



HERITAGE PARK RESERVATION POLICY RULES AND REGULATIONS

1. **Heritage Park Reservation Policy:**

The Gardnerville Town Board ("Board") defines and declares that, with the completion of the improvements to Heritage Park, the pavilion and related public facilities ("park") and the requests for public and private exclusive use of the park, the park use requires a reservation policy for all person desiring to use, promote, encourage or sponsor activities within the park regarding reservation of the park for an exclusive use.

The Board will for events within the park allow for a public or private group or person to reserve the park for such use, for limited amounts of time, pursuant to this policy and the following rules and regulations.

No person or entity shall use Heritage Park without compliance with the Town's Park Use Policy, for non-exclusive uses, or with this reservation policy where a use will be the exclusive use of the park for a limited period. Any person desiring to use the park for an event must first apply to the Town office for a permit issued by the Board for the conduct of the event within the park. Any completed application will be placed on the next available Board agenda for review and consideration by the Board after its review and approval by the Gardnerville Town Manager ("Manager").

2. **Board Findings:**

The Board has found that certain activities to be conducted within the park should be subject to a park reservation fee based upon the following findings:

- a. Youth activities are to be supported and subsidized to ensure an open and inviting park for community recreation. Fees for youth activities are either to be waived or are to be assessed at a low rate to cover costs to the Town.
- b. Adult activities are also to be supported, but are subject to fees based on a greater ability to support and pay for recreation service.
- c. Youth oriented community organizations should be allowed to maximize fund raising efforts in support of a non-profit youth activity organization.
- d. All requests are subject to the Manager's priority ranking to ensure reservation of the park.
- e. Deposits and insurance requirements will be required according to the schedule set forth in this policy to ensure continuing availability and security of the park.

- f. Additional fees will be charged beyond the minimum fee when the impact on the Town in accommodating the park use is beyond normal operations, such as overtime and clean up costs.
- g. Uses of the park which are for commercial purposes, or other uses creating major impacts on the park facilities, will be reviewed by the Manager on a case-by-case basis whose recommendation shall be provided to the Board prior to approval of the park use.

3. Definitions:

An application for an exclusive park use, which may or may not involve the entire park facility, shall be construed as a use of the park to the exclusion of all other public and private users for the reserved period of time ("use" or "park use"). Park use shall be arranged by the Manager according to this policy. A park use includes any event conducted within the park, whether organized or promoted for commercial purposes or non-commercial purposes, whether or not an admission fee or donation is requested or required, and shall include any exclusive use of the park.

A use of the park includes the park and all of its facilities. Where applicable, the Town's template for location of temporary facilities, such as booths, shall be utilized.

Non-exclusive park use applications shall be governed by the Town's Park Use Policy.

4. Permit Required:

No person or entity shall use the park for the operation, maintenance, conduct, advertisement, or advanced ticket sales unless a permit from the Town is first obtained.

5. Priority of Uses:

The Board establishes, in the first instance, that reservation of the park shall be on a first come, first served basis. If an application is received, reviewed and approved, the application to use the park shall take precedence over any other applications even if a later received application requests use of the park for the same time period.

For applications received, but not yet approved, that request the same period of time of use of the park, then park use will be based on a priority pursuant to the Board's findings and the following priorities:

- a. Town Sponsored Activities.
- b. Student groups sponsored by the Douglas County School District.
- c. Youth, family or adult community recreation activities open to the public

- sponsored or conducted by a recognized community organization.
- d. Governmental agency meetings opened to the public.
- e. Douglas County based groups or individuals conducting activities restricted to members of the group or entity, and are otherwise closed to the public.
- f. Religious, sectarian or political meetings.
- g. Commercial uses for financial gain.
- h. Out-of-county group or organizational uses.

6. Application:

An application for use of the park to conduct an event, which may or may not involve the closure of a street or alleyway within the Town, should be made in writing to the Manager at least 60 days prior to the time indicated for the commencement of the planned use and shall be accompanied by a deposit established pursuant to this policy. The following information shall be contained in the application prior to its submission to the Board.

