



## PERMIT PROCESS CHECKLIST

### COMMERCIAL USE OF DEDICATED PARKLAND

#### Step 1 Applicant

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##### Completed Application

- |  |   |
|--|---|
| <input type="checkbox"/> Application Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Texas Driver License Copy</li> <li><input type="checkbox"/> CPR Certification Copy</li> <li><input type="checkbox"/> First Aid Certification Copy</li> <li><input type="checkbox"/> Digital color head shot photo(s)</li> <li><input type="checkbox"/> Standard of Operation</li> </ul> <input type="checkbox"/> Additional personnel form | <i>(MUST be completed by <u>owner</u>)</i><br><i>(applicant, and personnel)</i><br><i>(applicant, and personnel)</i><br><i>(applicant, and personnel)</i><br><i>(applicant, and personnel)</i><br><i>(applicant, exhibit A)</i><br><i>(for each additional personnel with signatures)</i> |
|--|---|

#### Step 2 Applicant

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##### Document to Submit

##### Notes

- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">Texas Sales and Use Permit (tax id)</a><br><input type="checkbox"/> Criminal Background Investigation<br><input type="checkbox"/> <a href="#">Insurance Certificate</a> <ul style="list-style-type: none"> <li><input type="checkbox"/> General and Auto</li> <li><input type="checkbox"/> Professional Liability Insurance</li> <li><input type="checkbox"/> Worker's Compensation</li> </ul> <input type="checkbox"/> <a href="#">Sole Proprietor Letter</a> | <i>(applicant)</i><br><i>(applicant, and personnel – exhibit D)</i><br><i>(required, exhibit E)</i><br><i>(required)</i><br><i>(required)</i><br><i>(if NOT a sole proprietor)</i><br><i>(If applicable – exhibit F)</i> |
|---|--|

**\*NEW APPLICANTS:** Items due after application preliminary review and approval. This allows for questions and answers prior to having to procure or produce additional documentation.

**\*RETURNING APPLICANTS:** If NO changes to prior use requests, all items should be packaged with Step 1 application items.

#### Step 3 Parks and Recreation Department

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##### City Permit Issuance

- |  |   |
|--|---|
| <input type="checkbox"/> Bill for permit<br><input type="checkbox"/> Commercial Use of Parkland Permit sent<br><input type="checkbox"/> Tracking | <i>(\$50 fee/trainer/6 months)</i><br><br><br><i>(track company monthly submittals)</i> |
|--|---|

##### Attached Exhibits

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- Exhibit A – Standards of Operation
- Exhibit B – Rules for Commercial Use of Parkland
- Exhibit C – Monthly Daily Use Summary Revenue Report
- Exhibit D – Criminal Background Investigation (CBI) Process
- Exhibit E – Insurance Requirements
- Exhibit F – Sole Proprietors Letter – Worker's Compensation
- Exhibit F – Continued - Sole Proprietors Letter - Automobile



## COMMERCIAL USE OF DEDICATED PARKLAND PERMIT APPLICATION PERSONAL TRAINING & OTHER OUTDOOR PROFESSIONAL SERVICES

**This constitutes a request for permit approval by the Director.**

If approved, a permit for park use will be issued.

Incomplete applications cannot be reviewed and will require resubmittal of a complete application.

### PERMIT REQUESTOR COMPANY INFORMATION

Company Owner:	Click here to enter text.				
Company Name:	Click here to enter text. (the "Company")				
Tax ID:	Click here to enter text.				
Billing Address:	Click here to enter text.	State:	Click here to enter text.	Zip:	Click here to enter text.
Mobile #:	Click here to enter text.	Emergency/ Alternate #:	Click here to enter text.		
Email address:	Click here to enter text.				

### LEAD PERSONNEL

Lead Personnel:	Click here to enter text.		
Mobile #:	Click here to enter text.	Emergency/ Alternate #:	Click here to enter text.
Email address:	Click here to enter text.		
Texas Driver's License or ID Card#:	Click here to enter text.		
CPR Certification Expiration Date:	Click here to enter text.		
First Aid Certification Expiration Date:	Click here to enter text.		

### PERSONNEL/INSTRUCTORS

Submit the [Additional Personnel Document](#) when there is more than one Instructor

***\*Permit holder must provide all documents before the Park Use Permit may be issued.***



## PERMIT DETAILS AND LOCATION INFORMATION

Please check predominant use. **(Check ONE)**

<input type="checkbox"/> <b>Low to Medium Impact</b> Professional Trainer Group size less than 10	<input type="checkbox"/> <b>High Impact</b> Professional Trainer Group size greater than 10	<input type="checkbox"/> <b>Dog Trainer</b> Case by case approval	<input type="checkbox"/> <b>Tour Group</b> Bicycle tours only – no motorized vehicles
<b>Requested 6-Month Permit Term:</b> MAY CHOOSE ONE OR TWO PERMIT TERMS \$50 BASE PERMIT REGISTRATION FEE (PER 6 MONTHS)			
<input type="checkbox"/> January 1 through June 30		<input type="checkbox"/> July 1 through December 31	
<b>Total Amount of instructors to utilize parkland:</b>		Click here to enter text.	
<b>Park(s) Requested:</b>		Click here to enter text.	
<b>Requested Schedule: (List Day and Time)</b>		Click here to enter text.	
<b>Amplified sound: (\$30/trainer)</b>		Choose One Prohibited by law prior to 10 am.	
Average participants per class:		Click here to enter text.	
Describe the specific program/ activity / equipment:		Click here to enter text.	
Describe in detail how the park land, park equipment, and park improvements will be used:		Click here to enter text.	

