

**CITY OF WHARTON
ORDINANCE NO. 2007-11**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, ARTICLE VI. CIVIC CENTER; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith OTHER PROVIDED HEREIN; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Chapter 2 Administration, Article VI, Civic Center be amended to read as follows:

DIVISION 1. GENERALLY

Sec. 2-171. Fee schedule.

All persons contracting with the City regarding the use of the civic center, located at 1924 North Fulton, shall pay the security deposit and rental fees in accordance with the following schedule:

Available rental rooms/areas and deposit schedule.

<u>Room</u>	<u>Max Occupancy</u>	<u>Deposit</u>
Main Hall	700	\$500.00
Pre-Function	120	\$200.00
O'Quinn Room	100	\$200.00
Duncan Auditorium	60	\$200.00
Meeting Room A	30	\$100.00
Meeting Room B	30	\$100.00

TABLE INSET:

Monday - Thursday (weekday rates)				Friday - Sunday (weekend rates)			
Room	Government and Nonprofit	Commercial/Private	Minimum Fee*	Room	Government and Nonprofit	Commercial/Private	Minimum Fee*
Meeting A, Meeting B, Duncan Auditorium	\$20.00 per hour	\$25.00 per hour	\$80.00/ \$100.00	Meeting A, Meeting B, Duncan Auditorium	\$30.00 per hour	\$35.00 per hour	\$120.00 / \$140.00
Pre-Function, O'Quinn Room	\$25.00 per hour	\$30.00 per hour	\$100.00/ \$120.00	Pre-Function, O'Quinn Room	\$35.00 per hour	\$40.00 per hour	\$140.00 / \$160.00
Main Hall Day of Event (includes kitchen)	\$700.00 for up to 12 hours. (over 12 hours \$75.00/hour)	\$800.00 for up to 12 hours. (over 12 hours \$100.00/hour)	\$700.00 / \$800.00	Main Hall Day of Event (includes kitchen)	\$900.00 for up to 12 hours. (over 12 hours \$75.00/hour)	\$1000.00 for up to 12 hours. (over 12 hours \$100.00/hour)	\$900.00 / \$1000.00
Main Hall Set-up Day before Event	8 a.m. to 4 p.m. - no charge 4 p.m. to 12 a.m. - \$75.00/hour	8 a.m. to 4 p.m.- \$75.00/hour 4 p.m. to 1 a.m. - \$100.00/hour	N/A	Main Hall Set-up Day before Event	8 a.m. to 4 p.m. - no charge 4 p.m. to 1 a.m. - \$75.00/hour	8 a.m. to 4 p.m. - \$75.00/hour 4 p.m. to 1 a.m. - \$100.00/hour	N/A

* Minimum fee is quoted for nonprofit minimum and commercial/private minimum.

Tablecloth and skirting rental. All persons contracting with the City regarding use of the civic center who wish to use tablecloths provided by the center shall pay an additional fee of \$7.00 per cloth per table per day. This fee covers the cost of laundering, placing and removing table coverings from the tables.

The Wharton Civic Center, upon approval of the current City Council, can Sponsor or partner with a local Organization or business for an event. Each event would need to have City Council approval regarding rental rates and/or income and expense allocations.

Secs. 2-172--2-190. Reserved.

DIVISION 2. RENTAL POLICIES

Sec. 2-191. Scope.

All persons contracting with the City regarding the use of the civic center shall be governed and shall abide by the rules and guidelines set forth in this division of the City of Wharton Code of Ordinances.

Sec. 2-192. Making reservations.

All reservations for the civic center must be made through the main office of the Civic Center at 1924 N. Fulton between the hours of 8:00 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m., Monday through Friday except Holidays. Reservations cannot be confirmed until the rental application and the letter of acceptance of the Civic Center City Ordinance are signed and the security deposit is received by the office of the Civic Center. No oral agreements will be valid.

Sec. 2-193. Familiarity with facility and equipment.

Applicants for use of the civic center shall familiarize themselves with the facility and available equipment before making application. Applicants should be aware of the fact that the civic center is a multi-use facility where several events may be scheduled simultaneously.

Sec. 2-194. Age of applicants; transferability of reservations.

- (a) Applicants for use of the civic center must be 21 years of age or older.
- (b) Reservations for use of the civic center are nontransferable.

Sec. 2-195. Priority of City programs; cancellation of reservations by City.

- (a) Programs conducted by the City at the civic center will be given priority at all times.
- (b) The City Council reserves the right to cancel any reservation for use of the civic center due to a national or natural disaster or emergency need.