- a. The name, age, residence and mailing address of the person or entity making the application. If the application is made by an entity, the names and addresses of the principals of the entity must appear. Where the applicant is a corporation, the application must be signed by the president, vice-president and secretary of the corporation and must contain the residence addresses of the corporate officers and a certified copy of the Articles of Incorporation as a part of the application.
- b. A statement of the kind, character or type of use which the applicant proposes to conduct, operate or carry on, and if applicable, the name(s) of the street(s), park(s) or alleyway(s) within the Town for which permission to close such street, park or alleyway is sought.
- c. The home, office and/or work telephone numbers of the applicant, and if the application is by an entity, the home, office and/or work telephone numbers of the principals. If the application is made by a corporation, the home, office and/or work telephone numbers of the president, vice-president, and secretary shall be supplied.
- d. The date or dates and hours during which the use is proposed to be conducted.
- e. An estimate of the number of patrons, customers, spectators, participants and/or other persons expected to attend the use for each day it is proposed to be conducted.
- f. If applicable, proof that the applicant is seeking, or has sought and received the requisite approvals from Douglas County, including, without limitation, and if required, a liquor license and/or an outdoor festival and entertainment event

license, and that the applicant has received all approvals from Douglas County. Failure to submit the requisite proof of Douglas County approval(s) shall be deemed to be an automatic determination that the application is incomplete, and shall not be heard by the Board until complete.

- g. Where applicable, if an application proposes the erection of temporary facilities to be used for the event to be conducted in the park, the application shall utilize the Town's template for location of temporary facilities, such as booths, and demonstrate to the satisfaction of the Manager that all temporary facilities are located in conformity with the template.
- h. The application fee for a complete application may be applied to the security deposit required. Should a security deposit be waived by the Board as provided below, the application fee may be refunded, if the Town determines it is due, within thirty (30) days after the use.

7. Insurance:

As part of the application, each applicant shall supply proof of insurance. Comprehensive general liability insurance naming the Town as an additional insured and certificate holder will be required for any use with minimum limits of insurance of \$1 million for each occurrence and \$1 million annual aggregate. Insurance coverage must include premises, operations, products and completed operations, at a minimum.

8. Explanation of Use:

Included with the application shall be a detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, food supply and facilities, sanitation facilities, medical facilities and services, vehicle parking spaces, vehicle access and onsite traffic control, and what provision shall be made for numbers of participants in excess of the applicant's estimated attendance. The applicant shall also provide for clean-up of the premises and removal of garbage and refuse after the event has concluded.

If the applicant requests the closure of a street, park or alleyway within in the Town, the applicant shall provide a detailed plan of the event including signs, barricades, traffic control and parking.

9. Time of Operation:

- a. All park uses which are the subject of this policy are available for individual or group use during normally scheduled hours of operation. Exceptions are subject to review and approval by the Manager. Additional hours of operation may be allowed by the Board.

- b. No group or individual may reserve the park for more than four times per months, two of which may be weekends including Friday, Saturday and Sunday. Additional use beyond these periods shall be subject to the regulations set forth in Paragraph c below.
- c. Extended park use involving multiple dates within a one-month period may be granted for a maximum of one calendar year. All permits shall expire on December 31 of each year. Because of the number of requests for park use, the Board shall review in January of each the contemplated uses of the park by various persons or entities. Uses are subject to the priority ranking schedule of this policy. Reservations are subject to cancellation with a minimum of 14 days' written notice if a higher priority use application is received. No reservation shall be cancelled with less than 14 days' notice.

10. Alcohol:

Should the applicant desire to dispense alcoholic beverages, or to permit the consumption of alcoholic beverages as part of the use, the applicant must request permission to consume or dispense alcoholic beverages from the Board. The applicant shall ensure that no participant in the park use shall use or possess any liquid container made wholly or partially of glass or metal, and demonstrate, as a part of the application, the measures to be taken to restrict alcoholic beverage containers and to ensure that no alcoholic beverage will be consumed or dispensed outside of the area of the park.

