11- O -0826

AN ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE DIRECTING THAT THE CODIFICATION OF THE ATLANTA CODE OF ORDINANCES BE CORRECTED BY ADDING SECTION 110-3 SUBSECTIONS (k) AND (l) AS SET FORTH IN ORDINANCES 08-O-0873 AND 08-O-0885 ; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") Code of Ordinances, Section 110-3 (a) ("Fee Code") establishes a fee structure for rental and other use of property and amenities within the purview of the Department of Parks, Recreation and Cultural Affairs ("DPRCA"); and

WHEREAS, DPRCA amended the Fee Code in 2008 via Ordinance 08-O-0877, which was adopted by the City Council on August 18, 2008 and the same was approved by the Mayor on August 26, 2008 (hereto attached as Exhibit "C"); and

WHEREAS, because of the quantity of changes made to the Fee Code, Ordinance 08-O-0877 deleted Section 110-3 in its entirety and replaced it with a new Fee Code; and

WHEREAS, as part of the re-write of the Fee Code, DPRCA added fees and rules for people/organizations using City parks ("Parks") or City Recreation Centers, property, and/or amenities ("Recreation Facilities") for private business purposes. Given the complexity of these new rules, the legislation for authorizing the fees and rules was set forth in legislation that was separate from Ordinance 08-O-0887; and

WHEREAS, the legislation authorizing 110-3(k) is numbered 08-O-0873 (attached hereto as Exhibit A), and the legislation authorizing 110-3(l) is numbered 08-O-0885 (attached hereto as Exhibit B). Both pieces of legislation were adopted by the City Council on June 19, 2008 and approved by the Mayor on June 24, 2008; and

WHEREAS, Section 1 of Ordinance 08-O-0877, which provided the 2008 re-write of the Fee Code, stated as follows:

> "**Section 1.** Atlanta Code of Ordinances section 110-3, entitled "Fee Schedule", subsections (a) through (l), are hereby deleted in their entirety and replaced with the schedule attached hereto as Exhibit A. Exhibit A replaces the previous Fee Code with sections (a) through (j) only (see attached Exhibit A). **New sections (k) and (l) will be added through separate legislation.**" (Emphasis Supplied)."

WHERAS, when the contents of Ordinance 08-O-0877 were codified, sections (k) and (l) were incorrectly not added at the end of the Fee Code. Currently, the codified version of Subsections (k) and (l) states:

> "Sec. 110-3. Fee schedule.
> The following fee schedule is adopted for the department of parks, recreation and cultural affairs for tax-exempt organizations and other organizations, for residents and non-residents. ...
>
> (k) Content to be provided by separate ordinance.
> (l) Content to be provided by separate ordinance."

WHEREAS, the codification of the Atlanta Code of Ordinances should be corrected to add Subsections 110-3(k) and (l).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: It is hereby directed that the content of Ordinances 08-O-0873 and 08-O-0885 (attached hereto as Exhibits "A" and "B") be added to the codified version of the Atlanta Code of Ordinances, in Subsections 110-3 (k) and 110-3 (l) respectively.

SECTION 2: There shall be no fee changes or new fees established in this legislation.

SECTION 3: All ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

EXHIBIT

A

CITY COUNCIL
ATLANTA, GEORGIA

A SUBSTITUTE ORDINANCE **08-O-0873**

**BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES SECTION 110-3 TO ADD A SECTION (k) THAT SHALL ESTABLISH FEES FOR INDIVIDUALS OR ORGANIZATIONS UTILIZING CITY PARKS FOR PRIVATE BUSINESS PURPOSES, OTHER THAN DURING A PERMITTED OUTDOOR EVENT; TO AUTHORIZE SUCH FUNDS BEING DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND), 140201 (PRC PARKS ADMINISTRATION), 3229007 (FEES), 6210000 (PARK ADMINISTRATION), 100247 (GROUND & SITE IMPROVEMENTS CITY WIDE), 91494 (TRUST FUND 9999); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") Code of Ordinances, Section 110-3 (a) ("Fee Code") establishes a fee structure for, among other things, individuals and entities wishing to utilize City parks; and

