Cumberland Town Council
Ordinance 2017 – 6
Amending the Town Facilities Use Policy

Whereas, the Town of Cumberland Town Code, section § 00-03-32-40, prescribes the policy and procedure for use of Town facilities by private individuals; and

Whereas, the Cumberland Town Council (“Council”) desires for Town facilities to be used in an orderly and safe manner to carry out private events and for the enjoyment of the residents of Cumberland, local business, and other individuals; and

Whereas, to ensure that Town facilities can be used and enjoyed in an orderly and safe manner, and to minimize the any risk associated with the use of these facilities, the Council, Town staff, and the Chief of Police believes that permits for Town facility use should be required and certain terms and conditions of Town facility use should be adhered to; and

Whereas, the Council finds that it is in the best of the Town, and its citizens, to repeal and replace § 00-03-32-40 of the Town of Cumberland Code of Ordinances, with a new Town facilities use policy. The new policy is attached as Exhibit “A”; and
Whereas, the Councils finds that the Town Manager shall adopt a new Town Facility Use Application and Permit, as well as make these documents available to the public via the Town website and in hard copy located in the Town Manager’s Office.

It is, therefore, ordained that § 00-03·32·40 of the Town of Cumberland Code of Ordinances is amended, as shall read as stated in Exhibit “A.”

It is further ordained that any other provision of the Town of Cumberland Code of Ordinances which are not expressly amended by this Ordinance

It is further ordained that this Ordinance shall become effective upon adoption.

Adopted this 7th day of June, 2017.

Cumberland Town Council:

Anna Pea, President

Joe Siefker, Vice-President

Brian Gritter, Member
Nicole Bell, Member

Mark Reynold, Member

Attest:

Er Erica Salmon, Clerk-Treasurer
Exhibit “A”

“§ 00-03-32-40 USE OF TOWN FACILITIES

(A) Permit Required

(1) It is unlawful for any person to hold, conduct, or participate in any public meeting or assembly, in or upon any public facility in the town without obtaining a permit in compliance with the provisions of this section.

(B) Exceptions

(1) This article shall not apply to any of following:

(a) Funeral processions;

(b) A governmental agency acting within the scope of its functions.

(C) Permits

(1) Applications for permits must be submitted, in writing, to the Cumberland Town Manager’s Office not less than 15 days before the date of the proposed activity.

(2) The Town Manager’s Office shall develop applications and fees for Town Facility Use Permits.

(3) The Town Manager, upon due consideration of the application, as well as any other pertinent information, may issue a permit upon making a finding that:

- The proposed activity will not substantially interrupt the safe and orderly movement of traffic;

- The concentration of persons, animals, and vehicles will not interfere with proper fire and police protection services to the area;

- The conduct of the activity is not reasonably likely to cause injury to persons or property;

- The activity is not being held for the sole purpose of advertising goods or merchandise of a particular business establishment or vendor; and

- The activity is not being held for the sole purpose of religious worship or other similar activities;
(D) Special Conditions Applicable

(1) The Town Manager shall have authority to impose conditions as are necessary to insure that all of the findings made above shall exist during the continuation of the activity. Conditions to the issuance of any permit shall be stated in the permit.

(E) Duty of Permittee

(1) A permittee shall comply with all terms and conditions of the permit and with all applicable laws and ordinances.

(2) The written permit obtained shall be carried by the person heading or leading the activity for which the permit was issued.

(F) Revocation of Permit

(1) The Chief of Police or Town Manager may revoke any permit issued upon the failure to comply with the terms and conditions of the permit.

(G) Permit Fees

(1) The fee for a permit shall be detailed in the permit application. Fees must be payable upon issuance of the permit. No permit shall be issued until the fee has been paid in full.

(2) A facility use permit fee may be waived upon the determination of the Town Manager that the activity, public meeting or assembly makes a major civil contribution to the town.”