11. Smoking Prohibited:

Smoking is prohibited in the park except where specifically authorized.

12. Security/Police Protection:

Security and police protection may be required for any use of the park. If required by the Board, the applicant shall employ at his, their or its own expense, police protection. The number and type of officers shall be determined and specified by the Douglas County Sheriff's Office to provide for the preservation of order and protection of property in and around the park. The applicant shall demonstrate to the satisfaction of the Town Board that the applicant has obtained the approval of the Douglas County Sheriff of all arrangements for security for the use. The applicant shall be responsible for all costs of security which shall be determined by, and paid to, the Douglas County Sheriff's Office or its designee. Security shall be subject to the complete direction and control of the sheriff.

13. Sanitation Facilities:

The park facilities include limited sanitation facilities. Depending upon the event proposed, an applicant may be required to provide at least one enclosed portable chemical toilet, or one enclosed flush type water closet facility marked "Men" and one facility marked "Women" at the park on the basis of one such facility for each forty (40) males and one such facility for each forty (40) females expected to be in attendance.

Every applicant shall be required to provide for solid waste disposal. All solid waste disposal shall be provided by the Gardnerville Health and Sanitation Department which, based upon the application, shall determine the number and type of containers, and pickup and removal of refuse, trash, garbage and rubbish. Removal of all trash and refuse shall be at the applicant's expense.

The applicant shall provide adequate assurance to the Town that, at the conclusion of the use, the park shall be cleaned, and all refuse and garbage removed within twenty-four (24) hours of the time of the conclusion of the use.

14. Cleaning Deposit:

A cleaning deposit will be required to be paid upon approval of each application based upon the content of the completed application. If the application is denied by the Board, no cleaning deposit shall be required. If the application is approved, the application fee may be applied to pay a part of the cleaning deposit.

The cleaning deposit will be established by the Town staff and by the Board based upon the use proposed, and based upon the Board's consideration of the matters set forth within a completed application, including, without limitation, the planned use, the number of attendees anticipated, whether or not alcohol will be dispensed or consumed, the hours of operation, and the sanitation facilities required.

The cleaning deposit may be refunded, in whole or in part, to the applicant at the conclusion of the park use after inspection by Town staff for any additional clean-up and/or damages other than normal wear and tear. The applicant will remain responsible for any additional damages, cleaning or repair expenses as a result of the use. A refund, if the Town determines it is due, will be returned to the applicant within thirty (30) days of the park use.

If the application is approved, the applicant will be given instructions for cleaning the park prior to the event. If, after the event has concluded, additional cleaning is required, it will be provided by the Town. The applicant will be charged a minimum of \$25.00 per hour for such cleaning. The costs of such additional cleaning shall be deducted from the deposit.

15. Damage to Facilities:

Any applicant whose use of the park causes damage or excessive wear and tear to the

park or its fixtures shall be required to reimburse the Town for all costs to repair, replace, restore, repaint or clean up the affected area to its original condition prior to the use. Any damage caused by a park use beyond normal wear and tear shall cause any future application submitted by the same person or entity to be reviewed to determine if the applicant will be allowed to use the park and its facilities in the future.

16. Reservation Fee:

A reservation fee of \$1,000.00 ("basic rate") is established by Board. The Town Manager may review and recommend fees as set forth in this policy depending upon the use of the park proposed.

17. Classification of Uses and Charges:

A. When two or more applications for use of the park are received by the Town, and each requests use of the park for the same time period, approval of an application for the requested time period shall be based upon the following classification of uses.

No application to use the park for a period of time shall be granted by the Town if the Town has previously approved of an application for use of the park during the same period of time. The Town Board's policy is that the classification of uses established in this section of the policy is to be applied only when two or more applications are received, and each requests use of the park for the same period of time.

- B. Class I: No fee (0%) of basic rate
- a. Non-profit county youth groups when the activity is open to the public for activities and meetings for recreational purposes.
 - b. Non-recreation groups or community organizations providing adult or youth group recreation activities which are free and open to the public.
 - c. All governmental meetings and fund raising activities sponsored by a government agency when a reciprocal agreement exists with the governmental applicant.

