



City of North Port

RESOLUTION NO. 2015-R-28

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING A POLICY FOR THE USE OF CITY FACILITIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Port Florida wishes to adopt a constitutionally sound and statutorily defensible policy for the use of city facilities; and

WHEREAS, The City Commission's policy on use of city facilities will provide reasonable rules and requirements for such use; and

WHEREAS, the City Commission desires that its policy on the use of city facilities supersede any inconsistent, previously-adopted policies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct, and incorporated herein by reference.

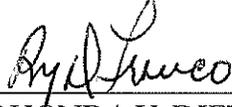
Section 2. That Exhibit "A", titled City Commission's Policy for Permissible Uses of City Facilities, shall constitute the policies that govern the City Commission's authorization of City facilities to be utilized as limited public forums for uses subject to reasonable rules and requirements.

Section 3. That any resolution in conflict with the policy established by this resolution is hereby repealed.

Section 4. That this resolution shall take effect immediately upon its adoption.

DULY ADOPTED BY THE COMMISSION OF THE CITY OF NORTH PORT AT ITS
REGULAR SESSION THIS 13 DAY OF October 2015.

CITY OF NORTH PORT, FLORIDA



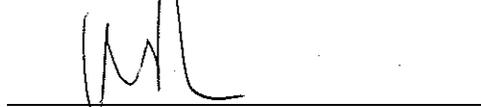
RHONDA Y. DIFRANCO
MAYOR

ATTEST:



HELEN M. RAIMBEAU, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:



MARK MORIARTY
CITY ATTORNEY

EXHIBIT "A"

City Commission's Policy for
Permissible Uses of City Facilities

OVERVIEW: The purpose of this policy is to authorize certain City facilities to be utilized as limited public forums for private uses subject to reasonable rules and requirements.

SCOPE: This policy includes use of facilities owned and operated by the City Commission by private individuals and groups. This policy does not limit access by other government agencies, which may be given access to any government facility subject to the discretion of the City Manager.

PROVISIONS.

1. **Facilities Available.** Subject to this policy and reasonable rules approved by the City Manager, the City Commission designates all facilities except City Hall Complex (i.e. City Hall, City Hall Front Green, and City Hall Rear Patio) that are for rent or lease as limited public forums.
2. **Facilities Unavailable.** City Hall complex is hereby declared to be nonpublic forums and are, therefore, not available for private uses. The public is excluded from access to these facilities to ensure proper operation of City Government, including but not limited to prevention of work interruptions, provision of safety for employees, and control of personal and real property owned by the City.

Nothing herein is intended to limit or impede the public's access or ability to attend a public meeting.

To the greatest extent possible, all official City of North Port regular and special City Commission meetings, Planning and Zoning Advisory Board meetings, Zoning Board of Appeals meetings, and Code Enforcement hearings shall occur in the City Commission Chambers. Commission workshops, committees, advisory boards and other work groups may meet in any room that best matches their needs.

3. **Reservations.** The city department charged with the security and maintenance of a facility which is available for private uses shall manage reservations and scheduling of its facilities consistent with this policy and reasonable use rules approved by the City Manager. The following requirements shall be observed by the departments.
 - a. Reservation applicants must be at least 18 years old.

- b. Reservations must not conflict or interfere with City functions or activities. The City may “black-out” certain periods for use of facilities for City purposes or for events sponsored by the City. At the request of another governmental agency, and subject to the discretion of the City Manager, the City may also “black-out” periods of use by other government agencies.
- c. For all periods not “black-out” by the City, qualified reservations will be taken on a first-come-first-serve basis.
- d. Reservations may not be made unless staff is available to open, monitor the facility during private use and close during the requested time periods.
- e. Reservations will be denied if the proposed use violates any law, or reasonably anticipated to damage City real or personal property, or the reservation applicant has violated a prior facility access agreement with the previous 5 years. Reservation applicants may appeal a denial by a City department to the City Manager.

4. Terms of Access

- a. **Access Agreement.** A reservation applicant must agree to the terms of an access agreement, approved by the City Manager. The access agreement shall include a provision that reservation applicants are responsible for all actions, behaviors and damages caused by attendees of events.
- b. **Fees.** A fee schedule for access to City facilities for private uses will be presented to the City Commission. Fees should include all costs incurred by the City and sales tax, for non-exempt reservation applicants.
- c. **Security Deposit.** Security deposits are requested for damage to City real or personal property and clean-up expenses. Security deposits will be collected before an event and are refundable if 1) all terms of the access agreement are adhered to by the reservation applicant and the event attendees; and 2) the facility is returned to its pre-event condition. Security deposits will be returned to a reservation applicant if an event does not take place.
- d. **Insurance.** Insurance shall be required for all private events. The level of insurance coverage shall be determined by the Risk Management Division.
- e. **Approval by Governmental Agencies.** Reservation applicants must obtain all required approvals of governmental agencies such as temporary use permits, special event permits, and security plans. Failure to obtain needed approvals is a basis for the City to refuse access to a facility.

