

ARTICLE IV. - LAKESIDE PAVILION

Sec. 15-86. - Definitions.

The *Lakeside Pavilion* of the City of Marble Falls, hereinafter called Pavilion, means the building including grounds located at 307 Buena Vista at Lakeside Park under the jurisdiction of the city.

Administration: The city manager or the authorized representative shall have full responsibility for the operation of the Pavilion and shall act on behalf of the city. The city manager may enter into license agreements subject to the fee schedule contained in these regulations.

License as used herein means the written agreement issued to an applicant by the city manager or his authorized representative for use of the Pavilion.

Licensee as used herein includes any person, association, public organization, partnership, company or corporation that is granted a license agreement to use the Pavilion.

Rate classification groups for determination of license fees:

Group I. Public agencies and non-profits: Federal, state, county and city agencies; 501(c)(3) and 501(c)(6) non-profit organizations; and co-sponsored city athletic leagues. Group I rates applicable Sunday through Thursday only. Co-sponsored city athletic leagues will not be charged for board meetings as provided for in the city facility use agreement.

Group II. Individuals, civic organizations, and social groups: Any person or group who wishes to use the property for other than commercial purposes. These include but are not limited to: Fraternities, sororities, lodges, social clubs, family reunions, wedding receptions and banquets.

Group III. Commercial groups: Individuals, organizations or companies who sponsor events which charge admission fees, registration fees, solicit contributions, buy, sell, trade, or display or promote products or services.

Should those in Group I and II participate in any of the activities outlined in Group III, they will be charged Group III rates.

(Ord. No. 95-O-6C, § 15-1, 6-27-95; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009; Ord. No. 2011-O-01C, § II, 2-1-2011; Ord. No. 2016-O-01A, § II, 1-19-2016)

Editor's note— Definitions for lease and lessee were deleted at the instruction of the city, as said were superseded by definitions of license and licensee.

Sec. 15-87. - Reservations.

- (a) Reservations will be taken at the parks and recreation department office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, (except for official holidays). Reservation requests may also be submitted via the city website at any time.
- (b) The pavilion will be rented on a first-come, first-served basis. Reservation request conflicts will be

resolved by the city manager or his authorized representative.

- (c) A reservation for the pavilion will be considered confirmed only upon the receipt of a signed license agreement accompanied by the appropriate fee as described herein.
- (d) Reservation of the pavilion may be made up to twelve (12) months from the date of the request in advance.
- (e) Reservation cancellation by licensee must be made in writing on or before thirty (30) days prior to any scheduled event for a full refund. If a reservation is cancelled after such time or if the person does not use the pavilion on the scheduled date, the license fee shall be forfeited. Bad weather is not grounds for refund or cancellation.
- (f) Official use of the pavilion will take precedence over any and all reservations that may be in effect in the event of an emergency (as identified by the Marble Falls emergency operations management team) or when the city manager determines there is a public necessity warranting the need for use of the pavilion. Such preemption shall be without liability to the city for any and all damages that may result from the prior reservation. The city shall refund any deposits paid.

(Ord. No. 95-O-6C, § 15-2, 6-27-95; Ord. No. 2006-O-6B, 7-10-2006; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009)

Sec. 15-88. - License.

All rental of the pavilion will require a signed license agreement between the licensee and the city through its duly authorized representative and accompanied by the appropriate fees. no oral agreements for use of the pavilion will be valid; and, sublicensing and assignment is not allowed.

(Ord. No. 95-O-6C, § 15-3, 6-27-95; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009)

Sec. 15-89. - Rental hours.

- (a) The pavilion will be available for events between the hours of 8:00 a.m. and 11:00 p.m. which will constitute a rental day.
- (b) All events at the pavilion must end no later than 11:00 p.m. Licensee, band, caterers and all occupants (except cleaning service) must vacate the pavilion no later than 12:00 p.m. [midnight].

(Ord. No. 95-O-6C, § 15-4, 6-27-95; Ord. No. 2006-O-6B, 7-10-2006; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009)

Sec. 15-90. - License fees.

- (a) License fees per day for use shall be charged as set in the Master Fee Ordinance, Appendix C of this Code.
 - (1) Residents (persons residing within the corporate limits of the city and named on a reservation as a licensee) shall receive a five hundred dollar (\$500.00) discount on the license fee. Resident discount is not applicable to rate classification Groups I and III.
- (b) License fee and facility deposit are required at the time of reservation confirmation.
- (c) Keys will be issued one (1) day prior to scheduled event. Keys must be returned no later than the next working day after scheduled event. Anyone not returning the key after one (1) working day has passed

shall forfeit the facility deposit.

- (d) Facility deposit will be refunded after return of keys and facility deposit refund checklist, and, inspection of the Lakeside Pavilion; provided, however, that the use or consumption of alcohol without having obtained a permit from the parks and recreation department and without having paid all required alcohol sales permit fees, and alcohol and consumption fees shall result in a forfeiture of the facility deposit.
- (e) Any damage to the pavilion in excess of the security deposit shall be billed to licensee.
- (f) Early access will be permitted to the pavilion and grounds prior to rental time only if such access will not conflict with any other event or licensee.
- (g) A reservation for the use of the pavilion for three (3) consecutive weekend days (i.e. Friday, Saturday, and Sunday) that is paid in full shall entitle the licensee to the use of the pavilion for two (2) weekdays at no additional license fee. The weekdays must be consecutive with the weekend use.
- (h) All personal property must be removed at the end of the event.

