

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.08

EXCAVATIONS

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12.08.010 Permit—Required.

A. It is unlawful for any person to dig or excavate in any of the streets, alleys or other public places in the city without first having obtained a permit from the city manager, or his designee. (Ord. 837 § 2, 2003; Prior code § 22.5)

B. Any person issued a permit to dig or excavate in any of the streets, alleys or other public places in the city shall comply with the provisions of the city's public right-of-way permit policy, which is adopted by this reference and made a part hereof as if fully set forth in this chapter. (Ord. 837 § 2, 2003)

12.08.020 Permit—Application.

Every person desiring to dig or excavate in any of the streets, alleys or other public places within the city shall apply in writing to the city manager, or his designee, for a permit to do such work stating the kind of excavation to be made, the purpose thereof, its location and

the approximate extent thereof. (Ord. 837 § 2, 2003; Prior code § 22.6)

12.08.030 Permit—Issuance.

Upon receipt of application as provided by the preceding section, the city manager, or his designee, shall issue a permit for such digging or excavation if the work to be done is not in conflict with this code or other ordinances of the city. (Ord. 837 § 2, 2003; Prior code § 22.7)

12.08.040 Permit—Contents and conditions.

Every permit issued by the city manager, or his designee, for digging or excavating in the streets, alleys or other public places in the city shall specify the location of the work to be done, the time in which it shall be completed and the approximate area thereof. The permit shall be accompanied by an undertaking in writing on the part of the applicant or the person to whom such permit is issued shall and will save the city harmless from any claim for injury or damages resulting from such digging or excavation and that the person to whom the permit is issued will, during the progress of such work, protect the public by proper barriers and lights and will, upon the completion of such work, refill the place of such digging or excavation and remove all rubbish therefrom as required by this chapter. (Ord. 837 § 2, 2003; Prior code § 22.8)

12.08.050 Permit—To be issued in duplicate and signed.

All permits issued for digging or excavating in the streets, alleys or other public places in the city shall be issued in duplicate containing the undertaking of the person to whom the same is issued and signed by such person. One

copy thereof shall be retained and filed in the records of the public works department and the other copy thereof shall be delivered to the person to whom issued. (Ord. 837 § 2, 2003; Prior code § 22.9)

**12.08.060 Barriers and lights—
Refilling.**

Every person digging or excavating in the streets, alleys or other public places in the city shall, at all times, protect the public against injury because of such digging or excavation by the erection of proper barriers during the day and by the display thereof of proper lights at night. Upon the completion of the work requiring such digging or excavation he shall refill all excavated areas with good material, properly tamping the same, using sufficient water during such refilling as will completely settle all material replaced and during such refilling all barriers shall be left in place and the lights displayed until the refilled material has settled and has become firm and safe for traffic and on a level with the surrounding street, alley or other public place. (Prior code § 22.10)

**12.08.070 Maintenance of refilled area
for sixty days.**

Every person digging or excavating in the streets, alleys or other public places within the city shall maintain in good order all areas excavated and refilled by them for a period of sixty days following the completion of the refilling of such excavation. (Prior code § 22.11)

12.08.080 Refilling of settled areas.

If during the sixty-day period specified in Section 12.08.070 any excavation or digging

made in the streets, alleys or other public places in the city shall settle below the surface of the street or alley adjacent thereto, or shall by such settling or for any other reason become dangerous to traffic thereon, the superintendent of streets shall thereupon notify the person to whom the permit for such digging or excavation was issued and such person shall, within five days thereafter, refill and resurface such dug or excavated area to the satisfaction of the public works director. (Ord. 837 § 2, 2003; Prior code § 22.12)

Chapter 12.10

**OBSTRUCTING STREETS
PROHIBITED**

Sections:

- 12.10.010 Obstructing streets prohibited.**
- 12.10.020 Duty to remove street obstruction**
- 12.10.030 Any violation deemed a public nuisance.**
- 12.10.040 Civil penalty.**

12.10.010 Obstructing Streets Prohibited.

No person shall place, cause to be placed, maintain or cause to be maintained any fence, building, post or other obstruction in any street or alley of the city.

12.10.020 Duty to Remove Street Obstruction After Notice.

All persons having, keeping or maintaining any building or part of building, or any fence or part of fence, or post or other obstruction in any street or alley of the city shall remove such obstruction within ten (10) days after receipt of notice from the city engineer. Each day that any fence or part of fence, building or part of building, or post or other obstruction is kept or maintained in any street or alley of the city after the expiration of such ten-day period shall constitute a separate violation.

12.10.030 Any Violation Deemed a Public Nuisance.

In addition to any penalties provided in this chapter, any violation shall be deemed a public nuisance and may be abated under the provisions of Article II of Chapter 8.32 of the Code.

12.10.040 Civil Penalty.

Any person violating this chapter shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) for each offense, and a separate offense shall be deemed committed on each day for which a violation occurs. (Ord. 847 § 1, 2003)

Chapter 12.12

CURB AND SIDEWALK CUTTING

Sections:

- 12.12.010 Permit and bond—Required.**
- 12.12.020 Permit and bond—Security in lieu of bond.**

12.12.010 Permit and bond—Required.

No person, other than the city or its authorized agents, shall be permitted to cut, break, alter or change the existing concrete curbing or sidewalks of the city for business purposes without first obtaining the permission of the city manager, or his designee, and posting with the city clerk a good and sufficient bond to be approved by the city manager, or his designee, in an amount sufficient to indemnify the city for all expenses necessary to replace the curbing or sidewalk cut, broken, altered or changed in as good condition as it was before such cutting, breaking, altering or changing, and conditioned for the payment of such amount to the city in the event such person cutting, breaking, altering or changing the existing curbing or sidewalks should fail to replace them in their original condition within thirty days after the abandonment of the purpose or use for which such cut, break, alteration or change was made. (Ord. 837 § 3, 2003; Prior code § 22.3)

12.12.020 Permit and bond—Security in lieu of bond.

The city manager, or his designee, may accept, in lieu of the bond required by the preceding section, any good and valuable security which it may deem sufficient to

indemnify the city against any loss it might incur in the replacement or any curbing or sidewalk cut, broken, altered or changed. (Ord. 837 § 3, 2003; Prior code § 22.4)

Chapter 12.16

STREET AND SIDEWALK USE REGULATIONS

Sections:

**12.16.020 Carts, stands and
counters.**

**12.16.040 Awnings, posts on
sidewalks.**

**12.16.050 Displays of merchandise
on sidewalks.**

12.16.020 Carts, stands and counters.

A. It is unlawful for any person to erect or maintain or allow any person to erect or maintain any booth, stand or counter on any sidewalk of the city, or keep or maintain upon the street any wagon, cart, wheel vehicle, movable booth or stand for the purpose of barter or trade, except under provisions of a mobile vendor license issued pursuant to chapter 5.20 of this code. (Ord. 837 § 4, 2003; Prior code § 17.2)

12.16.040 Awnings, posts on sidewalks.

It is unlawful for any person to erect or maintain on the sidewalk of any street of the city an awning, post or ground support at any place on such sidewalk, except at the inner line of the curb of such sidewalk. (Prior code § 22.1)

12.16.050 Displays of merchandise on sidewalks.

A. Except as provided in subsection B of this section, it shall be unlawful for any person or other entity to use, occupy or obstruct any sidewalk, street or other public way in the city

for the purpose of displaying goods, wares or merchandise, except under provisions of a mobile vendor license issued pursuant to chapter 5.20 of this code.