5. Facility Use.

- a. **Times of Availability.** The City Manager shall determine the times when facilities shall be available for private uses on a facility-by-facility basis. For time periods outside the traditional work week, the Manager may create different reasonable use rules, if the Manager determines that the cost of inconvenience to employees is greater outside of the hours of a traditional work week. For example, if the Manager determines that the inconvenience of opening, monitoring the facility during private use and closing a facility on a weekend is significant, the Manager can require that weekend use by private entities be for at least 3 consecutive hours or that payment for employee time be at the fully-loaded overtime rate.
- b. **Condition of Facility / Property Pre-Event.** The department charged with the security and maintenance of a facility shall document the pre-event condition of a facility and its surrounding property. Reservation applicants must review and sign an

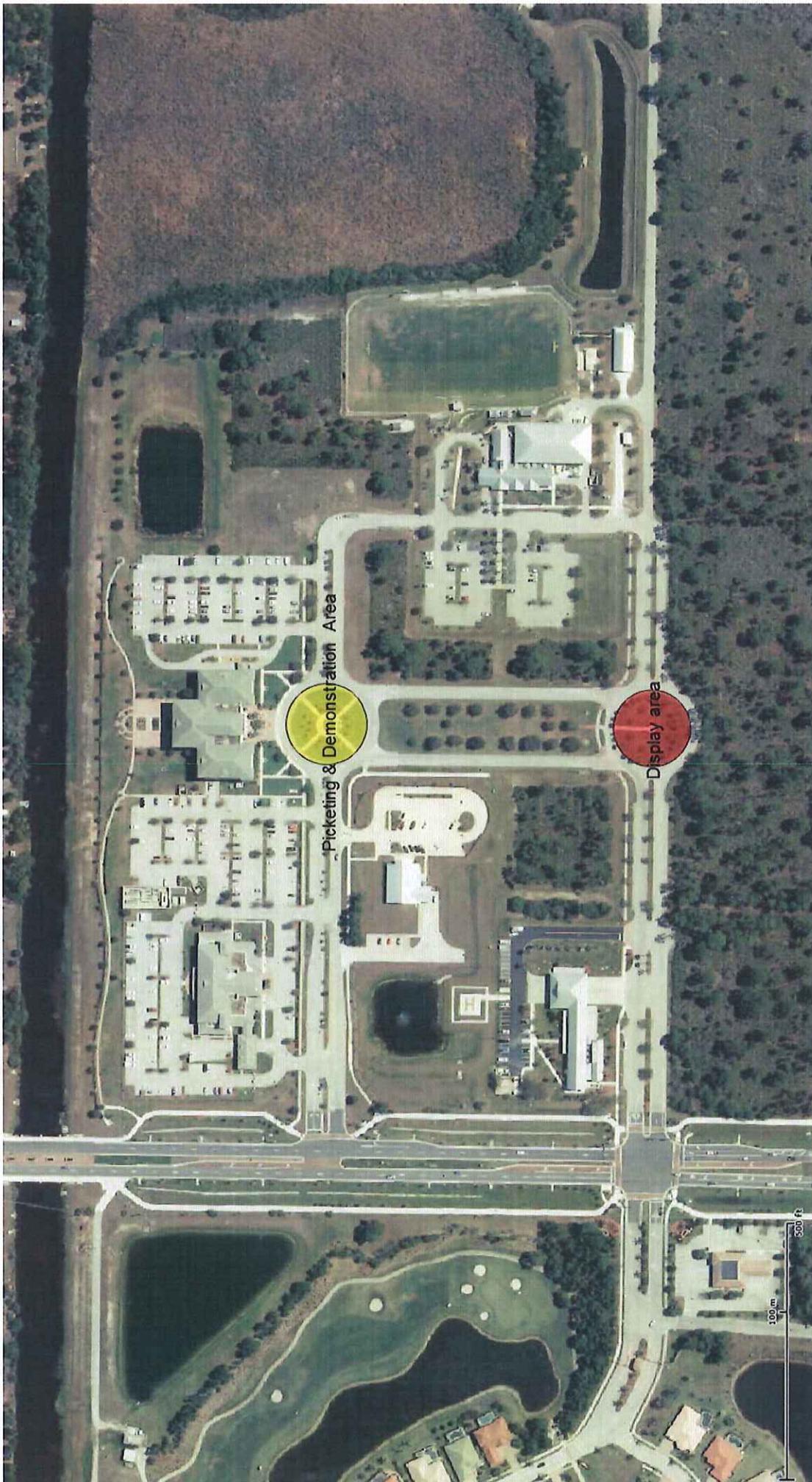
acknowledgement of the department's documentation prior to the commencement of an event.

