

Sponsor: Newkirk / Colby

ORDINANCE NO. 68-22

AN ORDINANCE REPEALING AND AMENDING THE CITY OF JACKSON'S CODIFIED ORDINANCE SECTIONS 949.01 THROUGH 949.21 GOVERNING THE USE OF THE MUNICIPAL AUDITORIUM.

WHEREAS, the legislative authority of the City of Jackson has published certain general and permanent ordinances in a volume of Codified Ordinances including sections 949.01 through 949.21 governing the use of the Municipal Auditorium; and

WHEREAS, the legislative authority of the City of Jackson has determined it necessary to revise sections 949.01 through 949.21 as shown in Exhibit "A" attached hereto; and

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO THAT SECTIONS 949.01 THROUGH 949.21 OF THE CODIFIED ORDINANCES OF THE CITY OF JACKSON BE REPEALED AND AMENDED REGARDING THE USE OF THE MUNICIPAL AUDITORIUM, AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO, WITH THOSE STRUCK THROUGH PORTIONS BEING REMOVED AND REPLACED WITH THE UNDERLINED LANGUAGE SHOWING THE AMENDMENTS TO THE ORIGINAL LANGUAGE AND THAT EACH BE REPLACED WITHIN THE JACKSON CITY CODE, IN REGULAR TEXT.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 27th day of December, 2022.


President of Council

ATTEST:

Clerk of the Legislative Authority

Approved this 27th day of Dec, 2022.


Mayor

EXHIBIT "A"

949.01 ~~USE; DEPOSIT FEE. REPEALED~~

~~Any person, desiring the use of such auditorium located in the Municipal Building on Broadway Street in the City, for a purpose or use at which a charge of money or anything of value shall be made or requested to gain admission or at which a donation of money or anything of value shall be requested or solicited of any person or persons attending such event prior to, during or subsequent to the performance or event shall first deposit with the Mayor or Service-Safety Director the sum of two hundred fifty dollars (\$250.00) for each period of use of twenty four consecutive hours or less.~~

949.02 APPLICATION; PERMIT.

The person, desiring the use of such auditorium shall then apply to the Mayor or Service-Safety Director for a ~~permit~~ an agreement to use such auditorium which application shall be in writing and shall contain the following:

(a) The full and correct name and address of the person, making or in whose behalf such application is made;

(b) The activity, function, use, event, purpose or performance intended to be done, performed, promoted or staged;

~~(c) The amount of the admission charge to be made or solicited;~~

(d) The time at which such activity, function, use, event or performance shall begin and the time it is expected to terminate;

(e) The full and correct name, age and address of the person making such application and his or her connection with or authority to represent the person, on whose behalf such application is made; and shall release and discharge the City, all officials and representatives thereof from any claim for damages to person or property resulting from the use of such auditorium by such ~~licensee~~ agreement and covenant and agree to hold and save such City, all officials and representatives thereof harmless from any loss, claim or damage resulting therefrom; and such additional information deemed necessary or desirable by the Mayor or Service-Safety Director.

949.03 UTILITIES; CHAIRS. REPEALED

~~—Upon the granting of the application to use such auditorium, the City shall furnish to such licensee heat, water, light and 250 folding chairs. Additional chairs will be provided by the City at a rental of ten dollars (\$10.00) for each additional 100 chairs or fractional part thereof for each period of use of twenty four consecutive hours or less.~~

949.04 JANITORIAL SERVICES; FEE. REPEALED

~~—The City shall not provide janitorial or maid service to the licensee and such licensee shall pay to the City an additional sum of twenty dollars (\$20.00) for each period of use of twenty four consecutive hours or less and the janitor regularly employed by the City will perform for such licensee ordinary janitorial services.~~

949.05 SECURITY PROTECTION REQUIRED. REPEALED

~~—Each licensee shall provide adequate security protection and, for such purpose, shall do one of the following:~~

~~—(a) Employ at his expense a minimum of two police officers of the City at the rate of twenty dollars (\$20.00) each for six hours or less for any use or event, or~~