B. A person or entity holding a valid city business license may request permission to display their goods, wares or merchandise on the sidewalk immediately adjacent to their business establishment. Each such request shall be accompanied by a twenty (20) dollar processing fee and must be submitted to the city finance department at City Hall at least three working days prior to the requested sidewalk display/sale. Upon the proper filing of a request, the city will issue a permit authorizing the sidewalk display/sale. Each such display/sale shall not exceed three consecutive days under each permit. The person obtaining the permit shall cause it to be available for inspection by city officials during the course of the sidewalk display/sale. In no event shall more than twelve sidewalk display/sales be conducted in any one calendar year for any business establishment. (Ord. 05-873 § 1, 2005)

C. Any person or entity violating any provision of the ordinance codified in this section shall be subject to a fine not to exceed two hundred dollars for each such violation. Each day of such violation is a separate offense. (Ord. 837 § 4, 2003; Ord. 634 § 2-4, 1994; Prior code § 22.2)

Chapter 12.18

SIDEWALK CAFÉ PERMITS

Sections:

- 12.18.010 Definitions.**
- 12.18.015 Purpose.**
- 12.18.020 Sidewalk Café Permit and Fee.**
- 12.18.025 Application for Sidewalk Café Permit.**
- 12.18.030 Standards and Criteria for Application Review.**
- 12.18.035 Liability and Insurance.**
- 12.18.040 Conditions of Sidewalk Café Permit.**
- 12.18.045 Denial, Revocation or Suspension of Permit.**
- 12.18.050 Appeal of Denial, Revocation or Suspension of Permit.**

12.18.010 Definitions.

For the purpose of this chapter, the following definitions apply:

- (a) *Downtown Historical District* means the area of the downtown business district bounded by Pan American Avenue to the west, 15th Street to the north, E Avenue to the east, and 7th Street to the south.
- (b) *Sidewalk* means the public walkway open to the general public for purposes of pedestrian traffic abutting a commercial business establishment licensed as a restaurant.
- (c) *Sidewalk Café* means an outdoor eating establishment located on the sidewalk in the public right of way in the downtown Historical District abutting a business establishment licensed as a restaurant.

12.18.015 Purpose.

Sidewalk cafes allow visitors and residents alike to sit outside, enjoy a meal or snack, while taking in the sights and sounds of the Historical District. Sidewalk cafes provide a unique environment for relaxation and food consumption while encouraging redevelopment of existing structures and increasing pedestrian traffic to these areas.

12.18.020 Sidewalk Café Permit and Fee.

A. Each permit shall be effective for one year and must be annually renewed at the time of business license renewal.

B. A non-refundable initial application fee for establishing a sidewalk café shall be \$50.00. Once established, an annual renewal fee for maintaining a sidewalk café shall be \$25.00.

12.18.025 Application for Sidewalk Café Permit.

A. Application for a sidewalk café permit shall be made to the City of Douglas. Such application shall include the following information:

- (1) Applicant's name, address and telephone number and location of proposed sidewalk café;
- (2) Name of the applicant's abutting restaurant establishment from which he/she is proposing to operate the sidewalk café;
- (3) A copy of a current City occupational license to operate the restaurant abutting the sidewalk café which is the subject of the application;
- (4) A copy of current certificate of

insurance for the business applying for the permit including liability coverage and listing the City as additional insured;

(5) A drawing (drawn to scale)

showing the layout and dimensions of the sidewalk, the proposed sidewalk café area and adjacent private property; proposed location, size and number of tables, chairs, steps, umbrellas, awnings, canopies; location of doorways, trees, sidewalk benches, trash receptacles, railings, decorative chains and any other fixture, structure or obstruction either existing or proposed within the area of the sidewalk café;

(6) Photographs, drawings or manufacturers' brochure describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies or other fixtures related to the sidewalk café.

B. Applications must be reviewed by the Fire Department, Public Works and any other department deemed appropriate.

12.18.030 Standards and Criteria for Application Review.

The following standards and criteria shall be used in reviewing the application:

A. Permits shall be issued only to an applicant who holds a current business license for a restaurant establishment.

B. Sidewalk cafes shall be restricted to the sidewalk abutting the applicant's business establishment to which a current business license has been issued.

C. The sidewalk café area shall not extend to the sidewalk of any adjacent property/business.

D. Sidewalk cafes shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum of one

unobstructed pedestrian path at least five (5) feet side shall be maintained at all times. In areas of congested pedestrian activity, a wider pedestrian path may be required.

E. The perimeter around the sidewalk café area may be delineated using nonpermanent fixtures such as potted plants or other approved fixtures. Temporary anchoring of tables, chairs, umbrellas, awnings, canopies or other fixtures shall be allowed.

F. Tables, chairs, umbrellas, canopies, awnings and any other fixtures shall be of a design which is compatible with the abutting business establishment and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the surroundings.

12.18.035 Liability and Insurance.

Applicant shall maintain business insurance, including liability coverage, at a minimum of \$1,000,000, listing the City as additional insured, and submit a current Certificate of Insurance with the original application and each annual renewal.

12.18.040 Conditions of Sidewalk Cafe Permit.

A sidewalk café permit shall be subject to the following conditions:

A. The permit issued shall be personal to the permittee and his business and shall be transferable only with the prior written approval of the City.

B. The City may require the temporary removal of a sidewalk cafe by the permittee when street, sidewalk, utility repairs, or public events necessitate such action or when it is

necessary to clear sidewalks for a parade or similar event.

C. The City may cause the immediate removal or relocation of any or all part of a sidewalk café or its fixtures in an emergency situation. The City, its officers, agents and employees shall not be responsible for any damage or loss of sidewalk café fixtures relocated during an emergency and shall not be responsible for any costs associated with the removal or the return and reinstallation of any sidewalk café fixtures.

D. The location of the sidewalk café shall be limited to the area shown in the permit. Any future alteration or expansion must be reviewed and approved by the City.

E. The permittee shall insure that the sidewalk café does not interfere with or limit the free flow of traffic.

F. Tables, chairs, umbrellas, canopies, awnings and any other fixtures used in connection with a sidewalk café shall be maintained with a clean and attractive manner and shall be in good repair at all times.

G. Tables, chairs, awnings, canopies, umbrellas and any other decorative material shall be fire-retardant and manufactured of fire resistant material.

H. Nonpermanent anchoring of tables, chairs or any other fixtures used in connection with a sidewalk café shall be allowed to prevent theft and/or wind damage.

I. The sidewalk café area including the area extending from the sidewalk café to the curb shall be maintained in a neat, clean, and orderly appearance at all times and shall be cleared of all debris, garbage and trash on a periodic basis during the day and at the close of each business day. Permittee shall be responsible to maintain the sidewalk in a clean and sanitary condition at all times, including

periodic cleaning with mechanical equipment in order to clean food and/or beverage residue from the sidewalk.

J. The opening and closing hours of a sidewalk café shall not extend beyond the hours of operation of the abutting business establishment holding the sidewalk café permit.

K. No food preparation shall be allowed in the sidewalk café. There shall be no cooking, storage, cooling, or refrigeration or other equipment located in the sidewalk café area.

L. The permittee is responsible for repair of any damage to the sidewalk caused by the sidewalk café.

M. Table and chairs shall not be placed within four (4) feet of fire hydrants or within two (2) feet of any building entrance or exist.

N. No signage shall be permitted outside or inside the sidewalk café area except for a menu board.

O. One menu board shall be allowed in the sidewalk café area. The menu board shall be no more than 24"x36" in size and may be attached to permittee's abutting building or on a sandwich board located in the designated sidewalk café area. Design and location must be approved by the City. Any signage on awnings, canopies, umbrellas and other fixtures must be in compliance with City Zoning Regulations regulating signage.

12.18.045 Denial, Revocation or Suspension of Permit.

A. The City may deny, revoke, or suspend a permit for a sidewalk café upon thirty (30) days written notice on any of the following grounds:

(1) any required business, health permit or occupational license for the sidewalk café or the abutting business establishment has

expired or has been suspended, revoked, or canceled.

(2) The permittee does not have insurance in effect and cannot provide a current Certificate of Insurance.

