

Administrative Order No. 71 (Dec. 17 2020)

This order supersedes Administrative Order No. 71, dated Nov. 27, 2018

Date: Dec. 17, 2020

To: All City Departments
From: Scott Chadwick, City Manager
Subject: **Park and Facility Use Policies and Procedures**
Reference: Council Policy No. 28, CMC 11.32

A. PURPOSE AND BACKGROUND

1. To establish processes and procedures for the use of City of Carlsbad (city) parks and recreation facilities (facilities). Administrative Order No. 71 was created to implement policies and procedures for city facilities use, and to provide services information to the public.

B. POLICY

1. There is a high demand for use of city facilities for a wide variety of uses. The following procedures have been established to guide staff and provide acceptable parameters for the use of parks & facilities.

C. PARK AND FACILITY USE APPLICATION FOR RENTAL PERMIT

1. The Parks & Recreation Department (department) is responsible for the implementation of this Administrative Order.

2. Facilities use requests shall be submitted to the department on a City of Carlsbad Park and Facility Use Application for Rental Permit (application) form available from the city's website at (<http://www.carlsbadca.gov/recreation>) or by contacting the department directly.

3. Applications for use of facilities, along with full rental payment or application fee shall be required at the time of application submittal and may be subject to a nonrefundable fee. The application and application/rental fees may be submitted in person or mailed to any city facilities.

4. Applications are processed in the order received.

5. Fees will be charged pursuant to the department's approved master fee schedule and by the authority of the City Manager.

6. Applications will be reviewed, categorized, and processed by the department.



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7. The application fee will be applied to the total cost of the rental and will not be refunded if the reservation is canceled. If the total rental fee is less than the amount of the application fee, the difference will be refunded after the rental has occurred.

- Exception: resident nonprofit, unpaid management- where no fee is required

8. For user initiated cancellations, where rental fees were paid by personal check, a check processing fee will be charged in addition to the nonrefundable application fee.

D. GENERAL APPLICATION PROCEDURES AND POLICIES

1. In the event of a cancellation less than 30 calendar days in advance of registration date the applicant will forfeit all rental fees paid.

2. In the event of a cancellation by the applicant 30 calendar days or more in advance (with the exception of Leo Carrillo Ranch Historic Park, which requires 90 calendar days advance notice), the applicant will forfeit 50% or more of fees.

3. A "no show" fee will be assessed to resident nonprofit unpaid management users that schedule a meeting room (rooms identified at no charge) and provide less than twenty-four (24) hours notice of cancellation.

4. All checks and money orders for rental fees are to be made payable to the City of Carlsbad.

5. Applications will be accepted for specific locations, dates, and times. All facilities rentals will be charged for the total hours used, including set up and clean up time.

6. Applications should be submitted at least 14 calendar days in advance of the date requested. For applications submitted less than 14 calendar days in advance, these applications may be reviewed and accommodated subject to:

- Facilities and staffing availability; and,
- All other necessary approvals are obtained within the available time before the requested facility use date
- Payment in full of all rental fees

7. Upon review of the application, department staff will determine if a certificate of liability insurance will be required for the activity at the requested facility.

8. Applications will be accepted up to 12 months in advance of the requested reservation date (with the exception of Leo Carrillo Ranch Historic Park, for which applications will be accepted up to 24 months in advance of the requested reservation date).

9. Holiday hours and closures of facilities will be posted on the city's website annually and updated as needed for any changes.

10. An extra staffing fee is required for all recreation use outside of regular posted hours of operation and when staff is needed to support the rental. See City of Carlsbad Facility Use Regulations for park and facility operating hours.

11. Applications will be approved for specific rooms, park areas, athletic fields, and pool lanes depending on group size, type of activity and availability. No activity shall be permitted or scheduled for more than the maximum room or facility capacity.

