

COUNCIL POLICY

<u>SUBJECT:</u> Facilities Use Rules and Regulations	<u>POLICY NO.:</u> 78-04	<u>DATE ADOPTED:</u>
	<u>AUTHORITY:</u> a) Resolution No. CC-0405-039 b) Resolution No. CC-0701-002 c) Resolution No. CC-1009-050 d) Resolution No. CC-1103-029	a) 5/3/04 b) 1/16/07 c) 9/07/10 d) 3/21/11

PURPOSE:

This policy establishes the rules and guidelines for the permitted use of City facilities including, but not limited to, William Green Park, Jane Addams Park, Rogers-Anderson Park, Charles B. Hopper Park, Frank Hogan Tot Lot, Diane Bollinger Memorial Gymnasium, the Community Center Annex, the City Hall council chamber, and the City's Show Wagon mobile trailer.

POLICY:

PRIORITY OF USE

Applications for the use of the above-mentioned facilities are accepted on a first come, first serve basis. However, applications submitted on the same day, regardless of time, will be approved based upon a priority system. Facility use permits shall be issued to groups and individuals in the priority order established below, depending upon facility availability. An application for a facility use permit(s) may be denied if found to be in conflict with City sponsored or co-sponsored events and/or activities, which events shall be given first priority.

1. Non-profit organizations recognized by the State of California and organized under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code that qualify as either a youth-based or a community-based organization as defined in Chapter 8.12 of the Lawndale Municipal Code. Schools which are affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Unified High School District;
2. Governmental agencies, or elected officials representing Lawndale, using the facility for the purpose of conducting an event or activity for the benefit of Lawndale residents and businesses;
3. Other organizations, for profit or non-profit, that operate within the incorporated boundaries of the City of Lawndale;
4. Individual applicants who reside within the incorporated boundaries of the City of Lawndale; and
5. Individuals who reside outside of Lawndale and organizations that operate outside of the incorporated boundaries of the city.

GENERAL PROVISIONS

Application Required:

Any organization or individual requesting use of City facilities must submit a completed application to the Community Services Department no less than eight business days in advance of the initial date of use.

The facility use application shall request the following information from the applicant:

- Name of organization or individual if private;
- Internal Revenue Service (IRS) 501(c)3 certificate, if applicable.
- Contact information of applicant, or representative of applicant, including address, city and zip code, and day, evening, cell phone numbers and e-mail address;
- Name of facility being requested;
- Description of the planned activity;
- Date(s) and times of use;
- Expected attendance;
- Portable barbeque information, if applicable;
- Jumper/bounce house information, if applicable;
- Signature of applicant;
- Date application completed;
- Los Angeles County Department of Public Health permits, if requesting use of a snack bar; and
- Any other information requested on the application.

The City shall provide each applicant with a copy of Lawndale Municipal Code Chapter 12.32, this policy, and any other applicable documentation.

Use of Outdoor Facilities:

Team or Group Sports Activities:

The following user groups and/or individuals must obtain a permit before using outdoor park facilities at William Green Park, Jane Addams Park, and Rogers/Anderson Park for sports activities: Permits for sports activities are not issued for Charles B. Hopper Park and Frank Hogan Tot Lot.

- Non-organized groups consisting of 20 or more players;
- Organized teams practicing or playing games with more than five people per team; and
- Groups wearing cleated athletic shoes (Rogers/Anderson Park only).
Note: Cleated athletic shoes are not allowed at Jane Addams or William Green Parks for activities other than baseball.

Parties, Gatherings and Celebrations:

The following user groups must obtain a permit before using outdoor park space for parties, gatherings or celebrations:

- Groups in excess of 25 or more people at William Green Park, Jane Addams Park and Rogers/Anderson Park.
- Anyone using portable gas barbeque grills (all parks).
Note: Portable charcoal grills are not allowed (all parks). However, charcoal briquettes may be used at any City or school district owned park, in which City-installed, built-in, stationary barbeque grills exist, provided that the charcoal briquettes are contained solely within the applicable grill compartment. A use permit will not be required for the use of such barbeque grills.