(3) Changing conditions of pedestrian or vehicular traffic that causes congestion. Such decision shall be based upon findings of the City that the minimum five (5) feet pedestrian path is insufficient under existing circumstances and represents a danger to the health, safety, or general welfare of pedestrian or vehicular traffic.

(4) The permittee has failed to correct a City Code violation or condition of the permit or other applicable law or regulation within three (3) days of receipt of written notice of said violation.

(5) The permittee has repeatedly violated the terms and conditions of the permit after receiving notice to make correction.

12.18.50 Appeal of Denial, Revocation or Suspension of Permit.

A. An appeal of a denial, revocation or suspension of a sidewalk café permit shall be made by filing a written notice of intent to appeal with the city clerk within ten (10) days of receipt of notice of denial, revocation or suspension.

B. The city clerk's office shall set a date for hearing the appeal within fifteen (15) days of receipt of the request for appeal.

C. The city manager shall appoint a hearing officer to hear an appeal pursuant to this chapter. The hearing officer shall issue a written decision no more than five (5) days after the hearing.

D. The decision of the hearing officer is a final administrative decision and is not appealable to the city council.

Chapter 12.20

STREET NUMBERING SYSTEM

Sections:

12.20.010 **Erection, size of street signs.**

12.20.020 **Numbering generally.**

12.20.010 **Erection, size of street signs.**

Signs shall be placed on the southeast corner of every block in the city showing the names of the streets adjoining such corner. Such signs shall be of a size and description to be designated by the city manager, or his designee, thereof and shall be placed at such corner in such manner as the city manager, or his design, thereof may provide. (Ord. 837 § 5, 2003; Prior code § 22.13)

12.20.020 **Numbering generally.**

The city shall be numbered in the following manner:

A. East and West. All numbers on the streets of the city running east and west shall commence at Pan American Avenue and run in an easterly direction; provided, that the numbers on such streets in the blocks lying between Pan American Avenue and "J" Avenue shall commence with number 100; that the numbers of such streets in the blocks between "I" Avenue and "J" Avenue shall commence with the number 200; that the numbers in the blocks on such streets between "H" Avenue and "I" Avenue shall commence with number 300; the numbers in the blocks on such streets between "G" Avenue and "H" Avenue shall commence with number 400; and so on in a like manner so that the numbers on such streets running east and west shall be in

the same series of hundreds on all blocks lying between the same avenues.

B. North and South. All numbers on the streets running north and south shall commence at International Avenue and run in a northerly direction. All numbers at the righthand side of the streets shall be odd and all numbers at the lefthand side shall be even. There shall be one hundred numbers allowed to each block, and every twenty-five feet frontage shall be allowed two numbers, to be placed on the doors of any building in the frontage in their consecutive order, observing the above rules for odd and even numbers.

C. Blocks—Nonexisting or Additional Doors. The numbers in the next block shall begin with the next successive hundred, notwithstanding the fact that some numbers in the previous hundred shall not have been used, and so on, as far as the streets shall run. If on any twenty-five feet of frontage there shall be no building or door, the numbers belonging to such frontage shall be held in abeyance until such frontage is occupied. If there are more than two doors in any twenty-five feet, fractional numbers shall be used to designate such extra doors. (Prior code § 22.14)

D. In accordance with the National Fire Protection Association Code (NFPA, 1998 edition), all new and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. (Ord. 837 § 5, 2003)

Chapter 12.28

SPIRITUOUS LIQUOR IN PUBLIC PARKS AND RECREATION AREAS

Sections:

- 12.28.010 Purpose.**
- 12.28.015 Definitions.**
- 12.28.020 Spirituous liquor prohibited at Castro Park, Paseo de las Americas Park, the Placita del Sol, Seventeenth Street Park, Speer Park, Third Street Park, and Visitor Center Park.**
- 12.28.30 Spirituous liquor in Airport Park, Causey Park and Veterans Memorial Park.**
- 12.28.040 City manager empowered to issue permits.**
- 12.28.050 Violation—Penalty.**

12.28.010 Purpose.

The purpose of this chapter is to regulate the time and place of consumption of spirituous liquor in the public parks and recreational areas within the City of Douglas.

12.28.015 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as set forth herein:

A. “Airport Park” is the area located adjacent to the Douglas Municipal Airport at Airport Road and Geronimo Trail.

B. “Castro Park” is the area bounded by Tenth Street on the north, Ninth Street on the south, E Avenue on the west and D Avenue on the east.

C. “Causey Park” is the area on the northeast corner of 15th Street and Carmelita Avenue. The park does not include the football and baseball stadiums.

D. “Paseo de las Americas Park” is the linear park area from the international border to 16th Street on the west side of Pan American Avenue.

E. “Placita del Sol” is the area located on the east side of G Avenue between 10th Street and 11th Street.

F. “Seventeenth Street Park” is the area located on the southeast corner of Seventeenth Street and North I Avenue.

G. “Speer Park” is the area located on the southwest corner of Third Street and H Avenue.

H. “Spirituous liquor” means and includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine porter, ale or beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters contained alcohol, and any mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

I. “Termite Field” is the area located on the northeast corner of Eighteenth Street and Bonita Avenue.

J. “Third Street Park” is the area located along the east side of C Avenue between 2nd Street and 3rd Street.

K. “Veterans Memorial Park” is the area

bounded by Eighth Street on the north, Fifth Street on the south, Dolores Avenue on the west, and Florida Avenue on the east.

L. "Visitor Center Park" is the area bounded by 14th Street on the south, State Route 80 on the north, J Avenue on the west, and Pan American Avenue on the east.

12.28.020 Spirituous liquor prohibited at Castro Park, Paseo de las Americas Park, the Placita del Sol, Seventeenth Street Park, Speer Park, Termite Field, Third Street Park, and Visitor Center Park.

It is unlawful at any time for any person to consume or have in his possession any spirituous liquor in Castro Park, Paseo de las Americas Park, the Placita del Sol, Seventeenth Street Park, Speer Park, Termite Field, Third Street Park, and Visitor Center Park.

12.28.030 Spirituous liquor in Airport Park, Causey Park or Veterans Memorial Park.

A. It is unlawful for any person to consume or have in his possession any spirituous liquor in Airport Park, Causey Park or Veterans Memorial Park between the hours of 7:00 p.m. and 6:00 a.m.

B. Spirituous liquor may be consumed during the above prohibited hours by any person or group who has obtained a written permit in advance from the city manager.

C. Spirituous liquor is prohibited at any time within one hundred (100) feet of any ball fields during any organized youth league play.

12.28.040 City manager empowered to issue permits.

A. The city manager is empowered to issue permits authorizing the consumption and possession of spirituous liquor as provided in this chapter, and to adopt rules and procedures for the issuance of such permits.

B. Each permit issued pursuant to this chapter shall state a specific period of time, to be set at the discretion of the city manager, during which the consumption and possession of spirituous liquor is authorized and each such permit shall explain that consumption or possession of any spirituous liquor before or after such time period is punishable as a criminal offense.

12.28.050 Violation—Penalty.

Possession or consumption of spirituous liquor in violation of the provisions of this chapter shall constitute a Class 3 misdemeanor to be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than thirty days. (Ord. 836 § 1, 2003; Ord. 06-902 § 1-6, 2007)

Chapter 12.32

LIGHT POLLUTION CODE

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Article I. Administration

- 12.32.010 Purpose.**

This chapter is intended to conserve energy and to restrict the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky which have a detrimental effect on astronomical observations. (Ord. 473 § 1.01, 1982)

- 12.32.020 Conformance with applicable codes.**

A. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this chapter, the city zoning regulations, the city subdivision regulations and any building codes which may hereafter be enacted, as applicable.

