

ORDINANCE NO. 463

Use of Baseball Field

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ANY RELATED RESOLUTIONS OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS; DECLARING OWNERSHIP OF THE MACKAY BASEBALL FIELD AND ASSOCIATED FACILITIES AND FOR USE BY CITIZENS; ALLOWING THE MACKAY BASEBALL 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 BASEBALL FIELD AND 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: Any resolutions or decisions recorded in the minutes of the City Council related to the City of Mackay Baseball Field are hereby repealed.

SECTION 2: The City of Mackay (City), Custer County, Idaho owns and maintains the Mackay Baseball field and adjacent facilities including but not limited to a restroom, 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 Baseball Association (MBA) which allows the MBA to schedule events in the Mackay Baseball field in exchange for maintenance of the said field.

SECTION 4: Any improvements made by organizations, entities, clubs, associations, etc. to the Mackay Baseball field shall become the property of the City of Mackay.

SECTION 5: The City establishes the following procedure to allow the use of the field by others, other than the MBA; and to provide for the security and maintenance of the City owned property.

A. The Mackay Baseball Field shall be secured at all times when there are no events scheduled in the said field. 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 Baseball field may be reserved for short term (less than five (5) days) events by completing an application for Use Permit, FORM COM-BF-1-3.21 available from the City Clerk 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 School students, and other youth organizations are not subject to this requirement. They may use the field at any time it has not been scheduled for other events (see item 2 below).
2. Leaders/Advisors of the organizations listed in item 1 above are required to notify the City Clerk of their need to use the Mackay Baseball Field. Permission will be granted

by the City Clerk if no other scheduled events are to take place during the requested use period.

- C. Users (Mackay Baseball Association is excluded from this requirement for regular games and practices only) desiring a permit to use the field for an event shall, in addition to completing the application for permit, provide proof of insurance for the event/activity being conducted in the amount of five hundred thousand dollars (\$500,000.00), 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 Baseball Field. 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 Baseball Field 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 Baseball Field and associated facilities as the Mayor and City Council see fit for the betterment of the community.

SECTION 6: 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 7: 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 13th DAY OF APRIL 2021.

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

By: Wayne Olsen
Wayne C. Olsen, Mayor

ATTEST: Natalie Perez
Natalie Perez, City Clerk

