

## CHAPTER 2

### ADMINISTRATION

#### ARTICLE VIII. USE OF CITY HALL

##### Sec. 2-800. PURPOSE.

To establish administrative procedures to regulate the use of the City Hall by the public and to require a permit for such use.

##### Sec. 2-801. ADMINISTRATION.

(a) The Onion River Arts Council (ORAC) shall administer the provisions of this ordinance that pertain to the use of the City Hall Auditorium Arts Center. All other provisions of this ordinance shall be administered by the City Clerk.

(b) ORAC shall receive 20% of the rental fees in exchange for administering and overseeing usage of the City Hall Auditorium Arts Center. The City Hall Auditorium Improvement Fund shall receive the remainder.

##### Sec. 2-802. PERMITTED USES.

The City Hall, or any part thereof, including the land owned by the City and contiguous to the land which the building occupies, may be utilized for any lawful use that will not be injurious to the property or individuals. The determination of lawful use shall be made by the City Attorney whenever the City Clerk is in doubt.

##### Sec. 2-803. APPLICATION FOR PERMIT.

(a) Applicant or agent shall provide a deposit made payable to the City of Montpelier in accordance with the fee section of this ordinance, following approval of date and usage; in addition, information requested must be provided to the City on a form supplied by ORAC; this information shall consist of the following but not limited thereto;

(b) Applicant's name, permanent address, purpose and length of anticipated use, approximate number of people to be accommodated, name of individual authorized to act as applicant's agent, who will be present during use for which permit shall be granted and Tax Exemption letter, if applicable.

(c) The Onion River Arts Council may require, and the applicant shall furnish supplemental information when, in the opinion of ORAC or the City Clerk, such information is necessary to ensure adequate safeguards for the protection of the property of the City of Montpelier.

(d) The applicant shall sign a statement certifying his liability and agreeing to pay all costs for repairs and restoration for any damages occurring during the period of the issued permit.

##### Sec. 2-804. PERMITS.

(a) ORAC, upon receipt of an application meeting the requirements of the ordinance, shall issue a permit that reflects all information required by the application for permit, the deposit made payable to the City of Montpelier, and the signature of the ORAC Executive Director or authorized representative.

(b) This permit must be in the possession of the authorized agent referred to in Section 803(a). Whenever this permit is required to be produced for a member of the Montpelier Police Department or employee of the City of Montpelier, it shall be provided.

(c) Permits issued in accordance with this ordinance shall be for a period not to exceed twelve (12) months. Deposits paid for permits not used shall remain with the City.

#### Sec. 2-805. RENTAL FEES.

(a) REHEARSAL USE: Auditorium rental for purposes of rehearsal to individual or nonprofit organization shall be \$3.00 per hour up to \$25.00 per day.

(b) WORKSHOP/CLASS USE: Auditorium rental for workshops or classes to individual or nonprofit organization shall be \$3.00 per hour for 0 to 5 in class; \$6.00 for 5 to 10 in class; \$9.00 for 10 to 15 in class; \$12.00 for 15-20 in class; etc., to a maximum of \$20.00 per hour.

(c) PERFORMANCE USE: Auditorium rental for performance to individual or nonprofit organization shall be \$100.00 per day for up to 100 persons attending. Thereafter, the rental shall increase \$10.00 for each additional 25 persons attending (or \$40.00 per hundred) to a maximum of \$450.00.

(d) MEETING: Auditorium rental for a meeting or other gathering for which no admission is charged shall be \$100.00 per day, or any part thereof.

(e) FOR PROFIT ORGANIZATION: Rental fees shall be double those listed above.

(f) DEPOSITS imposed under this section shall be payable in advance according to estimated usage included in rental form filled out at the time of reservation. REMAINING RENTAL FEE shall be billed by ORAC and payable within 30 days.

(g) The City Council reserves the right to reduce or waive any rental fee for summer theater series and events or uses which charge no admission, are not marketing a product and/or which provide a public benefit. Each of the three criteria must be met to become eligible to be considered for a fee reduction or waiver. Organizations which request a donation shall be considered to be charging admission. A maintenance fee as specified in Sec. 2-806 shall be required from all users.

(h) Notwithstanding the terms of Sec. 2-801, no permit issued under this Article for an event at which alcoholic beverages will be served or available shall be valid unless approved in advance by the City Council.