B. Where any provisions of any of the Arizona state statutes, or any of the federal law, or any city code comparatively conflicts with the requirements of this light pollution code, the most restrictive shall govern. (Ord. 473 § 1.02, 1982)

- 12.32.030 Approved material and methods of installation.**

The provisions of this chapter are not intended to prevent the use of any material or method of installation not specifically prescribed by this chapter, provided any such alternate has been approved. The city planning

director may approve any such alternate provided it is determined that the proposed design, material or method:

- A. Provides approximate equivalence to those specific requirements of this chapter, or
- B. Is otherwise satisfactory and complies with the intent of the light pollution code. (Ord. 473 § 1.03, 1982)

Article II. Definitions

12.32.040 Administration and enforcement official.

“Administration and enforcement official” means the city zoning administrator as defined by ARS § 9-462(A)(4), as revised; who in this instance is the city planning director, pursuant to ARS § 9-461.03(B). (Ord. 473 § 2.04, 1982)

12.32.050 Individual.

“Individual” means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations. (Ord. 473 § 2.02, 1982)

12.32.060 Installed.

“Installed” means the initial installation of outdoor light fixtures defined in this chapter, following the effective date of this chapter but shall not apply to those outdoor light fixtures installed prior to such date. (Ord. 473 § 2.03, 1982)

12.32.070 Outdoor light fixtures.

“Outdoor light fixtures” means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but

are not limited to, search, spot or flood lights for:

- A. Buildings and structures;
- B. Recreational areas;
- C. Parking lot lighting;
- D. Landscape lighting;
- E. Billboards and other signage (advertising or other);
- F. Street lighting. (Ord. 473 § 2.01, 1982)

Article III. General Requirements

12.32.080 Shielding.

All exterior illuminating devices except those exempt from this chapter and those regulated by Section 12.32.130 shall be fully or partially shielded as required in Section 12.32.100.

A. “Fully shielded” means that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

B. “Partially shielded” means that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal. (Ord. 473 § 3.01, 1982)

12.32.090 Filtration.

A. Those outdoor light fixtures requiring a filter in Section 12.32.100 shall be equipped with a filter whose transmission is less than five percent total emergent flux at wavelengths less than three thousand nine hundred angstroms. Total emergent flux is defined as

that between three thousand and seven thousand angstrom units.

B. Low pressure sodium lamps or high pressure sodium lamps (shielded) are the preferred lamps for minimizing adverse effects on astronomical observations. (Ord. 837 § 7, 2003; Ord. 473 § 3.02, 1982)

12.32.100 Requirements for shielding and filtering.

The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

REQUIREMENTS FOR SHIELDING AND FILTERING

Fixture Lamp Type	Shielded	Filtered⁴
Low Pressure Sodium ¹	Partially	None
High Pressure Sodium	Fully	None
Metal Halide ⁶	Fully	Yes
Fluorescent	Fully ⁵	Yes ²
Quartz ³	Fully	None
Incandescent Greater than 150W	Fully	None
Incandescent 150W or Less	None	None
Mercury Vapor	Fully ⁷	Yes ⁷
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Sources	AS APPROVED BY CITY ZONING INSPECTOR	

Footnotes:

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observation.

2. Warm white and natural lamps are preferred to minimize detrimental effects.

3. For the purposes of this chapter, quartz lamps shall not be considered an incandescent light source.

4. Most glass, acrylic or translucent enclosures satisfy these filter requirements.

5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

6. Metal halide display lighting shall not be used for security lighting after eleven p.m. (or after closing hours if before eleven p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaires. (Ord. 837 § 7, 2003; Ord. 473 § 3.03, 1982)

Article IV. Prohibitions

12.32.110 Searchlights.

The operation of searchlights for advertising purposes is exclusively prohibited. (Ord. 473 § 4.01, 1982)

12.32.120 Recreational facility.

No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after eleven p.m. except to conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena or similar facility in progress prior to eleven p.m. (Ord. 473 § 4.02, 1982)

12.32.130 Outdoor building or landscaping illumination.

The unshielded outdoor illumination of any private or public building, landscaping, signing or other purpose, is exclusively prohibited except with incandescent fixtures less than one hundred fifty watts. (Ord. 473 § 4.03, 1982)

12.32.140 Mercury vapor.

The installation of mercury vapor fixtures is prohibited. . (Ord. 837 § 7, 2003; Ord. 473 § 4.04, 1982)

Article V. Permanent Exemptions

12.32.150 Nonconforming fixtures.

All outdoor light fixtures existing and fully installed prior to the effective date of this chapter may remain “nonconforming” indefinitely; provided, however, that no change in use, replacement, structural alteration or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of these regulations. (Ord. 473 § 5.01, 1982)

12.32.160 Fossil fuel light.

Fossil fuel light is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels. (Ord. 473 § 5.02, 1982)

12.32.170 Federal and state facilities.

Those facilities and lands owned and operated as protected by the U.S. federal government or the state of Arizona are encouraged to comply with the requirements of this chapter. (Ord. 473 § 5.03, 1982)

Article VI. Procedures For Code Compliance

12.32.190 Applications.

A. Any individual applying for a building or use permit under the city zoning regulations intending to install outdoor lighting fixtures shall as a part of such application submit evidence that the proposed work will comply with this chapter.

B. All other individuals intending to install outdoor lighting fixtures shall submit an application to the city planning director providing evidence that the proposed work will comply with this chapter.

C. Utility companies entering into a duly approved contract with the city in which they agree to comply with the provisions of these regulations shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting. (Ord. 473 § 6.01, 1982)

12.32.200 Contents of application or submission.

A. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the city zoning regulations upon application for the required permit:

1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.;

2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include but is not limited to, manufacturer’s catalog cuts, and drawings (including sections where required).

B. The above required plans and descriptions shall be sufficiently complete to enable the city planning director to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab. (Ord. 473 § 6.02, 1982)

12.32.210 Permit—Issuance.

Upon compliance with the requirements of this chapter, the city planning director shall issue a permit on payment of a fifteen dollar fee for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of the building permit application under the city zoning regulations, the issuance of the building permit will be made if the applicant is in compliance with this chapter and pays the fifteen dollar fee for permit issuance under the zoning regulations. Appeal procedures of the zoning regulations for decisions of the city planning director shall apply. (Ord. 473 § 6.03, 1982)

12.32.220 Permit—Amendment.

Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the city planning director for approval, with adequate information to assure compliance with this chapter. (Ord. 473 § 6.04, 1982)

Article VII. Penalties

12.32.250 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a Class II misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which a violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation such person, firm or corporation shall be punished as prescribed by the Arizona Revised Statutes. (Ord. 473 § 8, 1982)

Chapter 12.36

Arizona Revised Statutes. (Ord. 487 §§ D, E, 1984)

GLASS CONTAINERS IN MUNICIPAL PARKS

Sections:

- 12.36.010 Glass beverage container defined.**
- 12.36.020 Glass prohibited.**
- 12.36.030 Throwing or breaking glass.**
- 12.36.040 Penalties and enforcement.**

12.36.010 Glass beverage container defined.

“Glass beverage container” means any glass bottle, glass, tumbler, jug, mug, cup or other vessel or container, made of glass, and designed or used to contain liquid beverages for drinking purposes. (Ord. 487 § A, 1984)

12.36.020 Glass prohibited.

No person while in any municipal park shall have glass beverage containers in his or her possession. (Ord. 487 § B, 1984)

12.36.030 Throwing or breaking glass.

No person while in any municipal park shall throw, toss or otherwise propel either intentionally, knowingly or recklessly, or break any glass object. (Ord. 487 § C, 1984)

12.36.040 Penalties and enforcement.

A. Any person violating any provision of this chapter shall be guilty of a petty offense.

B. Charges resulting from violations of any provision(s) of this chapter shall be filed by police officers utilizing the Arizona traffic ticket and complaint form as provided by

Chapter 12.40

SPECIAL EVENT PERMITS

Sections:

- 12.40.010 Definitions.**
- 12.40.020 Special event permit required.**
- 12.40.030 Time limits for permit applications.**
- 12.40.040 Application Form**
- 12.40.050 Fees for Park & Recreation Center Facilities and Programs; Administrative fee.**
- 12.40.060 Indemnification and insurance.**
- 12.40.070 Payment of overtime expenses.**
- 12.40.080 Trash removal.**
- 12.40.090 Compliance with laws.**
- 12.40.100 Conditions on permits.**
- 12.40.110 Issuance of permit.**
- 12.40.120 Notice of manager's decision.**
- 12.40.130 Appeal to city council.**
- 12.40.140 Ramada permits required to reserve ramadas.**
- 12.40.150 Permit revocation.**
- 12.40.160 Penalty for violation.**
- 12.40.170 Unlawful to obstruct event.**

12.40.010 Definitions.

For the purpose of this chapter, the following definitions apply:

“City property” means city streets, sidewalks, parks, alleys and other public properties belonging to the city.

