

Introduced by: Council Present

AN ORDINANCE AMENDING TITLE II PUBLIC HEALTH, SAFETY AND WELFARE; AND THE REPEAL OF CERTAIN SECTIONS IN PART OF OR IN ITS ENTIRETY

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. Section 200.060 Disposition of Unclaimed Money

All money or cash coming into the possession of the Police Department from any source whatever which has remained unclaimed and the owner unknown for a period of at least one (1) year, shall be turned over to the Director of Finance and a record thereof kept by him/her. Should the ownership of said money or cash be established within a period of ~~five (5) years~~ **one (1) year** from the date of its receipt, then the Director of Finance shall turn same over to the owner. After a period of ~~five (5) years~~ **one (1) year**, it shall become a part of the General Revenue Fund of the City.

Section 2. Section 200.070 Fire Department Established

There is hereby established a Fire Department in the City of Berkeley which shall have the powers and duties, and consist of personnel as prescribed in this Chapter.

- A. The uniformed force of the Berkeley Fire Department shall consist of the Fire Chief, Assistant Fire Chief, Battalion Chiefs, Captains, Firefighter/Paramedics and Firefighter/EMT. Apprentice Firefighters and or Cadets can be part of the Fire Department when approved by the City Manager. The Non-uniformed force of the Department shall be all civilian employees of the Fire Department.
- B. The entire force uniformed and non-uniformed, staff and line, shall be under the command of the Fire Chief of the Department, and will operate within the authority granted under the Charter of the City of Berkeley and its Ordinances.

Section 3. Section 200.080 Duties of Fire Chief

- A. The Chief of the Fire Department shall ~~perform the following duties:~~ **be an appointed position who shall perform all functions, powers and duties as described in this Chapter as the head of the Fire Department. The Fire Chief is subject to supervision by the City Manager.**

- 1. ~~He/she~~ **The Fire Chief** shall be charged with the general supervision of the

Department, ~~subject to supervision by the City Manager~~, and shall be responsible for the discipline, good order and proper conduct of the subordinate officers and employees of the Department, the enforcement of all laws, ordinances, rules and regulations pertaining to the Department, and for the care and condition of the ~~houses, engines, hose carriages~~ Fire Stations, all Fire Department vehicles, Apparatus and all other property of the Department.

2. ~~He/she~~ The Fire Chief shall ~~have full control of all persons present at fires, and to that end shall have and exercise all the powers of the Chief of Police of the City thereat, and all of his/her subordinates at fires shall have the same power of Policemen~~ be in charge of providing fire and life protection services and enforce all ordinances related to fire prevention, fire suppression and elimination of fire hazards. He/she shall enforce all life safety codes by inspection or by his designee all existing buildings, premises and new construction within the City for the purpose of enforcing the adopted Fire Code.
3. ~~He/she~~ The Fire Chief shall ~~have power to summon any and all persons present to aid in extinguishing any fire, in removing any personal property from any building on fire or in danger thereof, and in guarding the same, and any person refusing to obey such summons shall be deemed guilty of a misdemeanor~~ or his authorized representative may be in charge at the scene of a fire or other emergency are empowered to direct such operations necessary in the performance of their duty. The Fire Chief or his representative may prohibit or remove any person, vehicle or object from any emergency scene that may interfere with operations of the Fire Department. Any person ordered to leave the area shall do so and not reenter until authorized to do so.
4. ~~He/she~~ The Fire Chief shall have the power to order the ~~cutting down and~~ removing of any building, erection, fence, pole, wire or other thing, if he/she shall deem it necessary for the purpose of checking the progress of any fires.
5. The Fire Chief shall propose the City Manager the staffing needs of the Fire Department along with the proposed budget for the upcoming fiscal year.

Section 4. Section 200.090 Assistant Fire Chief

- A. There is hereby created the position of Assistant Fire Chief of the City of Berkeley whose duties will be as follows:
 1. He/she shall be responsible to the Fire Chief and shall serve as administrator and shall perform such duties as prescribed by the ~~City Manager or~~ Fire Chief. The Assistant Fire Chief is responsible for the supervision of subordinate officers, review of their activities, and/or

inspections of departmental operations and equipment. He/she makes administrative and operational decisions pertaining to ~~fire fighting and~~ fire prevention operating standards, as well as training within the limitations of laws, regulations and established policies.

