

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Hugh R. Riley, Assistant City Manager

**PREPARED BY:** Stephanie Shaw, Recreation Superintendent

**DATE:** July 26, 2011 (CC Special Meeting of September 14, 2011)

**SUBJECT:** Consider Resolutions Revising the Rules and Regulations Governing City Park Rentals and Adopting Revised Park Rental Fees, Deposits, and Additional Charges and Rescinding Resolution No. 2007-2635

**SUMMARY**

The Council is being asked to consider changes to the Resolution governing rental use of park facilities and park rental fees. These rules and fees were last amended in 2007 (Resolution 2007-2635). Attached to this report are two draft resolutions which separate the Rules and Regulations Governing City Park Rentals into one resolution and the Park Rental Fees, Deposits, and Additional Charges into a separate resolution (Attachments A and B). Resolution 2007-2635 is also attached (Attachment C) to facilitate cross reference to existing fees and use rules. The draft resolutions were presented to the Parks and Recreation Commission at the June 27, 2011 special meeting for their consideration. The Commission's recommendations have been incorporated into the resolutions being presented to the Council.

**DISCUSSION**

There are significant proposed revisions to the rules and fees (now separated into two resolutions). Some of the rules revisions are needed for consistency with the recently revised Chapter 12.16, Parks and Open Space, of the City's Municipal Code. In addition, there was an overall reordering of the rules and regulations, which can be seen by comparing the proposed rules and regulations in Attachment A and the current Resolution 2007-2635, Attachment C.

The more substantive revisions to the proposed Rules and Regulations Governing City Park Rentals are described, below (with the revised section number and titles listed in italics).

## **Resolution Adopting Rules and Regulations Governing City Park Rentals**

### ***Section 2.2 Park Facility Rental Program Administration***

This section includes language from Section 2.3, Enforcement, of Resolution 2007-2635. The language was revised to be consistent with the City's Facilities Rental Resolution.

### ***Section 2.3 Definitions***

This section includes language from Section 2.2, Definitions, of Resolution 2007-2635. The language was revised to be consistent with current practices. Definitions for "Rental" and "Renter" were added.

### ***Section 2.4 Use Priority***

This section was added to establish that the City has use priority over private reservations.

### ***Section 2.5 Right to Revoke or Deny a Park Rental Permit***

This new section gives the City the right to revoke an issued Rental Permit or deny a reservation application for the reasons specified.

### ***Section 2.6 Right to Establish Additional Rules and Conditions***

This new section gives the City the right to establish additional rules, regulations, and conditions. This will assist staff in handling unique or unusual reservation requests which may require special conditions of approval.

### ***Section 3.2 Rental Group Classifications***

The section includes the Group classification definitions found in Section 3.1 of Resolution No. 2007-2635. The definition of non-profit organizations has been expanded for Groups 2 and 3 as 501 (c) (3), (4), (6), and (19). Under Resolution 2007-2635, only 501 (c) (3) qualifies as a non-profit in the Group 2 renter classification, although the practice has been to interpret a City of Moorpark non-profit 501 (c) (3), (4), (6), and (19) as Group 2, consistent with the City's Facilities Rental Resolution. Examples of non-profits other than 501(c)(3) that have traditionally been categorized as non-profits for the purpose of rentals include the Moorpark Chamber of Commerce (a 501(c)(6)) and the American Legion Post 502 (a 501(c)(19)).

Group classifications are determined by the status of the "Renter." Currently, a City of Moorpark resident who participates in a non-City of Moorpark sports league can rent fields at the Group 2 rate, even if the majority of the team members are not City of Moorpark residents. There have been some complaints received as the demand for fields has increased, which generated discussion as to whether or not an additional condition for field rentals for team practices and/or games should be established. Staff recommends establishing a condition that specifies that for field rentals, a minimum of 51% (or higher) of those in attendance at the rental must be City of Moorpark residents in order to qualify for the Group 2 rate.

For reference, the Conejo Park and Recreation District (CRPD) considers residency of attendees for on-going field rentals. A portion of the out-of-district field rate is charged

based on the percentage of attendees who are out-of-district residents. The CRPD requires teams to submit rosters and provide insurance for their practices. The CRPD does not consider residency of attendees for single-use field rentals or rentals of other facilities, such as picnic pavilions.

***Section 4.1 Rental Permits Required***

This section combines some language that is currently part of Sections 2.6, Terms of Rental, and 2.7, For Profit and Filming, in Resolution 2007-2635. Under the current Resolution, a rental agreement is required for private or personal reservation use by individuals or groups, and permits are required for groups of 50 or more people (Section 2.6) and for for-profit activity and commercial filming (Section 2.7). The proposed Section 4.1 consolidates the language and more clearly defines the circumstances under which rental permits are required, including for any rental for which a reservation application for exclusive use is submitted. Also included in new Section 4.1 is that a Park Rental Permit is required when any equipment, attractions, or performers are brought onto park property, consistent with revised Chapter 12.16 of the Municipal Code.

***Section 4.4 Rental Fees and Charges***

This section includes language that is currently part of Section 2.9, Application Window, and Section 2.11, Additional Charges, of Resolution 2007-2635. The language specifies that fees will be charged in accordance with the Park Rental Fees Resolution and removes dollar amounts from the Park Rules and Regulations Resolution.

***Section 4.5 Approval of Application and Issuance of a Rental Permit***

This is a new section that clearly defines the conditions under which a Park Rental Permit will be issued. It also defines the standard conditions of approval for Rental Permits and allows for the Director or his/her designee to establish special conditions of approval. This section also includes language regarding the revocation of Park Rental Permits.

***Section 4.6 Rental Cancellations and Park Rental Fee Refunds***

This section revises the current Section 2.12, Refunds and Credits, in Resolution 2007-2635. Under the current Resolution, credits and refunds may be issued only if: 1) a cancellation is due to inclement weather; or 2) the cancellation is made at least 30 days in advance. The renter may also receive a credit if they are ill and notify the City at least 72 hours in advance of the rental date. In Section 4.6 of the revised resolution, there are four refund criteria, including a new description of inclement weather, and there is more specific description of what fees will be deducted if a refund is requested.

For all refund requests, a refund processing fee will be deducted from the refund. The refund processing fee is new and is proposed to be \$10 for Groups 2, 3, and 4. The refund processing fee is intended to pay for the staff costs to process the refund application. The cancellation fee is for a rental cancellation received less than thirty (30) days prior to the Rental date. In Section 2.12 of Resolution No. 2007-2635 the cancellation fee is set at \$25; however, some rentals have rental fees totaling \$25 or less. Additionally, under Resolution No. 2007-2635, fees for rentals with less than 30 days notice of cancellation are not refundable at all, and can only be credited if the

renter is ill. Staff has proposed in the revised Fees Resolution allowing renters to cancel with less than 30 days notice, with a cancellation fee of 50% of the Rental Fee for a Rental cancellation from 29 to 5 calendar days prior to the Rental date and 100% of the Rental Fee for a Rental cancellation less than 5 calendar days prior to the Rental date (regardless of reason for cancellation). It also establishes that refunds will not be issued for permits with rental fees of \$25 or less.