#### Sec. 2-805A. RENTAL FEES (MEMORIAL ROOM).

(a) The rental fee for the use of the City Hall Memorial Room shall be twenty-five dollars (\$25.00) per day, or any part thereof, and must be paid in advance to the City Clerk.

(b) All rental fees imposed under this section shall be payable in advance. At the discretion of the City Manager, fees and charges imposed under Sec. 2-806 may be secured by deposit or bond.

(c) The City Clerk is granted the right to waive any rental fee for Montpelier resident-initiated community events, community uses which are not directly or indirectly marketing a product, and community uses which provide a direct public benefit to Montpelier residents. Organizations which can only demonstrate indirect benefits by regional or statewide activities do not qualify for a waiver.

Sec. 2-806. MAINTENANCE, POLICE AND FIRE SERVICES.

The fees for police and fire services shall be at the rates established by the City of Montpelier Personnel Plan and Union Contracts. ORAC shall advise the applicant or his/her agent to make arrangements with the Building Inspector and Chief of Police (or designee) for these services. The maintenance fee shall be \$25.00, when no food or beverages will be served; \$75.00 when food and beverages are served, or \$75.00 if food or beverages are served, except for elections, municipal meetings or other official City business.

Sec. 2-807. LIABILITY.

Permits shall be subject to the conditions that the permittee shall be liable to any person who shall receive actionable injury through the exercise thereof, and shall also be liable to indemnify and save harmless and name the City as an additional insured in all things relating to the exercise of such permit; and such conditions shall be obligatory upon permittees without other notice than that to be implied from this section. This section can be appealed as detailed in Section 2-808.

Sec. 2-808. APPEALS.

Applicants shall have the right to appeal the decision of the Onion River Arts Council or City Clerk to the City Council, including a request for waiver of insurance. This appeal should be in writing and addressed to the City Manager for inclusion on the agenda for a regularly scheduled meeting. It should be presented to the City Manager's office at least seven (7) days prior to the meeting during which it will be discussed.

Sec. 2-809. ELECTIONS, OFFICIAL MUNICIPAL MEETINGS.

Nothing contained in this ordinance shall preclude the right of the City Council, City Clerk or City Manager from continuing to schedule elections, municipal meetings or other official City business, free of charge, and in lieu of other previously approved events, if emergency circumstances dictate. It is the responsibility of the City to schedule such events as far into the future as possible and to notify the Onion River Arts Council as quickly as possible if emergency circumstances dictate such a change in the schedule.

Enacted April 8, 1970.

Amendment enacted August 23, 1972 [Sec's. 2-805 and 2-806; and as Article VIII].

Amendment enacted January 23, 1980 [Sec. 2-806 rewritten]. Date of Publication: 1/30/80.

Effective

Date: 2/05/80.

Amendment enacted February 25, 1981 [Sec's. 2-805 and 2-808 rewritten]. Date of Publication: 3/04/81. Effective Date: 3/11/81.

Amendment enacted August 11, 1982 [Sec's. 2-803 and 2-805 rewritten]. Date of Publication: 8/18/82. Effective Date: 8/25/82.

Amendment enacted March 14, 1984 [Sec. 2-805(a) and (b) rescinded; new (a) and (b) substituted. Date of Publication: 9/16/85. Effective Date: 9/23/85.

Amendment enacted June 8, 1988 [Sec. 2-805 rewritten]. Date of Publication: 6/20/88. Effective Date: 9/19/88.

Amendment enacted March 28, 1990 [Sec. 2-805A inserted]. Date of Publication: 4/09/90. Effective Date: 7/01/90.

Amendment enacted September 26, 1990 [Sec. 2-801 rewritten; Sec. 2-803 (a), (b) and (c) rewritten; Sec. 2-804 (a) and (c) rewritten; Sec. 2-805 (a), (b), (c), (d), and (e) rewritten and new Subsections (f), (g) and (h) added; Sec's. 2-806 and 2-808 rewritten; and a new Sec. 2-809 added]. Date of Publication: 10/04/90. Effective Date: 10/10/90.

Amendment enacted 3/13/91 [Secs. 2-805(c) and (g), 2-806 and 2-807 rewritten. Date of Publication: 3/25/91. Effective Date: 4/01/91.