WHERERAS, certain businesses conduct or provide all or portions of the services they offer inside of a City park; and

WHEREAS, businesses conducing services inside City parks are utilizing the parks to generate revenue, are profiting from the City's amenity and maintenance thereof, are causing wear and tear on the parks, and are not compensating the City for this additional financial burden; and

WHEREAS, the City wishes to issue a permit ("Park Business Permit") and charge a permit fee to such businesses to eliminate any potential liability and offset some of the additional cost borne by the City as a result of the business' use of the park; and

WHEREAS, the Park Business Permit shall not be required for individuals or organizations who have a City-obtained Outdoor Event Permit for the subject activity, pursuant to City Code of Ordinances Chapter 142; and

WHEREAS, pursuant to City Code of Ordinances, section 110-57, the Commissioner of the Department of Parks, Recreation and Cultural Affairs, as the Mayor's designee, is authorized to issue permits for park use.

NOW, THERFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Atlanta Code of Ordinances section 110-3 shall be amended by adding a new section (k) that shall read as follows:

(k) Individuals or organizations ("Businesses") utilizing a City park or parks ("Park") for business purposes, conducting all or portions of the Business' services or activities in a Park, except where such services or activities do not include vending and are free of charge, shall be required to obtain a permit ("Park Business Permit") from the Commissioner of the Department of Parks, Recreation, and Cultural Affairs prior to providing such services or activities. The Commissioner shall have the right to deny or revoke a permit, provided that such denial or revocation is based upon written criteria that are applied uniformly, and provided that such criteria do not include consideration of the speech content of the Business, or the Business owner's, employees' or patrons' race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, age, disability status, or gender identity. The Commissioner shall also have the right to modify the requests of a permit applicant, for example as to location that the Business may operate and/or times that the Business may operate, as long as said modification is based upon uniformly-applied written criteria, and is not based on the considerations listed above.

(1) Details of Park Business Permit:

(a) The permit fee shall be $1,500 per year per Business, per each park in which the Business is operating. Should a Business own more than one company that utilizes a park, the Business will need to obtain a permit for each such company.

(b) Permit requirements shall include: i) the Business shall not exchange any money on City property, including inside of a Park; ii) the Business shall obtain general liability insurance in an amount determined by the City's Office of Risk Management, but in no event less than $1,000,000, with the City listed as an additional insured; iii) the Business shall agree to indemnify and defend the City for any damages arising from the operation of the services and/or activities on City property.

(c) The Commissioner may include any other non-financial requirements s/he deems appropriate, as long as those requirements are set forth in writing and applied consistently to all Park Business Permit applicants.

(d) The Park Business Fee shall be paid in addition to any other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws.

(2) Exemptions:

(a) The Park Business Permit requirement shall not apply to events for which an Outdoor Event Permit has been issued pursuant to City Code of Ordinances Chapter 142.

(b) The Park Business Permit requirement shall not apply to 501 (c)(3) organizations, but said organizations must pay all other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws.

(c) The Park Business Permit requirement shall not apply to activities that are provided on recreation properties or amenities such as tennis centers, ball fields, or pools, even when those amenities are located inside of City parks. For Businesses that conduct some activities on recreation property or amenities and some outside of recreation property but in a park, the business must obtain a Park Business Permit for those activities that occur in the park.

(d) The Park Business Permit requirement shall not apply to organizations that are mandated to perform complete or partial maintenance and/or improvement of a park and/or recreation facility for one year or greater at no cost to the City, pursuant to a written agreement with the City that is fully executed.

(e) The Park Business Permit requirement shall not apply to businesses conducting photo or film shoots inside a City park.

(3) Penalties: Businesses in violation of this code provision shall be subject to the penalties set forth in City Code of Ordinances section 1-8. Each class or activity conducted without a permit may be deemed a separate violation.

Section 2. A new account shall be created and entitled Park Business Permit Fees, and shall have the number 3229007.

Section 3. All revenues generated pursuant to this ordinance shall be deposited into account segment 7701 (TRUST FUND), 140201 (PRC PARKS ADMINISTRATION), 3229007 (FEES), 6210000 (PARK ADMINISTRATION), 100247 (GROUND & SITE IMPROVEMENTS CITY WIDE), 91494 (TRUST FUND 9999).

