I_____received from the City of Deming the deposit for use of park. _____

Signature date:_____

Park User's Fee Agreement / Permit

Nacio Brown & Scout Park ($35.00 Restroom Cleaning Fee, Plus Deposit) Non-Refundable
$25.00 Cleaning Deposit for Use of All Parks - Refundable if Park Clean
(25 or more persons)

AGREEMENT:

1. CLEANING REQUIREMENTS: Organizer or Sponsor is responsible for insuring that all of the following is cleaned upon completion of park use.
   A. RESTROOMS
   B. TRASH BARRELS
   C. PARK GROUNDS
2. RULES: Organizer or Sponsor will make sure the following rules are followed:
   A. VEHICLES ARE TO REMAIN OFF THE GRASS AREA
   B. SUPERVISION OF AREA TO ENSURE AGAINST VANDALISM OR DESTRUCTION OF CITY PROPERTY
   C. ABSOLUTELY NO ALCOHOLIC BEVERAGES ARE ALLOWED ON PARK GROUNDS
   D. IRRESPONSIBLE USEAGE OF ELECTRICITY WILL NOT BE TOLERATED

PLEASE REMEMBER THAT THE PARKS ARE IN RESIDENTIAL AREAS & CITY NOISE ORDINANCE (Ord. 1174) APPLIES

Name of Park:_____ Amount Collected $_____ Receipt #_____

Dates and Times of Requested Use:_____

Name of Organization/Requester:_____

Utilities or Bathrooms Requested:_____
(Applicant will be responsible for clean up fee.)

Keys Issued To:_____ Title: _____

Address:_____ Contact Phone:_____

Signature:_____ Date:_____

Signature of City Employee
Approving Request:_____ Date:_____

Approval from
City Administrator:_____ Date:_____
(Approval by City Administrator required only if use of the park is requested after 11:00 p.m.)

Permit does not grant exclusivity. Parks are open to public during open hours.

instrumental music, or any other sound. Sound-amplifying equipment shall not include standard automobile sound systems when used and heard only by the occupants of the motor vehicle in which such automobile sound system is installed. As used in this chapter, sound-amplifying equipment shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes, or authorized fire horns or other authorized emergency alarms.

CITY — All of the City of Deming.

UNREASONABLE NOISE — Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damages to property or business.

4-2-5 Unreasonable noise prohibited

A. No person shall intentionally cause public inconvenience, annoyance, or alarm, or recklessly create a risk thereof, by making unreasonable noise or by causing unreasonable noise to be made.

B. For the purpose of implementing and enforcing the standard set forth in this section, factors to be considered in determining whether unreasonable noise exists in a given situation include, but are not limited to, any or all of the following:

1. The intensity of the noise.
2. The duration of the noise.
3. The vibrations caused by the noise.
4. The intensity of the background noise, if any.
5. The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the sound.
6. The time of the day or night the noise occurs.
7. The proximity of the noise to sleeping facilities.
8. Whether the noise is continuous or impulsive.
9. The existence of complaints concerning the noise from one or more persons who are affected by the noise.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is due to a natural or a human-made activity.

4-2-6 Radios, television sets and other sound-producing or -amplifying devices.

A. It shall be unlawful for any person within the City limits, to use or to operate any radio or receiving set, musical instrument (including drums), phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that noise from the device interferes with the comfort, repose, health or safety of members of the public or recklessly creates a risk thereof, within any building, or outside of a building, on public property including right of ways or private property at a distance of 25 feet or more from the source of such sound or interferes with the conversation of members of the public who are 25 feet or more from the source of such sound.

4-2-7 Construction and other machinery.

A. During the nighttime hours as defined in 4-2-4 herein, it shall be unlawful for any person within the City limits, to operate or cause to be operated any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, electric drill, garbage collection vehicles performing commercial pickups, or other commercial industrial equipment, except to perform emergency work.

"Animals Control," and upon violation thereof shall be subject to the penalties set forth in that chapter.

4-2-11. Authorization for permit.

Where the enforcement of this chapter would create an unnecessary hardship, the City Council, in its discretion, is authorized to grant a permit for a specific waiver from the requirements of this chapter. Such waivers shall be granted only in those circumstances where the applicant demonstrates that the waiver is necessary for a valid purpose, that the proposed waiver is the minimal intrusion needed, that on balance the need for and benefits of the waiver outweigh the needs and rights of the surrounding neighbors to a peaceable and quiet environment. Violations of any conditions of the permit shall subject the permittee to enforcement as if the waiver had not been granted.

4-2-12. Permit procedure.

A. An application and payment of $200.00 fee for such a permit shall be filed with the City Clerk no less than 45 days before the anticipated need and shall provide the following information:

1. The name of the applicant.
2. The adult person responsible for compliance with the permit, if different from the applicant, which adult person shall also sign the application and agree to be responsible for compliance with the permit terms and any conditions attached to the permit.
3. The reasons for such usage.
4. Plans and specifications of the use.
5. Noise abatement and control methods to be used.
6. Time schedule.
7. Demonstration why the applicant cannot conform to this chapter.
8. Such other information as the City Clerk and/or City Council may reasonably require to adequately consider the permit request.
9. For events that are not community-wide or public events, proof must be provided that notification of the application for the permit has been given to each person reasonably expected to be affected by the noise, the content of such notification and the manner in which such notification has been given. The notification shall state that any person objecting to the granting of such permit may contact the City Clerk to express his/her opposition to the granting of the permit.

B. A public hearing before the City Council shall be held in connection with the application no less than five days after publication of notice of such hearing. The issuance of permits shall be discretionary. The City Council may impose any conditions deemed necessary to minimize the intrusion of sound that might occur by the exercise of the privileges granted by the permit. Any permit issued shall state that the permit only applies to this chapter.

4-2-13. Enforcement of violations.

Enforcement may be facilitated by, but shall not be dependent upon, complaint by a resident of the City to a City Code Enforcement Officer or other law enforcement officer. Any police or code enforcement officer shall have the authority to issue citations in connection with any violation of this chapter.

4-2-14. Penalties for violations.

Any person found guilty of violating any provision of this chapter shall be punished as provided by section 1-4-1 of this code.