

CHAPTER 13. PARKS AND RECREATION

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13-1-1. Definitions.

City-owned property shall mean the Fitness Center, the City Cemetery, any park, the Senior Friendship Center, and any recreation area. Any portion of the City Cemetery used for burials is not considered “city-owned property” for purposes of 13-1-10.

Electronic cigarette shall mean:

1. any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the vapor through the device; and

2. includes an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition subsection (1).

Fitness Center shall mean the Orem Fitness Center.

Mass gathering shall mean an outdoor assembly of twenty-five (25) or more people on city-owned property that reasonably can be expected to continue for at least one hour.

Park shall mean any city-owned park named and designated as such, including any parking lot adjacent thereto and any restroom or other structure located therein. “Park” shall also include the public property adjacent to the Orem City Center.

Recreation area shall mean city-owned property designated for recreational activities, including but not limited to ball diamonds, sports fields, soccer fields and tennis courts, including the bleacher or spectator areas adjacent thereto, areas where playground equipment has been installed for use by the public, concession stands, trails, skate parks and swimming pools. City-owned golf courses are not considered “recreation areas” for the purposes of 13-1-9 and 13-1-10.

Smoke or **smoking** shall mean the possession, carrying, or holding of a lighted pipe, cigar, electronic cigarette, cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling the smoke of a pipe, cigar, electronic cigarette, cigarette of any kind, or of any other lighted smoking equipment.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-08-0013, Revised 07/08/2008; Ord. No. O-2015-0026, Amended 08/25/2015)

13-1-2. Damaging public property.

It shall be unlawful to damage or deface any of the buildings, fences, or structures, to damage or foul any fountain, or to damage any tree, shrub, flower, or lawn located in or on any city-owned property.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0021, Amended, 04/08/97; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-3. Regulations on City Property.

It shall be unlawful for any person to fail to leave any city-owned property, if after having violated any law or written rule or regulation of the City concerning conduct on said property, he has been ordered to leave by a City employee. It shall also be unlawful for any such person who has been so ordered to leave, to return to that city-owned property within twenty-four (24) hours of being ordered to leave.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0021, Amended, 04/08/97; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-4. Permission required for revenue generating events.

It shall be unlawful for any person to conduct any revenue-generating event in or on any city-owned property without first having received permission from the Department of Recreation.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0021, Amended, 04/08/97; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-5. Areas in parks where traffic prohibited.

It shall be unlawful to drive or ride any motor vehicle in any park other than on the roads provided for

such purpose without first having received permission from the Department of Recreation.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-08-0013, Amended 07/07/2008)

13-1-6. Parking.

A. It shall be unlawful to park any vehicle upon city-owned property in such a way as to block the roads provided and it shall be unlawful to park any vehicle other than in the public parking area.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-08-0013, Amended 07/08/2008)

B. The use of the parking lot at the Fitness Center shall be limited to Fitness Center patrons, guests or invitees and authorized City employees. It shall be unlawful for all others to park in the lot.
(Ord. No. 661, Revised, 04/10/90)

13-1-7. Animals in parks.

It shall be unlawful for any person to bring to or otherwise have under his or her care or control any animal except a leashed dog in a park without first having received permission from the Department of Recreation.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-8. Littering in parks.

It shall be unlawful to litter in or on any city-owned property.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-9. Alcoholic beverages in parks.

It shall be unlawful to consume or possess any alcoholic beverage in or on any city-owned property. The Director of the Department of Recreation or his designee may grant an exemption for lessees of land leased from the City.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-10. Smoking on city-owned property or at mass gatherings.

It shall be unlawful for any person to smoke in or on any city-owned property or at a mass gathering, except that smoking shall be allowed within a ten (10) foot radius of each of the two benches located outside the west entrance to the Fourth District Court building. The Director of the Department of Recreation or his designee may grant an exemption for lessees of land leased from the City.
(Ord. No. O-08-0013, Enacted 07/08/2008)

13-1-11. Park curfew.

All City parks shall be closed between the hours of 11:00 p.m. and 5:00 a.m. It shall be unlawful for any person other than City employees performing their duties to be in a park when it is closed. This provision shall not apply, however, in cases where the Department of Recreation grants permission for overnight use of the City Center Park or a portion thereof to an organization, which as part of a City sponsored, communitywide historical or patriotic celebration, has a display which spans more than one consecutive day, the nature of which requires people to be present at the display overnight. The organization shall also enter into an agreement with the City which covers issues such as the timing of lawn irrigation, grounds keeping, security, and liability.
(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0021, Amended, 04/08/97; Ord. No. O-08-0013, Amended 07/08/2008)

13-1-12. Amusement Attractions.