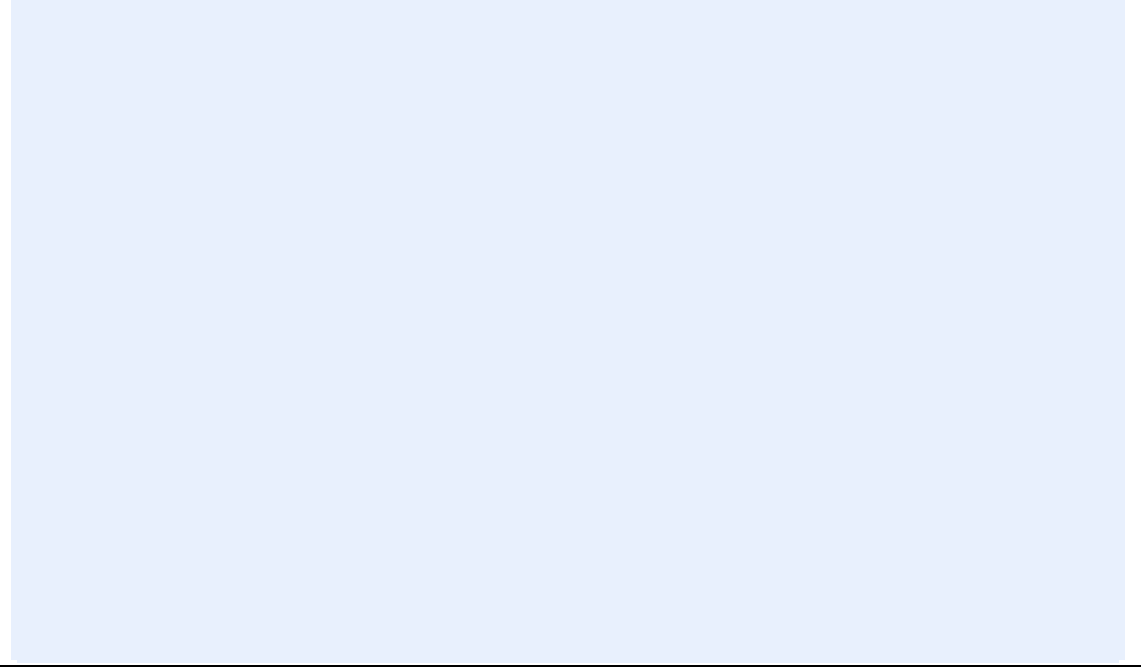
To insert an image: right click image box, select “Change Picture”, select “From a file”,  
and select files as needed from your computer

**Insert jpg image of Driver’s License Below**

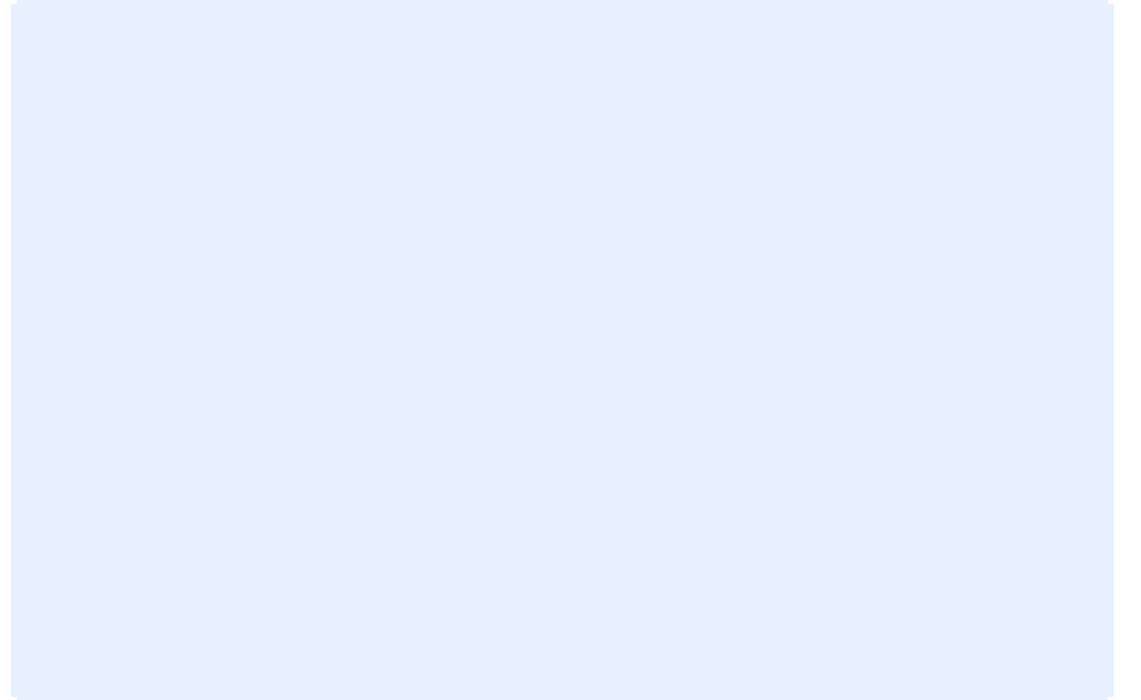
**Insert jpg image of Headshot Below**

To insert an image: right click image box, select "Change Picture", select "From a file", and select files as needed from your computer

**Insert jpg image of CPR Certification Card Below**



**Insert jpg image of First Aid Certification Card Below**





## USE ALLOWED

Programs/activities as described in the program activity description section herein are allowed and must adhere to the GUIDE attached as [EXHIBIT B](#) – Commercial Use - Rules Regarding Commercial Use of Dedicated Parkland. To the extent of any conflict between the program activities authorized in this Permit and other existing uses, the City reserves the right to adjust the uses authorized. This Permit may not be assigned.

Permit holder will uphold, abide by and enforce the rules and procedures set forth. Permit holder will advise and train permit holder's employees of the park use policies to ensure that all activities under this permit comply with the park use policies and procedures, and PARD park rules.