~~—(b) Provide at his expense security arrangements acceptable to the Mayor or the Service-Safety Director, provided that such acceptance is expressed in writing.~~

949.06 JUVENILE ENTERTAINMENT; SUPERVISION. REPEALED

~~—Any licensee who intends the use of such auditorium primarily for juvenile entertainment must provide such supervision as may be deemed necessary by the Chief of Police.~~

949.07 BUILDING CONTROL; AUTHORITY.

The auditorium, including the keys thereto, shall at all times be under the control of the Mayor and/or Service-Safety Director and he or his representative or representative thereof, and the Chief of Police, and any police officer of the City shall have the right to enter the premises at any and all times during the period covered by the license agreement to use such auditorium.

949.08 ~~LICENSE ASSIGNMENT; PERMISSION.~~

No ~~licensee renter~~ shall assign or attempt to assign such ~~license agreement~~ or any privilege granted thereunder without the consent in writing first having been obtained from the Mayor ~~of or~~ Service-Safety Director.

949.09 LICENSE RENTAL REFUSAL.

The Mayor or the Service-Safety Director is authorized to refuse to grant ~~an agreement a~~ license to any person, to use such auditorium if such intended use would be contrary to sound public policy or if such intended use would be objectionable to the public, or if such intended use is reasonably expected to be for an illegal or immoral purpose, in whole or in part.

949.10 DECORATIVE MATERIALS; PERMISSION.

No ~~licensee renter~~ shall install or attach any decoration or other materials to any part of the auditorium or the building in which it is located that may cause damage to the building in such installation, attachment or removal, and no bunting, tissue paper, plastics or other inflammable materials shall be used for decorative purposes or otherwise, except under express arrangements made therefor with the Mayor or the Service-Safety Director and the Fire Chief as to the extent and the manner of use of such materials.

949.11 ~~STAGE RIGGING, APPARATUS, EQUIPMENT CHANGES, LICENSEE EXPENSE; APPROVAL.~~
REPEALED

~~—Each licensee shall accept the premises in the condition he finds them, and in the event any licensee determines it necessary to remove or change the location of any stage rigging, apparatus or equipment, such changes shall be made at his sole expense and any change in stage rigging, apparatus or equipment shall, at the sole expense of the licensee, be restored to the place and condition in which such were found. No licensee shall erect or attempt to erect any stand, platform, railing or other structure in the auditorium until and unless a plan or description thereof is filed with and approved by the Mayor or the Service Safety Director.~~

949.12 ~~USE OF OTHER FACILITIES; EXTRA CHARGES FOR UTILITIES.~~ REPEALED

~~—The licensee and his customers and performers shall be permitted to use the dressing rooms, showers, lavatories and toilet facilities located in the rooms adjacent to the auditorium. In the event the application for the license to use such auditorium indicates the intended purpose of such use will result in the consumption of electric current or water greater in quantity than as in ordinary use or in the event the Mayor or Service Safety Director determines such fact after such license has been issued, the licensee will, after notice by the~~

~~Mayor or Director, pay forthwith an amount estimated by the Mayor or Director sufficient to defray the cost of such electric current or water used or to be used in excess of ordinary use.~~

949.13 ~~REMOVAL OF EQUIPMENT BY LICENSEE; WAIVER FOR LOSS OR DAMAGE.~~ REPEALED

~~—The licensee shall remove all his equipment and effects immediately after the use of such auditorium and shall leave the same in a neat and orderly manner, and in the event such equipment and effects are not so removed by the licensee, the City officials or employees may remove such at the licensee's expense or, in the alternative, charge rental for the continued use of such auditorium at the rates herein set forth.~~

~~—In the event such equipment and effects of the licensee are removed from the auditorium by City officials or employees, the licensee waives any claim for loss or damage thereto and discharges and releases the City, its officials and employees from any such claim for damage to or loss of such equipment and effects and consents that such may be sold at private or public sale, without notice to the licensee or to anyone owning such equipment and effects or claiming an interest therein, to pay any unpaid rental, costs, charges or expenses of such licensee remaining due and unpaid, including the costs and expenses of such removal and sale.~~