A. The use of Amusement Attractions at any Park or Recreation Area is prohibited.
(Ord. No. O-2012-0012, Enacted 05/22/2012)

B. For the purposes of this Section, "Amusement Attractions" shall mean any temporary amusement attractions or apparatuses on City-owned property that are not permanent fixtures that are commonly operated at fairs, fundraisers, and private parties including but not limited to inflatable structures, bounce houses, astro jumps, jumpers, moonwalks, dunk tanks, and climbing walls.
(Ord. No. O-2012-0012, Enacted 05/22/2012)

C. **Exemption.** City-sponsored events and activities conducted at any Park or Recreation Area are exempt from this prohibition.
(Ord. No. O-2012-0012, Enacted 05/22/2012)

13-1-13. Sound Generating Activities- Restrictions in Recreation Areas and Parks.

A. It shall be unlawful for any person to conduct live bands, DJs, dance concerts, movies, or similar activities in any Recreation Area or Park.

1. Exemption: City-sponsored events and activities conducted in any Park or Recreation Area are exempt from this prohibition.
(Ord. No. O-2015-0007, Enacted 02/10/2015)

B. It shall be unlawful for any person to use sound systems, microphones, speakers, or any other sound amplification device in or on any Recreation Area or Park.

1. Exemption: The following are exempt from the prohibitions in subsection B:

- a. City-sponsored events or activities;
- b. Events and activities at one of the following locations subject to the conditions included in any rental agreement or use permit issued by the City:

- (1) The Stage at City Center Park;
- (2) The Large Pavilion at Scera Park;
- (3) The Bowery at Nielsen's Grove;
- (4) The Hosting Center at Timpanogos Park;
- (5) The Pavilion at Lakeside Park; or
- (6) The Scera Shell.

- c. Personal sound amplification devices that are played or operated in such places and at such times so as not to disturb other persons in their use of any Park or Recreation Area.

2. The City shall take into consideration the following factors when determining whether to enter into a rental agreement or issue a use permit under subsection B.1.b:

- a. The impact of the event or activity on other Park or Recreation Area users;
- b. The impact of the event or activity on adjacent property owners;
- c. The benefit the event or activity provides to the residents of the City; and
- d. The general public's access to the event or activity.

(Ord. No. O-2015-0007, Enacted 02/10/2015)

13-1-14. Violations.

Any person violating any of the provisions of this Chapter shall be guilty of a Class C Misdemeanor, punishable as provided by law. Each day a violation continues shall constitute a separate offense.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-2012-0012; Renumbered 05/22/2012; Ord. No. 2015-0007, Renumbered 02/10/2015)

Article 13-2. Concessions

- 13-2-1. Concessions in City parks.**
- 13-2-2. Concession agreements.**
- 13-2-3. Concession structures.**
- 13-2-4. Liability insurance required.**
- 13-2-5. Care of concession area.**
- 13-2-6. Fees for concessions.**
- 13-2-7. Violations.**
- 13-2-8. Property owners rights.**

13-2-1. Concessions in City parks.

The operation of any and all concessions to sell or rent any property (such as equipment, food, etc.) in any park or on any other property owned by the City shall be governed by the provisions of this Article. All concessions shall comply also with any applicable state or local law.

(Ord. No. 661, Revised, 04/10/90)

13-2-2. Concession agreements.

The privilege to operate a concession shall be granted by agreement between the City and the concessionaire. The privilege to operate a concession shall be determined on a competitive basis with service clubs being given priority consideration. The concession agreement may be for such period of time as agreed upon by the City and the concessionaire. The City shall have the right to review the services provided by the concessionaire at any time and to revoke the privilege to operate the concession if it is determined that the concessionaire is not abiding by the terms of the agreement or is not providing adequate service to the public. The Director of Recreation is authorized to receive concession proposals and approve concession agreements in accordance with the provisions of this ordinance.

13-2-3. Concession structures.

A. Permanent concession structures shall not be allowed on City property unless they are owned by the City. The City may enter into a long-term lease agreement with a concessionaire for the lease of a City-owned concession structure.

