CITY COUNCIL AGENDA ITEM

Date June 7, 2016

To: Brian Kischnick, City Manager

From: Kurt Bovensiep, Public Works Director
Elaine S. Bo, Recreation Director

Subject: Revised Facility Usage Policy

History

The Parks and Recreation Divisions are responsible for overseeing the facility rental and the associated activities within City of Troy Parks. Over the last several years, both divisions have seen in increase in request by organizations outside of Troy to use park facilities for special events. The current Facility Usage Policy, which was adopted by City Council in 1998 (RES# 98-223), was restrictive towards these types of events. The Parks and Recreation Divisions proposed a change to the current usage policy to the Parks and Recreation Advisory Board, which was approved on the April 28, 2016 meeting. The proposed changes included;

- Combines the special usage policy and the facility usage policy into one document. Formerly, these were two separate documents.
- Allows non-Troy based organizations use of facilities. The current guidelines do not allow for events that may have a benefit to the city, but do not meet the current criteria such as tournaments or other large events.
- Establishes an application fee for non-resident applicants.
- Establishes a rental rate for large scale events of $1,000 a day.

The proposed changes still allows current Troy based organizations to have preference to the facilities and staff looks at the potential displacement of these activities before approving a permit for a non-Troy based organization.

Options:

City Administration suggests approval of the revised Facility Usage Policy, which was also approved by the Parks and Recreation Advisory Board on April 28, 2016.

City of Troy
Facility Usage and Standards for Issuance of Special Use Permits in Parks

This Policy Statement on Facility Use and Special Use Permits covers facility usage and all special uses in the City of Troy parks.

Park Shelters
Park Shelters are available to be reserved May-September. Brinston, Boulan, Firefighters, Milverton, Raintree and Jaycee Parks and the Civic Center have shelters.
Complete policies and rental information can be found at
www.troymi.gov/PlayHere/Outdoor/Parks/ParkShelterRental or by calling 248.524.3484

Non- reserved areas which require no permit
When not reserved for leagues or lessons, the following facilities may be used by Troy residents and their guests on a first come-first served basis:

- **Tennis courts** - Boulan Park and Civic Center courts.
- **Ball diamonds** - All ball diamonds except Flynn #1 and Boulan #1
- **Sand volleyball courts** - Boulan Park, Firefighters Park, Jaycee Park, and Raintree Park.
- **Soccer fields are not permitted for general use.** Soccer and lacrosse teams may use open areas not designated for soccer use.
- **Cricket** – Community Center, 3500 John R

Troy Family Aquatic Center
Rental of the entire aquatic center is available as well as shelter rentals. For further information, contact the Recreation Department at 248.524.3484 or
www.troymi.gov/PlayHere/Outdoor/AquaticCenter/RentalsandParties

Community Center
Meeting and banquet rooms, gyms, and the pool area are available to rent. For more information, contact the Recreation Department at 248.524.3484 or
www.troymi.gov/PlayHere/Outdoor/Recreation/MeetingsBanquetsandParties

Team Use of Athletic Fields
Use of athletics fields is permitted for youth team games. Teams must be comprised of 75% residents. Contact the Recreation office at 248.524.3484.

Special Use Permits (the remaining document pertains to special use permits)
Special Uses are defined as activities which are not directly related to the day-to-day operations of the City of Troy, but may occur on park land.

Priority usage is reserved for those in Recreation programs, City youth athletic organizations, Troy School District and other residential and business groups.

The Recreation Department, Troy Youth Soccer League, Troy Baseball Boosters and Troy Youth Football have facility priority as providers of recreational activity for the City of Troy.

Facilities are not available to use at all times. Facilities that are used extensively may not be approved for use to allow for maintenance and turf recovery.

Facilities may not be used by groups for the purpose of profit or for fundraising uses by organizations other than non-profit 501C groups. Any event primarily for the personal, financial or corporate gain or commercial promotion will be denied**.**

Commercial use of facilities is prohibited except by concessionaires, production companies for filming, or others deemed to be in the best interest of the City.

Application

Any organization wishing to sponsor or hold a special event in any City of Troy municipal park will be required to complete the City of Troy Special Park Use Application available at the Recreation Office 3179 Livernois or at: www.troymi.gov/Portals/0/Files/ParksRec/SpecialUseApplication.pdf

Approved Uses

Tournaments
Civic events
Cultural events
Educational events

Standards for Approval

The Parks and Recreation Departments shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

1) The conduct of the special use will not substantially interrupt other regularly scheduled park activities.
2) The conduct of the special use will not require the diversion of so great a number of City staff that normal work activity cannot be accomplished.
3) The conduct of the special use is not reasonably likely to cause injury to persons or property.
4) Adequate sanitation and other required health facilities are or will be made available.
5) There are sufficient parking places in the park to accommodate the number of vehicles reasonably expected.
6) No special use permit application for the same time and/or location has already been granted.
7) The duration of time the reserved area or park is unavailable due to set-up, take down and the event is not so substantial to prevent normal public use for extended periods.