Section 4. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council JUN 19, 2008
APPROVED by the Mayor JUN 24, 2008

EXHIBIT

B

CITY COUNCIL
ATLANTA, GEORGIA

SUBSTITUTE ORDINANCE 08-O-0885

BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES SECTION 110-3 TO ADD A SECTION (I) THAT SHALL ESTABLISH FEES FOR INDIVIDUALS OR ORGANIZATIONS UTILIZING CITY RECREATION PROPERTY, FACILITIES, OR AMENITIES FOR PRIVATE BUSINESS PURPOSES; TO AUTHORIZE SUCH FUNDS BEING DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND), 140303 (PRC SUMMER PROGRAM), 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS), 6190000(SPECIAL FACILITIES), 600239 (YOUTH ATHLETICS PROGRAM), 69999 (FUNING SOURCE NON CAPITAL); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") Code of Ordinances, Section 110-3 (a) ("Fee Code") establishes a fee structure for, among other things, individuals and entities wishing to utilize City recreation property, centers, facilities, and/or amenities ("Recreation Facility"); and

WHERERAS, certain businesses conduct or provide all or portions of the services they offer in a Recreation Facility; and

WHEREAS, businesses conducing services in a Recreation Facility generate revenue therefrom, are profiting from the City's property and maintenance thereof, are causing wear and tear on the Recreation Facility, and may be precluding the City's or anyone else's use of that portion of the Recreation Facility during the business' use; and

WHEREAS, the City wishes to enter an agreement with such business ("Recreation Business Agreement") and charge a permit fee to such businesses to eliminate any potential liability and offset some of the additional cost borne by the City as a result of the business' use of the Recreation Facility; and

WHEREAS, because businesses being conducted in Recreation Facilities will most often preclude other activities from occurring at the same location at the same time, and because recreation centers are intended to provide recreation services to the public, businesses permitted to conduct activities in a Recreation Facility must provide a recreation-related service or activity therein; and

WHEREAS, it is in the best interest of the City for the Commissioner of the Department of Parks, Recreation, and Cultural Affairs to enter Recreation Business Agreements on behalf of the City.

NOW, THERFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Atlanta Code of Ordinances section 110-3 shall be amended by adding a new section (l) that shall read as follows:

(l) Individuals or organizations ("Businesses") utilizing City recreation property, or a City recreation center, facility, or amenity, including without limitation ball fields, tennis courts, and swimming pools ("Recreation Facility") for business purposes, conducting all or portions of the Business' services or activities in or on a Recreation Facility, except where such services or activities do not include vending and are free of charge, shall be required to pay a fee and enter a Recreation Business Agreement with the City prior to providing such services or activities. The Commissioner of the Department of Parks, Recreation and Cultural Affairs shall determine at what Recreation Facilities a Business may be offered, and shall not permit businesses to be offered at other locations. This list shall be in writing and shall be applied uniformly. The Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her/his designee may execute the Recreation Business Agreement on behalf of the City without obtaining City Council approval. S/he may allow a Business to utilize a Recreation Facility only if the Business is offering a recreation activity that is authorized by the Department of Parks, Recreation and Cultural Affairs. Additionally, the Commissioner may determine which Businesses to enter Recreation Business Agreements with provided her/his criteria for such determination are established in writing and applied uniformly, and provided that the criteria do not include any consideration of the Business owner's, employees', or patrons' race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, age, disability status, or gender identity.

(1) Details of Recreation Business Agreement:

(a) The fee shall be twenty five percent (25%) of the gross revenue obtained from all of the services, activities and/or programs performed by the Business at the Recreation Facility.

(b) Recreation Business Agreement requirements shall include: i) the Business shall obtain general liability insurance in an amount determined by the City's Office of Risk Management, but in no event less than $1,000,000, with the City listed as an additional insured; ii) the Business shall agree to indemnify and defend the City for any damages arising from the operation of the services and/or activities at the City Facility; iii) the term of the agreement shall be one year, and the City may terminate the agreement without cause with sixty (60) days written notice.