(Ord. No. 661, Revised, 04/10/90)

B. Temporary concession stands shall be limited to trailer or mobile units approved by the City. These stands shall be provided and satisfactorily maintained by the concessionaire.

(Ord. No. 661, Revised, 04/10/90)

13-2-4. Liability insurance required.

The concessionaire is to provide evidence of liability insurance in a minimum amount acceptable to

the City and is to provide a waiver which holds the City harmless from any negligence on the part of the concessionaire.

(Ord. No. 661, Revised, 04/10/90)

13-2-5. Care of concession area.

The concessionaire is to provide regular service and clean-up of the designated area(s) as set forth in the concession agreement.

(Ord. No. 661, Revised, 04/10/90)

13-2-6. Fees for concessions.

The City reserves the right to charge a percentage of concession revenues as a fee to help offset the costs of City-sponsored recreation programs.

(Ord. No. 661, Revised, 04/10/90)

13-2-7. Violations.

Any person who operates any unauthorized concession in City parks or facilities is guilty of an infraction.

(Ord. No. 661, Revised, 04/10/90)

13-2-8. Property owners rights.

The operation of concessions on property jointly owned by the City together with other property owner(s) shall be on terms and conditions that are acceptable to all persons having ownership rights in the property.

(Ord. No. 661, Revised, 04/10/90)

Article 13-3. Tree Stewardship

13-3-1. Definitions.

13-3-2. Urban Forester.

13-3-3. Tree Permit Requirement.

13-3-4. Citizen Responsibilities.

13-3-5. City Responsibilities.

13-3-6. Responsibility for Correcting Nuisance Tree.

13-3-7. Protection of City Trees.

13-3-8. Interference with Service.

13-3-9. Violation and Penalty.

13-3-1. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

A. **Beautification Advisory Commission** shall mean the nine member board established in Chapter 2-10 of the City Code.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. **City Trees** shall mean all trees located in a Planter Strip or on other City-owned and/or maintained property.

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. **Non-City Trees** shall mean all trees other than City Trees.

(Ord. No. O-93-0020, Enacted, 07/06/93)

D. **Nuisance Tree** shall mean:

1. Any tree that is host to a communicable disease or destructive disease or other pestilence; or

2. The roots of any tree or portion thereof which causes the surface of a public street, curb, gutter, or sidewalk to be up-heaved or otherwise disturbed; or

3. Any tree or portion thereof which, by reason of location or condition, constitutes an imminent danger to the health, safety, or well-being of the public.

(Ord. No. O-93-0020, Enacted, 07/06/93)

E. **Planter Strip** shall mean the area (if any) located between the outside edge of the curb on a given side of the street and the outside border of the City right-of-way on the same side of the street. Planter Strip shall also include tree-well sites located within the City right-of-way.

(Ord. No. O-93-0020, Enacted, 07/06/93)

F. **Topping** shall mean the internodal cutting back (between existing stem and/or branch nodes) of

stems or branches, resulting in the severe alteration of the species' genetic structural characteristics.

(Ord. No. O-93-0020, Enacted, 07/06/93)

G. **Tree Stewardship** shall mean the ongoing and shared responsibility between public and private entities for the protection, care, and renewal of trees.

(Ord. No. O-93-0020, Enacted, 07/06/93)

H. **Urban Forester** shall mean the employee designated as Urban Forester by the City.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-2. Urban Forester.

The Urban Forester shall be the supervisor of the Urban Forestry Program and administrator of the provisions of this Article. The Urban Forester shall:

A. Be responsible for the long-term management of City Trees.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. Foster and maintain partnerships between public and private entities for the benefit of trees.

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. Facilitate communication, coordination, cooperation, and education for the stewardship of City and Non-City Trees.

(Ord. No. O-93-0020, Enacted, 07/06/93)

D. Be responsible for issuing tree permits.

(Ord. No. O-93-0020, Enacted, 07/06/93)

E. Keep abreast of new information and research in arboriculture.

(Ord. No. O-93-0020, Enacted, 07/06/93)

F. Provide a written annual report to the Beautification Advisory Commission highlighting fiscal year activities of the Urban Forestry Program.

(Ord. No. O-93-0020, Enacted, 07/06/93)

G. Annually review this Article, the Urban Forestry Program, and the Tree Master Plan to evaluate the effectiveness of each and make recommendations for improvement and/or change.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-3. Tree Permit Requirement.