## MONTHLY REPORTING REQUIREMENTS – ALL PARTICIPANTS

Regardless of the number of participants, each Permit Holder shall provide the PARD point of contact with metrics for the previous month. Both free and paid classes must be reported. Use the Daily Use Summary Revenue Report – see links below for resources.

- [Monthly Reporting Form](#) – Document to use when submitting reports
- [Monthly Reporting Guide – Step by step instructions \(pdf\)](#)
- Failure to submit a monthly report will be considered a material breach of contract and the Agreement may be terminated on the 20<sup>th</sup> of the month - ten (10) days after the report due date.

## PERMIT FEES AND PAYMENT REQUIREMENTS

1. Fee Per Instructor: \$50 Base Permit Registration Fee (per 6 months)
2. Monthly Reporting: Report of all free or fee based clients ([form](#))
3. Monthly Remittance: Clients 0-3 per session, No Monthly Use Fee is required  
Clients 4+ per session, Monthly Use Fee of \$.45/Per Client/Per Day

Monthly Report Remittance: In addition, for every month in which permit holder provides personal training or fitness services to more than three (3) clients per session under this permit, permit holder shall make monthly payments in the amount of 45 cents per client per day based on the revenue schedule included in the Monthly Revenue and Activity Report; provided, however, that the monthly payments may not exceed \$1,500 for any six (6) month period.

- Capped at \$1,500 per 3 instructors/company, within each 6 month permit period.
- There may be three (3) trainers within the \$1,500 cap for each six (6) month permit period. Each individual trainer within this provision is required to register and pay the registration fee.
- Total number of attendees per month X 0.45¢ = Monthly Fee
- If a company or organization has a specific and identifiable business need to produce reports on a specific schedule other than the listed 4 week schedule this may be discussed and arrangements made.

## CRIMINAL BACKGROUND INVESTIGATION (CBI)

Contractors/Vendors/Service Providers working with the City of Austin Parks and Recreation Department are required to obtain a Certified Criminal Background Report with fingerprinting for all staff who provide services to this facility at the Contractor's expense. [Criminal Background Investigation \(CBI\) Process \(pdf\)](#)



## RESPONSE TO COMPLAINTS/INQUIRIES FROM THE CITY

The Contractor shall respond to City or customer complaints or inquiries. The Contractor shall provide complete and accurate responses and records, rental agreements, contracts for service or similar as requested by the City.

- Performance requirement:
  - The Contractor shall provide information no later than 5:00 pm on the second business day after the complaint or inquiry is communicated.
- If a complaint or inquiry is deemed by the Parks and Recreation Department to be a violation of a park rule or the Commercial Use guideline action will be followed as listed below “Violations”.

## NOTICE UNDER THIS AGREEMENT

Notice under this agreement shall be in writing and shall be delivered by hand, by certified mail, electronic mail (e-mail) or by common carrier. Notice to a party shall be addressed to the City, or Organizer, as noted in this Agreement. Notice of violation (notices) shall be issued to the Responsible Party in the order of precedent of: (1) the Company owner, or (2) the sole proprietor.

1. Notice by hand-delivery is deemed effective immediately.
2. Notice by certified mail is deemed effective 3 business days after deposit in U.S. Post Office or in a U.S. Mailbox.
3. Notice by electronic mail is deemed effective immediately.
4. Notice by common carrier, is deemed effective upon receipt.

If any party fails to properly fulfill its obligations under this Agreement in a timely manner, or if any party violates any of the provisions of this Agreement, the non-breaching party shall notify the other party in writing of the specific violations of the Agreement. If the breaching party has not cured any such violation as specified in the written notice or any extension within the time provided, then the non-breaching party, at its sole option, shall have the right to terminate this Agreement. This Termination shall be made by sending written “Notice of Termination” to the breaching party.

- Failure by contractor, to comply with any material provisions of the Agreement shall constitute a material breach hereof.

## VIOLATIONS AND PROGRESSIVE ENFORCEMENT

Austin Police Department, PARD Park Rangers, and PARD Staff. Violations of this permit or PARD rules may result in the revocation of permit.

- The City shall investigate, research, and make final determination as to violations of this program rules based upon facts, research and data collected or obtained during against the rules, and standards or conduct as written. The decision of the City shall be considered final.
- Notices:
  - Two (2) notices shall be given to a permit holder for violation of rules regarding Commercial Use of Dedicated Parkland
- Permit revocation:
  - Accumulation of three (3) notices by a permit holder shall result in the revocation of the permit for the remainder of the existing permit term.  
The applicant may apply for the next permit term.



- Removal from the program: If a permit is revoked two (2) times the result will be removal from eligibility with the Commercial Use program.

### TERM/TERMINATION

This permit shall be effective from and after the date of signature by the permit holder and the Director of PARD, or designee, and shall automatically terminate on the termination of the requested permit term selected, unless terminated earlier under this provision.

- The Director of PARD may terminate this registration upon five (5) business days notice to the permit holder upon determining that the permit holder caused or allowed others under the permit holder's control to cause damage to the park location beyond normal wear and tear.
  - If the permit is terminated due to property damage, the City may retain payments made by the permit holder to offset the damages, in addition to pursuing other legal remedies available.
- The Director of PARD may terminate this registration upon ten (10) business days notice to the permit holder upon determining that the permit holder caused or allowed others under the permit holder's control to cause a material breach of contract.
- The Director of PARD may terminate this registration upon thirty (30) business days notice for any reason.

### FORCE MAJEURE

This Agreement will automatically terminate and Organizer **waives and releases** any claim for damages or compensation from the City on account of termination if:

- the Property, structures and/or improvements are wholly or partially destroyed or damaged by any cause, casualty, or unforeseen occurrence; or
- local, state or federal imposed measures, travel restrictions, quarantines, or isolation in response to the outbreak of an infectious disease, epidemic or pandemic in the City that involves, includes or affects the Property, structures, improvements or staffing/employees, mass gatherings, public assembly or the Event; or
- environmental conditions including but not limited to drought, freeze, snow, lightning, earthquakes, fires, storms, floods and landslides; or
- threat or act of terrorism, strike, sabotage, civil disturbance, or disaster declaration; or circumstances beyond City's control, that materially impacts or renders City's performance impossible.

