

FACILITY AND PARK USE POLICY

ARTICLE I. USE OF CITY OWNED FACILITIES AND PARKS

Application must be signed and returned no later than thirty (30) business days prior to the date of the event and a \$50 non-refundable application processing fee must accompany the application except where exempted elsewhere in this policy.

This Policy is designed to govern the use of City-owned facilities, parks, and playgrounds by other individuals, groups, and/or organizations that are not directly associated with the City of Lewiston (i.e., not employees or offices or departments of the City of Lewiston). The Policy governs all City-owned property, even if such property is not specifically listed within the Policy.

Unless otherwise listed below, all other City-owned facilities are not available, and henceforth defined as public use facilities. However, on occasion, such properties may be used for private purposes, subject to Section 11 of this Policy.

	<u>Address</u>	<u>Amenities</u>
George Ricker Park	400 Bartlett Street	Gazebo-Reservation
Judge Armand A. Dufresne, Jr. Plaza	72 Lisbon Street	
Kennedy Park	120 Park Street	Park-Reservation Gazebo Splash Pad Basketball Courts
Lewiston Memorial Armory	65 Central Avenue	Gymnasium Senior Center Meeting Rooms Activity Rooms
Lewiston Public Library	200 Lisbon Street	Callahan Hall Computer Lab Conference Room Couture Conference Rm
Pettingill School Park	411 College Street	Pergola-Reservation Picnic Tables-Reservation
Simard-Payne Police Memorial Park	46 Beech Street	Park Amphitheater

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

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Section 1 - Definitions

Public Use Facility: Any City-owned property that has been designated by policy to be available for use by individuals, groups, or other organizations that are not directly associated with the City of Lewiston, Maine.

Facility:	Any City-owned property
Park:	Any park or playground
Office:	<ol style="list-style-type: none">1. Recreation Director or designee when referring to use of the Armory, pool, and splash pad.2. Library Director or designee when referring to use of the Library.3. City Administration or designee for all other facilities and parks.
Amphitheater:	Facility area designated by application rules within the area of Simard-Payne Police Memorial Park
Permittee:	Organization/individual that has been authorized by the City to utilize any facility or park covered by this policy
Armory:	City of Lewiston Memorial Armory
Library:	Lewiston Public Library
Committee:	Facilities Use Review Committee

Section 2 – Purpose, Waivers, Exemptions

The purpose of this section is to provide a listing of city facilities and parks, including individual amenities, subject to this policy. All activities requiring city permits or the approval of the Recreation Department Director, City Administration or the City Council must comply with the required application and use conditions outlined in this policy.

Exemptions. All activities, programs or events hosted by any Department of the City of Lewiston are exempt from associated fees outlined in this policy.

Section 2A - Definition of Facility and Park Use

The City, by this policy, designates the following parks and facilities for public use, and are subject to the regulations, restrictions and other requirements that are established. All facilities and parks are subject to

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the other policies and ordinances that have been, or may in the future, be adopted to govern those specific locations, including the following sections of the City Code of Ordinances:

Chapter 14 of the City Code of Ordinance regarding Animals
Chapter 54 of the City Code of Ordinances regarding Public Park usage
City Policy Manual, Policy Number 3, regarding the use of Athletic Fields
City Policy Manual, Policy Number 87, Special Events Policy

Section 3 - Application Process

All individuals and/or organizations desiring to use a City-owned facility or park must complete an application for use.

All inquiries concerning the Armory should be directed to the attention of the Recreation Office, Memorial Armory, 65 Central Avenue, Lewiston, Maine 04240, Tel. 513-3005. All inquiries concerning the Library should be directed to the attention of the Lewiston Public Library Reference Desk, 200 Lisbon Street, Lewiston, Maine 04240, Tel. 513-3004.

All inquiries concerning parks should be directed to City Administration, 27 Pine Street, Lewiston, Maine 04240, Tel. 513-3121.

All applications for the use of a facility or park shall be submitted to the applicable office for review. The applicable office shall respond within ten (10) business days of receipt of a completed application either:

- A. Conditionally approve it;
- B. Disapprove it; or
- C. Refer it to the Facilities Use Review Committee for further review.

The applicable office shall then notify an applicant of the disposition of the application.

