

ADMINISTRATIVE POLICY XX-XX: Park Permit Use Policy

Number: TBD

Issued: March 2024

Jurisdiction: City Council by Resolution

**PURPOSE**

The purpose of this policy is to outline the available areas for park rental use within the City of Capitola and outline the rental terms and conditions of use.

**RESERVABLE PARK AREAS**

- Jade Street Park
  - A3 Lawn – Capacity of 30
  - Patio Lawn – Capacity of 30
  - Soccer Lawn 1– Capacity of 74
  - Soccer Lawn 2 – Capacity of 74
- Monterey Avenue Park
  - Dugout Picnic Tables – Capacity of 40
  - School Side Lawn – Capacity of 40
  - Soccer Lawn 1 – Capacity of 74
- Noble Gulch Park
  - Creekside Picnic Tables – Capacity of 40
- Esplanade Park
  - Lawn – Capacity of 50
- McGregor Park
  - Seating Area – Capacity of 20
- Soquel Creek Park/Peery Park/Cortez Park – **Not reservable.**
- Rispin Mansion Park – Currently under construction. **Not reservable.**

Exhibit A, attached hereto and incorporated herein by reference, provides illustrations of the spaces within each Park available for reservation and exclusive use pursuant to this Policy and Section 12.40 of the Capitola Municipal Code.

Park use permit fees will be established by City Council resolution. In addition to rental permit fees for the parks listed above, there are the following additional considerations.

1. Bounce House Permit: Permit fee and insurance in a form acceptable by the City is required to have a bounce house with a park reservation. Bounce houses may not be erected in Esplanade Park or McGregor Park.
2. Rental Details: Minimum 2 hours if location is available. Permittee is responsible for all set up and clean up. Capacity includes all persons in attendance, including helpers and children.

## **PARK RENTAL TERMS AND CONDITIONS OF USE**

### **A. Reservation**

- i. Reservations are made on a first come, first served basis and can be made up to one year in advance and no less than 72 hours prior to date desired. Minors (under 18) are not eligible to reserve facilities.
- ii. Full payment is required when the reservation is made.
- iii. Changes to the permit, including changes of date, must be requested in writing by the permittee. All changes are subject to Department approval and subject to a change fee (as described in the Fee Schedule). No changes or additions to the reservation times may take place within two weeks of the event date.
- iv. Reservation cancellations must be made in writing and are subject to the refund policy.

### **B. Park Rental Permit Specifications**

- i. Capitola park areas, specified above and as may be amended, may be reserved daily between 6:00 am to dusk. The times of the reservation permit must include all set-up and clean-up time. Minimum rental of 2 hours.
- ii. Alcohol consumption is not permitted.
- iii. An amplified sound permit, pursuant to Capitola Municipal Code Chapter 9.12, is required for any event using the following devices: public address systems, speaker systems, live music, and amplification.
- iv. Use of equipment requiring a power source or erecting a structure larger than 100 square feet or taller than 10 feet in a park shall require a permit.
- v. A copy of the permit shall be available upon request by any City official during the park reservation.