#### ***Section 5.1 Park Rental Hours***

This section revises and combines language from the current Section 2.4, Hours, and Section 2.5, Park Rental Hours. Revisions in this section include reducing the minimum rental time from 2 hours to 1 hour for facilities other than picnic pavilions (minimum rental time for picnic pavilions remains at 2 hours) and rounding to the nearest half-hour rather than hour. Park rental hours were also revised to be consistent with the current Parks and Open Space Ordinance.

#### ***Section 5.4 Use of Special Attractions, Performers, and Equipment***

This section revises and expands on the current Section 2.16, Use of Special Attractions. This section details the activities and equipment which require a Park Rental Permit. This section has several significant revisions. These include:

- Eliminating the list of prohibited activities and equipment, which are already described in Chapter 12.16 of the Municipal Code.
- Adding obstacles courses and inflatable slides to the list of permitted inflatable attractions (currently only bounce tents are permitted.)
- Adding Mammoth Highlands Park and Glenwood Park to the list of parks where attractions are permitted (the Resolution has not been updated since Mammoth Highlands Park was opened and restrooms were built at Glenwood Park.)
- Adding paid or contracted performers to the list of activities that require a Permit.
- Adding certain items, such as soccer goals and canopies, as equipment that requires a permit.

#### ***Section 5.9 Wet Field Policy***

This is a new section that establishes a Wet Field Policy. This section describes the conditions under which fields will be closed, such as rain, standing water, or indications of water-saturated turf.

#### **Resolution Adopting Revised Park Rental Fees, Deposits, and Additional Charges**

Park Rental fees are reviewed, evaluated and revised on a periodic basis. Rental fees for park facilities have not been revised since 2007. The proposed fee rates are based on a variety of factors, including the market rate in Ventura County (based on a 2010 survey of Conejo Park and Recreation District, Rancho Simi Park and Recreation District, Pleasant Valley Park and Recreation District, and the City of Oxnard), demand for park facilities within the City of Moorpark, and operating costs when available.

The more substantive proposed revisions to the fees, deposits, and additional charges are summarized below. On the attached draft resolution, current fees are listed in strike-

through next to the proposed fees. If there is no change to a fee, only the proposed fee is listed. A notation is included in the fee description column for new fees.

### **Section 2.2 Hourly Fees**

Changes to hourly rental fees include the following:

- Increase in fees for athletic fields, ball fields, and field lights by \$5 per hour.
- Decrease in fees for tennis courts and basketball courts by about 20%.
- Increase in fees for horseshoe pits, to be consistent with basketball courts and tennis courts.
- Addition of fees for rental of a bocce ball court.
- Addition of fees for rental of a picnic table.
- Decrease in the fees for rental of a gazebo for Poindexter Park.
- Re-categorization and significant changes in fees for picnic pavilions. Under the current Resolution 2007-2635, pavilions are defined as Large (Poindexter Park and Peppertree at AVCP) and Small (all other pavilions). This categorization does not accurately reflect the size or seating capacity of these park facilities. Pavilions are proposed to be categorized as follows:
  - a. Small Pavilions (Pavilions with 4 tables: Campus, Campus Canyon, Glenwood, Mountain Meadows, and Tierra Rejada parks.) No change in rental fee.
  - b. Medium Pavilions (Pavilions with 5 to 7 tables: College View, Mammoth Highlands, Miller, and Peach Hill parks.) Fees were raised by \$5 per hour for Groups 2 and 3 and by \$15 per hour for Group 4.
  - c. Large Pavilions (Pavilions with 8 to 10 tables: AVCP west and Poindexter). For Poindexter Park, fees were reduced \$5 per hour for Group 2, \$15 per hour for Group 3, and \$20 per hour for Group 4. For AVCP, fees were raised \$15 per hour for Group 2, \$25 per hour for Group 3, and \$35 per hour for Group 4.
  - d. Peppertree Pavilion (32 tables, AVCP east): Fees were raised by \$20 per hour for Group 2 and 3 and \$45 for Group 4. A fee for renting half of the pavilion was also added.
- Establishment of flat rate fees for City staff costs. Under Resolution 2007-2635, staff fees are listed as a direct cost plus a percentage. This has been revised to a flat hourly rate of \$25 per hour for part-time staff and \$45 per hour for full-time staff. This change is consistent with the fees in the Facility Fee Resolution.

### **Section 2.3 Flat Rate Fees**

Changes to flat rate fees include the following:

- The permit application fee has been increased from \$5 to \$10 for Groups 2, 3, and 4.
- A new refund processing fee of \$10 has been added for Groups 2, 3, and 4.
- The attraction permit fee has been changed to \$10 per hour regardless of group classification, consistent with the permit application fee.
- The field preparation fee has been increased by \$15 to \$40 for Group 2, \$50 for Group 3, and \$60 for Group 4.

- The vendor fee has been changed from \$50 regardless of group classification to \$25 for Group 2, \$50 for Group 3, and \$75 for Group 4.
- A new soccer goal rental fee has been added for Groups 2, 3, and 4.

### ***Section 2.5 Refundable Security Deposits***

Currently, refundable security deposits are required of all picnic pavilion rentals, regardless of attendance. Refundable security deposits are not required for other park facilities until attendance reaches 200. This section has been revised to eliminate the requirement for a security deposit based on the facility rented and replaces it with required deposits based on attendance. This section has also been revised to include a soccer goal rental deposit of \$100, consistent with the softball/baseball bases rental deposit. The horseshoes rental deposit has been deleted, because rental of this equipment has been discontinued.

### ***Section 2.6 Additional Charges***

This new section includes the revised staff fees, and discussion of potential Police Service fees, insurance fees, and large event and large venue waste management requirements consistent with Article V of Chapter 8.36 of the Municipal Code.

### ***Section 2.7 Refund Processing and Cancellation Fees***

This new section describes the revised park rental cancellation fees for cancellations made with less than 30 calendar days notice. The fees are 50% of the Rental Fee for a Rental cancellation from 29 to 5 calendar days prior to the Rental date and 100% of the Rental Fee for a Rental cancellation less than 5 calendar days prior to the Rental date.

## **FISCAL IMPACT**

Since the number of rentals fluctuate from year to year, and rentals may increase or decrease based on changes to fees, an exact fiscal impact cannot be determined. There may be an increase in revenue for ball fields, athletic fields, field lights, pavilion rentals, soccer goal rentals, rental permit application fees, and the addition of a refund processing fee. If historical usage remains the same, there may be as much as a 40% increase in revenue from field rentals and 25% from pavilion rentals.

## **STAFF RECOMMENDATION (ROLL CALL VOTE)**

- 1) Adopt Resolution No. 2011-\_\_\_\_, Rules and Regulations Governing City Park Rentals, rescinding Resolution No. 2007-2635 and
- 2) Adopt Resolution No. 2011-\_\_\_\_, Park Rental Fees, Deposits, and Additional Charges.