The City shall not be responsible for or liable for any loss resulting from any lack of water or electricity due to an act of God, the failure of equipment to operate or function properly through no fault or act of the City, or the failure of the Requestor to proactively manage infrastructure users in the proper manner prescribed by appliance, electrical device or equipment manufacturer.

### INSURANCE

Registrant shall provide insurance as prescribed by rule by the Director of PARD and agrees to maintain, throughout the permit term, the insurance coverage linked in the online resource. The insurance policies shall contain the correct endorsements in favor of the City of Austin.

- [Insurance Requirements \(pdf\)](#) - View City required insurance
- [Sole Proprietor Letter \(word doc\)](#) - TEMPLATE letter for sole proprietors





### COMPLIANCE WITH CITY OF AUSTIN RULES AND REGULATIONS

In addition to the specific rules and regulations established for this permit and use program, applicant acknowledges that each park and permit is subject to general park rules and regulations as currently exist and as may be adopted administratively or by ordinance by the City of Austin and agrees to abide by these rules and regulations.

Permit Holder shall comply with all laws of the United States, the State of Texas, all ordinances of the City of Austin, and all rules and requirements of City Departments, or other Municipal Authorities of the City of Austin.

### INDEMNITY/WAIVER

Permit holder agrees to indemnify and hold harmless the City of Austin, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder's employees, volunteers, and clients waive any right they may have had to sue the City, its officers, employees, and assigns due to conduct under this permit.

Permit holder shall communicate the terms of this indemnity and waiver to all permit holder's employees, volunteers, and clients.

### APPLICANT'S VERIFICATION:

I verify that all of the above information is true. I have also read, understand, and am willing to comply with the park use policies and procedures, and exhibits as set forth by the City of Austin Parks and Recreation Department. I agree to the terms of the Commercial Use of Parkland and am authorized to sign on behalf of the company or organization.

Click here to enter text.	Click here to enter text.	Click here to enter a date.
Signature of Company Owner	Typed/ Clearly Printed Name	Date

### SUBMIT COMPLETED APPLICATIONS:

#### Physical & Mailing Address:

Austin Parks and Recreation Department  
Attn: Office of Special Events  
200 South Lamar Boulevard, Austin, Texas 78704

#### Contact:

Office of Special Events  
Phone: (512) 974-6797  
E-mail: [reservations@austintexas.gov](mailto:reservations@austintexas.gov)

Submit your application electronically to:

[reservations@austintexas.gov](mailto:reservations@austintexas.gov)



## Exhibit A – Standards of Operation

Understanding that parks are a valuable resource for a large population who have diverse methods of recreation the purpose of this program is to balance the public's ability to recreate while engaging visitors through professional instruction or experience.

As a permit holder using City of Austin parkland I will:

### Business Operation:

- Clearly display identifiable business/organization name and staff
  - signage, uniform shirt, hat, or other
- Clearly display business contact information for patron feedback.
- Clearly display all required City of Austin permits.
- Commercial Activity location, stand, vehicle, trailer, and/or push cart must be clean and in operational condition without visible damage or defects.

### Public Interaction:

- Have a valid permit from the City of Austin Parks and Recreation Department and carry and/or display these credentials during business operations.
- Train employees in non-discrimination practices and standards to assure that no person be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, sex, age, disability or national origin.
- Follow ADA guidelines to provide and maintain access for people with disabilities.
- Follow the rules and City ordinances at park spaces and offer courtesy to park users
- Offer courtesy to others who are recreating in the parks.
- Provide a safe and quality experience to park patrons.
- Ensure respect for public property and the property of residents and other businesses.

I understand the listed Standards of Operation and will ensure compliance. I understand that two (2) warning notifications will be given regarding the above written standards. Upon three (3) notifications the permit will be revoked.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit B – Rules for Commercial Use of Parkland

A fee and use policy have been approved and rules developed to establish commercial use and location trends for regularly scheduled adult Commercial Use activity in the Austin park system. This program includes revisions that protect the public's use and provides health and fitness consultants, dog trainers, and other outdoor professional led service provider's reasonable access, use-based fee structure, and equipment limits to minimize damage to Austin parks.

Item	Description, Rule or Information
1	<p><b>Approved Commercial Use:</b> Fitness Groups, Dog Trainers, Yoga Instruction, other adult professional fitness services, and outdoor professional service providers as approved by the Director of Parks and Recreation.</p> <p><b>Bicycle Tour Group Specific Guidelines:</b></p> <ul style="list-style-type: none"> <li>• Safety Equipment – Proper equipment for all riders and equipment safety check before each tour</li> <li>• Lighting – Reflectors and Lighting if tour will occur outside of daylight hours</li> </ul> <p><b>Excluded activities:</b></p> <ul style="list-style-type: none"> <li>• Events: Permit holders may NOT provide and/or facilitate organized or sanctioned activities such as soccer tournaments, athletic leagues, practice sessions, or public events. Large public workout advertising days, or similar are NOT authorized.</li> <li>• Concessions: Prohibited without a separate concession permit, and health permit as required per session. Note there are limitations on temporary health permits per year per organization.</li> </ul> <p><b>Amplified Sound:</b> No music/dj's/stereos are allowed without an additional amplified sound permit from Office of Special Events.</p> <ul style="list-style-type: none"> <li>• Amplified sound is not allowed before 10 am.</li> </ul>
2	<p><b>Use Session:</b> Two (2) hour maximum block of time permit holder is allotted to provide service at each location</p>
3	<p><b>Limits on Commercial Use Groups:</b> PARD may limit the times, hours, or numbers of uses based on feedback received.</p> <ul style="list-style-type: none"> <li>• Examples of behavior leading to limits include scheduling conflicts, traffic congestion, damage to the public recreation area or landscape, threat to public health, safety or welfare, or use inconsistent with the purpose of the public recreation area or nature preserve.</li> </ul>
4	<p><b>Regularly Scheduled Programming:</b> Permit holder plans and schedules a series of sessions occurring in Austin parks (i.e. daily or weekly)</p>

