

CITY OF SOLEDAD PARK FACILITIES USE POLICY AND RULES



1. INTRODUCTION

The purpose of this policy is to outline procedures and allocation priority for the permitted use of City parks and athletic fields within the City of Soledad. The Public Works Department will monitor proper use of allocations and permits. Priority will be given to Soledad residents. The City may charge to recover public costs to operate, maintain, supervise and administer the use of parks and athletic facilities. Submission of an Application and Agreement Request does not constitute approval.

Requests for additional use or programs not covered by the Park Facilities Use and Allocation Policy should be addressed in writing to the Public Works Director who will provide the appropriate determination. An appeal to the Public Works Director's decision must be submitted in writing with justification within ten (10) working days from the decision and will be heard by the City Manager.

2. PARKS GENERAL USE POLICY

City of Soledad parks are open to the public year round. Although certain parks are open to the public on a first-come, first-serve basis only, other park facilities may be reserved for the use of persons or groups. This policy is intended to ensure equitable access to park facilities and public safety and to balance the needs of park users, special event organizers and participants and the neighborhoods surrounding the parks. The provisions of this policy may be waived at the discretion of the City Council.

Persons or groups may reserve City Park facilities for their use when not in use for City-sponsored functions, based upon criteria and related guidelines contained within this policy. The City does not monitor or enforce the informal reservation or use of facilities by the general public. They are available on a first-come, first-serve basis; however, priority will be given to persons or groups who make a reservation. The use of the park facilities should be consistent with the capacity of the park facility. The City of Soledad has three types of park facilities: Neighborhood Parks (less than five acres), Community Parks (five to twenty acres) and Regional Parks/Open Space/Special Recreation Areas (greater than twenty acres). The most current information regarding the capacity and use of the Parks will be made available by City Staff and updated as park facilities change.

3. DEFINITION OF TERMS

A. Resident Status

Resident status is defined as groups or organizations with at least 80% or more Soledad residents. Team rosters and/or individual participant utility bills/photo ID may be required by City staff to verify residency status.

B. National Non-Profit Youth Group Status

National Non-Profit Youth Group Status is defined as local youth sports groups that are affiliated with regional or national non-profit youth organizations. The organization board members and other positions (i.e., coach, manager) must be comprised of volunteers.

C. Youth Status

Youth status is defined as persons 19 years of age or under.

D. Non-Profit Status (501 3c)

To qualify as a Non-Profit user, the organization must meet all criteria. The organization must be registered as a not-for-profit corporation with the State of California, or if not registered with the State, must have a constitution, bylaws or mission statement, which clearly state the objectives of the organization are of a non-profit, non-commercial nature. Please visit www.irs.gov for additional information on Non-profit Status (501 3c).

4. USE POLICY FOR CITY PARKS AND RELATED FACILITIES

Neighborhood and community park facilities in Soledad that have athletic field space designated in their design are available for scheduled game use. Lum, Santa Barbara and Peverini Parks lack athletic fields at present time and are available for team practices only. Due to the limited number of fields available compared to demand for their use, the City has established priority use. Allocation of fields will follow the terms set forth in this Park Facilities Use Policy and Rules. The City has exclusive discretion in decisions relating to the scheduling of City sports field use and such decisions shall be final.

A. Priority Use Classifications and Qualifications

Priority scheduling of use of fields/facilities will be according to the following hierarchy, with the highest priority for use granted to Group I:

Group 1: City sponsored or co-sponsored events; non-profit or not-for-profit youth organizations that have at least 80% residents, and local affiliates of national non-profit youth organizations that have at least 80% residents.

Group 2: Youth programs, non-profit or not-for-profit youth organizations or events with at least 51% Soledad residents.

Group 3: Youth programs, non-profit or not-for-profit youth organizations or events with less than 51% Soledad residents; City of Soledad School District athletic programs or events.

Group 4: Adult programs, non-profit or not-for-profit organizations or events with at least 80% Soledad residents.