### **C. General Conditions**

- i. Groups of 12 or more individuals, where a majority of participants are under 18 years of age must be chaperoned at a ratio of one adult (over 18 years) to 12 minors.
- ii. Commercial activity is not permitted. (Capitola Municipal Code § 12.40.030(E).)
- iii. Permittees may decorate the reserved space, however, decorating materials may only include the following: light adhesive, removable tape (i.e. poster tape or painter's tape, zip ties, twine, or florist wire. Use of staples, tacks, nails, or screws, are not permitted.
- iv. Balloons and Confetti: Only biodegradable balloons and confetti are permitted in City Parks. Biodegradable balloons and confetti only. Releasing balloons and throwing rice are not permitted. .
- v. Portable barbecues must be manufactured gas outdoor flame devices that comply with the Fire Code and are only permitted at Jade Street and Monterey Park.
- vi. The Recreation Department may require insurance for activity that is deemed to be high-risk. Bounce house use will require insurance.
- vii. The City of Capitola is not responsible for items left, lost, or stolen.
- viii. Overnight storage is not permitted. If rental equipment is used, the permittee must arrange for it to be delivered and removed on the same day as the reservation.
- ix. Areas of City Parks outside the reservable spaces remain open for use by the public. The permittee shall not exclude the public from any site the permittee did not lawfully reserve through a Park Use Permit, nor obstruct the public right of way, nor interrupt or impede upon the orderly flow of automobile or bicycle traffic on any streets or pedestrian right of way adjacent to the location.
- x. The City Manager or designee is authorized to refuse or revoke any use permit pursuant to Capitola Municipal Code sections 12.40.707 and 12.40.100.
- xi. The permittee is responsible for general set up and clean-up of premises. All trash and recycling materials should be placed in the provided receptacles. The permittee must also

remove all decorations and personal items and clean up spilled food by the end of the reservation. The reserved area must be restored to pre-use conditions. Set up and clean up may only take place within the reservation timeframe.

- xii. Smoking and vaping are prohibited in City of Capitola Parks.
- xiii. Permits issued pursuant to this Policy and Capitola Municipal Code section 12.40 are non-transferrable and may only be used by the named permittee.
- xiv. All vehicles associated with a permit must abide by all applicable vehicle and parking statutes and regulations. Vehicles are allowed in designated parking areas only. Driving on grass areas or outside of parking area is prohibited. Parking may be limited. Please encourage carpooling.
- xv. City of Capitola may establish additional policies consistent with the provisions of the adopted rules and regulations as it deems necessary for safe, efficient, and optimum use of facilities. Please check with the Recreation Front Desk for prior approval regarding uncommon or unique requests.

#### **D. Fees and Refunds**

- i. If a cancellation is requested more than two weeks before the reservation date, the City will provide a 90% refund.
- ii. If a cancellation is requested within two weeks before the date of reservation, the City will provide a 50% refund or apply credit to account.
- iii. Account credit is valid for one year. Please allow up to two weeks to receive the refund amount.
- iv. No refund will be provided if the park permit is revoked.
- v. The permittee shall be responsible for any damage to the reserved area or grounds during the reservation or in the event the reserved area requires additional clean-up.
- vi. Permittees shall abide by the reservation time indicated on the permit. If the time limits are exceeded by early entry or late exit, the permittee will be charged for the excess time at the hourly rental rate.

#### **E. Assumption of Liability Waiver and Indemnity**

- i. **Assumption of Liability:** Permittee, whether individual, group, or entity, is solely responsible for any and all liabilities to persons or property resulting from use of the Park, including damage to any City property or structures. Permittee will indemnify, defend, and hold harmless the City of Capitola, its elected and appointed Council, Commissions, Officers, Agents, and Employees from any claims, suits, losses, or damages for injury to persons or property arising from or connected to this use of the Park Facility.
- ii. **Agreement to Abide by Terms and Conditions:** Permittee, whether individual, group, or entity, represents that he/she/they/it has/have read these Terms and Conditions, agrees to make them known to persons attending the function or activity, and agrees that no violation of such shall be allowed to occur on the premises or facilities. Permittee understands that permission to use of the Park is contingent upon compliance with this Policy and the City's Municipal Code and that permission may be revoked at any time upon failure of persons attending the function or activity to fully comply with this Policy or the Capitola Municipal Code.
- iii. **Permittee, or Representative, to be Present:** Permittee, or the group or entity individual named in the Permit, will be present during the entire period of use of the facility.

This policy is approved and authorized by Resolution No. XXXX:

---

Jamie Goldstein, City Manager

## Exhibit A

Areas shaded in red are available for reservation.



## Areas in City of Capitola parks available for rent (cont.)



## Areas in City of Capitola parks available for rent (cont.)