- Anyone using jumpers or bounce houses at William Green Park, Jane Addams Park and Rogers/Anderson Park. Jumpers and bounce houses may not be used at Charles B. Hopper Park or Frank Hogan Tot Lot.
- Groups in excess of 10 people, however, no larger than 25 people at Charles B. Hopper Park and Frank Hogan Tot Lot.

Notes: Groups exceeding 25 people applying to use Charles B. Hopper Park or Frank Hogan Tot Lot are encouraged to apply for a permit at one of the larger parks. The maximum permitted capacity at Charles B. Hopper Park and Frank Hogan Tot Lot shall be 25 people on any given day.

Use of Snack Bars:

The snack bars may be used only in conjunction with a field use permit and may not be used for commercial purposes. Applicants requesting the use of the snack bars shall be required to obtain the necessary permits from the Los Angeles County Department of Public Health before a permit may be issued.

Use of Show Wagon Mobile Trailer:

The following user groups may apply for a permit to use the Show Wagon:

- Non-profit organizations recognized by the State of California and organized under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code that qualify as either a youth-based or a community-based organization as defined in Chapter 8.12 of the Lawndale Municipal Code;
- Schools located within the incorporated boundaries of Lawndale which are affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Unified High School District;
- Government agencies operating within the incorporated boundaries of the City; and
- Elected officials representing the Lawndale community.

Additional Provisions: The use of the Show Wagon shall be restricted to areas within the incorporated boundaries of Lawndale, or no more than one mile outside of City boundaries. (Non-profit organizations, schools and government agencies residing outside of the incorporated boundaries of Lawndale, but within a one-mile radius, may only use the Show Wagon if granted permission by City Council.) City staff shall notify City Council via manager's memo of any Show Wagon use. The Show Wagon shall not be permitted for more than five consecutive days of use. Partial, pickup and delivery days shall count as one day. The Show Wagon may not be used for commercial, personal or private purposes.

Use of the City Hall Council Chamber:

The City Hall council chamber may be used without charge by governmental agencies and officials, and by public utility companies, for public information programs, workshops, or other programs that benefit and are provided free of charge to Lawndale residents and businesses.

During the 60 days prior to a municipal election, a use application may be submitted for a candidate forum if all candidates are invited to participate equally and the forum program is structured to provide each candidate with an equal opportunity to address the issues presented. During such an event, electioneering, as defined in California Elections Code section 319.5, must be limited to a display of

individual candidate's printed electioneering information in the foyer area only as electioneering activities are prohibited in the council chamber. Reservations for the council chamber for a candidate forum will be accepted by the City Manager's office, subject to availability.

The City may assist with the set-up of additional furniture and audiovisual equipment, subject to availability and staffing resources. Council chamber users may, with prior approval from the City Manager's office, serve food and beverages during the event, provided that they are consumed only in the foyer area and not in the council chamber itself. At the conclusion of the event, furniture and equipment must be returned to their original positions. Food, beverages, containers, written materials, etc. must be removed or deposited in wastebaskets or recycling bins, as appropriate. The City reserves the right to charge users for the cost to repair damage to the facility, furniture or equipment, or for any special cleaning of the facility beyond normal maintenance requirements.

Fees and Deposits:

Applicants must pay in full all fees and deposits as may be established by resolution of the City Council no less than four business days in advance of the initial facility use date. Failure to pay such fees and deposits will result in nullification of the permit. Partial payments will not be accepted. The City will charge a fee for any check(s) returned by a bank for insufficient funds.

Issuance of Permit:

Facility use permits will be issued by a Community Services staff member, or members designated by the City Manager. The permit will contain the information described in the paragraph below and the acceptance of the conditions and regulations governing the permit must be acknowledged by the primary applicant by his/her signature on the Application for Facility Use. Extended use permits shall not exceed a period of three calendar months, unless otherwise approved in writing by the City Manager or his/her designee.