It shall be unlawful for any person to spray, plant, prune, remove, move, cut above or below ground, disturb or alter any City Tree, or cause the Topping of any City Tree, without first obtaining a tree permit from the Urban Forester. A tree permit is not required for work performed by City personnel or contractors under the Urban Forester's supervision.

The following guidelines shall be followed as they pertain to Tree Permits.

A. Planting and/or pruning of City Trees shall be done in accordance with the procedures described in the Urban Forestry Program and/or the City's Tree Planting and Pruning Guide.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. City Trees shall not be removed or transplanted unless a permit is obtained from the Urban Forester. The Urban Forester may require compensation to the City as a condition of approval. The form of compensation may include tree replacement, as specified by the Urban Forester, or recovery of the monetary value of the tree(s).

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. Permittees shall be assessed a permit fee in an amount established by resolution of the City Council. Fees may be waived by the Urban Forester for good cause. Good cause for a fee waiver includes:

1. The permittee purchases a tree and is willing to plant the tree as directed, at his expense.
2. The permittee secures the materials or supplies necessary to perform maintenance work.
3. The permittee offers and pays for a qualified tree professional to perform maintenance work.
4. The permittee replaces the tree previously removed. This does not waive the replacement value cost of any tree that is removed.
5. Any case where the permittee and the City are working together to enhance Tree Stewardship.

(Ord. No. O-93-0020, Enacted, 07/06/93)

D. All monies collected from the tree permit fee, tree replacement or loss, or gifts received, will be designated for use for the purpose of tree purchasing, tree planting, tree maintenance, tree enhancement, or any other tree related activity on City-owned and/or maintained property.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-4. Citizen Responsibilities.

Citizens shall have the following responsibilities for the protection of trees in Planter Strips abutting their real property:

A. Protecting City Trees in Planter Strips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. Protecting City Trees in Planter Strips from wounds caused by attachment of any items such as signs, nails, wires, ropes, and chains.

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. Purchasing and planting trees in Planter Strips. The species must be approved by the Urban Forester, and they then must be planted as outlined in the Urban Forestry Program and Street Tree Master Plan. A tree permit will be required, but the permit fee will be waived.

(Ord. No. O-93-0020, Enacted, 07/06/93)

D. Removing Non-City Trees or limbs from any trees that have actually fallen across a City street, sidewalk, or upon City property, unless the tree originated from City-owned property.

(Ord. No. O-93-0020, Enacted, 07/06/93)

E. Maintaining lawns, except in established city parkways or as otherwise agreed to by the City Council.

(Ord. No. O-93-0020, Enacted, 07/06/93)

F. Removing Non-City Nuisance Trees.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-5. City Responsibilities.

The City shall assume responsibility for:

A. Tree care in areas as outlined in this Article.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. All pruning of City Trees as necessary.

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. Removal of diseased or dying City Trees that are beyond reclamation.

(Ord. No. O-93-0020, Enacted, 07/06/93)

D. Removal of City Trees that are Nuisance Trees, and removal of limbs or trees that the Urban Forester determines to be a hazard or likely to fall.

(Ord. No. O-93-0020, Enacted, 07/06/93)

E. Maintenance of City Trees on City-owned property.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-6. Responsibility for Correcting Nuisance Tree.

Where a Nuisance Tree exists upon property, the property owner, landlord, tenant, or his or her agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the cause thereof, and shall be liable therefor.

A. It is unlawful for any person, either as owner, agent, or occupant, to create, aid in creating, or maintaining a Nuisance Tree.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. The City shall determine if a particular tree is a Nuisance Tree and may cause all Nuisance Trees to be abated at the expense of the owner, agent, or

occupant of the property on which the Nuisance Tree is located.

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. Except as provided in this ordinance, the City may serve a notice in writing upon the owner, occupant, or agent of any lot, building, or premises in or upon which a Nuisance Tree is found, or upon the person who may be the cause of such Nuisance Tree, requiring the person to abate the Nuisance Tree within 15 calendar days. Failure to give a notice as provided herein shall not relieve the cause of any Nuisance Tree from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. Notice of appeal may be filed with the Urban Forester within 5 working days of service of the notice to abate. Appeals from the Urban Forester's decision shall be heard by the City Manager within 15 calendar days, whereby a final decision will be made.

(Ord. No. O-93-0020, Enacted, 07/06/93)

D. In case of neglect or refusal of any person to abate any Nuisance Tree within the time specified in the written notice, the City may abate or procure the abatement thereof, and the expense of such abatement shall be charged to the person or entity failing to remove the Nuisance Tree.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-7. Protection of City Trees.