(c) Businesses who enter a Recreation Business Agreement shall not be required to pay the other fees owed pursuant to this Section 110-3 for the Business operation, including without limitation rental fees, but shall be required to pay other applicable fees imposed by the City or other jurisdictions.

(d) The Commissioner may include any other non-financial requirements s/he deems appropriate.

(2) Exemptions:

(a) Where a program or activity is being conducted in a portion of a Recreation Facility that is outdoors, and where the individual or organization has received an Outdoor Event Permit pursuant to City Code of Ordinances Chapter 142 for the program or activity at issue, the requirements of this City Code section 110-3 (l) shall not apply.

(b) The Recreation Business Fee requirement shall not apply to 501 (c)(3) organizations, but said organizations must pay all other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws.

(c) The Recreation Business Fee requirement shall not apply to organizations that are mandated to perform complete or partial maintenance and/or improvement of a park and/or recreation facility for one year or greater at no cost to the City, pursuant to a written agreement with the City that is fully executed.

(d) The amount of the Recreation Business Fee for for-profit leagues shall be $1,500 plus any other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws. Accordingly, the requirements of subsection (1)(a) and (1)(c) of this section 110-3 (l) shall not apply to for-profit leagues, but all other requirements of this section 110-3 (l), including without limitation subsections (1)(b) and 1(d), shall apply.

(e) The requirements of this City Code section 110-3 (l) shall not apply to individuals or organizations conducting photo or film shoots in a Recreation Facility.

(f) The requirements of this City Code section 110-3 (l) shall not apply to events with admission fees and/or vending that are held in class 4 recreation centers, as described earlier in this section 110-3;

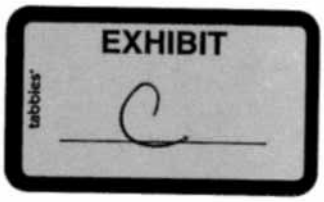
(3) Penalties: Businesses in violation of this code provision shall be subject to the penalties set forth in City Code of Ordinances section 1-8. Each class or activity conducted without a permit may be deemed a separate violation.

Section 2. All revenue generated pursuant to this legislation shall be deposited into account segments 7701 (TRUST FUND), 140303 (PRC SUMMER PROGRAM), 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS), 6190000 (SPECIAL FACILITIES), 600239 (YOUTH ATHLETICS PROGRAM), 69999 (FUNING SOURCE NON CAPITAL).

Section 3. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council JUN 19, 2008
APPROVED by the Mayor JUN 24, 2008



A SUBSTITUTE ORDINANCE 08-O-0877

BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES SECTION 110-3 TO REMOVE SECTIONS 110-3 (a)(9) AND 110-3 (j) AND MOVE THEM TO A NEW SECTION 2-1548; AND TO AMEND SECTION 110-3 TO INCREASE AND ADD CERTAIN FEES CHARGED FOR RENTAL OR USE OF CITY PARKS, RECREATION, AND CULTURAL AFFAIRS ROOMS AND AMENITIES, AND FOR PARTICIPATING IN CITY PROGRAMS, CLASSES AND ACTIVITIES; AND TO DIRECT THAT THE REVENUE FROM THE NEW FEES BE DEPOSITED INTO THE FOLLOWING ACCOUNTS:

NEW CHASTAIN ARTS CENTER FEES (ROOM RENTALS, SOCIAL AND SPECIAL EVENTS, REFUNDABLE CLEANING DEPOSIT, TEXTILES ADULT CLASS, MOVEMENT ARTS ADULT CLASS, OPEN STUDIO ADULT CLASS, CHILDREN'S SUMMER CAMP FEES DIVIDED IN NEW AGE CATEGORIES, NON-RESIDENT FEES, ONLINE REGISTRATION FEES, AND MATERIALS FEES) SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140401 (PRC CULTURAL AFFAIRS ADMININSTRATION) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6110000 (CULTURAL/RECREATION ADMINSTRATION) 600079 (ATLANTA ARTS ALLIANCE, INC.) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