City Services Provided For Special Use

The City may provide support for special uses on the following basis:

A. City Operated Events: The City may operate certain special events directly. The full cost of these events will be funded by the City.

B. Co-Sponsored Events: The City may co-sponsor certain events with other organizations when City Council determines that the event is of general interest to the public and advances the City's public image.

C. Non-Profit Events: The City may assist other special uses operated by non-profit organizations. These events must meet the other requirements of the special use policy and must reimburse the City for any City costs. To qualify as a non-profit, the organization must be a non-profit as recognized by the State of Michigan or have 501C3 status. Organizations who have applied for non-profit status may be considered in this category.

D. For-Profit Uses: The City may allow other special uses operated by for-profit sponsors, which are beneficial to the City and the public subject to a rent for the use of the public property, which is approved for each event. These events must meet the other requirements of the special use policy and must reimburse the City for any costs.

E. Civic, Cultural, Educational or Family Celebrations: Use by groups whose function is civic, cultural, educational or family celebrations (graduation, reunions, etc.) may be approved under this policy. These events must meet the other requirements of the Special Use policy and must reimburse the City for any City costs.

Fees for Special Uses

Application Fees
An application fee shall be paid when the application is filed. The fee for Troy based applicants is $35.00. The fee for organizations based outside Troy is $250. The application fee is returned if the use is not approved.

Rental Fees
Any organization wishing to hold an event will be charged a daily rental fee of $1,000/day. The rental fees must be paid 30 days prior to the commencement of the event.
A reduction in fees may be considered for events of a small scale or if co-sponsored by the City.

City Services Fees
Any costs that the city incurs as a result of the event will be charged to the applicant. These charges may include: public safety and public services labor cost, equipment charges, purchased or rented materials, and contracted services.
An administrative fee 20% will be added to all costs.
The applicant will receive an estimate of the City cost with the approved application.
A cash deposit, performance bond or other security acceptable to the City will be required in an amount equal to the amount estimated by the City to be billed for City fees as described above.
Invoices for services shall be issued within thirty (30) days of the event.

Special Event Signs
Any signs used for the event must conform to the City of Troy City Code chapter 26 and 78.
www.troymi.gov/Government/CodeandCharter/CodeTOC

Liability Insurance Requirements
In order to comply with the City's insurance liability carrier, the City shall require that all sponsors of special uses carry liability insurance with coverage of at least $1,000,000. The applicant shall be required to provide a valid certificate of insurance naming the City of Troy as an additional insured prior to the event. Higher levels of insurance based on risk factors and past experience may be required. Outcomes of past public events conducted by the group will contribute to the determination of risk category.

Each special use application will be reviewed and assessed for potential liability risk based on the following risk categories:

Class I – Low Hazard involves little physical activity by participants and no hazardous exposure to spectators.

Class II – Moderate Hazard involves moderate physical activity by participants and no significant hazardous exposure to spectators.

Class III – Substantial Hazard involves major participation by participants and/or moderate risk to spectators.

Class IV – High Hazard involves danger or significant risk to participants and/or spectators.

Insurance coverage may not be required for uses classified as Class I and Class II depending on evaluation of risk.

Traffic Control and Safety Requirements
The applicant shall be responsible for complying with all traffic control and safety procedures required by the City during the event. The requirements will be indicated in the notice of approval

and additional requirements may be made by the City during the event as may be necessary for the safety of the public.

Participant Waiver of Liability
The applicant shall be responsible for obtaining all signed indemnification agreements as required by the City. Specific requirements may be indicated in the City's written confirmation of approval.

Vendor and Concession
The City has granted exclusive privilege of sale of food, drinks, etc. at Boulan Park, Firefighters Park, Flynn Park, the Aquatic Center and Community Center. Therefore, no food vendors may sell concessions at those locations.

Any event that is serving food must have all food vendors approved by the Oakland County Health Department. All food vendors must supply a valid certificate of insurance naming the City of Troy as an additional insured prior to opening of the food stand. All food vendors must post a valid temporary food license if required by the Oakland County Health Department. Food vendors are responsible for any and all fees related to obtaining a food license.

Sale of Merchandise
The sale of merchandise in parks is not allowed without approval.

Other Requirements
The City Manager, or designee, may place requirements on any event. These requirements may include specific staffing levels for Police, Fire, Paramedic, Public Services or other personnel. Expenses for these requirements will be billed to the sponsoring organization under the terms of the policy.

Reservation of Annual Event Dates
If an event is intended to be an annual event at regularly scheduled dates, the current year's application may include the following years requested dates. Approval of the current year's application will include reservation of the next years proposed dates. However, it will not constitute approval of next year's event, which must have its own timely application submitted for City approval.

Written Confirmation of City Approval
Upon approval of the special use application, a written confirmation will be forwarded to the individual or organization requesting the event. This confirmation will outline any special conditions that must be met if the event is to be held. The City of Troy special use application must be completed for all special uses that take place in parks that are controlled by the City of Troy.