12. The department may refuse an application, or deny to issue or cancel any rental permit (permit). Written notices of denial or cancellation, with an appropriate explanation, will be provided by the department director or designee. Grounds for the denial of an application may include, but are not limited to:

- Unsatisfactory prior use by applicant or organization
- Hazardous condition exists
- Application was submitted less than 14 calendar days in advance
- Nonpayment of application fee or rental fees by due date
- Higher priority activity taking place
- Groups that have previously not given timely cancellation notice of activity
- Applicant is under 18 years of age
- Special event permit application (when required) was submitted less than 90 calendar days in advance
- Refusal to consent to the special events committee's specific conditions or restrictions for the event
- Failure to obtain a special event permit
- Failure to submit timely and acceptable insurance documents

13. The department reserves the right to limit the number of daily, weekly, or monthly facilities uses by any one group or organization so that the entire community may make use of the limited facilities available.

14. An approved permit issued by the department director or designee will be proof of a confirmed reservation.

15. On the day of the park or facility rental and during the entire rental agreement period, applicant or designated day of event contact person ("event contact") must be present and have in their possession a copy of:

- Facilities use regulations
- Submitted application form
- Signed and approved permit
- Valid identification (driver's license, passport, military ID card)
- Special event permit, if required

16. If the applicant or event contact is not at the event or does not have copies of the items listed above, the event may be terminated. Any financial investment or preparation for an event, prior to permit approval, is solely at the applicant's risk.

17. For permits, the department director or designee may impose additional requirements on the applicant as a condition of approval. These additional requirements may include, but are not limited to:

- Additional security guards
- Additional city staff
- Additional insurance or specialized insurance
- Special events permit application
- Proof of additional permits or licenses (e.g., Health Department or Alcoholic Beverage Control)

18. Costs incurred for additional imposed requirements shall be the sole responsibility of the applicant.

19. Upon notice of cancellation, or any financial obligations incurred by the city to accommodate the applicant or event, the applicant will be invoiced and must pay the outstanding balance within seven calendar days of the date of the invoice.

20. All groups must be under the direction or control of their own leadership. There must be at least one adult present and responsible for each twenty minors and the minimum number of adults must be present at all times. Minors are defined as those under the age of 18, except in the case where alcohol is served, when minors are defined as those persons under the age of 21.

21. At the Alga Norte Community Park Aquatic Center and the Monroe Street Pool, there must be at least one adult present and responsible for each twenty minors on deck. For every eight children (age eight or younger) in the pool, there must be one adult in the pool and capable of swimming. Exceptions may be made with written permission by the department director or designee.

22. Organization membership rosters may be used to assist in determining Carlsbad residency and the appropriate classification category for the use of parks and facilities. Once the determination has been made and approved by the department director or designee, the determination is final for that season and the membership rosters will be returned to the organization.

E. INSURANCE REQUIREMENTS

1. The applicant shall provide evidence of commercial general liability insurance in a form acceptable to the risk manager (and additional coverage(s) as appropriate for the activities of the park or facility use), naming the City of Carlsbad as an additional insured, and with a coverage amount to be determined by the Risk Manager according to the size and risk factors of the event.

2. Commercial general liability insurance (GCL) including athletic participant coverage (where applicable) with a minimum limit of \$1 million per occurrence is required. The athletic participant coverage limit must be the same as the GCL, i.e., a lower sub-limit will not be accepted.

3. Commercial general liability insurance (GCL) including liquor liability coverage with a minimum limit of \$2 million per occurrence is required when an event includes alcohol. The liquor liability coverage must be the same as the CGL, i.e., a lower sub-limit will not be accepted.

4. The Risk Manager may impose a higher amount for insurance depending upon additional risk factors. This coverage must be primary, without contribution from the city.

5. An insurance checklist providing details to assist applicants with insurance requirements and documents is provided with facility use applications.

F. APPEAL PROCEDURES FOR APPLICATION DENIAL OR REVOKED PERMIT

1. Any person, organization or group believing to have been aggrieved by decisions relating to any action taken by department staff may appeal in writing with supporting documentation and within 10 calendar days of date the action was taken by staff to the Recreation Services Manager.

2. The Recreation Services Manager shall review the appeal and submission and obtain staff reports. Thereafter, a written decision will be mailed to the appealing party within 15 calendar days.

3. That decision may be appealed in writing and within 10 calendar days from the date of the Recreation Services Manager's decision to the department director. The department director shall review the matter, together with all supporting documents, and issue a written decision within 15 calendar days following the receipt of a written request for an appeal. That written decision shall be mailed to the appealing party.

