

## ORDINANCE NO. 2079

### AN ORDINANCE REGARDING USE OF PROPERTY OWNED BY THE CITY OF BURLINGAME.

WHEREAS, City of Burlingame presently has within it's corporate limits seven parcels available to the general public; and

WHEREAS, it is the intention of the governing body of the City to declare the use of these areas for the general public and restrict any use not otherwise for the public benefit and use.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS:

#### **Section 1 – Definition of Areas.**

The areas to be regulated by this ordinance include the Baseball and Softball Complex located north of the Burlingame High School, the Demolition Derby Complex located at 301 E. Banks Avenue, the Sewer Pond Field located just south of the City Sewer Lagoons on Banks Avenue, the Santa Fe Trail Park located on the southwest corner of Dacotah Street and Santa Fe Avenue, Sumner Park located in the 300 block of South Topeka Avenue, Jones Park located in the 300 block of North Topeka Avenue excluding the swimming pool, and Switzler Park located on the south side of US 56 Highway and east of Switzler Creek.

#### **Section 2 – Use of Areas.**

The areas listed above may be used by anyone reserving the areas with the City Administrator or his/her assigns. The reservations are subject to fees and advance notice established by the City Council by resolution. Requests for reservations may be rejected by the City Administrator at his/her discretion. Any request that is denied is automatically referred to the City Council at the next available regular meeting for review.

Jones Park, Sumner Park, Santa Fe Trail Park, and Switzler Park shall be treated, maintained and used as public parks for the benefit of the general public and shall not be used as a location for financial gain or profit making enterprise of any individual, business, organization, or entity provided that activities by non-profit charitable, educational or civic organizations may be conducted with prior approval by the City Administrator or his/her assigns. If any request is denied by the City Administrator the request is automatically referred to the City Council at the next available regular meeting for review.

#### **Section 3 – Park Maintenance and Regulations**

The governing body shall be responsible for the general maintenance of the parks and to make and implement reasonable rules and regulations as will best promote the use and enjoyment of the park by all members of the general public.

**Section 4 – Insurance**

Any events in the Demolition Derby Pit require a certificate of insurance issued to the person or group holding the event in an amount of at least \$1,000,000 and must list the City of Burlingame as additionally insured.

The City reserves the right to request an event to hold liability insurance in an amount determined to be adequate by the governing body and must list the City of Burlingame as additionally insured. If the City Administrator determines any other event on City property requires insurance, he/she shall refer the issue to the City Council for a final decision.

**Section 5 – Notification**

Any event to be held at one of the sites listed in Section 1 shall be reserved at least sixty (60) days prior to the event. This is to allow adequate time for all issues to be resolved and to allow for proper notification to the residents of Burlingame.

**Section 6 – Other Requirements**

The City of Burlingame reserves the right to request special requirements of any event on City property. The City Administrator can request any additional requirements. The event planner can appeal the request to the City Council. The City Council’s decision is final.

Any event at the Demolition Derby Complex will require coverage by a qualified fire department.

**Section 7 – Park Maintenance and Regulations**

The governing body shall be responsible for the general maintenance of the parks and to make and implement reasonable rules and regulations as well best promote the use and enjoyment of the park by all members of the general public.

**Section 8 – Repeal of Ordinances.**

Ordinance 1897 is hereby repealed.

**Section 9 – Effective Date.**

This Ordinance shall be in full force and effect from and after its passage by the governing body, approval by the Mayor, and publication in the official city newspaper.

PASSED AND APPROVED this 21<sup>st</sup> day of November, 2005.

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William Kraus, Mayor

ATTEST:

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Kelly Ullmer, City Clerk