Item	Description, Rule or Information																																				
5 A	<p><b>Approved Locations:</b> The inner city and urban area parks, as listed below, excluding off-leash areas, public walkways, and pre-defined use areas:</p> <ul style="list-style-type: none"> <li>• Open Greenspace within parkland may be used</li> <li>• Lighting, water fountains, and other park amenities that require maintenance may, at times, be unavailable</li> </ul> <table> <tr> <td>– Bailey District Park</td><td>– Patterson Park</td></tr> <tr> <td>– Balcones District Park</td><td>– Pease Park</td></tr> <tr> <td>– Battle Bend Park</td><td>– Ramsey Park</td></tr> <tr> <td>– Beverly S. Sheffield Northwest District Park</td><td>– Reed Park</td></tr> <tr> <td>– Bull Creek District Park</td><td>– Riata Park</td></tr> <tr> <td>– Butler Shores</td><td>– Sir Swante Palm Park</td></tr> <tr> <td>– Circle C. Ranch Metropolitan Park on Slaughter Creek</td><td>– Springwoods Park</td></tr> <tr> <td>– Davis-White Northeast District Park</td><td>– Tarrytown Park</td></tr> <tr> <td>– Dick Nichols District Park</td><td>– Town Lake Metropolitan Park – E.R. Senior at Festival Beach</td></tr> <tr> <td>– Dove Springs District Park</td><td>– Town Lake Metropolitan Park – Lakeshore</td></tr> <tr> <td>– Eilers (Deep Eddy) Park</td><td>– Town Lake Metropolitan Park – Longhorn Shores</td></tr> <tr> <td>– Garrison District Park</td><td>– Trailhead Park</td></tr> <tr> <td>– Givens District Park</td><td>– Walnut Creek Metropolitan Park</td></tr> <tr> <td>– Little Stacy Park</td><td>– West Enfield Park</td></tr> <tr> <td>– Longview Park</td><td>– Woolridge Park</td></tr> <tr> <td>– Mable Davis District Park</td><td>– Zilker Metropolitan Park (limited approval – see 5C)</td></tr> <tr> <td>– Mary Moore Searight Metropolitan Park</td><td></td></tr> <tr> <td>– Onion Creek Metropolitan Park</td><td></td></tr> </table>	– Bailey District Park	– Patterson Park	– Balcones District Park	– Pease Park	– Battle Bend Park	– Ramsey Park	– Beverly S. Sheffield Northwest District Park	– Reed Park	– Bull Creek District Park	– Riata Park	– Butler Shores	– Sir Swante Palm Park	– Circle C. Ranch Metropolitan Park on Slaughter Creek	– Springwoods Park	– Davis-White Northeast District Park	– Tarrytown Park	– Dick Nichols District Park	– Town Lake Metropolitan Park – E.R. Senior at Festival Beach	– Dove Springs District Park	– Town Lake Metropolitan Park – Lakeshore	– Eilers (Deep Eddy) Park	– Town Lake Metropolitan Park – Longhorn Shores	– Garrison District Park	– Trailhead Park	– Givens District Park	– Walnut Creek Metropolitan Park	– Little Stacy Park	– West Enfield Park	– Longview Park	– Woolridge Park	– Mable Davis District Park	– Zilker Metropolitan Park (limited approval – see 5C)	– Mary Moore Searight Metropolitan Park		– Onion Creek Metropolitan Park	
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5 B	<p><b>Ann and Roy Butler Hike and Bike Trail:</b></p> <ul style="list-style-type: none"> <li>• Bicycle Tours only – Bicycles must not be motorized</li> </ul>																																				
5 C	<p><b>Zilker Metropolitan Park:</b></p> <ul style="list-style-type: none"> <li>• Only available to commercial use groups from January 1 – Labor Day</li> <li>• 1 training group permitted at a time – per 2 hour maximum timeslot</li> <li>• Group size for each training session is limited to 40 participants</li> </ul>																																				
5 D	<p><b>Excluded Locations:</b></p> <ul style="list-style-type: none"> <li>• Area specifically <b>dedicated to a use</b> that reasonably conflict with approved use is excluded. Example, fitness classes in an area dedicated to a children’s play area, basketball court, public workout station, and picnic tables/pavillions is not appropriate.</li> <li>• Shared parkland with Austin Independent School District (<b>AISD</b>) will not be an approved location for commercial activity at this time.</li> </ul>																																				