“League play” means regularly scheduled athletic competitions on city property by teams belonging to an organized league such as Little

League, AYSO or Pop Warner Football during the league's regular playing season where the use of city property has been scheduled in advance with the city.

“Organized sports event” means an athletic event or tournament taking place in a city park or on other city property and for which either spectators are charged admission in order to view the athletic competition or participants in the competition must pay, either individually or as a team, in order to compete. This definition does not include league play by teams such as Little League, AYSO or Pop Warner Football, where the league has obtained city permission to hold games on an approved schedule during regular season play.

“Person” means a person, firm, corporation or organization.

“Ramada” means a covered picnic area in a city park.

“Special event” means a block party, festival, celebration, public assembly, concert or similar occurrence to which the public is invited, and which is conducted or occurring upon any city property and at which fees are charged to spectators, participants or vendors, or goods or services are sold or donations accepted for goods or services. (Ord. 783 § 1, 2001; Ord. 718 § 1, 1998)

12.40.020 Special event permit required.

No person shall participate in, advertise for or in any way promote, organize, control, manage, solicit or induce participation in a special event or organized sports event located on city property unless a special event permit

has first been obtained from the city. (Ord. 718 § 2, 1998)

12.40.030 Time limits for permit applications.

A person seeking issuance of a special event permit for a special event or organized sports event must file an application with the city manager, on a form provided by the city, not less than forty-five days prior to the proposed event. The city manager may waive the minimum forty-five day requirement upon finding that the date, time, nature, size, number of participants and location of the event do not require the full period of advance notice to the city. (Ord. 718 § 3, 1998)

12.40.040 Application form.

The application for a special event permit shall provide the following information:

- A. Name, address and telephone number of the applicant;
- B. If the applicant is an organization, the type of organization (e.g., Arizona nonprofit corporation);
- C. If the applicant is an organization, the names, residence and business addresses and telephone numbers of the officers or directors;
- D. The day(s), date(s) and hours of the event;
- E. The nature and purpose of the event;
- F. The location of the event, including a diagram;
- G. The estimated number of persons who will participate and attend;
- H. The nature and amount of any additional city services or materials that are being requested, such as additional garbage dumpsters, extra police security or extra clean-up workers.

I. Steps that will be taken to ensure the safety and security of participants and attendees and to protect city property from damage or destruction;

J. If the event or activity has been held before, state when and with what results;

K. Whether the sale of liquor is proposed and, if so, the proposed location and day(s), date(s) and hours of liquor sales. (Attach a copy of liquor license or application for special event liquor license if one is being sought.)

L. A description and explanation of any fees that will be charged to vendors, participants and/or attendees;

M. Whether any sales of food, beverages or merchandise will occur;

N. Whether the applicant has been convicted of a felony in the past five years. (If so, an explanation should be attached;)

O. Such other information as the city manager may deem reasonably necessary. (Ord. 718 § 4, 1998)

12.40.050 Fees for Park & Recreation Center Facilities and Programs; Administrative Fee.

- 1. City sponsored:
Recreation Programs \$5.00-\$25.00 per person per program*
To include, but not limited to summer camp, spring break camp, movie day, cake decorating, crochet, jewelry making, computer, dance, and aerobics classes. The family rate will be \$40.00. ***
- 2. City sponsored:
Recreation youth sports \$20.00-\$25.00 per person per sport.*
To include, but not limited to tennis, golf, basketball, soccer, track, volleyball, swimming, hockey. The family rate will be \$40.00. ***

3. City sponsored:

Adult sport leagues \$20.00-\$30.00 per person per sport or up to \$100 per team per sport*

To include, but not limited to flag football, basketball, soccer, volleyball, softball, baseball, tennis, hockey, track, lacrosse.

4. Use of Recreation rooms by agencies/businesses**

\$20.00 per hour

\$10.00 per hour for non-profits

5. Vendor booth space for city sponsored special events on city property.

\$50.00 per booth per event

6. Park Ramadas \$5.00 per day including weekends.

7. Ball Fields Concession Stands**

\$100.00 per year (applies to non-profits as well) subject to permit requirement set forth in Section 12.40.145 of this code.

*Fees to be administratively set according to activity provided and city costs and expenses associated with program.

**Must have business license with the City of Douglas and proof of liability insurance as required by title 5 and title 12 of this code.

***Family means husband and wife and any children (under the age of nineteen living in the same household). (Ord. No. 10-987 §1, 2010)

All applications for a special event permit shall be accompanied by a nonrefundable processing fee of thirty dollars. This fee is for administrative purposes only and is not consideration for use of the premises, nor does it guarantee that the requested permit will be issued. Processing fee shall be waived for nonprofit organizations, lawfully designated as such pursuant to ARS Section 10-3101 et seq., of the Arizona Nonprofit Corporation Act, or Section 501(c)(3) of U.S. Internal Revenue Code, whose primary purpose is to support

cultural, recreational and/or educational activities for the youth of the community. (Ord. 783 § 2, 2001: Ord. 718 § 5, 1998)

12.40.060 Indemnification and insurance.

Applicants for special event permits shall agree in writing to assume the defense of and indemnify and hold harmless the city, its mayor, councilmembers, officers, employees and agents, from all suits, actions, damages and claims of any nature, caused by, arising out of or resulting from the event and shall submit evidence of liability insurance in a minimum amount of one million dollars covering all claims and injuries that might arise out of the permitted activities and naming the city as an additional insured. This insurance policy shall be primary, and any coverage by the city shall be excess. Nonprofit organizations, lawfully designated as such pursuant to ARS Section 10-3101 et seq., of the Arizona Nonprofit Corporation Act, or Section 501(c)(3) of U.S. Internal Revenue code, whose primary purpose is to support cultural, recreational and/or educational activities for the youth of the community, shall be exempt from complying with this section, except when liquor is sold or otherwise provided by the special event permit holder. (Ord. 783 § 3, 2001: Ord. 718 § 6, 1998)

12.40.070 Payment of overtime expenses.

Applicants for special events permits shall pay the city for the cost of city personnel who are required to work overtime hours or to work other than regular shift or to perform other than regular duties during or as a result of the event in order to provide for crowd and traffic control

or set up and clean up duties. To ensure payment of these expenses, the city manager may require applicants to deposit a reasonable sum with the city in advance. (Ord. 718 § 7, 1998)

12.40.080 Trash removal.

Applicants for special event permits shall take reasonable steps to provide for the collection and removal from the premises of all trash, garbage and litter caused by or arising out of the special event. (Ord. 718 § 8, 1998)

12.40.090 Compliance with laws.

Prior to the issuance of a special event permit, all applicable ordinances and laws shall be complied with and all required permits and licenses secured, including but not limited to, those relating to the sale of liquor, food, beverages or merchandise or the use of candles, torches or fires. All applicable ordinances and laws shall also be complied with during the event itself. (Ord. 718 § 9, 1998)