2. Before any person shall be appointed as Assistant Fire Chief he/she shall have had extensive knowledge of the principles and practices of modern fire department administration, extensive knowledge of ~~the rules and regulations of the Fire Department~~ **Fire Prevention, Plan Review and role of the Fire Marshall**. Shall be familiar with the geography of the City and locations of streets, principal buildings, and fire hydrants, ability to plan, install and carry out programs of departmental operations. ~~In addition he/she shall have extensive experience in fire fighting,~~ Shall have considerable experience in a supervisory capacity; graduation from a standard high school or vocational school, supplemented by completion of training in firefighting techniques, **fire prevention, plan review** and fire department administration; or an equivalent combination of experience and training.
3. The Assistant Fire Chief shall be appointed by the ~~City Manager~~ **Fire Chief** **if approved in the Municipal budget** and shall be compensated by the City for such a position in an amount as set forth in the budget.

Section 5. Section 200.130 Collective Bargaining Units

- B. No member of the Police Department having the rank of ~~sergeant~~ **Corporal** or above may be a member of the same collective bargaining unit as a private nor in the same collective bargaining unit in which a subordinate, over which they have actual supervisory authority, is also a member.

Section 6. Section 210.200 Parental Neglect Prohibited

A. Definitions

Minor: Any person under the age of ~~seventeen (17)~~ **eighteen (18)**.

Section 7. Section 210.1280 Tampering With Fire Hydrants – Prohibited

No person shall tamper with any fire hydrant, ~~fire plug~~ **fire department connection** or other device available for connecting a fire hose to a water main without obtaining written authority to do so from the Berkeley Fire Chief. **This shall include all connections that are located on public or private streets and access lanes, or on private property.** The word "tamper" shall include, but not be limited to, the removal of the cap or any other part of said device; the insertion of any object or material into said device; the application of any wrench, tool, implement or other object or material to said device; the attachment of a hose or any other instrument to said device; and/or the use of said device, fire hydrant or fire plug, so as to permit water to flow therefrom. This Section shall not apply to ~~the owner of said~~

~~device, fire hydrant or fire plug, the agents and employees of said owner,~~ and any firefighting personnel engaged in any activity related to firefighting or the maintenance and operation of firefighting equipment.

It shall be unlawful to plant any trees, shrub, bush, hedge or other plant or vegetation except grass with 6 feet of any fire hydrant and none planted between the street, alley, public way and any fire hydrant and or connection as to interfere with a clear view of the hydrant or connection by fire vehicles approaching in any way.

Section 8. Section 210.1970 Article Definitions

Minor: Any person under the age of ~~seventeen (17)~~ eighteen (18).

Adult: A person eighteen years of age or older

Child: Any person under eighteen years of age

Section 9. Section 210.1980 Curfew for Persons Under ~~Seventeen~~ Eighteen

- A. It shall be unlawful for a person at least fifteen (15) years of age but under the age of ~~seventeen (17)~~ eighteen (18) to be in or upon any public place or way within the City of Berkeley between the hours of 10:00 PM and 6:00 AM. ...
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of ~~seventeen (17)~~ eighteen (18) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Police Officer finding any person under the age of ~~seventeen (17)~~ eighteen (18) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such person, setting forth the manner in which this Section has been violated. ...
- D. *Service Of Notice.* The written notice provided in Subsection (D) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section, with any person found at such residence over the age of ~~seventeen (17)~~ eighteen (18) years, or by mailing such notice to the last-known address of such parent, guardian or person in charge of such person, wherever such person may be found.
- ~~E. *Daytime Curfew.* Any person from six (6) years of age through sixteen (16) years of age cannot be at any public place or establishment (business) between 9:00 A.M. and 2:30 P.M., when the local public school is in session, or where the juvenile is enrolled, unless they are accompanied and supervised by a parent, legal guardian or other responsible adult over the age of twenty-~~

one (21).