Park Shelter Use
Park Shelters will be unavailable for other groups when a special use is scheduled. If a park shelter is reserved, no special use will be allowed. If a park shelter is available to be reserved, the applicant will pay the park shelter fee. Park shelters are available for reservation May through September.

Alcohol in Parks/Public Places:
No alcohol may be consumed in parks or on public grounds except by special permit.

Noise
The noise ordinance must be adhered to before, during and after the event.

Amusements

No rides, amusements, petting zoos, dunk tanks, generators, concessions, hot or cold air balloons are allowed without special permission and/or permits as required by City Ordinances.

Tents
No tents may be erected without special permission.

Athletic Field Use
Only athletic events may be held on athletic fields.

Park Ordinance – General Regulations
Chapter 26 of the City Code and Ordinance document outlines the general regulations for park use. These regulations must be followed unless there is written approval otherwise. www.troymi.gov/Government/CodeandCharter/CodeTOC

City of Troy
Recreation Department

Special Use Application

Office Use Only

_____ Shelter Reservation

_____ Payment

_____ Tent

Initial: _____ Date: _____

Directions: Complete this application and return it along with the application fee to the Troy Recreation Department, 3179 Livernois Rd, Troy, 48083. Applications should be submitted at least 60 days prior to your event.

Sponsoring Organization's
Legal Name _____ Phone: _____

Email Address: _____

Organization Address: _____

Organization's Agent: _____ Phone: _____

Agent's Title: _____

Agent's Address: _____

Event Name: _____

Event Purpose: _____

Event Location: _____

Number of People expected: _____ **Use Date:** _____

Event Start Time: _____ **End Time:** _____

Time wanted before and after event starting time: _____

Will there be an admission charge? Yes No
If yes, what is the charge? _____

Describe completely the details of the event: _____
_____

1. TYPE OF EVENT: ❍ Tournament ❍ Civic ❍ Cultural ❍ Educational ❍ Other _____

2. ANNUAL EVENT: Is this event expected to occur next year? ❍ Yes ❍ No

3. EVENT MAP: A diagram of event set-up must be attached.

4. VENDORS: Food Concessions ❍ Yes ❍ No

5. EVENT SIGNS: Will this event include the use of signs? ❍ Yes ❍ No

6. INFLATABLE GAMES/BOUNCE HOUSE? ❍ Yes ❍ No

If yes, describe _____

7. SOUND: Will there be sound amplification? ❍ Yes ❍ No

Will there be a sound system, speaker or DJ? ❍ Yes ❍ No

Will there be live music? ❍ Yes ❍ No

8. OTHER REQUESTS: What will you need to set-up? _____

_____

9. Describe any **special requests** for this event such as amusements, petting zoos, balloons, dunk tank, concessions, etc… _____

_____

10. CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

a. A certificate of insurance must be provided which names the City of Troy as an additional named insured party on the sponsor's insurance policy.
b. Sponsors will be required to sign Indemnification Agreement forms.
c. Participants may be required to sign a waiver of liability.
d. All food vendors must be approved by the Oakland County Health Department and each food and/or other vendor must provide the City with a certificate of insurance which names the City of Troy as an additional named insured party on the vendor's insurance policy.
e. The approval of this special use may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's special use policy. The event will be operated in conformance with the written confirmation of approval.
f. The sponsoring organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.
g. I have read and understand all City of Troy Park rules and regulations.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this special use, affirm the above understandings and agree that my sponsoring organization will comply with the City's Special Use Policy, the terms of the Written Confirmation of Approval and all other City requirements, ordinances and other laws which apply to this special event.

_____ _____

Date Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least sixty (60) days prior to the first day of the event.

City of Troy
General Rules and Regulations
INDEMNIFICATION AGREEMENT
for Special Use Permits

The _____ agree(s) to defend, indemnify and hold harmless the City of Troy, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from the _____ by reason of any damage to property, personal injury or bodily injury, including death, sustained by a person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Troy or by third parties, or by the agents, servants, employees or factors of any of them.

Signature _____ Date _____

Witness _____ Date _____

Return this form along with application and fee to:
Troy Recreation Department
3179 Livernois Rd
Troy, Michigan 48083

Special Use Approval

This form will be returned to applicant.

Estimated Charges for Special Uses

Special Use billings by the City shall be itemized as follows:

Public Safety Employee Regular/Overtime	$_____
Public Services Employee Regular/Overtime	$_____
Equipment Charges	$_____
Purchased Material	$_____
Rented Material	$_____
Contracted Services	$_____
Special Requests	$_____
Administrative Fee 20%	$_____
NET TOTAL BILLING	**$**_____

Rental Fee:	**$**_____	**Date Paid:** _____
Total Estimated Costs	**$**_____	**Date Paid:** _____
Deposit:	**$**_____	**Date Paid:** _____

Insurance Received: Yes _____ Date _____ Not Required _____

Application Denied: _____ Date: _____

Approved as Submitted: _____ Date: _____

Approved with Exceptions: _____ Date: _____

Information for Applicant

_____

_____

_____

_____

Initial: _____ Date: _____