12.40.100 Conditions on permits.

Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to traffic and to persons and property, including, but not limited to, changes in time, duration, number of participants. (Ord. 718 § 10, 1998)

12.40.110 Issuance of permit.

A special event permit shall be issued by the city manager upon a finding that:

A. The application appears to be complete and accurate;

B. The applicant has met the standards, paid all fees and agreed to any conditions imposed;

C. The event will not substantially disrupt traffic;

D. The event will not unduly interfere with proper fire, police or ambulance services; and

E. Adequate sanitation and other required health facilities are or will be made available. (Ord. 718 § 11, 1998)

12.40.120 Notice of manager's decision.

Written notice of the issuance or denial of a permit shall be provided to the applicant within five business days of receipt of an application, or as soon as practicable. If a permit is denied, the reasons shall be stated. (Ord. 718 § 12, 1998)

12.40.130 Appeal to city council.

If a permit is denied, the applicant may appeal the denial by filing a written appeal to the city council within seventy-two hours after notice of the denial. The council shall review the application and denial at its next meeting and may reverse, affirm or modify the denial of the permit. The applicant shall be notified of the council's decision within five days after the council meeting. (Ord. 718 § 13, 1998)

12.40.140 Ramada permits required to reserve ramadas.

Any person wishing to reserve a ramada for a special event, organized sports event or any other legitimate use, such as a picnic, birthday party or other gathering, may do so by obtaining a ramada use permit from the city at Douglas City Hall at least twenty-four (24) hours before the anticipated use of the ramada. A ramada permit will entitle the permit holder

to exclusive use of the designated ramada for the date and time specified in the ramada permit. If no ramada permit is issued for a ramada, the ramada is available to the public for use on a first come, first served basis. (Ord. 837 § 8, 2003; Ord. 718 § 14, 1998)

12.40.145 Permits required to reserve facilities or areas within public parks.

Any person wishing to reserve a park facility for an organized event or organizational use, may do so by obtaining a permit from the city, who shall issue such permits on a first come, first served basis, except that no one group shall be issued more than two (2) permits per month for up to five (5) consecutive days per permit. Organized leagues reserving ball fields are exempt from the two (2) permit per month limit. (Ord. 837 § 8, 2003)

12.40.150 Permit revocation.

The city shall have authority to revoke a permit authorized by this chapter upon a finding of violation of any rule or ordinance or upon good cause shown. (Ord. 718 § 15, 1998)

12.40.160 Penalty for violation.

Any person violating any provision of this chapter shall be guilty of a petty offense and a separate offense shall be deemed committed on each day in which a violation occurs or continues. (Ord. 718 § 16, 1998)

12.40.170 Unlawful to obstruct event.

No person shall unreasonably hamper, obstruct or interfere with any event for which a special event permit has been granted. (Ord. 718 § 17, 1998)

Chapter 12.50

PARADE AND PUBLIC ASSEMBLY PERMITS

Sections:

- 12.50.010 Definitions.**
 - 12.50.020 Permit Required.**
 - 12.50.030 Exceptions.**
 - 12.50.040 Application.**
 - 12.50.050 Fees.**
 - 12.50.060 Police Protection.**
 - 12.50.070 Standards for Issuance.**
 - 12.50.080 Non-discrimination.**
 - 12.50.090 Notice of Denial of Application**
 - 12.50.100 Alternative Permit.**
 - 12.50.110 Appeal Procedure.**
 - 12.50.120 Notice to City and Other Officials.**
 - 12.50.130 Contents of Permit.**
 - 12.50.140 Duties of Permittee.**
 - 12.50.150 Prohibitions.**
 - 12.50.160 Public Conduct During Parades or Public Assemblies.**
 - 12.50.170 Revocation of Permit.**
 - 12.50.180 Penalties.**
 - 12.50.190 Severability.**
- 12.50.010 Definitions.**

For the purpose of this chapter, the following definitions apply:

- (a) *Chief of Police* means the Chief of Police of the City of Douglas.
- (b) *City* means the City of Douglas.
- (c) *City Manager* means the City Manager of the City of Douglas.
- (d) *Parade* means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a

combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

(e) *Parade or public assembly permit* means a permit as required by this chapter.

(f) *Person* means any person, firm, partnership, association, corporation, company or organization of any kind.

(g) *Public assembly* means any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.

(h) *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

(i) *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

Section 12.50.020 Permit Required.

No person shall engage in or conduct any parade or public assembly unless a permit is issued by the City Manager.

Section 12.50.030 Exceptions.

This chapter shall not apply to the following:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities, provided that such conduct is under the

immediate direction and supervision of the proper school authorities;

(c) A governmental agency acting within the scope of its functions; and

(d) Spontaneous events occasioned by news or affairs coming into public knowledge within two (2) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such parade or public assembly.

12.50.040 Application.

(a) A person seeking a parade or public assembly permit shall file an application with the City Manager on forms provided by the City and the application shall be signed by the applicant under oath.

(b) For single, non-recurring parades or public assemblies, an application for a permit shall be filed with the City Manager at least twenty (20) and not more than one hundred eighty (180) days before the parade or public assembly is proposed to commence. The City Manager may waive the minimum twenty (20) day filing period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the City services required in connection with the event, the City Manager determines that the waiver will not present a hazard to public safety.

(c) For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the City Manager at least sixty (60) days and not more than one hundred eighty (180) days before the date and time at which the first such parade or

public assembly is proposed to commence. The City Manager may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(d) The application for a parade or public assembly permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade or public assembly;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date of the parade or public assembly;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles which, will constitute such parade or public assembly and the type of animals and description of the vehicles;

(6) The hours when such parade or public assembly will start and terminate;

(7) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such parade or public assembly;

(9) The time at which units of the parade or public assembly will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such parade or public assembly;

(11) If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the City Manager authorizing the applicant to apply for the permit on his behalf;

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the City Manager finds reasonably necessary to make a fair determination as to whether a permit should issue.

12.50.050 Fees.

(a) A non-refundable fee of thirty dollars (\$30.00) to cover administrative costs of processing the permit shall be paid to the City of Douglas by the applicant when the application is filed.

(b) If the application is for the use of any City property or if any City services shall be required for the parade or public assembly, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with a schedule of service costs approved by the City Council by ordinance.

12.50.060 Police Protection.

(a) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the City Manager and the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(b) Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected by the First Amendment are not required to pay for any police protection provided by the City.

12.50.070 Standards for Issuance.

(a) The City Manager shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade or

public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the parade or public assembly will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals, and vehicles at public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;

(4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;

(5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section 12.50.060;

(9) Such parade or public assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any produce, goods or event shall not apply to signs identifying organizations or

sponsors furnishing or sponsoring exhibits or structures used in the parade.

(10) No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;

(11) No parade or public assembly permit application for the same time but location is already granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

(12) No event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the City Council.

12.50.080 Non-discrimination.

The City Manager shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

12.50.090 Notice of Denial of Application.

The City Manager shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the City Manager disapproves the application, he shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of his action and state the reasons for denial.

12.50.100 Alternative Permit.

(a) The City Manager, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the application. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the City Manager, file a written notice of acceptance with the City Manager.

(b) An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a parade or public assembly permit issued under this chapter.

12.50.110 Appeal Procedure.

(a) Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the City Council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the City Manager and a copy of the notice with the City Clerk. The City Council shall act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal.

(b) In the event that the City Council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

12.50.120 Notice to City and Other Officials.

Immediately upon the issuance of a parade or public assembly permit, the City Manager shall send a copy thereof to the following:

- (a) the Mayor;
- (b) the City Attorney;
- (c) the Chief of Police;
- (d) the Fire Chief;
- (e) the Director of the Department of Public Works

12.50.130 Contents of Permit.

Each parade or public assembly permit shall state the following information:

- (a) starting and approximate ending time;
- (b) minimum speed of parade units;
- (c) maximum speed of parade units;
- (d) maximum interval of space to be maintained between parade units;
- (e) the portions of the streets that may be occupied by the parade or public assembly;
- (f) the maximum length of the parade in miles or fractions thereof; and
- (g) such other information as the City Manager shall find necessary to the enforcement of this chapter.