(Ord. No. 95-O-6C, § 15-5, 6-27-95; Ord. No. 2001-O-11D, 1-8-2002; Ord. No. 2006-O-6B, 7-10-2006; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2006-O-12A, § 2, 12-11-2006; Ord. No. 2009-O-02A, 2-23-2009; Ord. No. 2011-O-01C, § II, 2-1-2011; Ord. No. 2013-O-08H, § II, 8-20-2013; Ord. No. 2016-O-01A, § II, 1-19-2016; Ord. No. 2017-O-02F, § II, 2-7-2017)

Sec. 15-91. - City's right to refuse rent.

To the extent permitted by law, the city may deny an application for license if the applicant or the person on whose behalf the application for license was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously licensed or has violated the terms of prior licenses issued to or on behalf of the applicant. The city may also deny an application for license on any of the following grounds:

- (1) The application for license (including any required attachments and submissions) is not fully completed and executed;
- (2) The applicant has not tendered the required license fee with the application or has not rendered the required user fee, indemnification agreement, insurance certificate or facility deposit within the times prescribed.
- (3) The application for license contains a material falsehood or misrepresentation;
- (4) The applicant is legally incompetent to contract or to sue and be sued;
- (5) The applicant or the person on whose behalf the application for license was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city;
- (6) A fully executed prior application for license for the same time and place has been received, and a license has been or will be granted to a prior applicant;
- (7) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the city and previously scheduled for the same time and place;
- (8) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter;
- (9) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, or city employees or of the public;

- (10) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances of the city concerning the sale or offering for sale of any goods or services;
- (11) The use or activity intended by the applicant is prohibited by law, by this Code or by the regulations or ordinances of the City of Marble Falls.

(Ord. No. 95-O-6C, § 15-6, 6-27-95; Ord. No. 2004-O-1C, 1-26-2004; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2016-O-01A, § II, 1-19-2016)

Sec. 15-92. - Use of alcoholic beverages.

Alcohol that is available or is consumed at the Pavilion shall be in compliance with the laws of the state and with the regulations of the Texas Alcoholic Beverage Commission. Any such violation shall cause an immediate termination of the use of the Pavilion, and the police department is thereupon authorized to remove all persons from the premises and to close the Pavilion.

(Ord. No. 95-O-6C, § 15-7, 6-27-95; Ord. No. 2006-O-7B, 8-14-2006)

Sec. 15-93. - Fire security.

- (a) The licensee is responsible for providing fire security if the event is proposed to have any open flame, or any combustible materials. The city fire prevention code will be enforced at all events. The licensee shall contact the fire marshal for a determination of necessary security should the event be of the above described nature.
- (b) Licensee shall not store any motor fuel in the Pavilion. Fuel tanks, boats, vehicles or equipment on display will be secured in accordance with instructions by the fire marshal.

(Ord. No. 95-O-6C, § 15-8, 6-27-95; Ord. No. 2006-O-7B, 8-14-2006)

Cross reference— Fire prevention code, § 10-36 et seq.

Sec. 15-93.5. - No smoking.

The Lakeside Pavilion is a non-smoking facility. Smoking is permitted in areas outside of the building only.

(Ord. No. 2016-O-01A, § II, 1-19-2016.)

Sec. 15-94. - Reserved.

Editor's note— Ord. No. 2013-O-08H, § II, adopted Aug. 8, 2013, repealed § 15-94, which pertained to police security. See the Code Comparative Table for complete derivation.

Sec. 15-95. - Setups and decorations.

- (a) Tables and chairs are for the exclusive use of the licensee. Outside use of these tables and chairs is not allowed.
- (b) Licensee shall be responsible for setting up and arranging such tables and chairs.
- (c) Decorating is the responsibility of the licensee. Decorations may be of any type or design as long as

installation and placement does not damage the pavilion, or violate the fire code. Decorations shall be removed by licensee upon vacating the pavilion.

(Ord. No. 95-O-6C, § 15-10, 6-27-95; Ord. No. 2006-O-6B, 7-10-2006; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009; Ord. No. 2011-O-01C, § II, 2-1-2011)

Sec. 15-96. - Licensees to indemnify city.

All licensees of the Pavilion shall hold the city harmless from any and all liabilities for any claim or claims resulting from their use of the Pavilion and shall indemnify the city in case of any claims resulting from their operation or occurring during their occupation of the Pavilion.

(Ord. No. 95-O-6C, § 15-11, 6-27-95; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009)

Sec. 15-97. - Pavilion basic services.

(a) The pavilion's basic license includes the following services:

- (1) All Utilities.
- (2) Heat and/or air conditioning.
- (3) Tables and chairs.
- (4) PA system with wired and wireless microphones, audio/video system, and podium. The audio/video equipment has limited capacity and capability; and may not be suitable for all uses.
- (5) Restrooms.
- (6) Commercial kitchen.
- (7) Facility cleaning service.
- (8) Wireless Internet.

(b) Failure to furnish any of the services as noted in subsection (a) resulting from circumstances beyond the control of the city; or limitations of certain services, will not be considered a breach of contract by the city.

(Ord. No. 95-O-6C, § 15-12, 6-27-95; Ord. No. 2001-O-11D, 1-8-2002; Ord. No. 2006-O-7B, 8-14-2006; Ord. No. 2009-O-02A, 2-23-2009; Ord. No. 2011-O-01C, § II, 2-1-2011; Ord. No. 2016-O-01A, § II, 1-19-2016)

Sec. 15-98. - Effective date.

This article shall become effective and of full force upon the passage, approval and publication hereof as provided by law.

(Ord. No. 95-O-6C, § 15-13, 6-27-95)

Secs. 15-99—15-124. - Reserved.