If it is determined that an application requests a use which is appropriate for review by additional City officials, approval must be obtained from the Facilities Use Review Committee.

Section 4 - Facilities Use Review Committee

4A. Purpose and Organization

Since the all referenced locations in this policy are public facilities, the City of Lewiston is concerned that they be used for proper purposes and in a manner consistent with the public interest. The applicable office may forward an application to the Committee for further review. The Committee shall be comprised of the following City staff members or their representatives.

- 1. City Clerk or designee
- 2. Police Chief or designee
- 3. Fire Chief or designee

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4. Director of Public Works or designee
5. City Administration
6. Recreation Director or designee

4B. When Use Application Referred to Committee

Proposed uses for which the applicable office may require approval by the Committee include, but are not limited to:

1. Entertainment events (i.e. concerts, live performances, circuses).
2. Events which require a state or municipal license or permit.
3. Events which impose age restrictions for admission.
4. Events to which the general public is invited.
5. Events or organizations which request free use of the facility.

4C. Action on Application

If an application is forwarded to the Committee for approval, the Committee shall either approve, conditionally approve, or disapprove it. The Committee shall report its decision to the applicable office who shall then inform the applicant.

Section 5 - Criteria for Approval of Use Applications

A. In approving any application which comes before the Committee or the applicable office, the following may be considered:

1. Time of day event is to be held.
2. Number of days event is to be held.
3. Number of people expected to attend.
4. Age of people admitted or expected to attend.
5. Whether liquor is to be available at the event.
6. Purpose of event (i.e. fund raising, profit making, etc.).
7. Whether the event is appropriate for a publicly-owned and managed facility.
8. Whether the use may disturb the peace or cause excessive traffic congestion.
9. Whether the use is likely to burden the fire or police departments or present safety.
10. Whether the use may adversely affect the facility or neighboring property.
11. Any private or public event which does not pose a public safety threat and/or may result in the physical damage to the structure or surrounding grounds.

B. The primary use of Callahan Hall at the Lewiston Public Library is for City and Library sponsored programs that fit the following purposes:

1. Cultural and arts events.
2. Programs which celebrate ethnic diversity and promote inter-cultural communication.
3. Educational programs, lectures, workshops and seminars.
4. Any private or public event which does not pose a public safety threat and/or may

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result in the physical damage to the structure or surrounding grounds.

All applications for the use of Callahan Hall must fit under one of the four purposes above.

C. The primary use for the Simard-Payne Park shall be for the following purposes:

1. Cultural and arts events.
2. Programs which celebrate ethnic diversity and promote inter-cultural communication.
3. Government sponsored/funded educational programs, lectures, workshops and seminars.
4. Any private or public event which does not pose a public safety threat and/or may result in the physical damage to the structure or surrounding grounds.

All applications for the use of the Amphitheater must fit under one of the four purposes above. City Administration shall be authorized to waive these provisions on a case-by-case basis or in those instances where its use coincides with a City sponsored/hosted event.

D. The primary use for remaining parks shall be for the following purposes:

1. Any private or public event which does not pose a public safety threat and/or may result in the physical damage to the structure or surrounding grounds.

Section 6 - Conditional Approval

Should an application be conditionally approved, the following conditions may be imposed:

- A. A requirement that the applicant provide adequate security for the event (depending on type of event, number of people expected, etc.);
- B. A requirement that the applicant post a security deposit in case of damage to City property or costs are incurred by the City as a result of breach of the agreement;
- C. A requirement that the applicant post a fee to defray additional public costs which include, but are not limited to:
 1. Police - traffic direction or protection.
 2. Municipal inspection of special electrical equipment needed for events.
 3. Cleaning - events which result in excessive debris from event or attendees.
 4. Electrical - events which result in excessive use of electrical power.
- D. A requirement that the applicant provide insurance pursuant to Section 9 of this policy.

Permittees will be required to sign a Facility Use Fee Agreement which sets forth all costs

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involved, prior to final approval.