Item	Description, Rule or Information
	<ul style="list-style-type: none"> <li>• Due to safety concerns, the hill, fountain, and dock area at <b>Butler Park and Alliance Children's Garden</b> is excluded from commercial activity.</li> <li>• The <u>circular driveway and temporary parking</u> area at <u>The Long Center</u> is excluded from commercial activity.</li> <li>• Off-leash area at Auditorium Shores.</li> <li>• Public walkways</li> <li>• Greenbelts and Nature Preserves</li> <li>• Parking Lots: Dedicated parking lots may not be used for any fitness, training or professional service purpose at any time.</li> </ul>
5 E	<b>Addition or Removal of Approved Park Locations:</b> PARD Staff may review the addition and/or deletion of approved locations at each 6-month review of the permitting program.
6	<p><b>Equipment:</b>  <u>Prohibited:</u> Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public.</p> <p>These items include but are not limited to:</p> <ul style="list-style-type: none"> <li>– Tractor tires, or ship ropes use for resistance training.</li> <li>– Vehicles on park property (prohibited by City Code/Law)</li> <li>– Cables or railroad ties</li> <li>– Attaching equipment to trees, hand rails or other fixed items.</li> </ul> <p>Bicycle Tour Groups may not use motorized bicycles.</p> <p><u>Approved:</u>  Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands.</p>
7	<p><b>Impact on public use and priority of the permit:</b>  Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited.</p> <ul style="list-style-type: none"> <li>• If a commercial use session has already begun and is in process, the general public may not interrupt an ongoing class.</li> </ul>
8	<b>Permit Credential:</b> Permit Holders are required to have the issued permit with them, digitally or in print, when conducting business on City property. City retains the right to request proof of permit at any time by any City of Austin employee.
9	<b>Commercial Youth Programming on Parkland:</b> Commercial youth programming will be considered with completion of a class/program proposal for programming through a PARD recreational facility that presents a need and interest in the proposed services.

Item	Description, Rule or Information
	<p>To submit class/program proposals please see:  <a href="http://austintexas.gov/department/parks-and-recreation/services">http://austintexas.gov/department/parks-and-recreation/services</a>.            Select "<u>Instructional Contractors at Recreation Facilities</u>".</p>
10	<p><b>Enforcement:</b> Provided by Austin Police Department, PARD Park Rangers, and PARD Staff.</p> <p>A person or company conducting any commercial activity in a park is required to secure an approval from the City of Austin Parks and Recreation Department. A permit, reservation or written agreement "approval" MUST be provided to City personnel when requested. Vending without an approval violates City Code and may result in fines. Violations of this permit or PARD rules may result in the revocation of permit.</p> <p>Per City Code Chapter 8:  <u>COMMERCIAL ACTIVITY</u> means to advertise or provide a good, service, class, or instructional activity for compensation. This includes providing a good, service, class, or instructional activity without compensation but as an inducement or advertisement for a class or instructional activity for compensation.  <u>COMPENSATION</u> means any money, thing of value, payment, reward, tip, consideration, donation, gratuity, or profit paid to, accepted by, or received by a person.  <u>APPROVAL</u> means a permit, reservation agreement, or other written document that evidences an authorization by the department.            Structure and property subject to impoundment per City Code.</p>

## Exhibit C


### Monthly Daily Use Summary Revenue Report

Due no later than the 10<sup>th</sup> day of the following reporting month\*

[Download the monthly report.](#)

Sample.....

City of Austin  
 Parks and Recreation Department  
 Commercial Use of Dedicated Parkland  
 Daily Use Summary and Monthly Revenue Activity



**Permit Holder - Daily Use Reporting Form**

ALL trainers, all classes must be reported. NO more than 3 trainers/31500 maximum/6 months - Complete 1 form per month per trainer. Use drop down selection box. Form is due by the 10th day after the reporting month ends.

Company Name: \_\_\_\_\_ Enter Company Name

Permit Holder 1: \_\_\_\_\_

Permit Holder 2: \_\_\_\_\_ Select or write in month of report

Permit Holder 3: \_\_\_\_\_

Year: \_\_\_\_\_

Permit period and Month: \_\_\_\_\_

Choose one: \_\_\_\_\_

Day of Month	1		2		3		Subtotal \$1.45 paid trainee	Subtotal Free or 0 or less
	PAID clients / day	Free Classes, or 3 or less clients	PAID clients / day	Free Classes, or 3 or less clients	PAID clients / day	Free Classes, or 3 or less clients		
1	4	0	0	0	0	0	\$1.80	0
2	0	0	0	0	0	0	\$0.00	3
3	0	3	0	0	0	0	\$0.00	3
4	0	2						
5	4	0						
6	0							
7	0	2						
8	0	3	0		0		\$0.00	3
9	4	0	0		0		\$1.80	0
10	5	0	0		0		\$2.25	0
11	4	0	0		0		\$1.80	0
12	0	3					\$0.00	3
13	5	0						
14	0	3						
15	0	2						
16	7	0						
17	0	3	0		0		\$0.00	3
18	0	2	0		0		\$0.00	2
19	0	3						
20	5	0						
21	0	2						
22	0	2						
23	5	0						
24	0	3	0		0		\$0.00	3
25	0	3	0		0		\$0.00	3
26	5	0	0		0		\$2.25	0
27	4	0	0		0		\$1.80	0
28	0	2	0		0		\$0.00	2
29	0	2	0		0		\$0.00	2
30	0	0	0		0		\$0.00	0
31	0	0	0		0		\$0.00	0
<b>Total Free Participants:</b>		<b>45</b>	<b>Total Paid Participants:</b>		<b>52</b>			
					<b>The total due this month is:</b>		<b>\$23.40</b>	

**Permit Holder Verification:**

I verify that all of the above information is true. I have also read, understand, and will comply with the park use policies and procedures as set forth by the City of Austin Parks and Recreation Department.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Sign and date

Complete, print, sign and turn into your business or company manager for submittal.



## Exhibit D

### Criminal Background Investigation (CBI) Process

Contractors/Vendors/Service Providers working with the City of Austin Parks and Recreation Department are required to obtain a Certified Criminal Background Report with fingerprinting for all staff who provide services to this facility at the **Contractor's expense**.

The following providers are available to provide the background check and fingerprinting services following the guidelines outlined by the City of Austin.

**ALERT!** *If you opt to utilize another service provider or want to see if your current background/fingerprinting results are valid, please contact the Parks and Recreation Human Resources Department at 512-974-6733 or via email at [Pard-HR@austintexas.gov](mailto:Pard-HR@austintexas.gov).*

#### Step 1: Background Check

Texas Department of Public Safety is a service provider you can use to check your employees background.