A. No person shall willfully injure or destroy any City Tree. This includes:

1. Constructing a concrete, asphalt, brick or gravel sidewalk that damages any part (roots, crown, trunk) of the tree so as to cause injury or death;
2. Filling up the ground area around any City Tree so as to shut off air, light, or water from the roots;
3. Piling building material, equipment, or other substance on or near a City Tree so as to cause injury;
4. Pouring any injurious matter on or around any city tree;
5. Injuring any City Tree, tree-stake, or guard with any vehicle or animal, or in any other manner causing injury to any City Tree or lawn on public property;
6. Posting any sign on any City Tree, tree-stake, or guard, or by fastening any guy wire, cable, or rope to any City Tree, tree-stake, or guard.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. All construction work and associated activities occurring within a distance of one and one-half times

the height of an adjoining City Tree shall be coordinated with the Urban Forester to mitigate damage to the tree and danger to the public.

(Ord. No. O-93-0020, Enacted, 07/06/93)

C. No person shall use a City Tree for any unauthorized purpose. If damage or unauthorized use has compromised the safety of any City Tree, the City may recover compensation from the party responsible, up to and including removal and replacement, plus value lost as specified by the Urban Forester.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-8. Interference with Service.

It shall be unlawful for any person to interfere with City personnel or contractors under the supervision of the Urban Forester in the performance of their duties.

(Ord. No. O-93-0020, Enacted, 07/06/93)

13-3-9. Violation and Penalty.

A. Criminal. Any person who violates any provision of this Article shall be guilty of a Class B Misdemeanor.

(Ord. No. O-93-0020, Enacted, 07/06/93)

B. Civil. If the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on City-owned property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees, shrubs, or other plants shall be determined in accordance with the latest revision of Valuation of Landscape Trees, Shrubs, and Other Plants, as published by the International Society of Arboriculture. The City may pursue both criminal and civil actions against any person or entity that violates this Chapter.

(Ord. No. O-93-0020, Enacted, 07/06/93)

Article 13-4. Use of City Center Park for Fourth of July Celebration

- 13-4-1. Purpose and scope.**
- 13-4-2. Request for proposals.**
- 13-4-3. Content of Proposals.**
- 13-4-4. Selection of best proposal.**
- 13-4-5. Grant of permit for exclusive use of City Center Park.**
- 13-4-6. Celebration open to public.**
- 13-4-7. Unlawful to sell in park without authorization from successful applicant.**

13-4-1. Purpose and scope.

The City Council recognizes that the Fourth of July holiday is one of the most important national holidays in the United States and is widely celebrated by the citizens of Orem. The City Council desires to facilitate opportunities for celebration of this holiday for the citizens of Orem by making the City Center Park available for exclusive use during the period of July 3-5 of any year, to an individual or entity which has the ability and means to sponsor and put on a large scale Fourth of July celebration which is open to the public.
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

13-4-2. Request for proposals.

The City may issue a request for proposals for use of the City Center Park for the purpose of a large-scale Fourth of July celebration which is open to the public. The request for proposals shall set forth the minimum requirements that an applicant must meet in order to qualify for consideration. The City shall publicize the request for proposals in the following manner:

A. By posting the request for proposals on a public bulletin board in the City Center Building at least ten (10) days before opening of proposals; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

B. By mailing the request for proposals to all known interested, responsible individuals and entities who have made a written request that their name(s) be included on the list of interested persons/entities; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

C. By publishing the request for proposals in a newspaper of general circulation in the City at least ten (10) days before the date of opening the proposals.
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

13-4-3. Content of Proposals.

Proposals shall contain the following information:

A. A detailed description of the services, activities, programs and events which the applicant

proposes to sponsor at the City Center Park during the Fourth of July celebration; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

B. Verification that the applicant meets the minimum requirements outlined in the request for proposals including all insurance requirements; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

C. A description of the time periods for which the applicant desires to have exclusive use of the City Center Park; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

D. Verification of the applicant's financial ability to sponsor a celebration; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

E. Two or more references from responsible individuals who have knowledge of the applicant's qualifications to sponsor a Fourth of July celebration; and
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

F. Any other information that the City may require.
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

13-4-4. Selection of best proposal.