Group 5: Adult programs, non-profit or not-for-profit organizations or events with less than 80% Soledad residents.

B. Allocation Procedures

Applicants must submit a monthly calendar of events, dates and times thirty (30) days in advance/start of season. Applicant must be specific with intended dates/hours of use.

- 1) Field use times will be divided into prime time and non-prime time. Prime time priority is given first to Group 1 user groups and then to Group 2 user groups, Monday through Friday, from 4:30 pm to 8:00 pm, and all day Saturday.
- 2) Any available remaining field time will then be scheduled to the other priority groups, Groups 3 through 5 in descending order.
- 3) Non-prime time priority is given to Group 3 youth organizations, then to Groups 4 and 5 adult organizations groups, Monday through Friday, before 4:30 p.m. and from 8:00 pm to 10 pm, and all day Sunday as site specifics and conditions allow.

<i>Prime Time</i> 4:30 – 8:00 pm	<i>Non-Prime Time</i> 8:00 – 10:00 pm
<i>Group 1</i>	<i>Group 3</i>
<i>Group 2</i>	<i>Group 4</i>
	<i>Group 5</i>

- 4) Notwithstanding the above, in the event of schedule conflicts within or between priority youth groups, game events will be given priority over practice events. Likewise, in the event of schedule conflicts within or between priority adult groups, game events will be given priority over practice events.
- 5) Should City Staff recognize that a scheduling conflict exists between two or more Applicants, Staff will notify the Applicants and make arrangements for the Applicants to meet and discuss the scheduling conflict. Staff will provide guidance, meeting space and encourage the Applicants to negotiate a schedule to share the requested field that addresses the needs of all Applicants.
- 6) Resolving further scheduling conflicts: To resolve a discrepancy between two or more Applicants in the same Priority Use class where both request either game or

practice use of the same site/field for the same time period and that cannot be worked out between the Applicants, then the permit will be decided by a lottery system, as set forth in subparagraph 6 below.

- 7) Lottery System: Upon two or more Applicants in the same Priority Use class being unable to resolve a scheduling conflict, Applicants will be subject to a random lottery draw. The Applicant whose name is drawn first will receive their requested reservation and the following month, athletic season or year, as the case may be, the remaining Applicant(s) whose name(s) was not drawn will automatically receive priority in the lottery system over the Applicant who received the requested reservation for the following season.

5. PROCESS FOR OBTAINING PARK PERMITS

A. Application and Agreement

Multiple-use reservations may be made for more than one date or with recurring weekly use. Any person or organization missing these deadlines will have access to any remaining fields after the allocation and scheduling process is finalized on a first-come, first-served basis.

Completion of an Application and Agreement Request for Use of City of Soledad Parks and Sports Fields is required and must be submitted a minimum of ten (10) working days prior to the requested use date. Payment is due in full at the time the permit request is submitted. Proof of insurance must be submitted prior to a permit being issued.

Submittal of documents does not constitute approval. Every effort will be made to accommodate user groups' requests for use of fields.

B. Permit Request Requirement

Any group of ten (10) or more individuals that wishes to utilize park facilities must complete all applicable forms and documents. The City has exclusive discretion in decisions on scheduling of City fields and such decisions shall be final. Permits will not be issued for use on the holidays of December 25 or July 4.

C. Liability Insurance Requirements

Permittee shall secure and maintain throughout the period of use under this agreement, general liability insurance with policy limits of not less than \$1,000,000 per occurrence. The types and limits of insurance may be changed from time to time as determined by the City of Soledad.

D. Payment of Fees

Payment in advance of use is required. Cash, check, money order or credit card may be used for payment at least 10 working days prior to the requested use. Payment plans may be arranged for multiple-use date maintain and/or repair City Park Facilities.

E. Deposit

A key return deposit and damage/cleaning deposit are required for single or multiple-use date permit reservations. Deposits are refundable upon return of key and verification by the City of satisfactory condition of the reserved field/facility.