Attachment A: Resolution Adopting Rules and Regulations Governing City Park Rentals and Rescinding Resolution No. 2007-2635

Attachment B: Resolution Adopting Revised Park Rental Fees, Deposits, and Additional Charges

Attachment C: Resolution No. 2007-2635 (Current Park Reservation Fees and Rules Policy)

RESOLUTION NO. 2011-\_\_\_\_\_

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING RULES AND REGULATIONS GOVERNING CITY PARK RENTALS AND RESCINDING RESOLUTION NO. 2007-2635

WHEREAS, the City has established rules and regulations that govern the rental use of City park facilities which are reviewed and revised periodically; and

WHEREAS, at a special meeting on June 27, 2011, the Parks and Recreation Commission reviewed and concurred with the proposed revisions to the Rules and Regulations Governing City Park Rentals and recommended approval of the revised resolution to the City Council; and

WHEREAS, Resolution No. 2007-2635, which previously established park facility use and reservation fees and related rules is proposed to be rescinded, and a revised resolution is proposed to be adopted for rules and regulations governing City park rentals and a second resolution adopted for the revised City park rental fees, deposits, and additional charges.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. City Council Resolution No. 2007-2635 is hereby rescinded.

SECTION 2. The revised Rules and Regulations Governing City Park Rentals (Rules) are as follows:

Section 2.1 Purpose

The purpose and intent of the City Council in adopting the Rules is to provide direction to staff and the public relating to the use and rental of City park facilities, structures, and amenities. In the event of non-compliance with, or violation of, any provision herein, such shall not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

Section 2.2 Definitions

“Director” shall mean the City Manager or his/her designated representative.

“Rental” shall mean approved use of a City park facility, structure, field, or amenity by an individual, organization, or business.

“Renter” shall mean the individual, organization, or business responsible for the Rental. Renter must complete the Reservation Application and other required documentation, pay all required fees, provide or pay for insurance (if required), and be present for the duration of the Rental.

“Reservation Application” shall mean the City’s Rental application form.

“Park Rental Permit” shall mean an approved, written Park Rental Permit issued by the Director, allowing rental use of a City park facility, structure, field or amenity.

### Section 2.3 Park Facility Rental Program Administration

The Parks, Recreation, and Community Services Department oversees the administration of the City’s Park Rental Program.

The Director will have the authority to approve park Reservation Applications in accordance with the policies contained herein. Park Rental Permits are not finalized until the application has been approved in writing and all required Rental fees, deposits, and charges are paid in full.

### Section 2.4 Use Priority

Certain City park facilities may be rented for private use when such use does not conflict with City business or programs. In the unanticipated event that a scheduling conflict arises that, in the sole discretion of the City, prevents or interferes with business or program operations, the Park Rental Permit may be canceled. In such an event, the City will make every effort to accommodate the canceled Rental at a different location or on a different date, if feasible. If such accommodations cannot be made, a full refund of all fees paid shall be issued.

City sponsored programs shall have priority use over all reservation requests.

### Section 2.5 Right to Revoke or Deny a Park Rental Permit

The City may revoke an issued Park Rental Permit or deny a Reservation Application, when it is determined by the Director that the proposed use of the park will not be in the best interest of the City.

A Park Rental Permit may be revoked or denied for violation of any rule or regulation contained in the Moorpark Municipal Code, State law, or established by this resolution by the Renter, Renter’s guests, attendees, employees, or vendors. Park Rental Permits may be revoked or denied if the Renter is found to have falsified or omitted information on a Reservation Application. If the City revokes or denies a Park Rental Permit for any of these reasons, all fees and deposits paid will be forfeited and the Renter may be suspended from future Rentals of any City park facility as determined by the Director at his/her sole discretion.

Section 2.6 Right to Establish Additional Rules and Conditions

The Director may establish additional rules, regulations, and conditions pertaining to City park use and Rental, so long as such requirements are consistent with this Resolution and Chapter 12.16 of the Moorpark Municipal Code, and are published in writing.

SECTION 3. PARK FACILITY RENTAL GROUP CLASSIFICATIONS. Park Rental group classifications shall be as follows:

Section 3.1 Purpose

The purpose and intent of the City Council in adopting the Park Rental Group Classifications shall be to provide direction for staff and the public relating to the classification of groups and individuals renting City park areas, facilities, or structures.

Section 3.2 Group Classification Definitions

GROUP 1: City co-sponsored programs. When deemed a community benefit, the City, at its sole discretion, may co-sponsor an activity or event. Rental fees may be charged for City incurred direct costs, including but not limited to utilities, City staff costs, police service costs, security, damage to City property, or any other direct cost incurred by the City.

GROUP 2: Residents of the City of Moorpark, certain nonprofit organizations based in the City of Moorpark, and governmental agencies serving the residents of the City of Moorpark for purposes where an entrance or other fee for participation is not charged and no product is sold for profit, with the exception of a nonprofit organization fundraising event.

- The designation of City of Moorpark resident applies to individuals who live within the incorporated Moorpark City boundary. Proof of residency will be required.
- The designation of a Moorpark nonprofit organization applies to those with current tax exempt status under Section 501(c)(3), 501(c)(4), 501 (c)(6), 501 (c)(19) of the U.S. Revenue Code and chartered within the limits of the City of Moorpark. Proof of 501 (C) status will be required.
- The designation of governmental agency directly serving the residents of Moorpark applies, but is not limited, to the following agencies: Moorpark Unified School District, Moorpark College, Ventura County Water Works District I, County of Ventura, Ventura County Superintendent of Schools, and agencies of similar status as determined by the Director's sole discretion.

- For field rentals, a minimum of 51% of those attending the rental must be City of Moorpark residents in order for the Renter to be classified under Group 2.

GROUP 3: Residents of the Moorpark Unified School District boundaries that reside outside of the City's incorporated limits; non Moorpark nonprofit organizations, Moorpark businesses and commercial for-profit organizations for purposes where an entrance or other fee for participation is not charged and no product is sold for profit, with the exception of a nonprofit organization fundraising event.

- The designation of residents of the Moorpark Unified School District boundary applies to individuals living within the District boundaries but outside of the City's incorporated limits. Individuals will be required to show proof of address.
- The designation of non Moorpark nonprofit organizations applies to nonprofit organizations with current tax exempt status under Section 501(c)(3), 501(c)(4), 501 (c)(6), 501 (c)(19) of the U.S. Revenue Code, chartered outside of the City of Moorpark.
- The designation of a Moorpark business and commercial for-profit organization applies to businesses with an established address within the incorporated City of Moorpark and with a current Moorpark Business Registration.

GROUP 4: All other Renters not included in Groups 1, 2, or 3.

SECTION 4. RESERVATION APPLICATIONS AND PARK RENTAL PERMITS. The general policies governing Reservation Applications and Park Rental Permits are as follows:

#### Section 4.1 Park Rental Permits Required

An approved Park Rental Permit is required for certain activities and under certain circumstances. A Park Rental Permit is required for:

- Any rental for which a reservation application for exclusive use is submitted.
- Any activity with fifty (50) or more total people in attendance.
- Any fee or cost based activity, whether conducted by a for-profit, non-profit, or individual. This includes any activity for which monies are paid or collected, regardless of whether or not monies are paid or collected at the park Rental location. This definition includes but is not limited to fundraisers, private classes or lessons, and sports league activity.
- Filming of any kind, with the exception of filming by an individual when such activities are not for commercial purposes and are for personal use only.