Sec. 2-196. Reservation policy; security deposits.

- (a) Reservations for use of the civic center are on a first come, first served basis.

(b) All rental applications must be accompanied by a security deposit as stipulated in section 2-171. Reservations will not be considered confirmed until the appropriate security deposit, rental application and letter of acceptance of the Civic Center City Ordinance have been signed by the applicant and received by the City.

Sec. 2-197. Fee payment date.

(a) Rental fees for use of the civic center Main Hall are due 60 days prior to the event. If the event is scheduled within 60 days of the event, the rental fees are due with the application and security deposit.

(b) Rental fees for use of rooms other than the Main Hall are due 30 days prior to the event. If the event is scheduled within 30 days of the event, the rental fees are due with the application and security deposit.

Sec. 2-198. Cancellations.

(a) Cancellations may be made for the Main Hall up to 60 days prior to the event. . Cancellations made in the Main Hall less than 60 days prior to the event, shall be as follows:

31 – 60 days prior to the event – forfeit deposit.

Less than 30 days prior to the event – forfeit deposit and forfeit 50% of the rental fee.

(b) Cancellations made in any room other than the Main Hall within 30 days of the event will forfeit their security deposit.

Sec. 2-199. Applicant's responsibility during hours of use.

Requested hours for use of the civic center must include the time it will take to set up, hold the function and clean up. Applicants are solely liable for the building and must secure the building and its equipment at all times during the reserved time. All property missing during this time will be charged against the reserving party.

Sec. 2-200. Limitation on hours.

Applicants renting the civic center facility are limited to the hours specified on their applications. Additional hours will be billed an hourly rate as stated in the fee schedule in section 2-171.

Sec. 2-201. Closing hours.

No reservation for use of the civic center will continue later than 12:00 a.m., Monday through Thursday, or 1:00 a.m. Friday and Sunday. The building and parking area must be cleaned and completely vacated no later than this time. Vehicles (occupied or unoccupied) shall not be left in the parking area for overnight parking. Tenants of the Civic Center shall be exempt from the overnight parking restriction. Failure to leave the premises will be grounds for refusal of future rentals of the facility.

Sec. 2-202. Furnishing equipment or supplies.

The City provides only the equipment that is listed on the application for use of the civic center. The applicant must furnish any other equipment or supplies. The civic center does not provide any supplies such as: scissors, staplers, scotch tape, extension cords, paper plates, forks, knives, napkins and cups. The City will not be responsible for any personal equipment during reserved usage.

Sec. 2-203. Storing equipment or supplies; lost or stolen articles.

- (a) Applicants are not allowed to store equipment or supplies at the civic center other than during the hours that are specified on the application. If applicant receives prior approval from the civic center manager to store items overnight the day before and/or the day after a scheduled event, the applicant agrees to hold harmless the City and civic center management and personnel for any losses or damages that may occur during the period of time applicant leaves any equipment or supplies unattended in the civic center.
- (b) The City is not responsible for lost or stolen articles. Lost and found articles are kept for one week only.

Sec. 2-204. Decorations; use of rice, confetti, birdseed or flammable materials; red dye.

- (a) No decorations of any kind are allowed to be nailed, taped or tacked to any part of the civic center.
- (b) The use of rice, confetti, birdseed or any flammable material is prohibited inside the civic center. The throwing of birdseed is allowed, but must be restricted to the outside areas only.
- (c) No crepe paper may be used to decorate tables and only "dripless" candles on nonflammable trays or in nonflammable containers may be used.
- (d) Any kind of beverages containing red dye are not allowed in the civic center.

Sec. 2-205. Cleanliness of premises.

- (a) An applicant for use of the civic center agrees to leave the premises in as good as or better condition than that which existed prior to their usage. The user must:
 - (1) Clear tables of any debris or food.
 - (2) Remove all decorations and personal belongings.
 - (3) Clean up all obvious spills on tables, chairs and floor.
 - (4) Pick up garbage and trash in the parking lot.
- (b) If extra clean up is required by civic center staff, applicants will be billed at a rate of \$100.00 per hour; or the charges for clean up will be deducted from the deposit.

Sec. 2-206. Damage to property; insurance.

Applicants for use of the civic center assume liability for the cost of repairing damage to property or equipment. The City reserves the right to require applicants, when it is deemed necessary, to provide public liability and/or property damage insurance policies and any other coverage to protect the property of the City.

Sec. 2-207. City staff present for emergencies.