12.50.140 Duties of Permittee.

- (a) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (b) The parade or public assembly

chairman or other person heading such activity shall carry the parade or public assembly permit upon his person during the conduct of the parade or public assembly.

12.50.150 Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

(a) It shall be unlawful for any person to stage, present, or conduct any parade or public assembly without first having obtained a permit as herein provided;

(b) It shall be unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted;

(c) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;

(d) It shall be unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(e) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-fourth inch (1/4") or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch (3/4") in its thickest dimension;

(f) It shall be unlawful for any person

to carry any sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(g) It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at noise levels that exceed those limits imposed by Section 8.28.030 of this Code, unless granted a temporary exemption by the City Manager pursuant to Section 8.28.040.

12.50.160 Public Conduct During Parades or Public Assemblies.

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a parade or public assembly.

(b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designed as a parade or public assembly.

(c) The Chief of Police shall have the authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

12.50.170 Revocation of Permit.

The Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

12.50.180 Penalties.

It is unlawful for any person to violate any provision of this chapter and any such violation shall constitute a civil violation. Upon the court finding a person responsible for a civil violation of this chapter, the court shall impose a fine in an amount not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day in which a violation of this chapter occurs shall constitute a separate civil violation.

12.50.190 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 05-876 § 1, 2005)

Chapter 12.60

GOLF COURSE OPERATIONS

Sections:

- 12.60.010 Definitions.
- 12.60.020 Daily green fees.
- 12.60.030 Quarterly golfing pass.
- 12.60.032 Annual golfing pass.
- 12.60.035 Golf punch pass.
- 12.60.036 Cart rental punch pass.
- 12.60.040 Rental rates for locker and Golf cart parking space.
- 12.60.050 Permit to play required.
- 12.60.060 Revocation of quarterly pass.
- 12.60.070 Authorization to establish hours of operation.
- 12.60.080 Authorization to establish reservation policies.
- 12.60.090 Damaging, defacing property.
- 12.60.100 Golf cart usage.
- 12.60.110.1.1 Golf cart parking requirements.
- 12.60.120 Violation – penalty.
- 12.60.130 Civil citation – authority to issue.
- 12.60.140 Habitual violators.
- 12.60.150 Clubhouse Facility User Fees
- 12.60.010 Definitions.

For the purpose of this chapter, the following definitions apply:

“Elder pass” means a quarterly golfing pass issued to an individual age 78 and over good for unlimited golfing on weekdays only.

“Family” means husband and wife and any children (under the age of nineteen) living in the same household.

“Golf course” means the city municipal golf course.

“Golfing permit” means a receipt for payment of daily green fees or a valid quarterly golf pass or punch pass issued to holder.

“Holiday” means any national, state, county or city holiday falling on a weekday.

“Minor child” means any person under the age of eighteen years old.

“Punch pass” means a golfing pass issued to individual holder which allows holder and/or holder’s family members (if name appears on pass) to play twenty-five (25) whole or partial rounds of golf. Punch pass will automatically expire six (6) months from date of issuance.

“Senior Punch Pass” means a golfing pass issued to individual holder 66 years old or older which allows holder and/or holder’s family members (if name appears on pass) to play twenty-five (25) whole or partial rounds of golf. Punch pass will automatically expire six (6) months from date of issuance.

“Student” means a registered student (in public or private school) through completion of high school and under the age of nineteen.

“Summer Twilight golfing” means golfing between June and October after 1:00 p.m. (except holidays).

“Trail Fee” means a fee charged for privately owned (golf) carts driven on the golf course that are not stored at the golf course and shall apply to golf carts loaned out to individuals for golf course use that are not part of the family (as defined herein) listed on the Golf Cart Rental Agreement.

(Ord 09-958 § 1, 2009)(Ord. 12-1010 §1, 2012).

12.60.020 Daily green fees.

Effective July 1, 2008, the daily green fees at the golf course shall be as follows:

Eighteen holes:

General golfing – weekday	\$15
General golfing – weekend and holiday	\$20
Summer Twilight golfing	\$10
Summer Twilight cart rental	\$10
Cart rental (first round)	\$15
Cart rental (each additional round)	\$ 5
Trail Fee	\$7

Nine holes:

General golfing	\$10
Daily cart rental	\$10
Student – weekday	\$ 2 (after 3 pm)
Student – weekend & holiday	\$ 3 (after 3 pm)
Trail Fee	\$ 4

(Ord 09-958 § 1, 2009))(Ord. 12-1010 §2, 2012).

12.60.030 Quarterly golfing pass.

To encourage use of the golf course by Douglas residents and long-term visitors, quarterly golfing passes can be purchased that entitle the holder to unlimited golfing during each three-month period covered by the pass. Effective August 10, 2012, fees for quarterly golfing passes tax shall be as follows:

Unlimited golfing – per quarter	
Individual	\$275
Family	\$330
Student	\$67.50
Elder golfer	\$67.50
(weekdays only)	

(Ord. 12-1010 § 3, 2012)

12.60.032 Annual golfing pass.

Annual golfing pass may be purchased that entitles the holder to unlimited golfing during

the calendar year covered by the pass. The cost of annual pass shall be as follows:

Unlimited golfing – per calendar year	
Individual	\$ 900
Family	\$1,100
Student	\$ 200
Elder golfer	\$ 200
(Weekdays only)	

12.60.035 Golf punch pass.

Individual punch pass may be purchased that entitles the holder and/or holder’s family (if name appears on pass) to play twenty-five (25) whole or partial rounds of golf. Punch pass will automatically expire six (6) months from date of issuance. The fee for a golf punch pass shall be as follows:

Punch pass	\$200
Senior Punch pass	\$ 95

(Ord 09-958 § 1, 2009))(Ord. 12-1010 §4, 2012).

12.60.036 Cart rental punch pass.

Golf cart rental punch pass may be purchased that entitles the holder and/or holder’s family member (if name appears on the pass) to rent a cart for twenty (20) whole or partial rounds of golf. Punch pass will automatically expire on 31st day after date of issue. The fee for a cart rental punch pass shall be as follows:

Cart rental punch pass	\$200
(expires on 31st day after date of issue)	

12.60.040 Rental rates for locker and golf cart parking space

Locker rental rates:

Small	\$20 per quarter
Large	\$25 per quarter

Golf cart space rental rates:

Electric hookup	\$ 75 per quarter
Gas hookup	\$ 60 per quarter

Locker rental and golf cart space rental fees are due and payable on the first day of each quarter. A late fee of ten dollars (\$10.00) each shall be charged on all quarterly locker rental and golf cart space rental fees which are past due after thirty-one (31) days from the first day of each quarter.

12.60.050 Permit to play required.

A. Every person must secure a Golfing permit before commencing each round of play on the golf course. Such permit must remain in the possession of the player during play and must be shown upon demand to any person authorized to inspect the same.

B. It shall be a violation of the provisions of this chapter for any person to commence a round of golf without a permit to play in his possession.

12.60.060 Revocation of quarterly pass.

A. The community development director shall have authority to revoke a quarterly pass authorized by this chapter upon a finding of a violation of any golf course rule or ordinance or upon good cause shown.

B. Pass holder may appeal Revocation to the city manager by filing a written request for appeal within five days of

notice to revoke. The decision of the city manager is final.

12.60.070 Authorization to establish hours of operation.

A. The Community Development Director, with the approval of the city manager, is authorized to establish regular hours of operation which shall be posted in a conspicuous place both inside and outside of the pro shop.