~~Exceptions To The Curfew.~~

- ~~1. There is no curfew violation if the juvenile is with their parent, legal guardian or authorized adult supervisor.~~
- ~~2. While exercising First Amendment rights at a parade or demonstration (authorized by the City of Berkeley) or other bona fide religious, social or school activities involving the right to assemble.~~
- ~~3. While performing a legitimate errand or other business at the direction of a parent, guardian or supervisory adult including traveling to and from the location by a direct route.~~
- ~~4. When the juvenile is actively engaged in employment activities.~~
- ~~5. Above listed exceptions allows travel to and from the activity by a direct route.~~

~~F. Exceptions To Daytime Curfew.~~

- ~~1. The previous exceptions also apply to daytime curfew as well as the following exceptions.~~
- ~~2. Exception allowed during scheduled school vacations or holidays where juvenile is enrolled.~~
- ~~3. Exception given to juveniles who:~~
 - ~~a. Have graduated from high school;~~
 - ~~b. Received their high school equivalency certificate;~~
 - ~~c. Juvenile emancipated by law;~~
 - ~~d. Juvenile has received permission from a school official to be absent from school or to be in a public place.~~

~~G. Parental Responsibility.~~

- ~~1. Parents, guardians or adult supervisors responsible for juveniles cannot allow (knowingly or by insufficient control) juveniles to remain in public places or establishments other than for the above listed exceptions. (Both parent and juvenile may receive citation for curfew violation.)~~
- ~~2. "Knowingly" is defined as such that a parent should have reasonably known where the juvenile is at throughout the day.~~
- ~~3. If the parent is careless and neglectful by having no knowledge of the juveniles' locations, then the parent can also be considered in violation of the curfew.~~

~~It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the provisions of Subsection (G) of this Section. It shall be a reputable presumption that a person has violated this Section if someone between the ages of seven (7) and sixteen (16) years of whom such person has custody or control is present upon any public assembly, building, street, highway or other public place except a school and its grounds in violation of Subsection.~~

Section 10. Section 210.2120 Minors Prohibited from Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products –

Misrepresentation of Age.

- A. No person less than ~~eighteen (18)~~ **twenty-one (21)** years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than ~~eighteen (18)~~ **twenty-one (21)** years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.

Section 11. Section 225.010 Parks and Recreation Rules

- A. The rules and regulations set out in this Chapter shall apply to all City recreation areas and facilities.
- B. For the purposes of this Chapter the following terms shall be deemed to have the meaning indicated below:

City The City of Berkeley, Missouri

Director The head of the Department of Parks and Recreation or a designated representative.

Parks All recreation areas and facilities and park facilities owned or operated by the City.

Resident Any person living within the boundaries of the City or employed by the City and/or any person (including the members of his/her immediate household) to whom a City ~~merchants-license~~ **occupancy permit** has been issued.

Weekends Shall include Friday, Saturday, and Sunday.

- C. All park grounds will open daily at dawn and close at dusk, unless otherwise allowed in writing by the Director **or a designated representative**. No glass bottles are permitted in any City park.
- D. ~~A resident identification card is required for all members of a family over five (5) years of age.~~
- E. ~~No non-resident shall use a Berkeley resident card to gain admission to or use of Berkeley recreation facilities.~~
- F. ~~D. No Berkeley resident shall give or lend a resident card to any person.~~ **Nonresidents may rent a pavilion at the nonresident rate.**

- ~~G.~~ **E.** All parks will be available to residents of Berkeley and their guests. ~~Only a~~

~~resident may apply, either in writing, in person, or by phone, for the free use of the parks. A certificate of residency will be required by the Director. Certification is established with display or number of the resident identification card. To establish residency a valid driver's license or occupancy permit will be required.~~