4. The department director's decision is final.

G. FACILITY POLICIES AND PROCEDURES

1. The applicant shall be required to pay in full any additional rental fees, cleaning, replacement, repairs, damages or loss to facilities or equipment to pre-event condition.

2. If additional rental time is added to the event, damage occurs or additional cleaning is necessary, the applicant shall be invoiced and pay the outstanding balance within seven calendar days of the date of the invoice.

3. The full rental fee is due 30 calendar days before scheduled use.

4. An application modification fee will be charged for any modifications after a permit has been approved.

5. Permit applicants that have been approved in writing by the department director or designee may be issued a key for access to off-site facilities:

- Applicant is responsible for securing the facility when leaving
- Applicant shall surrender the key upon demand by the department
- In the event a key is not returned to the department for any reason the applicant shall be responsible for all costs related to re-keying the facility if necessary
- No duplication or sharing of keys is allowed

6. Applicant or event contact is responsible for the following clean up at the end of their event:

- Cleaning of all equipment used
- Cleaning of any counter areas used
- Cleaning and wiping of all tabletops used

- Cleaning of any floor or carpet areas soiled or dampened
 - Cleaning of the kitchen and all amenities used (i.e. refrigerator, stove, oven, sink, etc.)
 - Putting all trash and recyclables in proper receptacles
 - Removal of equipment supplies, personal articles, displays, etc., immediately following clean-up
7. Proper clean up shall be determined by the department, based upon the conditions of facility report created before and after the event.
8. Tables and chairs are available for use in the facilities, but may not be removed to any other location without prior written authorization by the department director or designee.
9. No alterations to or use of: duct, masking, or electrical tape, nails, staples, etc. are permitted in any facility without written permission of the department director or designee.
10. Stagecoach, Calavera and Pine Avenue Community Centers/Gymnasiums:
- Gymnasium use will not be approved or allowed when other facilities are deemed more suitable for the requested use
 - No food, beverages, or hard sole shoes allowed
11. Scout groups in Carlsbad have first priority for use of Scout House, at no fee. Scout troops must submit an application to the department. An approved permit is valid only from September through June. If summer use is needed, a separate application must be submitted.
12. The throwing or use of confetti, birdseed, rice, silly string, etc. is prohibited. The use of hay and straw will not be allowed (except at Leo Carrillo Ranch Historic Park with written permission by the department director or designee).
13. A two-hour minimum facility rental period is required, except with the written permission of the department director or designee.
14. Carlsbad-based schools are authorized to reserve and use city skate parks for physical education classes, in accordance with the current fee schedule. The schools' athletic director or designee must submit an application to the department prior to the start of each school semester. An approved permit is valid only during the school semester and during school hours.

H. PARK PROCEDURES AND POLICIES

1. Designated group picnic areas and open space can be reserved by individuals, organizations or businesses.
2. Hourly fees charged will be based on classification category and amount of time requested.
3. Organized events at parks will be charged an open space fee.
4. Park areas not reserved will be available for public use on a first come, first served basis.
5. No vehicles or trailers are permitted on grass, natural turf, or synthetic areas.

6. Car shows are not allowed on grass, natural turf, or synthetic turf areas. Car shows will be allowed in authorized parking spaces at the park as designated by the department director or designee.

7. Only those businesses that have an approved permit and current City of Carlsbad business license may operate their business in any park.

8. Any "inflatable party jumps" (also known as jump houses, and bouncy houses) set up in a park or facility must:

- Have an approved permit from the department
- Be provided by a vendor from the approved list of vendors on file with the City of Carlsbad
- Pay the permit fee for each inflatable party jump
- Only be set up in designated areas approved by department staff
- Use "quiet rated" gas generators where an electrical outlet is not available
- Place generators on a plywood board that is larger than the footprint of the generator
- Be no larger than 15x15 feet in diameter, except with the written permission of the department director or designee

9. A limited number of inflatable party jumps will be approved per facility. Inflatable party jumps without a permit must be taken down immediately.

10. City owned tennis courts may not be reserved and are available on a first come, first served basis with the exception of organized tournament play at Carlsbad High School tennis courts.