By acceptance of the permit, the primary applicant/permit holder agrees to: A) acknowledge receipt of a copy of Lawndale Municipal Code Chapter 12.32, this policy, and any other applicable documentation and accept the conditions contained therein; B) accept responsibility for actions of the participants of the event or activity; C) be present and supervise the event during the entire facility use time; and D) indemnify and hold the City harmless from any and all claims relating to the use of a City facility other than claims arising from the City's negligence.

Insurance Requirements:

Valid general liability insurance in a form and amount acceptable to the City's Risk Manager shall be required for all permitted uses involving the reservation of a building, field, the Show Wagon mobile trailer, or any other facility under the jurisdiction of the City. Outdoor functions, such as birthday parties, family gatherings and picnics that utilize a City facility but do not require a permit do not require insurance unless the event will include a jumper/bounce house or the type of group sport activity which requires a permit. When insurance is required, proof of insurance must be submitted to the Community Services staff member designated by the City Manager before any permit(s) is issued. The following general uses require that the applicant provide valid insurance documentation, to the satisfaction of the City, or secure insurance through the Community Services Department from a third party.

- Outdoor sports activities
- Indoor sports activities
- Jumpers/bounce houses
- Indoor meetings
- Indoor parties and gatherings

Applicants who do not carry insurance will be required to purchase general liability insurance provided by a private carrier identified by the City. When applicable, insurance costs will be added to the facility use permit fees. Applicants may solicit insurance from a vendor of their choice, however, the insurance must meet the City's requirements as determined by the City's Risk Manager based upon the type of activity and number of participants.

Cancellation of Permit(s):

The City has the sole right to cancel or defer any permit(s) for any facility that is needed by the City for a civic affair or other significant function.

If an extended use permit holder fails to use a facility on two permitted dates, the Community Services Department may cancel a permit for the remainder of the permit period.

If a permit holder leaves the facility in an unsatisfactory condition, or there are damages during the period of time in which the permit holder used a facility, or for other good cause, the Community Services Department may cancel a permit and impose additional costs as described in the section "Security Deposit Refunds," below. Furthermore, following cancellation of a permit by City, the permit holder shall be ineligible for permit approvals for a period of one year. If a permit is cancelled, the permit holder shall be eligible for a refund, up to the portion of the fee remaining after all of the City's costs have been recovered.

Cancellation by User:

A facility use permit holder may cancel its reservation and request a refund of rental fees and security deposits if such request is submitted in writing no less than four business days in advance of the scheduled usage.

Failure to Use Facility Without Cancellation:

Permit holders who fail to use any scheduled facility without properly cancelling the reservation per the cancellation provisions shall only be eligible for a refund of permit fees up to the amount of the portion of the fee remaining after all of the City's costs have been recovered.

Security Deposit Refunds:

Upon conclusion of the use of any City facility, the permit holder must ensure that the facility is in a satisfactory condition and shall return all equipment to its proper place and shall remove all trash and debris. City staff shall inspect all areas of use before the permit holder leaves the premises. If the facility is judged to be in satisfactory condition, the security deposit will be refunded through the City's standard warrant procedure, normally within 4-6 weeks.

Permit holders not concluding their use, including clean up time, and exiting the facility after the expiration of the approved permit time shall be charged for excess facility costs, staff time and any other costs incurred by the City as a result of the unauthorized extended use.

Permit holders shall be responsible for costs associated with cleaning any facility when a facility is left in an unsatisfactory condition or when damage to City property and/or equipment has been caused by the actions of the permit holder or his/her guests.

Should damages, clean up costs or other costs incurred by the City in connection with the use of a City facility exceed the amount of the security deposit, the City will bill the permit holder for the excess amount. Should the permit holder fail to timely remit payment for damages in full, the permit holder may be declared ineligible for future use of any City facility for one year, or indefinitely as long as payment is outstanding.