- ~~H.~~ **F.** No person or group of individuals will be allowed to make reservations for parks for the coming year until after the first work day of the year for which the reservation is requested. Park buildings may be excluded from this rule at the discretion of the Director.
- ~~I.~~ **G.** Parks shall not be available for activities of a ~~commercial nature~~ without prior approval from the city council. No permittee hereunder shall conduct an activity that is in competition with local merchants or park concessioners, unless otherwise allowed in writing by the Director.
- ~~J.~~ **H.** The City and its employees shall not be liable for or assume any responsibility for valuables brought into the parks, nor for the receipt and disbursement of any funds other than City funds.
- ~~K.~~ **I.** The City, its agents, servants, and employees acting in the scope of their employment are not responsible for lost or stolen property.
- ~~L.~~ **J.** Any person, firm, corporation, organization, or group using the parks shall assume full responsibility for behavior and damages caused during the term of the permit.
- ~~M.~~ **K.** Gambling is not permitted in the parks.
- ~~N.~~ **L.** Defacing of trees and any City-owned property is not permitted in the parks.
- ~~O.~~ **M.** Abusive language or obscene activity is not permitted in the parks.

N. Pavilion Rental

Pavilions are located in the following parks: Mathison, Hoskins, Montgomery, Miller, Frostwood, and Mitchell (no comfort station).

Pavilions are available for reservation by residents for \$50.00 per day.

Pavilions are available for reservation by non-residents for \$100.00 per day.

A \$100.00 refundable deposit and full payment is required to set the date.

Pavilions may be reserved beginning the first business day in January of the year with at least two weeks advance paid reservation required.

No rentals after pavilions are winterized by Facility Maintenance. No rentals before Facility Maintenance open pavilions for the season. Each pavilion will have three picnic benches available during rental.

~~P.~~ **O.** Bicycles ...

1. Bicycles may not be ridden within any park except where a bike trail is indicated and so provided. All speed limits, including motor vehicles and bicycles, shall not exceed ten (10) miles per hour within any park.
2. The riding of bicycles and skateboards in William Miller City Park on the physical fitness trail and tennis court is hereby prohibited at all times.

[Ord. No. 4463, 5-21-2018]

- ~~Q.~~ **P.** Vehicles may be parked in designated areas only, except by authority of the Director **or park supervisor**.
- ~~R.~~ **Q.** Garbage, refuse, and trash shall be deposited in trash receptacles.
- ~~S.~~ **R.** Any of the parks or facilities may be reserved for a City-sponsored program.
- ~~T.~~ **S.** ~~Dogs and cats may be allowed in the parks as provided by the City Code.~~
Pets prohibited.
- ~~U.~~ ~~Other animals will be allowed in the parks as authorized in writing by the Director.~~
- ~~V.~~ **T.** No dumping is allowed in the parks.

Section 12. Section 225.020 Athletic Fields

- A. Application for use of the athletic fields must be made on an application form provided by the Director **or park supervisor**. Field reservations will be made on a seasonal basis.
- B. Priority for use of the athletic fields will be given ~~to teams with fifty-one percent (51%) or more who are residents of the City. This rule does not apply to~~ inter-league play-off games.
- C. Hardball or baseball is permitted only in areas designated by the Director **or park supervisor**.
- D. Archery is permitted only in areas designated by the Director **or park supervisor**.
- E. Copies of the teams' rosters for any season must be submitted to the office of the Director **or park supervisor** at least fourteen (14) days prior to the beginning game of the season. This rule does not apply to play-off games.
- F. No inning of a night game may be started after ~~10:45~~ **08:45** P.M., and must end by ~~11:00~~ **10:00** P.M.
- G. All athletic fields will be open for Berkeley residents on a first come, first served basis on Sundays and holidays, except as specifically allowed in writing by the Director **or supervisor**. The Director **or park supervisor** shall not permit tournaments during this time.
- H. No drinking of beer or alcoholic beverages will be allowed on or about the athletic field by participants before or during their league game. No beer or

~~athletic~~ ~~alcoholic~~ beverages shall be allowed to be brought into the Berkeley Athletic Complex except with prior approval by the Council.