NEW CLASS 2 AND CLASS 3 RECREATION CENTER FEES (EQUIPMENT RENTALS, TABLE AND CHAIR RENTALS, AND REFUNDABLE SECURITY DEPOSITS) SHALL BE DIVIDED INTO TWO EQUAL AMOUNTS AND ONE HALF SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 1001 (GENERAL FUND) 000002 (GENERAL REVENUE ORG) 3810008 (BUILDING RENTALS, GENERAL), AND THE OTHER HALF SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

NEW ATHLETIC FEES (ATHLETIC ADULT AND YOUTH TEAM FEES, SPECTATOR ENTRY FEES FOR ADULTS, YOUTH AND SENIORS, AND PROTEST FEES) SHALL BE DIVIDED INTO TWO EQUAL AMOUNTS AND ONE HALF SHALL BE DEPOSITED INTO SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001

(PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST), AND THE OTHER HALF SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600228 (ATHLETICS OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

A NEW LATE FEE FOR THE AFTER SCHOOL TUTORIAL PROGRAM SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

NEW TENNIS FEES FOR HARD AND SOFT COURT ONE AND ONE-HALF HOUR RENTALS, SENIOR CITIZEN HOURLY RENTALS, AND BALL MACHINE RENTALS SHALL BE DEPOSITED, BASED UPON THE TENNIS CENTER BEING UTILIZED, INTO ONE OF THE FOLLOWING: FOR CHASTAIN PARK TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600240 (CHASTAIN PARK TENNIS CENTER OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); FOR MCGHEE TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600250 (MCGHEE TENNIS CENTER PRO) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); FOR WASHINGTON PARK TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600261 (WASHINGTON PARK TENNIS CENTER) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); FOR BITSY GRANT TENNIS CENTER INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600249 (BITSY GRANT TENNIS CENTER PRO) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); FOR PIEDMONT TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600229 (PIEDMONT TENNIS COURT OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

NEW SWIMMING FEES (LESSONS FOR GROUPS OF 2-11 PARTICIPANTS, LESSONS FOR GROUPS OF MORE THAN 12 PARTICIPANTS; AEROBICS LESSONS; HYDROTHERAPY LESSONS;

LAY RESPONDER LESSONS) AND POOL ENTRY FEES AND RENTAL FESS (YEARLY FAMILY PASS, 25 YARD COMPETITION POOL RENTAL, 50 METER COMPETITION POOL RENTAL, THERAPY POOL RENTAL, MEETING ROOM RENTAL, TABLE AND CHAIR RENTAL, EQUIPMENT PA RENTAL, TIMING SYSTEM RENTAL, AND WASHINGTON NATATORIUM PAVILION RENTAL) SHALL BE DIVIDED INTO TWO EQUAL AMOUNTS, AND ONE HALF SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 1001 (GENERAL FUND) 00002 (GENERAL REVENUE ORG) 3472004 (FEES, SWIMMING), AND THE OTHER HALF SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

NEW FEES FOR LAKE ALLATOONA PROGRAMS (CANOE 101, CANOE TRIPS, KAYAK 101, KAYAK TRIPS, CAMPING 101, CAMPING TRIPS, MOUNTAIN BIKING, ROCK CLIMBING, BOULDERING, NATURE WALKS, HIKING, INTRODUCTION TO TREE CLIMBING, INTRODUCTION TO BACKPACKING, BACKPACKING, FISHING, PLANT AND WILDLIFE IDENTIFICATION, BIRD WATCHING, ORIENTEERING, GEO-CACHING, OUTDOOR PHOTOGRAPHY, AND PRIMITIVE SKILLS) SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600230 (RECREATION CAMPS OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

NEW TYR YOUTH CLUB FEES (MEMBERSHIP FEE AND ACTIVITY FEE) SHALL BE DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST);

AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") Code of Ordinances, Section 110-3 ("Fee Code") establishes a fee structure for individuals and entities wishing to utilize City parks, recreation, and cultural affairs rooms and amenities, and for individuals and groups wishing to participate in City programs, classes and activities; and

WHERERAS, the cost to the City of providing these rooms, amenities, programs, classes and activities has increased, and the City needs to recuperate some of this additional cost; and

WHEREAS, the City wishes to amend the Fee Code to raise certain fees and add certain new fees; and

WHEREAS, the Fee Code currently lists rental fees for the three City Neighborhood Service Centers and for the Water Works Lodge, and these facilities are no longer operated and managed by the Department of Parks, Recreation and Cultural Affairs. They are currently managed by the Office of Enterprise Assets Management and should therefore be moved to a different section of the Code of Ordinances.