B. It shall be a violation of the Provisions of this chapter for any person to be golfing on the course at times other than the posted hours of operation.

12.60.080 Authorization to establish reservation policies.

The community development director, with the approval of the city manager, is authorized to establish reservation policies for individuals, clubs, groups and tournaments for play at the golf course, including policies for non-compliance.

12.60.090 Damaging, defacing property.

No person shall post or display any sign, banner or advertisement, write upon, cut, mutilate or deface or otherwise disturb any building, equipment or other city property on the golf course.

12.60.100 Golf cart usage.

A. No minor child shall operate a golf cart on golf course premises unless he has in his possession a valid driver's license.

B. No golf cart shall be operated on golf course premises with more than two occupants to a vehicle, one operator and one passenger.

12.60.110 Golf cart parking requirements.

Golf carts shall not be parked or left over night on golf course premises, except in their designated golf cart rental space assigned pursuant to a rental agreement.

12.60.120 Violation – penalty.

A. Any person who is found by the Court to be in violation of any of the provisions of this chapter shall be found guilty of a civil violation.

B. Upon the court finding a person Responsible for a civil violation of this chapter, the court shall impose a fine in an amount not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each violation.

C. Each day in which a violation of this chapter continues shall constitute a separate civil violation.

D. An adult holder of a family pass shall be responsible for any violation of this chapter incurred by a minor child using the family pass.

12.60.130 Civil citation – authority to issue.

The city manager, or his designee, shall appoint designated city employees at the golf course as code enforcement officers. Any code enforcement officer and/or city police officer shall be empowered to issue civil citations and commence proceedings before a

judge of the municipal court for any violation of this chapter.

12.60.140 Habitual violators.

A. A person who commits a violation of this chapter after previously having been found responsible for committing three or more civil violations of this chapter within a one year period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be found to be a habitual violator.

B. For purposes of calculating the One year period under this section, the dates of the commission of the offenses are the determining factor.

C. Upon a court finding of a habitual violator pursuant to this section, the court shall impose a fine of not less than five hundred dollars (\$500.00) for each subsequent violation. (Ord. 04-864 § 1, 2004; Ord 04-872 § 2, 2004; Ord. 05-875 §§ 1-13, 2005; Ord. 05-885 §§ 1-7, 2006; Ord. 08-921 §§ 1-7, 2008)

12.60.150 Clubhouse and Kitchen Facility User Fees

1. The fee schedule for use of a conference room at the kitchen facility at the Douglas Municipal Golf Course Clubhouse Facility exclusive of clean-up fees shall be set in a Clubhouse Rental Contract and Kitchen Use Agreement as follows:

A. Facility Rental Fees:

Fees are for the use of the facility through closing time.

-Great Room (capacity is 250 persons)

Friday and Saturday \$500.00
 Sunday to Thursday \$150.00
 -Great Room and Patio
 Friday and Saturday \$550.00
 Sunday to Thursday \$200.00

Rental fees shall be paid two (2) weeks prior to the event and do not include reasonable clean-up of premises. Clean-up fee is set at \$75.00. A security guard fee of \$75 shall be added to the rental contract. Only events of more than 100 people will be assessed a security fee. A fee of \$ 25.00 will be charged for non-sufficient fund check submitted as payment for any fee under schedule listed in Section 1A & 1B. Unreasonable excessive accumulations of trash and waste at the premises will be considered as damage(s) to the premises and will be billed as such. A deposit of \$100.00 will be required to reserve the facility, and two (2) week written cancellation policy shall be enforced. Proper cancellations to receive a 50% refund and inadequate cancellations shall forfeit the entire deposit.

B. Kitchen Use Fees:

Full day for food preparation the day of the event. \$ 100.00

Partial day for serving only \$ 50.00

Kitchen Use Fees do not include a clean-up fee, which is set at \$50.00. This is optional at time of agreement as caterer can opt to take care of all clean-up at the end of the event. If kitchen is found not to be in satisfactory condition it will be considered as damage(s) to the premises and will be billed as such.

City Manager or his designee shall have discretion to fully or partially waive rental or use fee and/or clean-up fee to accommodate

use by Governmental Agencies, Educational, Civic Groups or Clubs, Non-Profit Organizations and Special Community Events. The accompanying revised Facility Rental Contract and Kitchen Use Agreement are hereby approved and the City Manager shall have discretion to make non-material modifications from time to time to the approved Facility Rental Contract and Kitchen Use Agreement. The City Manager shall have discretion to make non-material modifications from time to time to the approved contract.

Any entity conducting an event co-sponsored by the City will be exempt from paying user permit fees and cleaning fees. (Ord. 08-947, § 1 & 2) (Ord. 09-957, § 1).

Chapter 12.70

VISITOR CENTER CONFERENCE ROOM USER FEES

Sections:

12.70.010 Fee Schedule

12.70.010 Fee Schedule

The fee schedule for use of a conference room at the Douglas Visitor's Center shall be set as follows:

User Permit Fee-Per Room

- No food/beverage \$20.00
- With food/beverage \$40.00

Non-Refundable Cleaning Fee

Under 50 people

- No food/beverage \$40.00
- With food/beverage \$60.00

50-100 people

- No food/beverage \$50.00
- With food/beverage \$70.00

Over 100 people

- No food/beverage \$60.00
- With food/beverage \$80.00

Use of kitchen facility additional

- No food/beverage \$100.00
- With food/beverage \$100.00

Any entity conducting an event co-sponsored by the City will be exempt from paying user permit fees and cleaning fees.

(Ord. 05-874, § 1 & 2)

Chapter 12.80

**VETERANS MEMORIAL PARK
SWIMMING POOL AND DOUGLAS
COMMUNITY AQUATIC CENTER
USER FEES**

Sections:

12.80.010 Fee Schedule

12.80.020 Discount Passes

12.80.010 Fee Schedule

The user fee schedule for the Veterans Memorial Park Swimming Pool and the Douglas Community Aquatic Center shall be set as follows:

Open/Lap Swimming

- Age 0-5 yrs. \$1.00
- Age 6-17 yrs. \$1.50
- Age 18 yrs.+ \$2.00
- Senior (62yrs& up) \$1.50
- Non-swimmer \$0.50
(Spectator)

(Ord No. 09-964 § 1)

12.80.020 Discount Passes

Discount Passes for admission to open/lap swimming will be available as follows:

Punch Pass (25 uses)

- Child (5-17 yrs) \$25.00

If purchasing 3 or more punch passes at the same time: \$18.00 each pass.

- Adult \$40.00

If purchasing 3 or more punch passes at the same time: \$33.00 each pass.

- Family (6 per limit) \$75.00

If purchasing 3 or more punch passes at the same time: N/A

- Senior Citizen (62 yrs+) \$25.00

If purchasing 3 or more punch passes at the same time: \$18.00 each pass. (Ord. 776, § 1 – 4)

A 180 day expiration date shall apply from date of issuance.

Party Cleaning Deposit: The new non-refundable party set-up and clean up fee shall be \$25.00

Locker Fees (Aquatic Center Only)

Large/long locker: \$5.00/month
Medium locker: \$3.50/month
Small locker: \$2.00/month

Tube Rental (Municipal Pool Only)

\$1.00/day

(Ord No. 09-964 § 1)

Chapter 12.90

AQUATIC CENTER RACQUETBALL COURT USER FEES

Sections:

12.90.010 Fees Schedule

12.90.010 Fee Schedule

The fee schedule for the Douglas Aquatic Center Racquetball Court shall be set as follows:

- Regular Admission 1 hour
\$ 2.00/hour per person
- Punch passes (25 uses)
 - Single Pass \$40.00
 - Senior (62+ years) \$25.00
 - Family (6 persons per family) \$75.00
 - Organization (6 persons per punch) \$75.00

(Ord. 835, § 1 & 2), (Ord No. 09-964 § 1)