949.14 ~~LICENSE AGREEMENT TERMINATION, UNUSUAL OCCURRENCE.~~

In the event of fire, casualty, or other unforeseen occurrence which renders impossible the fulfillment by the City of any agreement license issued hereunder, such agreement license shall immediately terminate; and in such event, the renter ~~licensee~~ shall pay only for the time the premises are actually used by it and the ~~licensee~~ renter shall, as a condition to the issuance of such agreement license, waive any claim for loss or damage resulting from such termination.

949.15 ~~ALLOCATION OF REFUND.~~ LOSS or DAMAGE

~~—Any licensee, his agents, servants, employees, invitees, customers or guests, shall use and occupy the premises in a neat, clean, and orderly manner and shall not violate or permit the violation of any law, statute, ordinance or regulation.~~

~~—(a) Any licensee, immediately after the completion of his use of such auditorium and the complete removal of his equipment and effects or the equipment and effects brought into such auditorium or used in connection with such license, shall report such fact to the Mayor or Service Safety Director who, after a reasonable time, not exceeding thirty-six hours, shall carefully examine the auditorium and all facilities adjacent thereto and equipment and furnishings owned or supplied by the City as a part thereof, and if he determines that no loss~~

~~thereof has occurred or damage thereto has been sustained and such auditorium and the facilities adjoined thereto and equipment and furnishings owned or supplied by the City are returned and restored to it in the same condition as they were at the time such license was issued, reasonable wear and tear from use excepted, and all charges for janitor services and police protection have been paid in full, the Mayor or Director shall refund to such licensee the sum of one hundred dollars (\$100.00).~~

(b) In the event loss or damage has occurred and such auditorium and the facilities adjacent thereto and equipment and furnishings owned or supplied by the City are not returned and restored to the City by the licensee renter in the same condition as they were at the time such license was issued, reasonable wear and tear from use excepted, ~~no refund to the licensee shall be made and~~ the Mayor or Service Director shall as soon as reasonably convenient, determine the nature and extent of such loss or damage and the cost of repairing, replacing or restoring the same to the condition existing, the renter will be billed for such costs and denied further use, until payment has been made. ~~immediately prior to the issuance of such license, which cost shall be deducted from the sum of one hundred dollars (\$100.00) allocated for refund to the licensee in the event no loss or damage had been sustained, and in the event such loss or damage exceeds one hundred dollars (\$100.00), the licensee shall immediately pay to the City any such amount in excess of one hundred dollars (\$100.00).~~

~~(c) In the event such licensee fails or refuses to pay any such amount in excess of one hundred dollars (\$100.00) in addition to all other remedies and means to collect such amount, such licensee or any person, firm, association or corporation referred to in the application for such license shall not be granted a license or permit to use such auditorium at any future time until any and all such amounts are paid in full.~~

949.16 ~~EXTENDED USE.~~ REPEALED

~~The provisions of this chapter shall not apply to or be interpreted to apply to one request per year to use such auditorium, dressing rooms, showers, lavatories and toilet facilities located in the rooms adjacent to the auditorium in the event such request is made by or on behalf of any use sponsor, intending to use such auditorium and facilities for:~~

~~(a) Any activity or function sponsored or presented by the schools of Jackson Local School District of Jackson County, Ohio;~~

~~(b) Any political meeting or function at which no admission is charged and no donation or contribution is solicited or requested;~~

~~—(c) Any interdenominational religious meeting, function or activity at which the public is invited to attend;~~

~~—(d) Any sports or athletic event sponsored or presented by the Jackson Local School District of Jackson County, Ohio, or the Recreation Commission of the City;~~

~~—(e) Any lodge, fraternal organization or union having an order, chapter, or headquarters in the City;~~