Section 13. Section 225.030 Tennis Courts

- A. ~~Residents with Berkeley ID cards will be given priority for use of courts.~~ ~~Tennis courts are first available for use.~~
- ~~B. Guests of ID holder may play on only one (1) court.~~
- B. ~~C.~~ Play is limited to one (1) hour at a time for singles or doubles when others are waiting.
- ~~D. Players must register individually when tennis guards are on duty.~~
- C. ~~E.~~ No player or group of players shall register for court time while engaged in play.
- D. ~~F.~~ Players must wear tennis shoes on the courts.
- E. ~~G.~~ Residents eighteen (18) years and older will have priority to use tennis courts after 6:00 P.M. daily.
- F. ~~H.~~ No bicycles, roller skates, ~~inline skates~~, or skateboards on tennis courts.

Section 14. Section 225.040 Facilities

A. Reservation — Procedure — Fees.

1. Maintenance fees and a reservation deposit for the said use of City facilities shall be established by the Director ~~or park supervisor~~. The renter, regardless of whether a paid rental or non-profit organization, is responsible for the proper conduct and behavior of the group and any damages which occur during the rental period. The Director ~~or park supervisor~~ will ascertain damages and bill the renter accordingly. The renter must be twenty-one (21) years or older to sign any contract for use of the facilities.
2. Application for the use of any ~~meeting room in any of the City's park~~ facilities shall be made at least one (1) week in advance of date of intended use. The application shall contain the name and address of the person making application. Applicant shall agree to comply with all the ordinances governing the use of the particular park area or facility, shall certify that the information supplied in the application is correct and true to his/her best knowledge and belief, and shall agree that any violation of the City ordinances by any member of his/her group shall invalidate the permit. Applications shall be in writing ~~addressed to the Director~~ and ~~approved by~~

the Director or Park Supervisor.

- B. Qualifications for civic or service organizations who wish to use City facilities free of charge: Must be non-political, non-profit, non-religious, and engaged in activities aimed at improving the quality of life for some or all of the citizens of Berkeley.
 - 1. Eligible groups (civic or service) must agree to pick up all trash and leave the building in a neat and presentable condition.
 - 2. The application for use of City facilities submitted by any organization requesting a waiver of fees must specify the exact type of event (fund-raising, meeting, social) for which the facility is being reserved. Such activity must be related to the group's purpose or goal and submitted to the City Manager for approval.
- C. If necessary, applicants for park facilities shall pick up the key to the facility at the recreation office receptions desk, and return the key to same at a designated time. They will check lights out and windows and doors closed. A key deposit may be required by the Director.
- D. Park buildings and facilities shall close at 40:30 8:00 P.M., unless otherwise authorized in writing by the Director or park supervisor with exception the civic center closes no later than 1:00 AM.

Section 15. Section 225.050 Picnic and Camping Area

- A. ~~Permits will be issued in advance for designated picnic areas. Applicant for use of these facilities shall be a Berkeley resident. The application shall contain the name and address of the resident cardholder making application. Such permits shall state time, place, date, name of organization, function, and number of people. Permits will be issued to groups of ten (10) or more people. Permits for picnic areas do not include permission to use ball diamonds in the parks, unless otherwise specifically stated.~~ Reservations will be issued in advance for designated pavilions with picnic areas. The reservation shall contain the name and address of the renter making reservation and shall state time, place, date, name of organization, function, and number of people. Reservations for picnic areas do not include permission to use ball diamonds in the parks, unless otherwise specifically stated.
- B. ~~Overnight camping permits in Louvenia Mathison Community Lake Park and Evans Lane Park may be issued to residents or groups sponsored by Berkeley organizations pursuant to application forms provided by the Director. [Ord. No. 4466, 5-21-2018]~~
- C. ~~B. Fires shall be permitted in areas and at times designated by the Director. No bonfire; campfire in the park without approval of the Director or park supervisor~~

and area designated by the Fire Department.

- D. ~~C.~~ *Accidents — Supervised Activities.* During all supervised activity sponsored by the City of Berkeley, an accident report will be filled out on all accidents. If the injured requires professional medical attention, the Police are to be called, and on their arrival, the officer will be in charge.
- E. ~~D.~~ *Accidents — Unsupervised Activity.* If an accident should occur within the City parks in a non-supervised activity, it shall be the responsibility of the injured or the parent or guardian of the injured to report the accident to the Director of Parks and Recreation; ~~Park supervisor~~ or City Manager's office.