- When any equipment (as defined in Section 5.4), attractions, or performers are brought onto park property.

#### Section 4.2 Terms of Reservation Applications

Reservation Applications for the Rental of a park facility must be submitted in person. All applications must be signed by an adult (21 years of age or older), who shall agree to be responsible for said Rental, be in attendance during all the times of the Rental, meet all conditions required for the Rental, and pay all fees required. Incomplete or unsigned Reservation Applications will not be accepted.

#### Section 4.3 Application Period

Group 1 and Group 2 renters may submit a facility Reservation Application up to nine (9) months prior to the requested Rental date. Group 3 and Group 4 renters may submit facility Reservation Applications up to six (6) months prior to the requested Rental date. Any deviations to the application period must be approved by the Director in writing.

Reservation Applications are accepted on a first come, first served basis. Reservation Applications for Rentals that require insurance as determined by the Director, or have attendance of 200 or more people, must be submitted at least twenty-five (25) business days in advance of the Rental date. Reservation Applications for all other Rentals must be submitted at least ten (10) business days in advance of the Rental date. The Director may approve an exception to the ten (10) business day requirement based on type of rental and method of payment, as may be permitted by Moorpark City Council Resolution Establishing Park Rental Fees, Deposits, and Additional Charges.

#### Section 4.4 Rental Fees, Deposits, and Additional Charges

Rental fees will be charged in accordance with the Moorpark City Council Resolution Establishing Park Rental Fees, Deposits, and Additional Charges. Fees must be paid according to the Payment Schedule in the adopted Resolution. Failure to pay Rental fees by the required date may result in the loss of any deposit. The Rental Permit is not issued until all required fees are paid in full.

Additional charges may be levied beyond the basic Rental fees if, in the opinion of the Director, a higher level of security deposit is needed; additional staff is/are needed to set up, clean up, or supervise activities; police services are necessary based on the nature of the Rental activity; or if the Rental request contains unusual activities or accommodation requests. Such determination shall be made by the Director.

#### Section 4.5 Approval of Application and Issuance of a Park Rental Permit

Park Rental Permits may be issued under the following conditions:

- The requested park facility, date, and time are available for Rentals;
- The Rental will not interfere with City business or programs;
- A completed and signed Reservation Application has been submitted by the Renter;
- All applicable fees have been paid; and
- All conditions of the Rental have been met.

Standard conditions of approval for all Park Rental Permits are as follows:

- Renter, or if Renter is an organization or business, Renter's duly authorized representative(s) shall be present at all times during the Rental.
- Renter shall sign a hold harmless and indemnification agreement, as approved by the Director, and as incorporated into the Rental Permit. Rentals requiring insurance include, but are not limited to, athletic games and tournaments, Rentals with 200 or more people in attendance, Rentals with vendors or food sales, and other higher risk rentals as determined by the Director based on a recommendation from the City's insurance provider. If determined by the Director that insurance is required as a condition of the Rental, the Renter must provide general liability insurance coverage of not less than \$1,000,000, with the City of Moorpark named as additionally insured. Insurance documentation including certificate of liability insurance and endorsement naming the City of Moorpark as additional insured, and in a format acceptable to the City, must be provided to the City at least fifteen (15) business days prior to Rental date.
- Renter shall abide by all rules and regulations relating to use of City park facilities, including but not limited to Moorpark Municipal Code Chapter 12.16, Parks and Open Space.
- Renter shall comply with all requirements as set forth in the Moorpark City Council Resolution Adopting Rules and Regulations Governing Park Rentals.

The Director shall have the authority to establish additional special conditions of approval for any Park Rental Permit.

Park Rental Permits are immediately revocable by Director if false statements or omissions are made on the Reservation Application, or if the Renter, Renter's guest(s), attendee(s), employee(s), vendor(s), contractor(s), or subcontractor(s) willfully violate any rule or regulation established by the City or fail to meet any condition of the Park Rental Permit. All fees paid by Renter shall be retained by the City in the event the Rental is terminated under these circumstances. Future Rental use of City park facilities may be denied.

#### Section 4.6 Rental Cancellations and Park Rental Fee Refunds

Rental fee refunds for park Rental cancellations are subject to the fees described below and the fee amounts as specified in the City Council's Resolution Establishing Park Rental Fees, Deposits, and Additional Charges. Refunds will not be issued for permits with rental fees of \$25 or less. The permit application

fee is non-refundable, except for cancellations due to inclement weather or conditions which make the facility unusable, and described below.

- a. For cancellations received thirty (30) calendar days or more in advance of the Rental date, the City will refund all fees paid less a processing fee established by City Council resolution. Renter may also elect to reschedule the canceled Rental, or receive a full credit, which may be applied to a future Rental date. Said credit must be used within one (1) year of the cancellation.
- b. For cancellations received between twenty-nine (29) and five (5) calendar days prior to the Rental date, the City will refund all fees paid less any costs incurred by the City, a processing fee, and a cancellation fee established by City Council resolution. Renter may also elect to reschedule the canceled Rental, or receive a full credit, which may be applied to a future Rental date. Said credit must be used within one (1) year of the cancellation.
- c. For cancellations received less than five (5) calendar days prior to the Rental date, the City will refund the security deposit, only, less any costs incurred by the City. If a security deposit was not paid, no fees will be refunded. Renter will not have the option to reschedule the canceled Rental.
- d. For cancellations due to inclement weather (temperatures below 45°f or above 95°f, active precipitation, winds in excess of thirty (30) miles-per-hour, or heavy fog) or conditions which make the park facility unusable (as determined by the Director), Renter is entitled to a full refund. Renter may also elect to reschedule the canceled Rental.

#### Section 4.7 Refundable Security Deposits

Security Deposits may be required for certain Rentals, in the amounts specified in the Moorpark City Council's Resolution Establishing Park Rental Fees, Deposits, and Additional Charges. The Director may determine that all or a portion of the deposit will be retained for excessive clean up or any damage to the facility or property, additional staff costs not included in the fees paid, or if the Renter fails to meet any condition of the Rental as provided for in this Resolution. Should damage, cleanup or other expenses exceed the amount of the deposit, the Renter shall be billed for the difference. The Renter's security deposit requirements, including any cleaning responsibilities shall be listed on the Reservation Application as a special condition of approval.

#### Section 4.8 Rental Fee Exceptions and Special Conditions

City of Moorpark non-profit organizations may receive a once-yearly special Rental rate in accordance with the Moorpark City Council's Policies Resolution, Non-Profit Organization Annual Facility Reservation Policy, and as may be amended from time to time.

