurate with the activity engaged in and in addition thereto shall agree to save and hold the City of Polson harmless from and on account of any injury or damage to persons or property as a result of the operation of their enterprise within the said Boettcher Park.

3-6-3 (d): Only Boettcher Park shall be used for large gatherings as set forth below, excepting those specifically sanctioned by the City of Polson

3-6-3 (e): Any individual, group of individuals, business, corporation, or organization desiring to utilize Boettcher Park as a location for a gathering of fifty (50) or more persons shall first apply for a permit from the City of Polson to hold such gatherings.

All applications shall be in writing on the form supplied by the City Clerk and shall be submitted to the City Clerk ten (10) days in advance of the proposed gathering.

Upon application for said permit by a non-resident (outside of Polson) individual, group of individuals, business, corporation, or organization, the City Clerk shall collect a non-refundable investigation fee of \$25.00 to be paid into the general fund.

Permits shall be reviewed and approved by Chief of Police, Mayor, and Park Superintendent. A clean-up fee of \$2.50 shall be collected upon issuance of said permit.

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. The overnight camping fee shall be determined annually by the Recreation and Dock Commission subject to the approval of the City Council of the City of Polson, Montana. Boat launching in Riverside Park is discouraged; provided, however, that subject to the control of the afore-said 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. The overnight camping shall be determined annually by the Recreation and Dock Commission, subject to the approval of the City Council of the City of Polson, Montana.

3-6-5: DUCHARME PARK: Ducharme Park shall be kept and maintained as a roadside park, with no camping, tenting or other overnight facilities, without charge, for the use and enjoyment of families and other smaller groups of the general public, provided that no group of persons shall dominate the use of this park.

3-6-6 (a): SACAJAWEA PARK: The Sacajawea Park, pier and boat launching facilities shall be furnished without charge for the use and enjoyment of families and other smaller groups of the general public.

3-6-6 (b): No person, firm, or corporation shall operate any private, commercial or industrial enterprise from Sacajawea Park or pier, nor the waterfront area extending to the north and east thereof, without first obtaining a permit from the City of Polson for such purpose. Any applicant for such permit shall submit to the City of Polson Recreation and Dock Commission for its approval a written application, together with consideration as follows:

(1) Annual fee of \$500.00 or a proposal to furnish labor or services to the City of Polson of a value of \$500.00.

(2) Monthly fee of \$200.00 or a proposal to furnish labor or services to the City of Polson of a value of \$200.00. The decision of said Commission shall be submitted to the City Council of the City of Polson for ratification and confirmation. Both of the number and the 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.

3-6-6 (c): No person, firm or corporation, including a permittee under 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 thereof. 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 coverage in an amount commensurate with the activities engaged in, and in addition thereto shall agree to save and hold the City of Polson harmless from and on account of any injury or 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 holding tanks and the owner thereof shall have first submitted a 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 the 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 with 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 to the City of Polson Recreation and Dock Commission for its approval a written application, together with consideration as follows:

(1) Annual fee of \$350.00 or a proposal to furnish labor or services to the City of Polson of a value of \$350.00.

(2) Monthly fee of \$150.00 or a proposal to furnish labor or services to the City of Polson of a value of \$150.00. 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 the type of concessions 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, Montana, whose decision in such matters shall be final.

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

PASSED AND APPROVED this \_\_\_\_\_ day of July, 1977.

H. Dean Greiner  
Mayor

ATTEST:

Kathy L. Lee  
City Clerk