- Commercial lessons are prohibited
- One set of singles or two sets of doubles may be played when others are waiting for court availability
- Waiting players must remain in person at court desired

11. Tournament play is not allowed at Poinsettia, Calavera, Stagecoach, La Costa Canyon and Laguna Riviera Parks' tennis courts.

12. Radio controlled/model aircraft use:

- Aircraft must meet the Academy of Model Aeronautics (AMA) definition of a "park flyer model"
- Pilots must be a current member in good standing of the AMA Park Flyers Program, and agree to obey the AMA National Model Aircraft Safety Code

13. A two-hour minimum park rental is required except with the written permission of the department director or designee.

I. PARK AND FACILITY RENTAL SPORTSMANSHIP PROGRAM CRITERIA

1. In order to promote the importance of good sportsmanship and ensure that department's programs and facilities are and will remain safe places to gather, all sports organizations that request to use facilities are required to provide their membership with appropriate sportsmanship training.

2. Prior to application approval, department staff will review the sportsmanship training programs used by the applicant organizations for appropriateness.
3. All organizations not promoting a sportsmanship program as part of its organizational activities must sign and agree to abide by the City of Carlsbad Parks & Recreation Department Code of Conduct prior to obtaining authorization to utilize parks or facilities.

J. ATHLETIC CAMPS/CLINICS PROCEDURES

1. An application and permit is required for any proposed athletic camp or clinic. Applications for athletic field use during the summer months will be accepted from Dec. 1 through Dec. 31. Summer months are defined as June 15 through Aug. 31.
2. Permit approval is contingent on appropriate insurance being approved by the Risk Manager, and rental fees and cleaning/damage deposit being paid.
3. For winter, spring and fall athletic camps or clinics, applications will be accepted one year in advance of the requested date of the athletic camp or clinic.
4. Department staff will review requests and determine field assignments. If scheduling conflicts occur, staff will contact organizations involved to work out a solution.
5. Athletic field assignments are not official until a permit has been approved and issued by the department director or designee, and is returned to applicant.

K. LEO CARRILLO RANCH HISTORIC PARK APPLICATION PROCEDURES

1. Leo Carrillo Ranch Historic Park is a national historic site and must be respected for its continued preservation.
2. Applicant must agree to sign and adhere to Leo Carrillo Ranch Historic Park facility rental pricing guidelines and procedures.

L. SENIOR CENTER PROCEDURES

1. Limited seating re-configuration for dining room rentals will be considered. Set up for head tables and buffet lines are acceptable.
2. Displayed decorations or pictures are not to be removed from dining room. Removal of any decorations without prior written approval by senior center staff may result in the assessment of fees.
3. A two-hour minimum rental required except with written permission of department director or designee.

M. ALGA NORTE COMMUNITY PARK AQUATIC CENTER

1. Applicant must agree to adhere to Alga Norte Community Park Aquatic Center facility use regulations.

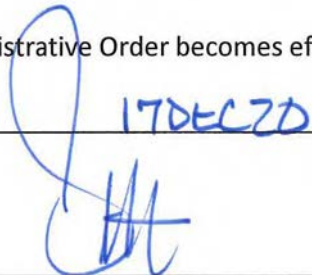
N. RESIDENT NONPROFIT ORGANIZATION USER CRITERIA

1. In order to qualify as resident nonprofit, nonpaid management user group, the organization must meet all of the following criteria:
 - The organization must be registered as a nonprofit corporation with the State of California and be a Carlsbad Chapter.
 - In addition to the state nonprofit corporation status, the organization must provide the department their Articles of Incorporation or Constitution and bylaws that clearly state that the objective of the organization is of a nonprofit, noncommercial nature.
 - Classification assignment for sports organizations utilizing athletic fields will be based on player rosters, including player addresses, and the organization must have 70% of the players residing in Carlsbad to qualify for resident nonprofit groups. Groups that do not have 70% of players residing in Carlsbad will be placed into a lower priority category.
 - Verification of Carlsbad residency is required.
 - Board meeting minutes from the last three meetings.

ACTION

This Administrative Order becomes effective immediately.

Dated: _____

Handwritten signature and date in blue ink. The date is "17DEC20" and the signature is "SC".

SCOTT CHADWICK
City Manager