The Moorpark Unified School District (District) may request a wavier of park Rental fees for one-day events involving three or less hours, such as year-end school parties. The Principal of the school hosting the event must complete and

sign the Reservation Application form and submit a written request for a waiver of fees. Standard conditions of approval shall be as follows:

- A supervision ratio of no less than one (1) adult to thirty (30) students is required at all times during the event.
- District will be responsible for cleaning the park facility used at the conclusion of the event, returning the park facility to the condition that existed prior to the start of the event. All trash generated by District use must be bagged.
- District will be charged for City direct costs associated with the event, which may include but are not limited to: lights and electricity, staff costs (if incurred), excessive trash removal, or repair to damaged facilities.

The Director shall have the authority to add special conditions of approval as determined necessary to protect the City's property or other park users.

**SECTION 5. TERMS OF USE.** The general terms of Rental use for City park facilities shall read as follows:

#### **Section 5.1 Park Rental Hours**

Picnic pavilions must be rented for a minimum of two hours. All other park Rentals must be for a minimum of one hour. Rental time above the minimum required will be rounded to the nearest half-hour. Non-lighted park facilities are available for Rental between the hours of 6:00 a.m. to sunset. Lighted park facilities are available for Rental from 6:00 a.m. to 10:00 p.m. Any exception from these Rental hours must be approved in writing by the City Manager or his/her designee, including for City sponsored activities.

#### **Section 5.2 Vendors**

Any Renter wishing to include a vendor(s) selling or distributing merchandise, food, informational materials, or any other item at their Rental activity must include the request on the Rental Application and secure and submit a completed Vendor Information Form from the vendor. Food vendors must comply with all applicable state, county, and local health code requirements. Vendors must be approved on the Park Rental Permit before entering park property. An additional fee will be charged for vendors pursuant to the City Council's Resolution Establishing Park Rental Fees, Deposits, and Additional Charges. Use of an unauthorized vendor will result in the cancellation of the Rental, and any Rental fees paid will be retained by the City. The Director has authority to deny, approve, or conditionally approve a vendor request.

#### **Section 5.3 Youth and Adult Tournaments**

Youth and adult sports tournaments are limited to Arroyo Vista Community Park. Exceptions may be made by the Director for City and City co-sponsored

programs, and City of Moorpark non-profit organizations when the use is limited to no more than three consecutive days; the tournament will benefit the community; and it is determined that the Rental activity will not adversely impact surrounding residents. Additional Rental restrictions may be applied by the Director as special conditions of approval for the Park Rental Permit to minimize any potential inconvenience to the surrounding residents.

#### Section 5.4 Use of Special Attractions, Performers and Equipment

A Park Rental Permit is required for the use of special attractions, performers, and to bring certain equipment onto park property. The use of unauthorized attractions, performers, or equipment in a City park will result in the immediate revocation of the Park Rental Permit. In such cases, all fees paid by Renter will be retained by the City and the Renter will be assessed for any costs incurred to terminate the Rental activity including but not limited to City staff and police personnel. The use rules and standard conditions of approval for attractions, performers, and equipment in City parks shall include the following:

**ATTRACTIONS:** Inflatable Attractions: Inflatable attractions (including bounce tents, obstacle courses, and slides) may be permitted in specified parks subject to standard conditions of approval as follows:

- Inflatable attractions may only be used in conjunction with the Rental of a picnic pavilion and must be set-up within 50 (fifty) feet of said pavilion.
- Inflatable attractions permitted for use cannot exceed 20 feet by 20 feet in size.
- Bounce tents must be enclosed.
- Attractions must be in good condition and properly anchored.
- Attractions may only be supplied by a City authorized vendor (a vendor who has signed an agreement with the City indemnifying and holding the City harmless, has provided required insurance naming the City as additionally insured, and has a security deposit on file at all times with the City, in the amount specified in the Resolution Establishing Park Rental Fees, Deposits, and Additional Charges).
- Renters requesting the use of an inflatable attraction must identify the specifications of the inflatable attraction (dimensions and design) and the name of the authorized vendor on the Rental Application.
- Inflatable attractions must be self-contained (inflated by a generator).
- Inflatable attractions must be transported over turf by a handcart. Vehicles cannot be used to transport or set up special attractions on park turf or beyond the designated parking lots.
- Inflatable attractions are allowed only at Campus Canyon Park, Mountain Meadows Park, Arroyo Vista Community Park, Peach Hill Park, College View Park, Tierra Rejada Park, Mammoth Highlands Park, Glenwood Park, and Poindexter Park.

The Director shall have the authority to add special conditions of approval as determined necessary to protect the City's property or other park users.

Renters in violation of this section may be cited for violation of the Moorpark Municipal Code in addition to being required to pay for damage to landscaping, sprinklers, and/or turf as applicable. The City reserves the right to deny the use of any inflatable attraction on park property.

**PERFORMERS:** Paid or contracted performers, including but not limited to clowns, magicians, balloon artists, face painters, musicians, and disc jockeys, must be listed on the Reservation Application and approved by the City on the Park Rental Permit. Performers must have a valid City of Moorpark business registration. Renter may be required to purchase liability insurance or provide proof of liability insurance of not less than \$1,000,000. Performers with live animals are prohibited, except as approved by Director for a City sponsored or co-sponsored event.

**EQUIPMENT:** A Park Rental Permit is required to set up or bring certain equipment onto park property. Equipment including but not limited to sound amplification equipment, canopies covering an area of one hundred (100) square feet or greater, mats covering an area of one hundred (100) square feet or greater, pitching machines, soccer or other goals, and volleyball or badminton nets must be listed on the Reservation Application and approved by the City on the Park Rental Permit. Insurance may be required for use of certain equipment, as determined necessary by the Director. Play equipment such as balls, bats, Frisbees, kites, and tennis rackets and picnic equipment such as lawn chairs, blankets, or picnic baskets do not require a permit.

#### Section 5.5 Decorations

The standard decorations condition of approval for all Park Rental permits is as follows:

All decorations must be approved by the City and must comply with Section 13-143 of the Health and Safety Code of the State of California as to flame proofing of all decorations and materials. The City shall also pre-approve location and method of installation.

#### Section 5.6 Clean Up

The standard clean-up condition of approval for all Park Rental Permits is as follows:

It is the responsibility of the Renter to clean up decorations and debris from their Rental. In the event that excessive debris is left after the Rental, a fee will be deducted from the security deposit at a rate of no less than the City's direct cost as identified in the applicable fee schedule. The Director shall make the final decision whether the security deposit will be returned. In the event the clean up expenses resulting from Renter's activity exceeds the security deposit, or if no security deposit was paid by Renter, the City reserves the right to bill Renter for expenses. Renter shall reimburse the City the amount due within fifteen (15) calendar days of receipt of invoice.

#### Section 5.7 Responsibility for Damages to the Facility and Equipment

The standard damages condition of approval for all Park Rental Permits is as follows:

The use of nails, staples, screws, etc. on park walls, lights, or other facilities is prohibited. If the facility or any portion thereof, or any equipment is damaged, marred or defaced by the act, default or negligence of the Renter, his/her employee or employees, patrons, guests, or any person admitted to the Rental by the Renter, the Renter will pay to the City from the security deposit such sums as the Director shall determine to be necessary to restore the facility or equipment to its condition prior to such damage. In the event the damage resulting from Renter's activity exceeds the security deposit, or if no security deposit was paid by Renter, the City reserves the right to bill Renter for expenses. Renter shall reimburse the City the amount due within fifteen (15) calendar days of receipt of invoice.

