

ORDINANCE NO. 425

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ORDINANCE NUMBER 302 AND ANY RELATED RESOLUTIONS TO THAT ORDINANCE OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS; DECLARING OWNERSHIP OF THE MACKAY RODEO ARENA AND ASSOCIATED FACILITIES AND FOR USE BY CITIZENS; ALLOWING THE MACKAY RODEO ASSOCIATION USE OF SAID FACILITIES IN EXCHANGE FOR MAINTENANCE; ESTABLISHING A PROCEDURE TO ALLOW OTHER ORGANIZATIONS USE OF SAID FACILITIES WITHOUT CHARGE; PROVIDING FOR THE SECURITY OF THE MACKAY RODEO ARENA AND ASSOCIATED FACILITIES; PROVIDING THAT VIOLATION OF THIS ORDINANCE IS TRESPASSING; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

SECTION 1: Ordinance of the City of Mackay No. 302 is repealed in its entirety rather than edit the ordinance which proved to be cumbersome due the number of items needing to be changed. Also repealed are any resolutions or decisions recorded in the minutes of the City Council related to Ordinance No. 302.

SECTION 2: The City of Mackay (City), Custer County, Idaho owns and maintains the Mackay Rodeo Arena and adjacent facilities including but not limited to a cooking facility and restrooms, for the use and benefit of all citizens of Mackay and Custer County.

SECTION 3: The City has entered into a non-exclusive agreement with the Mackay Rodeo Association (MRA) which allows the MRA to schedule events in the Mackay Rodeo Arena in exchange for maintenance of the said arena.

SECTION 4: The City establishes the following procedure to allow the use of organizations other than the MRA; and to provide for the security and maintenance of the City owned property.

- A. The Mackay Rodeo Arena and Cooking Facilities shall be locked and secured at all times when there are no events scheduled in the said arena. Restroom facilities shall be unlocked during events and during those months of the year when the water to those facilities is not subject to freezing
- B. Use of the Mackay Rodeo Arena and/or Cooking Facilities may be reserved for short term (less than five (5) days) events by completing an application available from the City Clerk for Use Permit for use of said facilities. The request shall be submitted to the Mayor for approval a minimum of seven (7) working days prior to the event taking place.
 1. The Mackay High School Rodeo Club, members of Mackay High School Chapter of Future Farmers of America (FFA), members of Custer County 4H Clubs, and other youth organizations are not subject to this requirement.
 2. Leaders/Advisors of the organizations listed in Section 4, (B), (1) are required to notify the City Clerk of their need to use the Mackay Rodeo Arena/Facilities one (1) day in advance of said use and obtain a key to the desired facility(ies) to be used. Permission will be granted by the City Clerk if no other scheduled events are to take place during the requested use period.
- C. Users desiring a Use Permit shall, in addition to completing the application for permit, provide proof of insurance for the event/activity being conducted in the amount of one million dollars (\$1,000,000.00), or submit objective evidence that all participants in said activity or event have signed waivers holding the Permit Holder, and the City of Mackay blameless and indemnify the City against any and all claims arising out of participation in the permitted event/activity.

- D. The City of Mackay shall charge no fee for the use of the Mackay Rodeo Ground, Cooking Facilities, and Restrooms. However to ensure those who use those facilities show respect for public property, a damage deposit of two hundred dollars (\$200.00) shall be included with the request for use permit. This deposit shall be returned upon inspection by the City and it is determined the facilities used are in as good or better condition than when the event/activity was held.
- E. Those that use the Mackay Rodeo Arena, Cooking Facilities, and Restrooms and are not subject to a use permit, are under obligation to leave the said facilities in as found or better condition or use of said facilities will be denied in the future.
- F. The City reserves the right to cancel or reschedule any and all events, schedule events, and use the Mackay Rodeo Arena and associated facilities as the Mayor and City Council see fit for the betterment of the community.

SECTION 5: Any violation of the terms of this Ordinance shall be deemed Trespassing and subject to injunction under the Laws of the State of Idaho and the Ordinances of the City of Mackay.

SECTION 6: This Ordinance shall be in full force and effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 7th DAY OF APRIL 2015.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By: _____
Wayne C. Olsen, Mayor

ATTEST: _____
Suzanne Whitworth, City Clerk