##### **Overview**

[http://www.dps.texas.gov/administration/crime\\_records/pages/overview.htm](http://www.dps.texas.gov/administration/crime_records/pages/overview.htm)

Here is a link that explains "How to Search the Criminal History Database"

<https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/About.aspx>

To perform a criminal history record search you must create a CRS Public Website Account and purchase credits for each search you will perform.

#### Step 2: Fingerprinting

Iden-To-Go is a service provider you can use to obtain background fingerprinting results. This site will inform you how to schedule your fingerprinting appointment and the information you need to take to the appointment with you.

##### **Iden-To-Go**

<https://uenroll.identogo.com/>

Service Code is 111VVQ

<https://uenroll.identogo.com/workflows/111VVq>

When filling out the fingerprinting form, there's an opportunity for the applicant to say where the results can be sent. This is where the applicant can enter the results to be sent to the employer.

#### Step 3: Send Results

Fill out the template below and send to your City of Austin site contact.

Please note, **Do not send CBI results.**





**Your Company Logo Here**

**Parks and Recreation Department - Temporary Contracting  
Criminal Background Investigation (CBI) Staff Certification**

Date: **XX.XX.XXXX**

As part of the Parks and Recreation Department (PARD) Temporary Contracting process for Commercial Use groups and Temporary Concession businesses, the following staff working with **(Your Company Name)** have obtained a Criminal Background Investigation (CBI) with fingerprinting.

- First CBI completed must be with fingerprint
- Subsequent CBI for current/returning employees, performed yearly, may be name only

The following staff have received an all clear or “pass” on their criminal background check/information that was requested as part of the contract or contract renewal process.

Last Name	First Name	Hire Date	Date of Birth	Date of Successful CBI (with Fingerprint)	Date of Successful CBI (name only)

\*Add rows as needed

I certify that the above have completed and obtained a successful CBI with fingerprinting and are currently in good standing.

If any staff receive an unsuccessful CBI during the initial CBI check, at contract renewal, or at any point during the life of the contract the following will be immediately completed:

- Notification will be sent to the PARD contract Administrator
- Removal of that staff person from providing any services under this contract

It is understood that all staff working on parkland must receive a Criminal Background Investigation and I agree to update this information and submit to the PARD Contract Administrator as needed when new employees are hired, existing employees are assigned to work on parkland, or during contract renewal.

Signed,

**Name**  
**Title within Company**  
**Company Name**  
**Email**  
**Phone**

## Exhibit E - Insurance Requirements

**CITY OF AUSTIN - CORPORATE RISK MANAGEMENT DIVISION**  
**INSURANCE REQUIREMENTS FOR PARK EVENTS and/or PERMITS**  
**PROVIDE THIS DOCUMENT TO YOUR INSURANCE AGENT**

Required of all Special Events, Permit Requestors, or as required by rental agreement. The REQUESTOR shall carry insurance in the types and amounts indicated below for the **duration of the PERMIT/ AGREEMENT**. Others providing services for this event may also be required to provide insurance as identified by the description of their services. **Requestor means:** applicant, organizer, renter, permit applicant, and/or contractor as notated in the relevant application.

### Standard Insurance Requirements

**(See Page 2 for: Certificate & Policy Requirements, Name and Address of City, etc.)**

☒ **Commercial General Liability Insurance** with a minimum bodily injury and property damage per occurrence limit of \$500,000 for coverages A (bodily injury and property damage) & B (personal and advertising injury). The policy shall contain the follow provisions:

- A. **Products and Completed Operations with a minimum limit of \$500,000**
- B. **Damage to Premises Rented to You or Fire Legal Liability with a minimum limit of \$50,000**
- C. **Independent Contractors coverage**

☒ Business Automobile Liability Insurance for all owned, non-owned and hired vehicles with a minimum combined single limit of \$500,000 per occurrence.

- *If a **sole proprietor**, then modified Personal Automobile Liability Insurance requirements may apply to you. Request the statement of sole proprietorship to sign and date. The statement documents for PARD that you are a sole proprietor with no employees, subcontractors or independent contractors and that the only vehicle used to provide services is your personal vehicle.*

☒ **Professional Liability Insurance:** Professional Liability Insurance Coverage. At a minimum limit of \$100,000 per claim, to pay on behalf of the assured all sums which the assured shall become legally obligated to pay as damages by reason of any negligent act, error, or omission arising out of the performance of professional services under this permit.

☒ **Worker's Compensation and Employers' Liability Insurance:** Coverage shall be consistent with statutory benefits outlined in the Texas Worker's Compensation Act (Section 401). The minimum policy limits for Employer's Liability are \$100,000 bodily injury each accident, \$500,000 bodily injury by disease policy limit and \$100,000 bodily injury by disease each employee.

- *If a **sole proprietor**, then Worker's Compensation and Employers' Liability Insurance, does not apply to you. Request the statement of sole proprietorship*



to sign and date. The statement documents for PARD that you are a sole proprietor. However, if you have employees performing services, this insurance is required.

**Insurance Certificate & Policy Provisions, Specifications, and Requirements:**

☒ All required policies\* **shall be endorsed and certificates** shall reflect the following:

- A. **City of Austin listed as additional insured** (not required on Workers Compensation and Employer's Liability Insurance).
- B. **Waiver of Subrogation in favor of the City of Austin.**
- C. **30 day Notice of Cancellation in favor of the City of Austin.**

*\*The above endorsement requirements do not apply to Professional Liability Insurance*

☒ **ALL ENDORSEMENTS** naming the **CITY** as Additional Insured, granting Waivers, and providing Notice of Cancellation, as well as all Certificates of Insurance **shall indicate:**

**City of Austin, ATTN: Parks and Recreation Department  
P.O. Box 1088  
Austin, Texas 78767**

The REQUESTOR must complete and forward the CITY standard certificate of insurance to the CITY **before** the PERMIT/AGREEMENT is executed as verification of coverage required in subparagraphs above. The REQUESTOR shall not commence work until the required insurance has been obtained and until such Insurance has been reviewed by the CITY. Approval of insurance by the CITY shall not relieve or decrease the liability of the REQUESTOR hereunder.