#### Section 5.8 Park Rules

The standard Park Rules compliance condition of approval for all Park Rental Permits is as follows:

The Renter, his/her employee or employees, patrons, guests or any person admitted to the Rental by the Renter, is responsible to comply with the Moorpark Municipal Code governing use of parks. Park Rental Permits are immediately revocable if any individual or group violates any rule or regulation established by the City. If a Park Rental Permit is revoked for a violation, all fees collected for the subject Rental will be retained by the City and the Renter will be billed for any costs incurred to terminate the Rental activity including but not limited to City staff and police personnel. Renter shall reimburse the City the amount due within fifteen (15) calendar days of receipt of invoice.

### Section 5.9 Wet Field Policy

When park fields are sufficiently wet such that their use may lead to turf damage or bodily injury, they will be closed to all Rental and public use at the Director's or his/her designee's sole discretion. All park patrons shall abide by the terms of the Wet Field Policy to preserve the quality and life of the fields and promote a safe playing environment. The Wet Field Policy applies to conditions due to precipitation, over-watering, and/or irrigation system problems.

A special condition of approval will be added to all Park Rental Permits that include use of one or more fields to require acknowledgment of the City's right to close fields under the following conditions:

- Rain (with the exception of light drizzle if the ground is relatively hard and dry prior to the start of the drizzle.)
- Standing water/ponding or mud is present.
- Water gathers around the sole of a shoe.
- Footprints leave an impression in the turf.

Renters may check the status of fields by calling the recorded Field Condition Hotline at (805) 517-6300. The Field Condition Hotline will be updated before 9:00 a.m. and before 3:00 p.m. each day. In the event a Rental is cancelled in advance of Rental time period due to wet field conditions, a full refund of all fees paid shall be issued.

### Section 5.10 Complaints

Complaints and comments should be sent to the Director:

City of Moorpark  
City Manager  
799 Moorpark Avenue  
Moorpark, CA 93021

### Section 5.11 Right of Appeal

A Renter has the right to appeal the decision by City staff to revoke or deny a permit, levy additional charges, and/or deduct a portion of a deposit. An appeal must be filed in writing to the City of Moorpark, 799 Moorpark Avenue, within five (5) business days of receiving your notification. The City Manager or his/her designee will affirm or deny the appeal in writing within ten (10) business days. Any further appeal must be made in writing to the City Council pursuant to Section 2.04.080 of the Moorpark Municipal Code.

SECTION 6. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 14th day of September, 2011.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

RESOLUTION NO. 2011-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING REVISED PARK RENTAL FEES, DEPOSITS, AND ADDITIONAL CHARGES

WHEREAS, the City has previously adopted Resolution No. 2007-2635, which previously established park facility use and reservation fees and related rules; and

WHEREAS, at a special meeting on June 27, 2011, the Parks and Recreation Commission reviewed and concurred with the proposed revisions to the park rental fees, deposits, and additional charges, and recommended approval of the revised resolution to the City Council; and

WHEREAS, Resolution No. 2007-2635, which previously established park facility use and reservation fees and related rules was rescinded, and a revised resolution has been adopted establishing revised rules and regulations governing City park rentals, and a second resolution is now proposed to be adopted to implement the revised park rental fees, deposits and additional charges.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council has adopted a Resolution Adopting Rules and Regulations Governing City Park Rentals, and rescinded the previous rental use fee schedule.

SECTION 2. A revised Schedule of Park Rental Fees, Deposits, and Additional Charges is hereby established as follows:

Section 2.1 Purpose

The purpose and intent of the City Council in adopting the Schedule of Park Rental Fees, Deposits, and Additional Charges shall be to provide directory guidelines for staff and the public relating to the fees, deposits, and additional charges required to rent City park facilities, structures, and amenities. The City Council has adopted a separate resolution establishing facility use fees for the Arroyo Vista Recreation Center and Moorpark Community Center rooms. The City shall reserve the right to make adjustments or impose additional fees on a case-by-case basis as a determination of the approval of a Park Rental Permit pursuant to Moorpark Municipal Code Section 12.16.140 and the current City Council Resolution Adopting Rules and Regulations Governing City Park Rentals. As used in this resolution, Director shall mean the City Manager or his/her designee.

Section 2.2 Hourly Park Rental Fees

Park rental fees shall be charged on an hourly basis based on the Groups and Direct Costs defined in the City Council's Resolution Adopting Rules and Regulations Governing City Park Rentals. Fees may be rounded to the nearest half hour. Rental fees for City park facilities, structures and amenities shall be as follows:

<b>Park Rental Description</b>	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>
Ballfield (softball or baseball)	Direct Costs	\$40 \$15	\$15 \$20	\$25 \$30
Athletic Field (soccer or football)	Direct Costs	\$40 \$15	\$15 \$20	\$25 \$30
Open Grass Area	Direct Costs	\$10	\$15	\$25 \$20
Field lights	Direct Costs	\$20 \$25	\$25 \$30	\$35 \$35
Electricity (other than field lights)	Direct Costs	\$5	\$40 \$8	\$20 \$12
Basketball Court (outdoor)	Direct Costs	\$10 \$8	\$15 \$12	\$25 \$20
Tennis Court	Direct Costs	\$10 \$8	\$15 \$12	\$25 \$20
Multi-purpose court (AVCP*)	Direct Costs	\$40 \$15	\$15 \$20	\$25 \$25
Horseshoe pit	Direct Costs	\$5 \$8	\$10 \$12	\$20
Bocce ball court ( <i>NEW FEE</i> )	Direct Costs	\$8	\$12	\$20
Picnic table ( <i>NEW FEE</i> )	Direct Costs	\$5	\$8	\$12
Gazebo (Poindexter Park)	Direct Costs	\$10 \$8	\$15 \$12	\$25 \$20
Small Pavilion (Campus, Campus Canyon, Glenwood, Mountain Meadows, Tierra Rejada. Maximum 75 people.)	Direct Costs	\$10	\$15	\$25
Medium Pavilion (College View, Mammoth Highlands, Miller, Peach Hill. Maximum 100 people.)	Direct Costs	\$40 \$15	\$15 \$20	\$25 \$40
Large Pavilion (AVCP west, Poindexter. Maximum 175 people.)	Direct Costs	PP \$30 AV \$10 \$25	PP \$55 AV \$15 \$40	PP \$80 AV \$25 \$60
Peppertree Pavilion (AVCP)	Direct Costs	\$30 \$50	\$55 \$75	\$80 \$125
Peppertree Pavilion (half) ( <i>NEW</i> )	Direct Costs	\$30	\$45	\$70
Parking Lot ( <i>NEW FEE</i> )	Direct Costs	\$25	\$30	\$35
Snack Bar (AVCP)	Direct Costs	\$15	\$25	\$35 \$50
* AVCP = Arroyo Vista Community Park				

The Director has the authority to interpret the Direct Costs for all Group 1 rentals and to interpret the hourly fee for a park rental not specifically listed, above, based on the most similar comparison.