Section 16. Section 225.060 Operation of Louvenia Mathison Community Lake

- A. The fishing hours of Louvenia Mathison Community Lake will be set forth by the Director ~~or park supervisor~~ and shall be posted at Louvenia Mathison Community Lake Park
- B. Each fisherman shall register at the caretaker's office. The caretaker shall collect the appropriate fee and the fisherman's Missouri fishing permit. A driver's license or other form of identification may also be required. Residents must provide ~~a correct resident card or other form of~~ a valid occupancy permit, or valid identification which verifies residency in order to fish at the residential rate. A numbered daily fishing permit, issued by the caretaker, must be ~~visibly worn~~ available for presentation by each registrant. Fishing permits, which include fishing rules, must be signed to be valid. Upon checkout, the daily fishing permit must be returned, the fish weighed and recorded, ~~and the fishing permit returned.~~
- D. The daily fees of Louvenia Mathison Community Lake shall be set forth by ~~the Director~~ Ordinance and shall be posted at Louvenia Mathison Community Lake Park.
(Children ages ten (10) and under must be accompanied by a paying adult sixteen (16) years of age or older. Fish caught by these children will count towards the adult daily limits.)
- S. *Fines*
 - 1. Any fisherman who does not abide by minimum lengths of fish, or who exceeds the daily limits, shall be fined in Municipal Court as follows:
 - First offense — ~~\$25.00~~ \$50.00 per fish and one (1) month suspension
 - Second offense — ~~\$50.00~~ \$75.00 per fish and six (6) months suspension
 - Third offense — ~~\$75.00~~ \$100.00 per fish and one (1) year suspension
- T. Fishing shall be allowed during hours that the Louvenia Mathison Community Lake Park office is open only. The penalty for violation shall be a ~~one hundred dollar (\$100.00)~~ two hundred dollars (\$200.00) fine, plus court costs.

- U. Any fisherman who fails to register on entering the park, or fails to have his/her fish weighed, if any, before the leaving the park, or fails to check out on leaving, shall be assessed a fine of ~~twenty-five dollars (\$25.00)~~ **one hundred dollars (\$100.00)** upon conviction **in Municipal Court**. The State fishing permit, driver's license, ID card, or Missouri Department of Conservation Affidavit, etc., shall be turned into the recreation office when they are not picked up by the fisherman, and must be retrieved at the recreation office during regular work hours. No fisherman who owes a fine will be allowed to fish until the fine has been paid.

Section 17. Section 225.070 Civic Center Rules and Regulations.

- A. The Civic Center may be used for a maximum of twelve (12) free nights per calendar year.
- B. The Civic Center is available free for use by civic or service organizations, **School District, Business Groups, etc.**, from Monday through Thursday. If a weekend date is otherwise unreserved by one (1) month prior to that date, eligible organizations may reserve the center for free use.
- C. **Civic center reservation consist of 6 hours. Additional hour maybe purchased by the hour at the same rental rate. The use of the civic center includes a kitchen with a stove; freezer; standup cooler and microwave oven. The deep fryer maybe used at additional cost of \$200.00 for grease disposal and cleaning. The civic center opening and closing is conducted by Berkeley Police.**
- D. **The policy is set forth as follows:**
- 1. Civic Center is rented on a first come basis. When the application is completed the fees must be paid in full, with valid identification and occupancy permit for residents. No hold dates or partial fees is accepted.**
 - 2. The applicant is responsible for making a complete application including a layout plan for the civic center.**
 - 3. Once the application, layout and fees are paid, the receptionist secures the date in the calendar book and on Outlook calendar.**
 - 4. The paid receipt is given to the applicant as proof of renal along with the rental contract.**
 - 5. A copy paid application, rental contract and layout is sent electronically to Parks, Facilities, Police and City Manager on the day of payment.**
 - 6. Applicant can make a site visit to the civic center after 2:00pm, once**

approved by Parks Supervisor.