F. Permit Cancellation

Reservation permits may be canceled and/or rescheduled. Permits canceled by the City or due to inclement weather may be rescheduled as availability allows or may be refunded in full. Permits canceled by the user at least 10 working days prior to the event will be refunded in full. No refunds will be issued if permitted use is canceled with fewer than 10 days notice. In addition, the City of Soledad reserves the discretion to cancel or re-assign use of City fields for any of the following reasons:

- Needed repair work by the City involving any of the facilities;
- Periods of heavy rain which might result in unsafe field conditions;
- Non-adherence to Park Facilities Use and Allocation Policy, Park Use Rules, or City regulations;
- Tournaments and special events hosted by the City and/or Group 1 organizations throughout the year.

G. Notice of Field Exchange

Organizations may “give up or exchange” their allocation, or any part of it, with an organization of equal or greater allocation priority only when all the parties agree in writing and the City reissues updated permits to each organization. Users may not sublease fields under any circumstance. Subleasing of fields may result in revocation of all permits.

H. Notice of Non-Use of Field

Any organization that has been permitted to use a field and determines that they will not need to use it shall notify the City Public Works Department. User groups with fee waivers may be billed for fields that they have reserved and have not used. Non-use of a field may also result in revocation of the permit of the allocated field.

I. Fee Waiver Request Procedure (Group 1 and 2 user organizations only)

Only organizations that meet the requirements for Group 1 and Group 2 status may apply for waiver of field use fees. Requests for fee waiver for use of park facilities must be submitted in writing to the City Public Works Director and will be approved

administratively. Group 1 and Group 2 user organizations receiving fee waivers shall be considered to be co-sponsored by the City of Soledad.

User groups with fee waivers may be billed for fields that they have reserved and have not used.

J. Appeals/Complaint Process/Arbitration

Applicants under this process may file a complaint with the Public Works Director and appeal the decisions of the Public Works Director or his delegate as set forth in the second paragraph of this document.

6. SPECIAL EVENTS

Special events are defined by the size of the group, and by the nature of the activity or use – i.e., with the activity classified as either a public or private event. A “public” special event is open to all community members, with or without an entrance fee, and can include such events as carnivals, circuses, outdoor concerts or live entertainment, pyrotechnic displays, and festivals. A “private” special event is limited to attendance by invitation, such as a family reunion, birthday or graduation party. *All special events are subject to the City’s Special Events Policy and applicants should refer to said policy for all rules and requirements.*

7. RULES FOR USE OF CITY PARKS, ATHLETIC FIELDS AND FACILITIES

Applicants are required to abide by the specific rules of this policy; these rules include the following:

A. GENERAL RULES APPLICABLE TO ALL USERS

- 1) All activities conducted in City parks will be conducted in accordance with applicable regulations of the Soledad Municipal Code and applicable policies of the City Council of the City of Soledad.
- 2) Park Hours. Parks are open from dawn to dusk unless specific hours are posted at the park or a specific exception has been approved by the City.
- 3) Gambling Illegal. Gambling in any form is prohibited on all City parks and other facilities.
- 4) Alcohol Use. No alcoholic beverages shall be sold or consumed in City parks or athletic fields unless express approval of the City has been granted pursuant to a Special Events-Temporary Use Permit and consistent with Chapter 9.20 of the Soledad Municipal Code and a Certificate of Liquor Liability Insurance is provided by the applicant. (See Item #4 for Park Reservations and Rules).

