

# SPALDING COMMUNITY SERVICES DISTRICT

## ORDINANCE NO. 10

### **AN ORDINANCE OF THE SPALDING COMMUNITY SERVICES DISTRICT AMENDING CERTAIN SECTIONS OF CHAPTER 4 – REQUIREMENTS AND CONDITIONS FOR THE USE OF THE RECREATION AREA AT SPALDING, EAGLE LAKE**

WHEREAS, the Spalding Community Services District Ordinance currently does not allow overnight parking or camping at the Marina Day Use Area and parking lot (the “Recreation Area Property”), pursuant to Article 4.01.050 and 4.01.080;

WHEREAS, the Board of Directors of the Spalding Community Services District (the “District”) has determined that during Special Events determined by the Board, camping at the Recreation Area Property should be allowed;

WHEREAS, the Board of Directors of the District believes that establishing rules governing the use of the Recreation Area Property during special events, is necessary in order to preserve the integrity, use and safety of the Recreation Area Property;

NOW THEREFORE, the Board of Directors of Spalding Community Services District ordains as follows:

**Article 4.01.050 – PARKING** is amended and restated as follows:

All vehicles, including without limitation tow vehicles and trailers, shall be parked in designated parking areas. No parking shall be allowed overnight. All vehicles must be removed from the Recreation Area Property by 11:59 pm each night. Per Vehicle Code Section 21458, green curb painted zones shall indicate 20 minute parking and shall be enforceable seven days per week. Vehicles parked outside of designated parking areas or otherwise parked in violation of this Ordinance shall be subject to citation for illegal parking in violation of this Ordinance and shall pay fines as specified herein or as may otherwise be provided by law; illegally parked vehicles shall also be subject to being removed and the towed and/or impounded at the owners expense.

During Special Events, the parking of recreational vehicles overnight at the Recreation Area Property may be permitted after the submission and approval of a Special Event Permit by the General Manager, pursuant to Article 4.01.080 below. In no event shall overnight parking of any vehicle be extended beyond the end date and time of any permitted Special Event.

**Article 4.01.080 – NO CAMPING** is amended and restated as follows:

No camping will be allowed at the Recreation Area Property without a Special Event Permit being submitted and approved by the General Manager at least 30 days in advance of the Special Event.

Whenever a person (the "Applicant") desires to reserve the Recreation Area Property for a Special Event, the Applicant shall apply for a Special Event Permit, providing the necessary supporting documentation as required by this Section and the General Manager. The Special Event Permit may authorize overnight camping (no tent camping), specifically the parking of recreational vehicles, at the Recreation Area Property limited to the dates indicated on the Special Permit. Other Special Events which do not require "Overnight Parking" will be considered on a case by case basis through the Special Event application process.

At all times, including during permitted Special Events, the District will not provide any electricity, plumbing, or trash services to the Applicant and campers. Fires are prohibited at the Recreational Area Property at all times, including during any permitted Special Event.

At least 30 days prior to the proposed date(s) of the Special Event, the Applicant shall file a Special Event permit application on such form as the General Manager may approve from time to time. All applications shall set forth the following information:

1. The name, address, and telephone number of the Applicant's contact person. (the "Special Event Coordinator").
  2. The description of the Special Event.
  3. An estimated number of the recreational vehicles expected to be using the Recreation Area Property during the Special Event.
  4. Insurance certificate(s) naming the District as an additional insured, pursuant to Section D, below.
  5. A liability release and waiver in favor of the District, pursuant to Section C below.
  6. Such additional information as the General Manager may reasonably require.
- A. Application and Rental Fees: All Special Event Permit applications shall be submitted with payment of the application fee and designated use fees, as set forth in the District Fee Resolution.
- B. Deposit and Refunds: The applicant shall deposit with the District a refundable deposit in the amount of \$500.00 up to \$1,500.00 at the discretion of the General Manager, within ten (10) days prior to the first day of the Special Event. The District shall inspect the permitted site within 24 hours of the end of each event and immediately notify the Event Coordinator of any findings of damage or excessive trash left at the event site. If such findings are not resolved by the Event Coordinator within 24 of the notification, the deposit funds shall be used by the District to remedy the damage and/or appropriately dispose of the trash. Any and all unused deposit fee's will be returned to the Event Coordinator within 30 days of the end of the Special Event.

- C. Release and Indemnification: The applicant shall execute a hold harmless and indemnification agreement, in a form approved by the General Manager, to defend, indemnify, and hold harmless the District, its officers, agents, employees, and representatives and each of them, of and from any and all claims, demands, suits, causes of action, damages, costs, expenses, losses or liability, in law or in equity, of every kind and nature arising out of or in connection with the alleged acts or omissions of the permit holder, its officers, agents, employees, representatives, participants (including campers) or any other person in connection with the Special Event Permit. The hold harmless and indemnification agreement shall be executed prior to the issuance of the Special Event Permit.
- D. Insurance: The applicant shall obtain insurance policies of the type and in the amount required by the District prior to the issuance of the Special Event Permit, including but not limited to the following minimum requirements, either:
- a. \$2,000,000 per occurrence and \$5,000,000 aggregate general liability insurance from a carrier rated BBB or better by AM Best or equivalent; OR
  - b. \$1,000,000 per occurrence and \$2,000,000 aggregate general liability insurance **PLUS** not less than \$10,000,000 umbrella insurance, each provided by a carrier rated BBB or better by AM Best or equivalent.
- E. Revocation: Special Event Permits issued pursuant to this Section may be revoked by the General Manager for failure to comply with (i) the provisions of this Section, (ii) rules and regulations promulgated by the District from time to time; and/or (iii) terms and conditions set forth in the Special Event Permit. The District's authority to revoke the Special Event Permit pursuant to this Section shall be in addition to any and all other remedies available to the District under applicable laws.
- F. No Exclusive Use: The Special Event Permit shall not provide the Applicant exclusive use of the Recreation Area Property. The Recreation Area Property shall remain open to the general public during the Special Event.
- G. Additional Requirements: Depending on the Applicant's proposed scope of the Special Event; the General Manager may require additional documentation, information and/or conditions for the consideration and/or issuance of the Special Event Permit, including but not limited to: noise abatement procedures, notification of Special Event to all residents neighboring the Recreation Area Property, Applicant-supplied private security services, delivery and removal of portable bathrooms, such other requirements necessary or appropriate based on the nature of the Special Event, the number of participants, and the proposed use of the Recreation Area Property.

Ordinance Section Two:

This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once online at the District's public website and in accordance with law, with the names of the members of the Board of Directors voting for and against.

**PASSED, APPROVED, and ADOPTED** this 15 day of March, 2024, by the following vote:

AYES: Ted Thomas, Ed Lawson, Larry Doss, Frank Muse

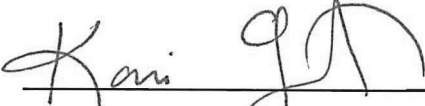
NOES: Babara Willard

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

  
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Secretary of the Board

  
\_\_\_\_\_  
Chairman of the Board