7. Rental fees are as follows:
 - a. Funeral Repast - \$35.00 per hour not to exceed 4 hours; extra hours shall be charged at \$35.00
 - b. Residential Rate Rentals (must have valid occupancy permit)- \$200.00 rental fee, plus \$100.00 refundable damage deposit – Total to collect at time of rental \$300.00
 - c. Non-Residential Rentals - \$300.00 rental fee, plus \$100.00 refundable damage deposit. Total to collect at time of rental \$400.00
 - d. Employees – A single rental in each calendar year \$100.00 – no deposit
8. Refundable damage deposit – the deposit will be returned in 10-15 working days after the event. The center will be inspected by a member of the Park Department and they will decide if the fee is returned. If damage occurs the deposit is forfeited and any additional costs after will be billed to the applicant in charge of the rental. Deposit released to the renter on the application.
9. CANCELLATIONS: All cancellations must be submitted in writing 30 days prior to the event and will be subject to a \$50 processing fee. Any cancellation made with less than 30 days will result in forfeiture of your entire rental fee.
10. No smoking allowed in the civic center. No ticket sales at the door. All rentals must conclude by 1:00 AM. The renter is responsible for removing all trash to city dumpster. Any damage to the civic center would forfeit damage deposit. The need for additional janitorial maintenance beyond the normal cleaning process, the renter may be charged accordingly. Damage beyond the \$100.00 deposit will bill to the person requesting application.
11. The city reserves the right to cancel a reservation request at any time due to safety; staffing needs; weather or building repair with reasonable prior notice and refund the reservation and deposit fee's.
12. The renter will be present and responsible for the facility and conduct of all persons present at the event.

Section 18. Section 225.080 Swimming Pool Rules and Regulations

- A. The Director or a designated representative shall formulate and post reasonable rules for a safe and efficient pool operation.

- B. Failure to obey any of the posted rules and regulations are grounds for immediate expulsion from the pool without a refund.
- C. The pool hours of operation are from 11:00 AM to 6:00 PM weather permitting.
- D. Lifeguards are in charge of the pool and deck, must be obeyed at all times.
- E. All swimmers must shower before entering the pool.
- F. The city reserves the right to impose and enforce any rules and regulations it deems appropriate to promote the safety and health of those using the swimming pool.
- G. The pool staff including lifeguards will keep and maintain records required by proper health authorities. Written reports will be maintained daily by lifeguards including water test results, chemicals used in the water and flow rate.
- H. The city reserves the right to close the pool at any time due to safety; staffing needs or weather with reasonable prior notice without refunding entire payment.

Section 19. Section 225.085 Private Rentals of the Berkeley Swimming Pool

- A. The City of Berkeley hereby sets forth the following rules for private rentals of the Berkeley Swimming Pool:
 - 3. Payment must be made at time of booking at City ~~Hall~~-Hall receptionist desk.
 - 10. Lifeguard(s) must be in charge. Private lifeguards must register with Park Supervisor or designee on-duty at time of rental and have certification for verification.

Section 20. Section 225.090 Violation and Penalty

All parks and recreation rules and regulations formulated by the Director and approved by the Council relevant to the use of parks and recreational facilities of the City shall be obeyed thereby, and any violator thereof shall be ~~punished as provided by the Municipal Code and/or by prohibiting any violator from the use of the park or facility for the following periods~~ shall be issued a summons for court and fine set by Municipal Judge. Additionally, any violator found guilty shall be prohibited from the use of the park or facility for the following periods:

First violation — One (1) month

Second violation — Six (6) months

Third violation — One (1) year

Fourth violation — Five (5) years; unless reduced by the Council at a hearing for this purpose.

Section 21. Repeal in its entirety Section 200.110 School Crossing Guards and Section 210.220 Trafficking in Stolen Identities.

Section 22. That all Ordinances and parts of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 23. This Ordinance shall be in full force and effect from and after its passage.

1st Reading, this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2019

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Mitchell	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman-at-Large Greene	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Vacant	Aye	___	Nay	___	Absent	___	Abstain	___