Items Left Behind:

The City is not responsible for items left behind after any activities permitted hereunder and may dispose of any items left behind in any manner deemed appropriate by the City.

Additional Permit Restrictions:

Permit holders and their guests are required to adhere to the following restrictions:

- Alcoholic beverages and all forms of gambling (including bingo, raffles or lotteries) are prohibited on or about any City (including Lawndale Elementary School District) property.
- Smoking is prohibited within all City or Lawndale Elementary School District-owned buildings and within 20 feet of the main entrance, exit or windows that may open of such buildings (California Government Code Sections 7596-7598).
- Defacing any City or Lawndale Elementary School District property in any way is prohibited.
- Using nails, crayons, chalk, adhesive tape, hanging devices or any other means to post or hang any type of material within any indoor facility setting is prohibited.
- Food and/or drinks are prohibited on the court surface of the Diane Bollinger Gymnasium. Users of the gym floor at the Diane Bollinger Gymnasium are required to wear rubber soled athletic shoes at all times.

WAIVER OF FEES

Fee waiver requests must be submitted to the Community Services Department along with a completed facility use application ten business days in advance of the initial date of use.

The following user groups shall be eligible for a 100% waiver of fees:

1. Non-profit organizations recognized by the State of California and organized under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code that qualify as either a youth-based or a community-based organization as defined in Chapter 8.12 of the Lawndale Municipal Code;
2. Schools which are affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Unified High School District; and
3. Governmental agencies or elected officials representing Lawndale using the facility for the purpose of conducting an event or activity for the benefit of Lawndale residents and businesses.

Fee waivers will be granted by the Community Services staff member, or staff members designated by the City Manager. Fee waiver decisions can be appealed in writing to the City Manager.

Schools not affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Unified High School District with students who are Lawndale residents may apply to the City Council for 50% a waiver of fees.

Security deposits and insurance costs, if any, and all other insurance requirements shall not be waived.

INDEMNIFICATION

All applicants will be required to acknowledge by signature the following indemnification clause when completing an Application for Facility Use. An application without a signature from the applicant acknowledging the indemnification clause will not be considered complete.

I, _____ (FULL NAME), on behalf of _____ (ORGANIZATION) understand that my use of the _____ (hereinafter "City Facility") exposes me to the risk of personal injury, death or property damage, as well as the risk of injury or damage to other people or property. I hereby acknowledge that I am voluntarily requesting to use this City Facility and agree to assume any such risks on behalf of myself and the Organization and any participants in said use.

I hereby release, discharge and agree not to sue City of Lawndale and its officers, agents, and/or employees against any claim for any injury, death or damage to or loss of personal property arising out of, or in connection with, my and the Organization's use of the City Facility from whatever cause, including the active or passive negligence of City of Lawndale or any other participant in the use of the City Facility, other than an injury or damage arising out of the sole negligence or willful misconduct of City, its officers, agents, and/or employees.

In consideration for being permitted to use the City Facility, I hereby agree, for myself, my heirs and assigns and the Organization that I/the Organization shall indemnify and hold harmless City of Lawndale, its officers, agents, and/or employees from any and all claims, demands actions or suits arising out of or in connection with my/the Organization's use of the City Facility.

I HAVE CAREFULLY READ THIS RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE AND FULLY UNDERSTAND ITS CONTENTS. IF THIS APPLICATION IS BEING SOUGHT ON BEHALF OF AN ORGANIZATION, I AM DULY AUTHORIZED TO SIGN THIS RELEASE ON BEHALF OF THE ORGANIZATION. I AM AWARE THAT THIS IS A FULL RELEASE OF ALL LIABILITY AND SIGN IT ON MY OWN FREE WILL.

Applicant's Printed Name

Applicant's Signature

Dated