Class I users include, without limitation, county youth groups or agencies serving youth which are non-profit, tax exempt or not for profit activities whose primary purpose is to provide for recreation for Douglas County residents. A majority of participants must be Douglas County residents. Any fee charged for the activity must be used for the support of the activity. For governmental agencies, the fund raising activity must relate to the governmental operations.

- C. Class II: One-half (50%) of basic rate.

Recreational or charitable fund raising activities for local, community youth serving groups and non-recreational groups when all funds raised support community, charitable and/or recreational activities.

This rate pertains primarily to fund-raising activities by county community organizations and youth serving agencies in support of recreation and/or community activities. Fund raising activities must have as a main purpose the generation of funds to support the youth or community activities.

- D. Class III: Full basic rate (\$1,000.00 or 100%)

Groups included within this classification are religious, political or union groups conducting meetings; private parties, individual uses and family uses which are not open to the general public; and closed and open dances and fund raising events where the funds which are raised are not used to support a community or local recreational activity.

Class III uses are usually with private functions and are not open to the public, including private parties, individual uses and family uses. Class III includes community organizations where the event will not generate funds for the organization or will not be open to the public.

- E. Class IV: 100% of basic rate (\$1,000.00) plus a percentage

Class IV uses will include commercial or personal use of the park for financial gain.

The full basic rate plus a negotiated percentage of gross receipts, or a flat rate based on a fee as approved by the Board.

Class IV includes a significant activity whose purpose is a commercial use and which constitutes a major impact upon the public. Any request for a Class IV use must be approved by the Board which may review, among other factors, the nature of the profit-making organization, company or enterprise.

- F. The Board's policy is that, for competing applications for the same period of time, the Manager shall rate the competing applications based upon the classification of uses set forth within this section so long as no other approved application has requested use of the park for the same period of time.

18. Additional Charges:

Additional charges may be levied over the basic rate charged when any one or more of the following occur:

- a. When the facility would not normally be open and Town staff are required to be on duty or to perform a service.
- b. When the applicant requests Town staff to assist in set-up, breakdown, clean-up, park preparation or other maintenance duties when required during other than normal operating hours.
- c. When Town staff are required for control of the event.
- d. When the proposed use requires park renovation or facility repair as a result of the proposed activity.
- e. When damage to the park and its facilities is reasonably foreseeable, or has incurred, and includes without limitation all material costs, supplies and labor.

The determination of requirements for additional charges shall be made by the Manager.

A total of the basic rate and any additional deposit, as required by this schedule, shall be paid in full at the time of the submission of the application. In no event shall any fee required by the Town be paid later than 10 days prior to the date of the event. If the fees are not paid in full prior to 10 days prior to the event, the permit shall be revoked and an appropriate cancellation fee will be assessed based upon any Town costs at the time of the revocation.

19. Refunds:

Any applicant may cancel an application prior to its approval and receive a full refund, less a \$25.00 administration fee.

An approved applicant may cancel its reservation thirty (30) calendar days prior to the event with a full refund, less a \$25.00 administration fee.

If cancellation is made between 29 days and 10 days prior to the date of the reservation, a cancellation fee shall be assessed based upon fifty percent (50%) of all fees, or 100% of the deposit, whichever is less.

In the event an event is cancelled within 10 days of the scheduled event, no refunds will be given.

A deposit to ensure appropriate use of the park and cleaning and repair shall be established by the Town Board. Deposits are refundable subject to an inspection of the park and its facilities after the event for wear and tear of the park, and subject to any

cleaning, repair or administrative fees.

- 20.** In the event that the applicant proposes to close any streets or alleyways within the Town, the applicant shall also comply with the Town's rules and regulations regarding street closure/special events as set forth in its policy.

When an application for reservation for an exclusive use of Heritage Park and its facilities is received, this policy and its rules and regulations shall supersede the Town's Park Use Policy.