Section 7 - Permittee Privileges and Responsibilities

- A. In accordance with all facility use rules, the permittee may be allowed, with approval of the applicable office, access to the facility for the purpose of setting up decorations, installing booths and other equipment (during normal operating hours). The permittee may be allowed, with approval of the applicable office, access to the facility on the forenoon next following the rental date for the purpose of removing decorations, booths, and so forth, provided that the facility is not booked or occupied for said time.
- B. Any permittee requiring additional electrical hookup in the facility will obtain the services of a qualified electrician in order that all such electrical work will meet the City of Lewiston code requirements. Additional information concerning electrical work to be done may be obtained by contacting the City of Lewiston Director of Code Enforcement or his representative.
- C. No permittee shall be allowed to store any equipment, paraphernalia, or other items in the facility without prior permission from the applicable office. No person shall camp or maintain a campsite, tent or mobile recreational vehicle, whether self-propelled or not, or camp on any street or property owned, leased, maintained or controlled by the city unless specifically approved by City Administration. Such property shall include but not be limited to city streets, parks or municipal lots.
- D. No animals will be kept in the facility or park overnight.
- E. Nothing shall be nailed, screwed, fastened, or otherwise attached to the walls, ceilings, or floor surfaces.
- F. Any physical alteration of any building, structure, facility, or appurtenance thereof, without the prior written approval of the City is prohibited.
- G. The permittee agrees to abide by City Ordinances that apply to noise, malicious activity, crowd control, camping, individual and group behavior.
- H. Smoking is not allowed at any facility. It shall be the responsibility of the permittee to monitor and enforce these regulations.
- I. The permittee must comply with all applicable city, county, state, and federal laws, regulations, and ordinances.
 - 1. If the permittee plans to handle food of any kind for any reason when utilizing the facilities, it is its responsibility to contact the Lewiston City Clerk's Office at City Hall to obtain the proper permit(s). This permit must be displayed in a prominent place in the facility during the event or program. Permittee must provide a copy of the permit to the applicable

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office prior to the event.

2. The permittee shall be responsible for all other licenses, permits, and/or approvals required by the State of Maine and the City of Lewiston. Failure to obtain said licenses and permits may be just cause for cancellation of the event or program and withholding of any deposits or fees collected by the City of Lewiston. Permittee must provide a copy of all licenses/permits to the applicable office prior to the event.

Section 8 - City Requirements and Responsibilities

- A. Tentative holds on dates will be allowed for only a period of seven (7) calendar days. After this period has expired, the tentative hold may be cancelled at any time.
- B. Any security deposits shall be returned to the permittee within 15 working days of verification that no damage has occurred to the facility or furnishings and that required cleanup was completed.
- C. No refund shall be made upon cancellation of any booking unless such cancellation is made at least thirty (30) days prior to the scheduled event.
- D. The applicable office shall inform both the Police Chief and the Fire Chief in writing of all major scheduled events following the signing of a contract.
- E. It shall be the responsibility of the Chief of Police and Chief of Fire, in cooperation with the applicable office, to determine how many police officers and fire guards and what, if any, additional private security will be required for the scheduled event. Certain events will require the services of a representative of the Fire Marshall's Office. The determination shall be made by the person or persons acting on the application, and the fee for this service shall be the responsibility of the permittee.
- F. Public dances, primarily for high school students, or other such events will not operate beyond 10:30 p.m. without special permission from the applicable office.
- G. Similar type competitive events will not be allowed within seven (7) days of a contracted booking. The decision as to whether or not an event is considered to be a competitive event shall be made by the applicable office.
- H. The applicable office may waive any provisions or requirements of this policy, except for fees, with prior approval of City Administration. .
- I. No person, group, or association shall be excluded from use of a City facility because of race, color, creed, gender, sexual orientation, age, disability, intellectual ability or national origin. No organization which discriminates on the basis of race, color, creed, gender, sexual orientation, age, disability, intellectual ability or national origin shall be authorized use of any City facility.