~~—(f) Any activity or use sponsored by the City, or any department thereof; by the County of Jackson, Ohio, the State, or by the Federal government, or subsidiary departments or divisions established by such governments;~~

~~—(g) Any convention, cooking school, exhibition, lecture or musical that is open to the general public and at which no admission is charged or no donation or contribution is solicited or requested; and~~

~~—(h) Any civic or charitable organization or group such as Rotary, Lions, Garden Clubs, Women's Clubs and Societies, wherein any income or proceeds of such meeting or use or function shall be distributed to the needy or for charitable purposes.~~

~~—"Use sponsor" means the person or group of persons who would pay auditorium fees but for the provisions of this section.~~

949.17 LICENSE AGREEMENT REVOCATION.

Any license agreement issued under this chapter may be revoked by the Mayor or Service and Safety Director for any of the following causes:

(a) Fraud, misrepresentation or false statement contained in the application;

(b) Any violation of the provisions of this chapter; and

(c) Any conduct or use of, in the auditorium or adjacent facilities in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the public.

949.18 LEASE AGREEMENT. REPEALED

~~The provisions of this chapter are subject to the terms and conditions of that certain lease agreement and agreement by and between the City and Jefferson Howe Post Number 81, Inc. of The American Legion made and entered into on the fourth day of May, 1942, pursuant to authorizing Ordinance Number 353.~~

949.19 FEE SCHEDULE FOR PLAYING BASKETBALL IN AUDITORIUM.

~~At times when the City's basketball program is not using the Auditorium, then the Memorial Auditorium may be rented to the public for basketball use as follows:~~

~~(a) The Memorial Auditorium may be rented for a two hour period at a rate of twenty five dollars (\$25.00), regardless of the maximum number of people to be determined by fire code in the party, rate, duration and frequency, to be determined by the Mayor or Service Director. The rate will be published at the Memorial Building, 145 Broadway Street or by contacting the City by an active telephone number or email address. Fees will not be reimbursed for cancellations made by the renter.~~

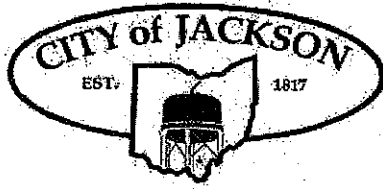
~~(b) The scheduling of the use of the Municipal Auditorium under this section shall be done by the Service/Safety Director.~~

949.20 FEES FOR OTHER USES. REPEALED

~~If any individual or group wishes to rent the Memorial Auditorium for any use which is not specifically provided for herein, then the Service/Safety Director shall negotiate a rental amount for the use of the Auditorium.~~

949.21 PART-TIME EMPLOYEE. REPEALED

~~At all times the Memorial Auditorium is rented for any purpose, a part-time employee hired by the City shall be present, and such employee shall be under the supervision of the Safety/Service Director. The rate of pay for such employee shall be the legal minimum hourly wage, and such rate of pay may only be amended by action of Council.~~



Randy Evans, Mayor
David Swackhammer, Service Director

145 Broadway St. Jackson, Ohio 45640
(740) 286-2201 cityadministration@jacksonohio.us

MEMORIAL BUILDING AUDITORIUM RATE SCHEDULE

	Rental Fee	
		Full Day: Greater than 6 Hours
City Sponsored Organizations	No Fee	
Charitable Group/ Event* (ex. Youth Sports, Clubs)	1 hr Limit	
Private Event (Birthday Party, Shower, etc)		
Business Organizations (Non-Profit, 501C-3)	\$25/2hr	\$100
Charitable Group/ Event* (longer than 1 hour)		
Fundraisers/ Ticketed Events		

*Charitable Group/ Event: A group or event consisting of volunteer efforts for the goodwill of the community, where no money is exchanged and the event coordinator receives no compensation.

Note:

- Reservations will be taken up to 3 months in advance.
- Reservations will be limited to 1 per week; additional reservations may be requested up to 10 calendar days in advance if available.