The REQUESTOR'S insurance coverage is to be written by companies licensed to do business in the State of Texas at the time the policies are issued and shall be written by companies with A.M. Best Ratings of B+ VII or better.

The "other" insurance clause shall not apply to the CITY where the CITY is an additional insured shown on any policy. It is intended that policies required in the AGREEMENT, covering both the CITY and REQUESTOR, shall be considered primary coverage as applicable.

If coverage is underwritten on a claims made basis, the retroactive date shall be coincident with the date of the AGREEMENT and the certificate of insurance shall state that the coverage is claims made and the retroactive date shall be shown. The REQUESTOR shall maintain coverage for the duration of this PERMIT/AGREEMENT and for a two year period following the end of this PERMIT/AGREEMENT. The REQUESTOR shall provide the CITY annually with a certificate of insurance as evidence of such insurance.



If insurance policies are not written for amounts specified above, the REQUESTOR shall carry Umbrella or Excess Liability Insurance for any differences in amounts specified. If Excess Liability Insurance is provided, it shall follow the form of the primary coverage.

The REQUESTOR shall not cause any insurance to be canceled nor permit any insurance to lapse during the term of the PERMIT/AGREEMENT or as required in the PERMIT/AGREEMENT.

The REQUESTOR shall be responsible for premiums, deductibles, self-insured retentions, if any, stated in policies. All deductibles or self-insured retentions shall be disclosed on the certificate of insurance.

The CITY reserves the right to review the insurance requirements set forth during the effective period of this PERMIT/AGREEMENT and to make reasonable adjustments to insurance coverage, limits and exclusions when deemed necessary and prudent by the City based upon changes in statutory law, court decisions, and the claims history of their industry or financial condition of the insurance company as well as the REQUESTOR.

The insurance coverages required are required minimums and are not intended to limit the responsibility or liability of the REQUESTOR.

## Exhibit F – Sole Proprietors Letter – Worker’s Compensation

***NOTE - This statement can be used by a sole proprietor who will SOLELY complete the entire job with no employees or subcontractors. The letter shall be written on the contractor's letterhead and be submitted with the certificate of insurance indicating coverage for all other lines of insurance required by the City of Austin.***

***The attached form must be submitted with the certificate of insurance indicating coverage for all other lines of insurance required by the City of Austin.***

### **Sole Proprietor Workers' Compensation Insurance Requirement**

#### **APPLICANT INSTRUCTIONS**

1. Complete all required boxes and information blanks.
2. Print, sign and date.
3. Scan, or return original with the application packet.



### ***Statement of Sole Proprietorship – Worker's Compensation***

**Date:**

**Applicant Name:**

**Business Name:**

This statement is being submitted in lieu of a certificate of insurance for the workers' compensation insurance coverage required by the City of Austin. I am a sole proprietor with no employees.

(Name of activity) \_\_\_\_\_ will be completed by myself without employees or subcontracted assistance.

I understand that if I hire anyone as an employee I will purchase Workers' Compensation Insurance coverage for the required limits and provide a certificate of insurance indicating this coverage immediately.

If I hire a subcontractor I will provide the City of Austin with the required proof of insurance for Workers' Compensation for each subcontractor. I understand that Workers' Compensation is required of all subcontractors.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## Exhibit F - Continued - Sole Proprietors Letter - Automobile

***NOTE - This statement can be used by a sole proprietor who will SOLELY complete the entire job with no employees, subcontractors, or the help of a friend or volunteer which include the use of an automobile.***

***The attached form must be submitted with the certificate of insurance indicating coverage for all other lines of insurance required by the City of Austin.***

### Sole Proprietor

#### Automobile Liability Statement - Use of Scheduled Autos

### APPLICANT INSTRUCTIONS

1. Complete all required boxes and information blanks.
2. Print, sign and date.
3. Scan, or return original with the application packet.



**Statement of Sole Proprietorship – Automobile Usage**

**Date:** \_\_\_\_\_  
**Applicant Name:** \_\_\_\_\_  
**Business Name:** \_\_\_\_\_

The services provided for this contract will include the use of my personal auto(s) only. All activities that include delivering, running errands or providing any other service requiring the use of an automobile will only be performed by me.

I will not be requesting any independent contractor, subcontractor, friend or volunteer to provide services requiring the use of an automobile for this contract.

I submit this statement with a certificate of insurance for my Personal Auto Liability policy in lieu of providing Business Automobile Liability as required in the Insurance Section of this application. If during the permit period I hire an employee, subcontractor or independent contractor or the services include the help of a friend or volunteer which include the use of an automobile, I will provide the City of Austin with the Business Automobile coverage as indicated in the contract documents prior to the use of the vehicle.

If during the permit period I begin providing services that include the use of owned autos not scheduled on this policy, hired or non-owned autos, I will provide the City of Austin with the Business Automobile Insurance coverage and all necessary documentation for those vehicles.

The Personal Auto Liability policy of the applicant is acceptable. The following minimum limits apply:

- \$100,000 bodily injury per person
- \$300,000 bodily injury per accident
- \$100,000 property damage per accident

The policy must provide the following endorsement in favor of the City:

- Additional Interest

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title





**(OFFICE USE ONLY)**

**City of Austin Parks and Recreation Department Approvals**

**Verified by:**

		Click here to enter a date.
<b>Contract Compliance - Signature</b>	<b>Typed/Printed Name</b>	<b>Date</b>
		Click here to enter a date.
<b>City of Austin Parks and Recreation Department Director or Designee</b>	<b>Typed/Printed Name</b>	<b>Date</b>