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Section 9 - Liability

- A. The permittee shall be liable for any damages to the facility or to any contents owned by the City during the period of use, whether such damage is caused by permittee or its agents, servants or employees, or by any invitees, permittees, or trespassers.
- B. The City of Lewiston shall not be liable for any damage or loss to any property of the permittee from any cause whatsoever while said property is located on the premises for storage purposes or otherwise, nor shall the City be liable for any injuries resulting from the use of the facility or park.
- C. The permittee agrees to defend, indemnify, and hold harmless the City of Lewiston, its departments and their representatives, officers, agents or employees from and against all claims of any nature whatsoever for damages, including damages or loss to personal property, personal injuries and death resulting there from the permittee's use of the Amphitheater, Lewiston Memorial Armory, Library or other facility covered in this policy. However, nothing contained herein shall be construed as rendering the permittee liable for acts of the City of Lewiston, its departments, or their agents or employees.
- D. The applicable office or the Committee is authorized to require that the permittee file a certificate of insurance with the City. When requested to do so, the permittee shall provide comprehensive general liability insurance with minimum limits of liability of \$1,000,000 combined single limit for each occurrence. The City shall be named additionally insured under the policy. Additional coverage may be requested when deemed necessary.

Section 10 - General Use

The general use fee (See Sec. 14) covers applicable facility and park services.

- A. Parks and associated outdoor amenities (amphitheater, gazebo, playgrounds, docks, picnic tables, basketball courts, , splash pad, , and other outdoor public facilities): Upon completion of the activity, the park and adjacent area must be clear, orderly, and free of any obstruction or litter. The park must be left in the same condition it was when the permittee took occupancy. Area must be clear of all chairs, tables, booths, decorations, debris, etc., according to a schedule set by the City of Lewiston. If additional personnel are needed to clean up after an event, in order to prepare the park for the next day's use, the permittee will be responsible for the extra cost involved.
- B. Lewiston Armory, Lewiston Public Library: The general use fee (See Sec. 14) covers services such as "house" lights, heat, electricity, water, lobby areas, ticket booths, stage, balcony and gymnasium. The fee does not include the setting up or breaking down of chairs, bleachers, tables, booths, ramps, staging, lighting, etc. The arrangement, performance, and costs of these services shall be sole responsibility of the permittee.

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1. Additional custodial and cleaning services shall be charged to the permittee for any applicable overtime required, as determined by the applicable office, by regular custodial staff at the rate which will cover the cost of overtime salaries including fringe benefits and administration. This charge shall cover all hours which the building monitors or facility maintenance is required to be on duty, including hours worked prior, during, and after the event.
2. The facility must be left in the same condition it was when the permittee took occupancy. Floors and/or ground area must be clear of all chairs, tables, booths, decorations, debris, etc., by noon of the day following the event. If additional personnel are needed to clean up after an event, in order to prepare the building for the next day's use, the permittee will be responsible for the extra cost involved. The need for additional cleaning personnel will be left to the discretion of the applicable office.
3. None of the services and equipment described in this policy are available for non-City use and/or rental outside of the Armory, Library or other City property and/or facilities.

- C. When an event requires additional custodial and cleaning services, and/or repairs to the facility attributed to the event permittee or its agents, servants or employees, or by any invitees, permittees, or trespassers, the permittee has 30 business days to make payment to the City of Lewiston for such additional services or repairs. In the event of non-payment, the permittee will not be permitted to reserve any facility for the period of one year without City Administration's permission and a full amount deposit including an estimate of additional services obtained before the reservation may be made.

Section 11 - Special Exceptions to Use Other Facilities

Upon application to City Administration, the City Council by specific vote, may allow other individuals and/or organizations to utilize other City-owned facilities on a case-by case-basis, subject to the following:

- A. City Administration's Endorsement: The office of City Administration shall endorse the request.
- B. Consistent with Policy: The applicant must follow all other sections of this policy, except that which has been specifically exempted by the City Council.
- C. Additional Restrictions: The City Council may place any additional restrictions that are deemed appropriate as a condition of approval, for requests that would be considered exceptions to the Policy.

This section is specifically designed to address such events as the various festivals, special

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events, and other types of requests that are deemed to have broad public benefit to the residents of the City of Lewiston. It is not intended to allow private individuals and/or organizations the opportunity to use such public property not otherwise available for functions that do not meet the requirement of broad public benefit.

Locations that receive approval to be used by others, consistent with this section, does not change the designations established by Section 2 of this Policy.