City staff will be in the facility at all times during the rental and will be available should an emergency occur during the use of the civic center facility (e.g., plumbing problems, and nonfunctioning equipment).

Sec. 2-208. Billing for additional services.

If someone other than a staff employee is needed for an emergency in the civic center that is not the fault of the City, the applicant will be billed a minimum of \$50.00 for the first hour, with a rate of \$20.00 per hour thereafter if a City maintenance employee is able to correct the problem. If outside professionals (e.g., state-qualified electrician, audio and/or video technologist) are required to repair the facility/equipment, applicants will be charged the actual cost of repair.

Sec. 2-209. Exits and doorways.

In accordance with City fire codes, all exits and doorways of the civic center must remain clear and unlocked during functions.

Sec. 2-210. Smoking.

Smoking is prohibited inside the civic center. Smoking outside the building shall occur at a distance of 20 feet from entrances, exits, windows, and ventilation intakes.

Sec. 2-211. Persons under influence; gambling.

- (a) Persons under the influence of drugs or alcohol will be asked to leave the civic center premises or surrounding areas.
- (b) Illegal gambling is strictly prohibited.

Sec. 2-212. Alcoholic beverages.

See ordinance No. 2011-14

Sec. 2-213. Security Officers

See ordinance No. 2011-14

Sec. 2-214. Youth functions.

Youth functions, defined as a function attended by persons 18 years of age or younger, at the civic center must have at least one adult chaperon for each ten guests. Chaperons must be present throughout the duration of the function, setup and cleanup time included. Names and telephone numbers of the designated chaperons must be provided with the rental application.

Sec. 2-215. Refusal of use.

The City has full authority to refuse the civic center to any person, group or organization who, in their opinion, will or has previously misused or damaged the facility; refused to cooperate; or otherwise violated the center rules and policies.

Sec. 2-216. Nonprofit organizations--Qualifying for rates.

Nonprofit organizations using the civic center are required to show their previous year's 990 IRS form or 501(c)3 designation by the IRS in order to qualify for the nonprofit rental rate or to be exempt from the security deposit.

Sec. 2-217. Non-profit organization--Damages and extra fees.

A nonprofit organization will be invoiced for any damages or extra cleanup fees within ten (10) working days of the function. A nonprofit organization that fails to pay for damaged equipment or furniture will forfeit the right to further use the facility.

Sec. 2-218. Dates closed.

No rooms in the civic center will be available for rental for any reasons on the following days.

- (a) New Year's Day.
- (b) Martin Luther King, Jr. Day.
- (c) Easter Weekend (including Good Friday).
- (d) Memorial Day.
- (e) Independence Day.
- (f) Labor Day.
- (g) Thanksgiving and Thanksgiving weekend (including Thursday, Friday, Saturday and Sunday).
- (h) Christmas Eve.
- (i) Christmas Day.

Sec. 2-219. Return/forfeit of deposit.

(a) The security deposit will be returned to the applicant within fourteen (14) days of the event if the applicant complies with all policies as stated above, no damages are noted and all fees are paid in full.

(b) The security deposit may be forfeited or only partially refunded for the following reasons:

- (1) The applicant cancels the event as noted in section 2-198.
- (2) The premises are not cleaned as noted in section 2-205.
- (3) There are damages found to the property after the event.
- (4) The applicant required additional services or equipment during the event.
- (5) The applicant used the civic center for more hours than originally agreed upon.
- (6) The total fees for the event have not been paid in full including additional items that may have been added at the time of the event.
- (7) Alcohol was found during the event and was not noted in the application.
- (8) The applicant materially misstates the number of people as determined by the security officers present during the event and additional security officers were called.

Sec. 2-220. Compliance by applicant.

An applicant using the civic center will comply with all City ordinances and federal and state laws.

Sec. 2-221. Exceptions to rental policy.

Any exception to policy stated in section 2-171, Fee Schedule, must be approved by vote of City Council at its regularly scheduled meeting time.

Sec. 2-222. Right to change, alter, amend or cancel the regulations.

The Wharton City Council reserves the right to change, alter, amend or cancel any or all of the regulations and rental rates contained herein at any time.

Fine and Penalty for Violations

Sec. 18-145. Penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Effective Date

This Ordinance shall become effective at 12:01 a.m. on the 15th day of November 2016.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 24th day October 2016.

CITY OF WHARTON, TEXAS

By: _____
TIMOTHY BARKER
Mayor

ATTEST:

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PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney