

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-1203-020 c) Resolution No. CC-1205-039	a) 5/3/04 b) 3/19/12 c) 6/4/12

PURPOSE:

This policy establishes the rules and guidelines for the permitted use of City facilities including, but not limited to, the Lawndale Community Center, 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 and issued to groups and individuals in the priority order established below and dependent upon facility availability. Any application for a facility use permit(s) may be denied if it is 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;
2. Schools which are affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Union High School District;
3. Governmental agencies or elected officials representing Lawndale;
4. Other organizations, for profit or non-profit, that operate within the incorporated boundaries of the City of Lawndale;
5. Individual applicants who reside within the incorporated boundaries of the city; and
6. Individuals who reside outside of the city and organizations that operate outside of the incorporated boundaries of the city.

GENERAL PROVISIONS

Application Required:

Any organization or individual requesting use of a City facility must submit a completed Application for Facility Use to the Community Services Department in sufficient time to allow city staff to process the application and obtain all necessary services for the event. A recommended timeframe is no less than eight City business days in advance of the initial date of use. It is suggested that applications are

submitted as far in advance as possible to allow for adequate processing time and to better the chance of securing a facility at the desired date and time. Other than an application to use the Community Center Main Event Room for an event involving alcohol which must be signed by an applicant who is 21 years of age or older, each Application for Facility Use must be signed by an individual who is no less than 18 years of age.

The Application for Facility Use shall require the following information from the applicant:

- Name of organization or individual if private;
- Internal Revenue Service (IRS) 501 (c) 3 certificates, if applicable.
- Contact information of applicant, or representative of applicant, including address, city, zip code, day, evening and cell phone numbers and e-mail address;
- Name of facility being requested;
- Description of the planned activity (including whether food or alcohol will be sold or served, whether music will be played and, if so, whether live or recorded, whether admission will be charged and whether the event is open to the public);
- 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 City Facilities (All):

- No applicant may sublet any portion of the City facility rented from the City.
- The applicant shall immediately report all personal injuries and damages sustained during use of the City facilities.
- Individuals who intentionally or negatively damage property or display conduct that is potentially harmful to people shall be required to leave the City facility.
- No suggestion of City sponsorship or endorsement of an event or use of a facility may be made without prior approval of the City Council.
- City reserves the right to require security, in its sole discretion, for any use of a City facility for the entire time during which the permit holder has the facility under permit and up to 30 minutes before and/or after the permit period. Security will be required for events with attendance in excess of 100 attendees or those with a disc jockey or other source of amplified music. When security is required for any facility other than the Lawndale Community Center Main Event Room or for an event in the Main Event Room at which beer, wine and/or champagne will not be served, the security shall be provided by a licensed, unarmed and uniformed foot patrol hired by the permit holder from a City-approved vendor under contract with the City. Security for an event in the Main Event Room at which beer, wine and/or champagne will be served shall be provided by the Los Angeles County Sheriff's Department. The permit holder shall be responsible for payment of all costs incurred to provide security.

- Permit holders must be accurate in stating the number of attendees at an event. If attendance is understated and actual attendance exceeds the number that requires security, staff will terminate the event at the time of incident. There will be no refund of fees or deposits in this situation.
- Events must end a minimum of 30 minutes prior to permit end time or sooner as needed to allow for cleanup and departure. Exception: Events in Community Center Main Event Room must end 45 minutes prior to permit end time.
- The facility will be available for set-up no earlier than the approved permit start time and must be cleaned and vacated no later than the approved permit end time or additional hourly fees will be assessed on the applicant for all time past the permit end time.
- No applicant or participant may remove, relocate or take any indoor City property or fixture outside for any reason without prior City approval.
- Other than guide dogs, no animals may enter a City building.

Use of Community Center Main Event Room and Meeting Rooms:

The Community Center Main Event or Meeting Rooms must be reserved for a period of no less than three hours including time necessary for set-up and clean-up. However, organizations that qualify for a waiver of fees may be approved to use the Community Center Main Event or Meeting Room for a period of less than three hours.

Use of the Platform Stage. No food, drink or horseplay is permitted on the platform stage. Use of the platform stage will be permitted for presentation and/or performance purposes only.

Use of the Kitchen. A permit holder permitted to use the kitchen for an event that does will not utilize a catering service may only use of the following portions of the kitchen: refrigerator, counters and sinks.

Events Permitted for the Use of Beer, Wine and/or Champagne.

- Security shall be provided by the Los Angeles County Sheriff's Department. The Sheriff's Department shall determine the number of sworn officers required to supervise each event and shall provide a cost estimate to the City. The estimated security costs shall be paid to the City by the applicant prior to permit approval.
- An alcohol security deposit shall be paid by the applicant prior to permit approval.
- Beer, wine and/or champagne may only be served by an entity that holds a current California Department of Alcohol Beverage Control (ABC) license to serve beer, wine and/or champagne, such as a caterer, restaurant, bar, or by the permit holder itself if the permit holder is a non-profit organization that has obtained a daily ABC license.
- Beer, wine and champagne must be served over the bar unit provided by the City, and only to people 21 years of age and older. Alcoholic beverages must be consumed inside the Main Event Room and are not be allowed on the outdoor terrace adjacent to the Main Event Room or in the hallways, lobbies, restrooms, parking lot or any other areas of the center outside of the Main Event Room.
- If any rule or permit condition for serving beer, wine and/or champagne is found to have been violated, to include the presence of types of liquor other than beer, wine or champagne, staff will immediately terminate the event.

Use of Outdoor Facilities:

Team or Group Sports Activities:

The following user groups and/or individuals must complete an Application for Facility Use to 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 games, or practices held on any baseball field.
- No motorized vehicles may be used on any field or green space.

Parties, Gatherings and Celebrations:

The following user groups must complete an Application for Facility Use to 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.
- Groups 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 is not required for the use of such barbeque grills.
- A group of any size requesting the use of a jumper or bounce house at William Green Park, Jane Addams Park and Rogers/Anderson Park. Jumpers or bounce houses at these parks shall be limited to one per day, permitted on a first come, first served basis. Jumpers and bounce houses will not be permitted 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 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.

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 Show Wagon shall be restricted to use in areas within (1) the incorporated boundaries of Lawndale, or (2) no more than one mile outside of City boundaries. Any non-profit organization, school or governmental agency located outside of the incorporated boundaries of Lawndale, but within a one-mile radius, will be limited to using the Show Wagon only upon approval by the City Council. 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 eight 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 the Community Services Department staff member, or members designated by the City Manager. A use permit cannot be approved until applicant provides the following information: signed facility use application, payment in full including any deposit, certificate of insurance meeting the City's requirements, and any required Health Department permit, the beer and wine license from the ABC or other required licenses or permits. 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. Each City facility must be used for the specific purpose identified in the Application for Facility Use only. City facilities cannot be used on a for profit basis in which fees are collected for admission, memberships or any type of equipment and/or supplies. Events in which money is being exchanged will be discontinued upon discovery.

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 and agree to comply with all of the conditions contained therein; B) accept responsibility for actions of the participants of the event or activity; C) be present and supervise the event and those in attendance 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.

Facility Inspection Process:

Permit holders will be required to acknowledge the condition of the building by signing the Condition of Facilities form completed by staff confirming the facility condition prior to the commencement of his or her use of said facility and once again prior to departing the facility. Accordingly, each permit holder shall visually inspect the facility to confirm the information on the form and must note any discrepancies.

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, 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 Department 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.

Events Including Beer, Wine and/or Champagne:

An event at which beer, wine and/or champagne has been permitted by the City will also require alcohol liability insurance, which insurance shall be provided by a third party insurance carrier identified by the City if the applicant does not have sufficient insurance coverage, with limits as required by the City's pooled insurance provider.

Events Using the Snack Bar:

Before a permit will be issued for the use of the snack bar, an applicant must obtain the necessary permits from the Los Angeles County Department of Public Health.

Events Using the Community Center Kitchen:

Any caterer must provide evidence of insurance meeting the City's requirements to qualify for full kitchen use. Minimum insurance requirements shall be no less than \$1 million in Commercial General Liability and \$2 million aggregate, no less than California State Statutory Workers Compensation levels and \$1 million in Auto Liability; however, the types and amounts of insurance may be revised by the City's pooled insurance provider from time to time. All insurance certificates shall name the City of Lawndale as additionally insured.

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 his or her reservation and submit a written request for a refund of rental fees and security deposits. A permit holder making such a request shall receive a refund of the fees and deposits paid less all costs that have been incurred by the City.

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 and Additional Charges after Use:

Upon conclusion of the use of any City facility, the permit holder must ensure that the facility is in a satisfactory condition that all trash has been placed in trash containers and all property of the permit holder and event attendees has been removed and shall return all equipment to its proper place. Permit holder shall not remove, relocate or take City property outside of the facility without the prior written approval of the City. City staff shall inspect all areas of use before the permit holder leaves the premises for which a security is required. If the facility is judged to be in satisfactory condition, the 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 upon the expiration of the approved permit time shall be charged for excess costs incurred by the City, if deemed appropriate by the City Manager. Such costs may include staff time and any other costs incurred by the City as a result of the unauthorized extended use. Excess costs will be deducted from the deposit refund.

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

If actual costs for Sheriff's Department security exceed the estimated amount paid by the permit holder, the excess amount will be deducted from the deposit refund. Conversely, if actual security costs are less than the estimated amount prepaid by the permit holder, permit holder shall receive a refund in the amount of the overpayment at the time that any deposit refund is paid to the permit holder.

Should damages, clean up costs, additional rental fees for exceeding the event time anticipated or other costs incurred by the City in connection with the use of a City facility exceed the amount of the deposits, the City will bill the permit holder for the excess amount. Should the permit holder fail to remit payment for the full amount invoiced within 30 days of the date of the invoice, the permit holder may be declared ineligible for future use of any City facility for one year, but at a minimum, until payment has been made.

If a permit holder's event is terminated by staff due to a violation of any city, state or other agency's rules regarding the use of a City facility, including the rules regarding alcohol, no fees or deposits will be refunded.

Storage and Items Left Behind:

No permit holder, or his or her guests, may store any equipment or materials at any City facility without the prior written approval. Additionally, the City is not responsible for items left behind after or prior to 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 facility (including a facility owned by the Lawndale Elementary School District) other than in the Community Center's Main Event Room. Beer, wine and/or champagne shall only be allowed in the Community Center Main Event Room when specifically permitted by the City.
- 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 or upon any City facility is prohibited. Nor may any alterations be made to any City property, fixture or equipment.
- 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 Use Fees:

Fee waiver requests must be submitted to the Community Services Department along with a completed Application for Facility Use.

Organizations that fit into one of the qualification groups below shall be eligible for a 100% waiver of use fees for any City facility, limited to no more than one use fee waiver per quarter.

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. City sponsored or City affiliated organizations;
3. Schools which are affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Unified High School District; and
4. 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 Department staff member, or staff members designated by the City Manager. Fee waiver decisions can be appealed in writing to the City Manager.

A school that is not affiliated with or chartered by the Lawndale Elementary School District or the Centinela Valley Unified High School District will be eligible for a 50% waiver of fees for City facilities if at least 33% of the students attending the school are Lawndale residents; however, this waiver is limited to no more than one use per quarter. A school applying for this waiver of use fees shall provide proof that Lawndale students attend the school.

Security deposit fees and insurance costs cannot be waived.

A fee waiver may not apply or may be reduced when an organization is granted use of a City facility outside of normal operational hours during which City staff is not already present as the organization will be required to pay the cost to provide staff to supervise the facility during the event.

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 and agreeing to 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