NOW, THERFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Atlanta Code of Ordinances section 110-3, entitled "Fee Schedule", subsections (a) through (l), are hereby deleted in their entirety and replaced with the schedule attached hereto as Exhibit A. Exhibit A replaces the previous Fee Code with sections (a) through (j) only (see attached Exhibit A). New sections (k) and (l) will be added through separate legislation.

Section 2. The new Chastain Arts Center Fees created by this Ordinance, as set forth on Exhibit A hereto, (namely Room Rentals, Social and Special events, Refundable Cleaning Deposit, Textiles Adult Classes, Movement Arts Adult Classes Open Studio Adult Classes, Children's Summer Camp Fees divided in new age categories, Non-Resident Fee, Online Registration Surcharge Fee, and Materials Fee), shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140401 (PRC CULTURAL AFFAIRS ADMININSTRATION) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6110000 (CULTURAL/RECREATION ADMINSTRATION) 600079 (ATLANTA ARTS ALLIANCE, INC.) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 3. The new Class 2 and Class 3 Recreation Center Fees created by this Ordinance, as set forth on Exhibit A hereto (namely Equipment Rentals, Table and Chair Rentals, and Refundable Security Deposits) shall be divided into two equal amounts and one half shall be deposited into ACCOUNT SEGMENT 1001 (GENERAL FUND) 000002 (GENERAL REVENUE ORG) 3810008 (BUILDING RENTALS, GENERAL), and the other half shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 4. The new athletic fees created by this Ordinance, as set forth on Exhibit A hereto (namely adult and youth team fees, spectator entry fees for adults, youth and seniors, and protest fees), shall be divided into two equal amounts and one half shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000

(SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST), and the other half shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600228 (ATHLETICS OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 5. A new late fee for the after school tutorial program, created by this Ordinance, as set forth on Exhibit A hereto, shall be DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 6. New tennis fees for hard and soft court one and one-half hour rentals, senior citizen hourly rentals, and ball machine rentals, created by this Ordinance, as set forth on Exhibit A hereto, shall be deposited based upon the tennis center being utilized, into one of the following: for CHASTAIN PARK TENNIS CENTER, into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600240 (CHASTAIN PARK TENNIS CENTER OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); for MCGHEE TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600250 (McGhee TENNIS CENTER PRO) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); for WASHINGTON PARK TENNIS CENTER, into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600261 (WASHINGTON PARK TENNIS CENTER) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); for BITSY GRANT TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600249 (BITSY GRANT TENNIS CENTER PRO) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); and for PIEDMONT TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600229 (PIEDMONT TENNIS COURT OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 7. New swimming fees (Lessons for groups of 2-11 participants, lessons for groups of more than 12 participants, Aerobics lessons, Hydrotherapy lessons, Lay responder lessons) and pool entry fees and rental fees (Yearly family pass, 25 Yard Competition Pool rental, 50 Meter Competition Pool rental, Therapy Pool rental, Meeting Room rental, Table and Chairs rental, Equipment PA rental, Timing System Rental, Podium rental, and Washington Natatorium Pavilion), all of which are created by this Ordinance, as set forth on Exhibit A hereto, shall be divided into two equal amounts and one half shall be deposited into ACCOUNT SEGMENT 1001 (GENERAL FUND) 00002 (GENERAL REVENUE ORG) 3472004 (FEES,