Section 12 - Appeals

Any applicant who is aggrieved by the denial of an application or by conditions imposed on approval of an application may appeal to City Administration by written request filed with City Administration within five (5) business days from the receipt of the decision of the Director or the Committee. City Administration shall designate any agent or employee to act as a hearing officer in the appeal. The hearing officer shall provide the applicant the opportunity to be heard regarding the denial or conditional approval of the application. The hearing officer shall issue a written decision within five (5) business days of the close of the hearing.

Any person who is aggrieved by the decision of a hearing officer may appeal to superior court, pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Section 13 - Veteran's Memorial Park

Effective July 6, 2010, the City shall not permit any vendors, entertainment or commercial activity in Veteran's Memorial Park, with the exception of the annual Liberty Festival

Section 14 - Fee Policy

A. For the purposes of this policy, the following user classifications have been developed:

CLASSIFICATION DEFINITIONS

GROUP	DEFINITION
Commercial (Revenue)	Defined as any type of commercial event where admission is charged, donation accepted, sales made, or other income derived.
Commercial (Non-Revenue)	Non-Profit Fundraisers/Revenue defined as church groups, civic groups, political organizations, fraternal groups, social organizations, conventions, or any other non-profit groups or activities sponsored by such groups where admission is charged, donations
Non-Profit (Revenue)	
Private (Personal Use)	

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accepted, sales made, or other income derived.

Defined as any type of commercial or private/personal event where no admission is charged or donation accepted, nor any sales made, nor other income derived.

*Non-Profit (Non-Revenue)

Defined as church groups, civic groups, political organizations, fraternal groups, social organizations, conventions, or any other non-profit groups or activities where no admission is charged or donation accepted, nor any sales made, nor any other income derived.

Exempt (Government)

*\$50 non-refundable application fee will be waived

Defined as City of Lewiston municipal government, governments of the State of Maine and the United States and their departments, agencies, committees, or officials when the meeting is open to the public and on topic of interest to the residents of Lewiston and the City of Lewiston for any purpose.

* The City has the right to request verification of the non-profit status.

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- B. Determination of which classification an applicant is charged fees shall be made by the Director or designee, or City Administration based on information furnished, in writing, by the applicant.
- C. Applications must be signed and returned no later than thirty (30) business days prior to the date of the event and a \$50 non-refundable application processing fee must accompany the application. Upon approval, a permittee must sign a Use Agreement, pay the total use fee, and satisfy all other conditions within fifteen (15) business days of the date of the Use Agreement.
- D. Should an applicant fail to comply in any material aspect with the terms of the application or Use Agreement, the applicable office may immediately terminate said agreement. In that event, the applicant shall not be entitled to the use of the facility or the refund of any fees paid in connection with the application.
- E. Organizations that wish to hold an event at a city facility to which the general public is invited; where the event is consistent with the use restrictions stated in the policy; and as it applies to the city facility where there is to be no solicitation/recruitment of any kind, admission fee charged, donations accepted, or other income derived, must fill out the applicable facility form and request a waiver of all or a portion of fees. The applicable office shall direct such requests to City Administration for review. Allocation of the facilities for free use will be approved or rejected by the City Administration.
- F. Rental Rate Schedule (See Appendix A Attached)

Section 13 - Copyright

Permittee assumes full responsibility for any copyright infringements, charges, or royalties that may occur on account of activities at the facility pursuant to this Agreement. Permittee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their legal representatives and agrees to indemnify and hold the City harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees. Permittee, upon request, shall provide the City with written proof prior to the start time of rental that all copyright provisions and laws have been satisfied by Permittee or some other party. The City reserves the rights to contact owners of copyrights to inform them of the impending event and to inquire whether appropriate copyright(s) fees have been paid. If these fees have not been paid and the City is informed of a claim which could or will result from the event contemplated by Permittee in this Agreement, then the City or the City Contractor shall have the right to withhold from the box office receipts a sum of money sufficient to satisfy any such claims and shall have the right to pay such amount to the holder(s) of the copyright(s).

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ARTICLE II. CITY BUILDINGS

Section 14 – Prohibited Uses

The use, possession or storage of hover boards and other similar electronic or powered devices is prohibited in any city owned buildings. The use of other similar wheeled devices such as inline skates, roller skates, skate boards and the like, is prohibited in any City-owned buildings. If these devices are in use as part of an official city-approved event, their use is permitted.