- 5) **Parking.** Parking is allowed only in designated parking areas or on the street. No vehicles are allowed on grass or sports fields without written permission noted on the permit issued by the City. Vehicles shall not be driven into picnic areas to load or unload supplies.
- 6) **Dogs in Parks.** Dogs are allowed in Soledad Parks on a leash. All waste matter shall be properly disposed in city trash containers.
- 7) **Outdoor Sound Equipment.** Amplified sound and music is allowed in City parks and City facilities only upon obtaining an Outdoor Amplified Sound Permit from the Soledad Police Department pursuant to Chapter 9.12 of the Soledad Municipal Code, or as otherwise permitted for Special Events through issuance of a Temporary Use Permit.
- 8) **BBQ Use.** Personal barbecue grills are allowed in City of Soledad parks. Where parks have picnic tables, barbecue grills must remain on picnic site areas only. All coals shall be disposed of properly either in an available trash container or shall be removed from the picnic sites. Make sure coals are completely cooled off before disposing of them. Do not cover coals with dirt or sand.
- 9) **Party Jumps.** Unless part of an approved Special Event, only one jump house is allowed as set forth on Page 1, Section 2 “Parks General Use Policy” in this document. Electricity must be supplied by a generator. Companies providing the jump/ponies must have liability insurance on file with the City of Soledad naming the City as an additional insured, plus have a current business license.

B. RULES APPLICABLE TO ALL PARK FACILITY APPLICANTS

- 1) Parks Reservation Permits will be issued only to adults (21 years of age or older) who accept the responsibility of enforcing the rules and regulations.
- 2) Park facilities may be reserved for any day of the year. The minimum time period for a Park Reservation Permit is two hours; however, additional park time may be reserved in two hour increments.
- 3) Reservations for all other uses or activities must be completed and received at least five (5) business days in advance of the activity. Reservations will not be considered complete until the following conditions have been satisfied:
 - An application for the use of Parks is on file with the City of Soledad;
 - All fees and deposits are paid in full;
 - A certificate of Personal Liability insurance is on file with the City of Soledad;
 - If applicable, a certificate of Liquor Liability insurance is on file with the City of Soledad; and
 - Any additional required permits (e.g., Temporary Use Permit) are on file with the City of Soledad.

Rental activities not meeting all applicable conditions will be cancelled, and no fees will be refunded.

- 4) Applicant will provide at its own expense the following insurance:
 - Liability Insurance: Broad from Comprehensive General Liability insurance in the amount no less than \$1,000,000.00 for each occurrence, combined single limit, personal injury and property damage, naming the City of Soledad, their officers, agents and employees as additional insured.
 - If applicable and alcohol will be available, Liquor Legal Liability coverage in an amount not less than \$1,000,000.00.
 - The sale of Food and/or Beverages will require additional insurance, and may require a Business License and a Health Department Permit or approval.
- 5) The City of Soledad has priority use of all City facilities, and has the authority to grant priority to additional users consistent with the prioritization order established by this policy. In all other cases, reservations will be accepted on a first come/ first served basis.
- 6) Reservation permits reserve only picnic areas or sports fields. Except for certain Special Events permits, there is no exclusive use for any City of Soledad parks. There may be other events occurring at the same time.
- 7) Applicant is solely responsible and answerable for any damages and all accidents or injuries to persons or property resulting from their use of the rented facilities or areas. Applicant agrees that he/she is responsible for all acts of passive and active negligence, as well as willful misconduct, of both its participants and spectators, and further agrees to seek police intervention for such misconduct on an “as needed” basis. Notwithstanding the terms and conditions of any liability insurance policy obtained pursuant to Item 4, Applicant agrees that to the extent such coverage is not provided by the applicable damage and liability insurance policy, Applicant shall reimburse City for all costs incurred in cleaning or repairing damage to park facilities.
- 8) Applicant is responsible for park clean up after each event. Clean-up will consist of, but not be limited to:
 - Disposal of all garbage and debris in the trash receptacles provided;
 - Restrooms picked up, checked for damage, toilets flushed and doors locked;
 - Storage areas picked up, checked for damage and doors locked;
 - All equipment cleaned, returned to, and stored in its proper place; and
 - All lights turned off.