Moorpark non-profit organizations may receive a once-yearly special rental rate in accordance with the Non-Profit Organization Annual Facility Reservation Policy in the City Council's Policies Resolution, and as may be amended from time to time.

**Section 2.3 Flat Rate Fees**

Fees shall be charged for administrative and other services and specified equipment rental at a flat rate. Flat rate Rental fees shall be as follows:

<b>Flat Rate Fee Description</b>	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>
Rental Permit Application Fee (Non-refundable)	No cost	\$5 \$10	\$5\$10	\$5 \$10
Refund Processing Fee (to process a park Rental cancellation/refund) ( <i>NEW FEE</i> )	No cost	\$10	\$10	\$10
Attraction/Performer Permit Fee	No cost	\$10	\$15 \$10	\$25 \$10
Field Preparation Fee	Direct Costs	\$25 \$40	\$35 \$50	\$45 \$60
Soccer Goal Rental* ( <i>NEW FEE</i> )	Direct Costs	\$25	\$35	\$50
Softball/Baseball Base Rental*	Direct Costs	\$10 \$15	\$15 \$20	\$25
Vendor Fee (per vendor)	Direct Costs	\$50 \$25	\$50	\$50 \$75
* Security deposit also required				

**Section 2.4 Payment Schedule**

For Reservation Applications submitted thirty (30) calendar days or less before the rental date, full payment must be made at the time the Reservation Application is submitted. For all rentals with rental fees totaling \$50 or less, full payment must be made at the time the Reservation Application is submitted.

For Reservation Applications submitted more than thirty (30) calendar days in advance of the rental date with rental fees exceeding \$50, the Renter may submit partial payment of not less than \$25, which will be applied toward the rental fees.

Payment of all rental fees is due in full thirty (30) calendar days prior to the rental date for all rentals.

Fees for Reservation Applications submitted less than ten (10) business days in advance must be paid by credit card (Visa or MasterCard), cashier's check, money order, or cash. Personal checks will be accepted only when the Reservation Application is submitted ten (10) or more business days in advance.

**Section 2.5 Refundable Security Deposits**

The following security deposit amount(s) shall be collected to ensure return of rented equipment and protection of City property. All or a portion of the deposit may be retained for the reasons specified in the City Council's Resolution Adopting Rules and Regulations Governing City Park Rentals.

<b>Security Deposit Description</b>	<b>All Groups</b>
Soccer Goals ( <i>NEW FEE</i> )	\$100
Softball/Baseball Bases	\$100
Snack Bar	\$500
Rentals 51+ participants	\$100
Rentals 200+ participants	\$300
Rentals 500+ participants	\$500
Attraction Company Deposit	\$500

Section 2.6 Additional Charges

Additional charges over the basic rates are as follows:

- A. **Staff Fees:** An additional charge for staff fees will be charged when staff is needed for additional set up, breakdown or cleanup beyond normal time requirements, for tournaments, for Rentals with 200 or more people, or for special circumstances as described in the City Council's Resolution Adopting Rules and Regulations Governing City Park Rentals. The amount of the additional staff fees will be calculated based on the following hourly rates:  
  
 Full-time staff fee: \$45 per staff person, per hour; and  
 Part-time staff fee: \$25 per staff person, per hour.
- B. **Police Service Fees:** Fees for Police service may be charged for any rental requiring Police services, as determined necessary by the Director. For all Groups, the Police service fee shall be consistent with the City Council's Resolution Establishing Police Service Fees (hourly rate plus a fifteen percent City general government overhead cost).
- C. **Insurance Fees:** For Rentals which require insurance in accordance with the City Council's Resolution Adopting Rules and Regulations Governing City Park Rentals, insurance fees shall be charged to Renter in accordance with current rates as established by the City's insurance provider. Insurance fees may be waived if insurance documentation is provided, including certificate of liability insurance and endorsement naming the City of Moorpark as additional insured, in accordance with the City Council's Resolution Adopting Rules and Regulations Governing City Park Rentals.
- D. **Large Event and Large Venue Waste Management:** Consistent with Article V of Chapter 8.36, Solid Waste, of the City's Municipal Code, all large events and large venues, as defined in Chapter 8.36, are subject to the requirements of that Chapter, including the requirement for a waste management plan and a waste management fee as established by resolution of the City Council.

- E. Other Charges: Additional charges may be levied for rental requests containing unusual activities or accommodations as determined by the Director.

Section 2.7      Cancellation Fees

Rental fee refunds for park rental cancellations are subject to the provisions established in the City Council's Resolution Adopting Rules and Regulations Governing City Park Rentals, which includes description of deductions for the Processing Fee and Cancellation Fee. The amount of the Processing Fee is included under Section 2.3, Flat Rate Fees. The amount of the Cancellation Fee for a late cancellation, as described in the Rules, shall be as follows:

<b>Description</b>	<b>All Groups</b>
Cancellation Fee for a Rental cancellation from 29 to 5 calendar days prior to Rental date.	50% of Rental Fee
Cancellation Fee for a Rental cancellation less than 5 calendar days prior to Rental date	100% of Rental Fee

**SECTION 3.** The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 14th day of September, 2011.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

RESOLUTION NO. 2007-2635

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTION NO. 2006-2442 AND ESTABLISHING REVISED PARK FACILITY USE AND RESERVATION FEES AND RELATED RULES

WHEREAS, the Parks and Recreation Commission has recommended revisions to the rules and fees governing the park facility use and reservations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. City Council Resolution No. 2006-2442 (Park Reservation Fee Schedule) is hereby rescinded and replaced with the Resolution herein, upon the effective date of Ordinance No.12.16.

SECTION 2. The general provisions of the Park Facility Reservation Fees and Rules Policy shall read as follows:

Section 2.1 Purpose

The purpose and intent of the City Council in adopting the Park Facility Use and Reservation Fees and Related Rules (Rules) is to provide direction to staff and the public relating to the use and rental of City park facilities. In the event of non-compliance with, or violation of, any provision herein, such shall not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

Section 2.2 Definitions

“Director” shall mean the Parks, Recreation, and Community Services Director or his/her designee.

“Park Permit” shall mean an approved rental application, signed by the Director or his/her designee.

“Rental Application” shall mean the City’s rental application form.

Section 2.3 Enforcement

The City Manager or his/her designee is hereby authorized to implement and administer the Policy contained herein.

Section 2.4 Hours

No person shall enter or remain in any public park, public open space or public recreation grounds from dusk to six (6:00) a.m. except where otherwise noted without the authorization of the Director or his/her designee in the form of a park permit as required by resolution of the City Council. The exceptions to the dusk closing are as follows: lighted basketball courts, 9:00 p.m.; lighted sports fields, 10:00 p.m., and Arroyo Vista Recreation Center and Gymnasium, 10:00 p.m. when organized activities are scheduled (MMC 12.16.010). Deviations from these hours may be authorized by the City Manager for City sponsored activities.