APPENDIX A

Facility and Park Use Policy & Special Events Policy

PARK / FACILITY Use Fees	COMMERCIAL Revenue (Rev)	COMMERCIAL Non-Rev NON-PROFIT Revenue PRIVATE (Personal Use)	NON-PROFIT Non-Revenue	GOVERNMENT Exempt
SIMARD-PAYNE PARK 46 Beech Street	\$500 day \$350 up to 4 hours	\$400 day \$250 up to 4 hours	\$300 day \$200 up to 4 hours	No charge (NC)
Amphitheater (ONLY)	\$175 up to 4 hours	\$150 up to 4 hours	\$100 up to 4 hours	NC
DUFRESNE PLAZA 72 Lisbon Street	\$400 day \$200 up to 4 hours	\$300 day \$150 up to 4 hours	\$200 day \$100 up to 4 hours	NC
KENNEDY PARK 120 Park Street	No charge (NC) Call to Reserve \$50	NC Call to Reserve \$50	NC Call to Reserve \$50	NC
Gazebo	\$200 day \$100 up to 4 hours	\$175 day \$85 up to 4 hours	\$150 day \$75 up to 4 hours	NC
Splash Pad (REC)	\$250 up to 4 hours	\$250 up to 4 hours	\$250 up to 4 hours	NC
Skate Park	\$75 per hour	\$60 per hour	\$20 per hour	NC
Basketball Courts	\$75 per hour	\$60 per hour	\$20 per hour	NC
PETTINGIL SCHOOL PARK 411 College Street <i>Friends of Pettingill</i>	NC Call to Reserve \$50	NC Call to Reserve \$50	NC Call to Reserve \$50	NC Call to Reserve \$50
Pergola & Picnic Tables	Call to Reserve \$50	Call to Reserve \$50	Call to Reserve \$50	NC
GEORGE RICKER PARK POTVIN PARK SUNNYSIDE PARK	Call to Reserve \$50	Call to Reserve \$50	Call to Reserve \$50	NC
LEWISTON ARMORY 65 Central Avenue				
Gymnasium	\$465 1 st day \$345 2 nd day \$290 3 rd day \$60 hour up to 3 hours	\$345 1 st day \$290 2 nd day \$230 3 rd day \$60 hour up to 3 hours	\$175 1 st day \$145 2 nd day \$115 3 rd day \$25 hour up to 3 hours	NC
Meeting Rooms	\$60 up to 4 hours	\$45 up to 4 hours	\$35 up to 4 hours	NC
Activity Room 1	\$115 up to 4 hours	\$90 up to 4 hours	\$75 up to 4 hours	NC
Senior's Room	\$145 up to 4 hours	\$115 up to 4 hours	\$100 up to 4 hours	NC
Concession Stand	\$30 up to 4 hours	\$20 up to 4 hours	\$10 up to 4 hours	NC
PUBLIC LIBRARY 200 Lisbon Street				
Callahan Hall 3 rd floor	\$465 day \$60 hour up to 3 hours	\$345 day \$60 hour up to 3 hours	\$175 day \$25 hour up to 3 hours	NC
Jeanne Couture Room 1 st floor	\$70	\$60	\$35	NC
Conference Room 3 rd floor	\$65	\$55	\$30	NC
Computer Lab 2 nd floor	\$315	\$210	\$160	NC

ADDITIONAL FEES AND CHARGES FOR THE ARMORY & PUBLIC LIBRARY

Public Address System	\$50 per session	After Hours Staff/Library	\$40 per hour or part thereof
Building Monitor/Armory	\$20 per session	Floor Covering/Armory	\$325
Table(s) Rental Fee/Armory	\$5 per table	Delivery of Tables/Chairs	\$25
Chair(s) Rental Fee/Armory	\$1 per chair		

PARKS/ADMINISTRATION: 513-3121 ARMORY: 513-3005 PUBLIC LIBRARY: 513-3004

*The City will reserve the right to include custodial, maintenance, or other applicable fees in addition to the fees outlined above and/or exempted fees.

**The City will reserve the right to assess supplemental charges when needed, i.e. turf damage, electricity, use of Police-security, or Public Works.