SWIMMING), and the other half shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 8. New fees for Lake Allatoona programs (Canoe 101, Canoe Trips, Kayak 101, Kayak Trips, Camping 101, Camping Trips, Mountain Biking, Rock Climbing, Bouldering, Nature Walks, Hiking, Introduction to Tree Climbing, Introduction to Backpacking, Backpacking, Fishing, Plant and Wildlife Identification, Bird Watching, Orienteering, Geo-caching, Outdoor photography, and Primitive Skills), created by this Ordinance, as set forth on Exhibit A hereto, shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600230 (RECREATION CAMPS OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 9. New TYR Youth Club Fees (Membership fee and Activity Fee), created by this Ordinance, as set forth on Exhibit A hereto, shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PRCGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

Section 10. The City Code of Ordinances, Appendix B- Fees, Parks and Recreation Section, shall be deleted in its entirety and replaced with Exhibit A hereto.

Section 11. A new section of the City Code of Ordinances shall be created, shall be numbered 2-1548, and shall be entitled "Rentals of city-owned real property". The exact content of 2-1548 is set forth on Exhibit B hereto. The section of the City Code of Ordinances currently numbered as 110-3(a)(9), entitled "Neighborhood service center room rental fees", shall be deleted in its entirety and moved to section 2-1548(a), as set forth on Exhibit B hereto. The section of the City Code of Ordinances currently numbered as 110-3(j), regarding rental fees for the Water Works Lodge", shall be deleted in its entirety and moved to section 2-1548(b), as set forth on Exhibit B hereto.

Section 12. The City Code of Ordinances, Appendix B- Fees, shall be amended by adding a section entitled "ENTERPRISE ASSETS MANAGEMENT" immediately after the "COURTS" section and immediately before the "EMERGENCY SERVICES" section. The content of this new Enterprise Assets Management section shall be the content set forth in Exhibit B hereto.

Section 13. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,

Deputy Municipal Clerk

ADOPTED by the City Council AUG 18, 2008
APPROVED by the Mayor AUG 26, 2008

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources Committee

Caption: AN ORDINANCE DIRECTING THAT THE CODIFICATION OF THE ATLANTA CODE OF ORDINANCES BE CORRECTED BY ADDING SECTION 110-3 SUBSECTIONS (k) AND (l) AS SET FORTH IN ORDINANCES 08-O-0873 AND 08-O-0885 ; AND FOR OTHER PURPOSES.

Council Meeting Date: June 20, 2011

Requesting Dept.: Department of Parks, Recreation and Cultural Affairs

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to correctly codify Section 110-3 subsections (k) and (l) as set forth in Ordinances 08-O-0873 and 08-O-0885

2. Please provide background information regarding this legislation.
Ordinances 08-O-0873, 08-O-0885, 08-O-0877 all set out to amend Section 110-3 of the City Code of Ordinances regarding changes to the Department of Parks, Recreation and Cultural Affairs fee code. 08-O-0877 was anticipated to be adopted prior to the other two pieces of legislation, but did not. This legislation will amend Section 110-3 subsections (k) and (l) to codify the language passed by 08-O-0873 and 08-O-0885.

3. <u>If Applicable/Known:</u>

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

4. **Fund Account Center:**

5. **Source of Funds:**

6. **Fiscal Impact:**

7. **Method of Cost Recovery:**

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: CANDACE L. BYRD**

Dept.'s Legislative Liaison: J. Nicholas Williams

Contact Number: (404) 546-6769

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development/ Human Resources Committee

Chief of Staff Deadline: May 13, 2011

Anticipated Committee Meeting Date(s): June 14, 2011

Anticipated Full Council Date: June 20, 2011

Legislative Counsel's Signature: Robin Shahar

Commissioner's Signature: _____

Chief Information Officer Signature (*for IT Procurements*) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE DIRECTING THAT THE CODIFICATION OF THE ATLANTA CODE OF ORDINANCES BE CORRECTED BY ADDING SECTION 110-3 SUBSECTIONS (k) AND (l) AS SET FORTH IN ORDINANCES 08-O-0873 AND 08-O-0885 ; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)
Mayor's Staff Only

Received by CPO: _____ (date) **Received by LC from CPO:** _____ (date)

Received by Mayor's Office: 5/13/11 (date) **Reviewed by:** _____ (date)

Submitted to Council: _____ (date)