The City shall evaluate all qualified proposals submitted to the City and shall select the best proposal based on the following criteria:

A. The experience of the applicant in sponsoring a large holiday celebration;
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

B. The financial support and means available to the applicant to sponsor the celebration;
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

C. The quantity and quality of the services, activities, programs and events, including a fireworks display, that the applicant proposes to sponsor;
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

D. The quality of the references supplied by the applicant;
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

E. Willingness and ability of the applicant to comply with all City requirements, including insurance and security requirements;
(Ord. No. O-1998-0027, Enacted, 05/26/1998)

F. Any other factor which the City considers relevant to the quality of the Fourth of July celebration that the applicant proposes to organize.

The City may elect to refuse all applications if it determines that it would be in the best interests of the City to do so.

(Ord. No. O-1998-0027, Enacted, 05/26/1998)

13-4-5. Grant of permit for exclusive use of City Center Park.

The City may grant a successful applicant a permit for the right to exclusive use of the City Center Park and all sidewalks adjacent thereto, during the period of July 3-5, for the purpose of a public Fourth of July celebration. The successful applicant shall have the right to license vendors to sell goods, services, food and beverages and other merchandise in the City Center Park during the celebration period. However, the successful applicant shall not allow the sale or consumption of any alcoholic beverages, tobacco products or any illegal products or services. The successful applicant must enter into a contract with the City for use of the park during this period and the applicant shall comply with all City contractual requirements.

(Ord. No. O-1998-0027, Enacted, 05/26/1998)

13-4-6. Celebration open to public.

The successful applicant shall make the Fourth of July celebration open to the public and shall not charge an admission fee for entry into the City Center Park. However the successful applicant may charge fees for participation in individual activities or events contained within the park.

(Ord. No. O-1998-0027, Enacted, 05/26/1998)

13-4-7. Unlawful to sell in park without authorization from successful applicant.

It shall be unlawful for any person or entity to engage in the sale of or to offer to sell any goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services within the Orem City Center Park and all sidewalks adjacent thereto during the Fourth of July celebration without first obtaining a vendor's license therefor from the successful applicant.

(Ord. No. O-1998-0027, Enacted, 05/26/1998)

Article 13-5. Recreation Area Usage

A. Purpose: The City of Orem is dedicated to providing the public with access to its recreation areas and to creating partnerships with local sports organizations to ensure there is ample opportunity to participate in athletics at various ability levels. The City’s recreation areas are primarily for the public’s use and enjoyment and through enacting this ordinance, the City will ensure that all residents have an equal opportunity and choice of participation.
(Ord. No. O-2014-0016, Enacted, 04/29/2014)

B. Duties of the Recreation Director. It is the duty of the Recreation Director to:

1. Create a fair, equitable, competitive and customer friendly usage and reservation system for the City’s recreation areas;
2. Establish a priority system that provides the greatest opportunity for use of recreation areas to City organizations and other non-profit or not-for profit groups that provide equal access to recreational activities regardless of skill level. The Recreation Director shall have the discretion to create other priority classifications after considering the following:
 - a. The financial structure and viability of the group or organization;
 - b. The quality of the program the group or organization will provide to the public;
 - c. Whether the recreation program will primarily serve the residents of the City; and
 - d. The group or organization’s length of demonstrated service to the City and its residents.
3. Propose fees to be charged to groups and organizations that request use of the City’s recreation areas to pay for maintenance and operational costs of the recreation areas based on this requested use.
4. Prepare additional rules, regulations, and policies for the use of the recreation areas. The Recreation Director shall have the discretion to make decisions and implement new rules, regulations, and policies that will effectuate the purpose of this Article.
5. Enter into recreation area use agreements with the groups and organizations that request use of the City’s recreation areas.

(Ord. No. O-2014-0016, Enacted, 04/29/2014)

C. Creation of the Recreation Area Allocation Committee. The Recreation Area Allocation Committee shall be responsible for recommending to the Recreation Director those organizations that should be granted priority use status.

1. The Recreation Area Allocation Committee shall be composed of three (3) current members of the Recreation Advisory Commission, three (3) other residents of the City of Orem, and one (1) City employee.

2. The Recreation Area Allocation Committee members shall be appointed by the Mayor with the advice and consent of the City Council.

3. The term of office for each member of the Recreation Area Allocation Committee shall be three (3) years. Any vacancies occurring, other than through the expiration of a regular term, shall be filled by appointment by the Mayor with the advice and consent of the City Council.

(Ord. No. O-2014-0016, Enacted, 04/29/2014)