Failure to clean the facility in the manner set forth above may result in loss of damage/ cleaning deposit and use of the facility for a time to be determined by the City of Soledad.

- 9) If damage of the facility is discovered by the Applicant upon arrival, the Applicant must make notify the City of Soledad of the extent of the damage by 12:00pm (noon) of the next business day. If the facility or any equipment is damaged during use, Applicant must notify the City of Soledad of the extent of the damage by 12:00pm (noon) of the next business day. Failure to notify the City may result in loss of security deposit and future use.
- 10) The City Council may make exception to any of the park use rules or regulations, including rental rates. The City reserves the right to refuse service to anyone.

C. ADDITIONAL RULES FOR USE OF SPORTS FIELDS

- 1) Groups consisting of ten or more individuals wishing to use a designated athletic field must acquire a Parks Reservation permit issued by the City of Soledad. Permit must be available on the reserved site during use and presented to any City representative upon request.
- 2) It is the responsibility of the organization president and the individual identified as the person in charge of the City-issued permit to enforce the rules and regulations regarding the conduct of the members of the organization while on permitted facilities.
- 3) Use begins and ends at the times stated on the permit including set-up and clean up. Groups are not allowed on fields prior to the start time shown on the City-issued permit and are required to have the fields clean, picked up and be off the fields at the ending time indicated on the permit. Additional fees will be charged for unauthorized or extended field use beyond times listed on the permit. No member of the organization holding a City-issued permit is allowed on any field approved for that organization's use prior to time listed on permit.
- 4) Sub-leasing of fields is NOT allowed under any circumstance. Subleasing of fields may result in revocation of all permits.
- 5) Fields not being utilized by the appropriate organization or team indicated on the City-issued use schedule may result in the field being reassigned. City will notify organization president or person identified as in charge of the City –issued permit by phone or e-mail when City staff observes or is notified that a field has gone without use. A second non-use will result in reassignment and re-issuance of permits unless the organization/team representative provides notification to the City at least 24-hours in advance of the scheduled time. An observed third non-use incident will result in reassignment and re-issuance of permits irrespective of whether or not advance notification is provided.

- 6) If the group holding a City-issued field permit does not show up for use after 20 minutes from the start of the permitted time, any City-approved youth user group may use the field. In the event that the originally scheduled group shows up, the non-scheduled group must leave that field within 10 minutes.
- 7) Each user group is responsible for picking up trash and debris and depositing it into the proper trash bins at the conclusion of games or practice. Adjoining areas must be clear of all trash. In the event that trash is found on site prior to or at the start of use, notify the City Department of Public Works in order to document this use violation. Any costs incurred by the City to clean fields may be charged to last permitted user group without proper notification of possible violation by other user group.
- 8) The selling of food or other items is not allowed without City approval and must be noted on the permit.
- 9) Balls and/or any other equipment thrown, batted, kicked, or otherwise propelled that land on private property are not be retrieved without permission of property owner. Do not climb walls or enter gates to gain access onto private property.
- 10) Amplified sound is not allowed on any field without City approval (see General Rule No. 7) and must be noted on the permit.
- 11) Banners may not be posted without application to the City for a Temporary Sign Permit. Application does not constitute approval. Approval shall be noted on your permit.
- 12) All parks users shall conduct themselves in a manner that is respectful of others and demonstrates good sportsmanship.
- 13) No single sport/team may be allowed to schedule 100% use of a single facility for an extended period of time (a full season) without concurrence of the other sport/team desiring to schedule use of the same facility.
- 14) The City shall not change an approved Park reservation without first contacting the person or organization that reserved the Park

Any violation of the rules in this policy may lead to loss of deposit and future park facility use.

D. APPROVED PARK FORMS

The attached forms are authorized except as amended from time to time by the City Manager to keep the forms current with local, State and Federal regulations:

- 1) Park Reservation Form.
- 2) Restroom Facilities Key Release Agreement.
- 3) Application for Reserved Use of Parks 2010.