

ORDINANCE No. 12 - 45
entitled

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA,
ESTABLISHING FEES FOR THE USE OF THE POLICE
GUN RANGE TO INCLUDE RULES OF OPERATION,
LIABILITY WAIVER, SCHEDULING, PAYMENT, USE OF
MONIES GENERATED; PROVIDING FOR SEVERABILITY
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City desires to establish a fee structure for use of the City of Palatka Police Department's firearms range; and

WHEREAS, both citizens and other law enforcement agencies have used the existing facility in the past; and

WHEREAS, increased demands for use has necessitated the city set rules of operation; and

WHEREAS, the rising costs of maintaining a facility in which to train law enforcement officers and provide a safe environment to instruct citizens in the proper use of handguns has necessitated the implementation of a fee as well as a provision to allow the monies collected to be used for maintenance and enhancement to the property;

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

That the Municipal Code of the City of Palatka, Florida, is amended to include the following provisions of this Ordinance:

Section 1. Recitals. The above listed "Whereas" clauses are hereby retified and confirmed as being true and correct and are hereby rendered a specific part of the Ordinance upon adotion and shall serve as its legislative history.

Section 2. Title. The Title of this Article shall be **POLICE GUN RANGE FEE SCHEDULE AND RULES**

Section 3. Purpose of article. The purpose of this article is to set forth regulations governing the use of the gun range to include rules of operation, liability waiver, scheduling, payment and use of monies. This article also provides for the establishment of fees associated with the use of the gun range.

Section 4. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Not for Profit Organization shall mean an organization incorporated under state laws and approved by both the state's Secretary of State and its taxing authority as operating for educational, charitable, social, religious, civic or humanitarian purposes. A nonprofit corporation is formed by incorporators, has a board of directors and officers, but no shareholders. These incorporators, directors and officers may not receive a distribution of (any money from) profits, but officers and management may be paid reasonable salaries for services to the corporation.

For Profit Organization shall mean an organization or business that's primary goal is making money.

Law Enforcement Agency shall mean any local, state or federal agency who has arrest powers under Municipal (not including the Palatka Police Department), County, State, or Federal Law to include but not limited to any Police Department, Sheriff's Office, Port Authority, State Probation Office, County Probation Office, CSX Police, State Fire Marshal's Office, Agents with the U.S. Drug Enforcement Agency, Agents with the U.S. Alcohol Tobacco and Firearms Agency, agents with the Department of Homeland Security, The Florida Highway Patrol and The Florida Department of Law Enforcement.

Correctional Facilities shall mean any local, state or federal correctional institution to include but not limited to county jails, The Florida Department of Corrections and any prison within the United States Federal Prison system.

U.S. Military shall mean any and all branches of the United States Military to include but not limited to the Air Force, Army, Marines, Navy and Coast Guard.

Security Agency shall mean any security agency who employs security guards with a "G" license and requires them to qualify with firearms on an annual basis.

Citizen shall mean a resident of the United States with rights and freedoms of man or woman.

Section 5. Range Fee Schedule for Law Enforcement / Correctional Facilities / Security Company / U.S. Military. The use of the range will be outlined within a memorandum of understanding to include one of the two options listed below:

1. Any law enforcement agency, correctional facility, security company, or U.S. Military branch that uses the facility 6 times or less per fiscal calendar (October to September) year will be billed based on full or half day rentals with a minimum of a half day rental fee. A certified firearms instructor is required to run the range.
 - Half day - \$100.00, and actual cost (salary and benefits) of firearms instructor
 - Full day - \$250.00, and actual cost of firearms instructor
2. Any law enforcement agency, correctional facility, security company, or U.S. Military branch that uses the facility 7 times or more per fiscal calendar (October to September) year will be billed an annual fee of \$200.00 per person.

Section 6. Range Fee Schedule for Non-profit / Profit Organizations and Security Companies. The use of the range will be outlined within a memorandum of understanding to include one of the two options listed below:

1. Any Non-profit / profit organizations or security company that uses the facility 6 times or less per fiscal calendar (October to September) year will be billed based on full or half day rentals with a minimum of a half day rental fee. The rental fee does not include the cost of a Police Department range officer which is required.
 - Half day - \$100.00
 - Full day - \$175.00
2. Any Non-profit / profit organizations or security company that uses the facility 7 times or more per fiscal calendar (October to September) year will be billed an annual fee of \$175.00 per person. The annual fee does not include the cost of a Police Department range officer for each use which is required.

Section 7. Range Fee Schedule for Citizens. Citizens who uses the gun range will be charged an annual fee of \$250.00 per fiscal calendar (October to September) year.

Section 8. Payment. Payment for use of the range will be made according to the option selected for use as outlined within the memorandum of understanding. If the range is used 6 or less times in a fiscal year, the law enforcement agency, correctional facility, security company, not for profit / for profit organization or military unit using the range will be billed after each use.

If the range is used 7 or more times in a fiscal year, the law enforcement agency, correctional facility, security company or military unit using the range will be billed by annually for use (1/2 paid in October of the fiscal year and 1/2 paid in March of the fiscal year). Not for profit / for profit organizations will be billed in full in October of each fiscal year for use of the range.

Citizens who use the range will be billed an annual fee which is to be paid in full in October of each year.

Section 9. Use of monies generated at range. The revenue generated by the use of the range will be deposited into a range account for maintenance of the property and enhancement of property and equipment.

Section 10. Administration of article. The procedures involved in the implementation of this article shall be coordinated by the city manager and the chief of police. Any changes to such procedures shall be accomplished by resolution of the city commission.

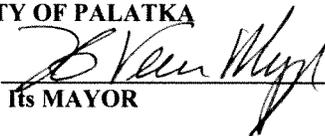
Section 11. Severability. Should any word, phrase, sentence, subsection or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed and all other words, phrases, sentences, subsections, or sections shall remain in effect.

Section 12. Effective Date. This ordinance shall take effect upon its passage as provided by law.

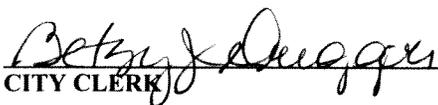
Section 13. Codification. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, on this 25th day of October, 2012.

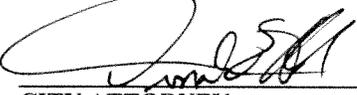
CITY OF PALATKA

By: 
Its MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:


CITY ATTORNEY