- c. **Condition of Facility / Property Post-Event.** The reservation applicant shall reasonably protect the facility and surrounding property and shall provide for all necessary clean-up, repair and restoration of the facility and surrounding property to return the facility and surrounding property to the condition prior to the event. The reservation applicant shall ensure that clean-up occurs during the time reserved for the private use. The reservation applicant shall ensure that any repair and restoration occur within 5 business days of the event.
- d. **Damage to Facility/Property and Clean-up Expenses.** Following the time periods set out in subsection (c), the department charged with the security and maintenance of a facility shall document the portion of a security deposit that is needed to correct damage or to clean-up a facility and to provide that documentation to the reservation applicant along with any remaining security deposit. If the damage or clean-up expenses exceed the amount of the security deposit. The reservation applicant shall pay for any damage or clean-up expenses not covered by the security deposit within 14 calendar days following an event.
- e. **Use of City Personal Property.** As part of an access agreement, a reservation applicant may request the use of table, chairs and other person property owned by the City, which, if available, may be approved by the City Manager or his designee. The City Manager or his designee may require the use of City employees to set-up, take-down and operate City personal property. If City employees serve this function, reservation applicants will pay all costs incurred by the City.
- f. **Supervision by City Staff.** A paid employee of the City must open, monitor the facility through any event, and close a facility. Private events must be cancelled if City staff is unavailable.
- g. **Security.** The City Manager or his designee will determine security needs for private events on building-by-building basis.
- h. **Holdover Use.** Private users of a City facility who remain in the facility or on the surround property after the period of reserved use may be subject to trespass.

6. **Picketing, Demonstrations and Displays Occurring at the City Hall Complex.**

- a. **Picketing and Demonstrations.** Persons engaged in picketing or demonstration activities at the City Hall Complex may not enter City buildings. Picketing and demonstrations for any purpose, including marches, rallies, press conferences, speeches, and vigils related to government or public issues, and other expressive activities are allowed on the City Hall Green, which is marked in yellow on the map titled Public Demonstration and Display area. No one, singly or in combination with any other person, may obstruct any entrance or exit to City Hall, any office in City Hall, or the City Hall grounds or engage in any demonstration, parade, or other activity in such a manner as to disrupt the orderly flow of pedestrian or vehicular traffic on City Hall grounds or the conduct of city business by city employees on City Hall grounds or in any City building.

- b. **Security.** No use will be authorized or permitted if it has the potential to conflict with a previously scheduled use or if the proposed use may lead to damage or injury to any person or property.
- c. **Display Location.** Displays and signage without associated demonstrations may be located on the areas of the City Hall grounds marked in red on the map titled Public Demonstration and Display areas.
- d. **Displays.** No display may exceed a square area of 20 feet per side. Display areas will be uniform as possible given the number of displays, and requested location of displays, and any permanent features located with the display location. The city reserves the right to remove and dispose of any display, equipment, or item to perform ground maintenance or to correct or eliminate any hazardous situation. The city will charge the permit holder for the costs of doing so.
- e. **Availability and Assignment.** Display areas are available on a first come, first served basis.
- f. **Duration.** A Display is permitted for a maximum of 1 day. A display may not be reconstructed within 60 days of the expiration of the display.
- g. **Number.** Only one display representing the same person, business or organization will be allowed at any one time.
- h. **Decorum.** An applicant must provide a description, sketch, or photo of any proposed display, equipment, or other item that will be brought onto City Hall grounds. Any item brought onto City Hall Grounds must be consistent with the decorum due the seat of city government and with the appropriate, non-disruptive use of public property. Displays must be consistent with the intent described herein and the appropriate use of the City Hall grounds. A proposed use may not pose an unreasonable risk of exposure or liability to the city. A proposed use shall not include obscenity, "fighting words," or defamatory material.
- i. **Liability.** The scope of the proposed use may require a risk assessment, certificate of insurance, hold harmless agreement, or contract. Such assessments must be made on a non-discriminatory basis and in compliance with the First Amendment to the United States Constitution and Article 1 of the Florida Constitution. The applicant must comply with all applicable federal, state, county, and city ordinances, policies, procedures, regulations, rules, and statutes. The applicant agrees to indemnify, hold harmless, and defend the City of North Port and its agents, employees, officers, and officials against any and all damages or claims that arise because of the placement of any display, equipment, or other item in connection with the permitted use.



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