Section 2.5 Park Rental Hours

Parks and park facilities must be for rented for a two-hour minimum; all rental time will be rounded to the nearest hour. Parks and park facilities are available for rentals between the hours of 8:00 a.m. to closing (see closing times in Section 2.4 above), with the exception of Arroyo Vista Community Park which may be rented as early as 6 a.m.

Section 2.6 Terms of Rental

Park facilities are available for private or personal reservation and use by individuals or groups subject to the issuance of a rental agreement (Park Permit), payment of all required fees, and compliance with any other conditions that may be imposed at the City's discretion. All rental applications must be signed by an adult of 21 years or older who shall agree to be responsible for said use. Rental applications submitted by organizations and businesses, must be signed by an authorized representative. Said groups may be required to show proof of signature authority. Park Permits are immediately revocable if false statements have been made in reserving a facility or if an individual or group willfully violates any rule or regulation established by the City. Fees shall be retained in the event the activity is terminated due to the violation of any rule or regulation, or the falsification of the rental application.

Any individual or group wishing to include a vendor(s) selling merchandise or food for their rental activity must include the request on their rental application and secure a vending permit through the Parks, Recreation and Community Services Department. There is an additional rental fee for vendors. If the approved park permit does not include authorization for a vendor who is subsequently on site at the request of the permittee, the subject Park Permit will be cancelled and any fees collected will be retained by the City.

Groups of more than fifty (50) persons will be required to obtain a permit before using any City park facility, unless otherwise specified (see for-profit and filming below).

Section 2.7 For-profit and Filming

No person or entity shall engage in any for-profit activity or filming of any kind, with the exception of filming by an individual when such activities are not for commercial purposes and are for personal use, in any City Park without first obtaining an appropriate permit(s) from the City, regardless of the size of the activities or number of participants.

Section 2.8 Youth and Adult Tournaments

Youth and adult sports tournaments are limited to Arroyo Vista Community Park. Exceptions may be made by the Director for City and City co-sponsored programs, and Moorpark based non profit organizations when the use is limited to no more than three consecutive days; the tournament will benefit the community; and it is determined that the rental activity will not adversely impact surrounding residents. Additional rental restrictions may be applied by the Director to minimize any potential inconvenience to the surrounding residents.

Section 2.9 Application Window

Moorpark City residents and City of Moorpark non-profit organizations may submit rental applications nine (9) months in advance; all other groups may submit rental applications six (6) months prior to the requested rental date. Individuals and groups submitting rental applications more than six (6) months in advance must provide proof of their City of Moorpark residency and/or Moorpark incorporation address. Applications for use submitted any earlier than nine months (9), must be approved by the Director.

A non-refundable reservation deposit of \$25.00 or an amount equal to the total rental fee, whichever is less, will be charged to secure requested park facility rentals. Reservation will not be processed without the required deposit. Said deposit will be applied toward use fees, which must be paid in full thirty (30) calendar days prior to the rental date. If fees are not paid in full by the specified date, the reservation may be cancelled at the City's discretion. All rental requests are handled on a first come, first served basis in accordance with the resident/non-resident status rule. Requests received less than thirty (30) calendar days may be considered if staff scheduling can be accommodated and all fees paid in full. Rental applications submitted seven (7) calendar days prior to the requested date, if approved by the City, must be paid in full with cash, money order,

cashier's check, or valid/acceptable credit card. No personal checks will be accepted. Payments by personal check must be paid at least fourteen (14) days in advance.

All rentals are subject to cancellation by the City in the event of inclement weather, as determined by the Director, or scheduling conflict with a City or City co-sponsored event with no less than 30-days notice. In such cases, all fees paid will be refunded.

Section 2.10 Security Deposits

A refundable deposit may be required for an activity to be held in a public park facility. All or a portion of the deposit may be retained for clean up of facilities, any damage to the premises, and any additional staffing not included in the fees paid. Should damage or cleanup expenses exceed the amount of the deposit, the permittee shall be billed for the difference.

Section 2.11 Additional Charges

Additional charges may be levied beyond the basic rental rate if, in the opinion of the Director, additional security deposit is needed, or staff is needed to set up or clean up, supervise activities, or if the rental request contains unusual activity or accommodation requests. Such determination shall be made by the Director or his/her designee.

Section 2.12 Refunds and Credits

Park permit fees are non-refundable except under the following conditions:

- A. Cancellations due to inclement weather, at the City's discretion, or such conditions making the facility unusable. In such cases, the permittee is entitled to a full refund.
- B. If a cancellation is made 30 days in advance of the rental date, the permittee is entitled to a full refund, less \$25.
- C. In the event of illness, permittee is eligible for a credit for a future rental up to the amount paid, if the City is notified 72 hours in advance. Said credit is only good for six (6) months from the original rental date and subject to availability. It is the responsibility of the permittee to contact the City of Moorpark to cancel the reservation and request a credit before the rental date. Failure to do so will negate any consideration for a credit or rescheduling.

Section 2.13 Non-Profit Organizations Annual Facility Reservation Policy

Once each calendar year, a City of Moorpark organization having a non-profit status, may reserve the Arroyo Vista Recreation Center, the Moorpark Community Center, or park facilities to hold one (1) event with only direct staff costs being charged to that organization, so long as the majority of the park remains open to the public.

Those events which qualify shall be of a nature whereby the benefit of the event will serve the community and/or involve all those City residents who are interested in this event. Examples for which these procedures may apply include citywide events by Girl or Boy Scouts, service organization events, including fund-raising activities, and special events, such as Country Days, which have a direct benefit to City residents.

Regular organizational meetings or activities shall not qualify for this reduced fee.

Direct staff costs shall be defined as hourly staff costs, including all personnel benefit costs required for the event.

The Parks, Recreation and Community Services Director shall waive the standard rental fees pursuant to these procedures after an eligible organization has submitted: a) A completed Facility Reservation Form; b) a request for fee waiver; and c) proof of non-profit status.

One-time events shall further be defined as an event for one day per calendar year, not to exceed twelve (12) hours.

City staff shall maintain a record of each organization's request for the one-time-event fee, and shall notify the organization if they have already used their one-time-event option within a calendar year.

Moorpark Unified School District (District) one-day events involving three or less hours, such as year-end school parties, the District may request a waiver of rental fees provided a park rental application is submitted and signed, and MUSD provides a signed hold harmless and indemnification agreement in a form approved by the City. Additionally, MUSD must ensure that supervision in a ratio of no less than 1 adult to 30 students is provided at all times during the rental and that the rented facility is cleaned after use. MUSD will be charged for City direct costs associated with the rental, including, but not limited to, lights and electricity, staff time if needed, excessive trash removal, or repair to damaged facilities.

Section 2.14 Right of Appeal

A permittee has the right to appeal the decision by City staff to revoke or deny a permit, levy additional charges, and/or deduct a portion of a deposit. An appeal must be filed in writing to the City of Moorpark, 799 Moorpark Avenue, within five (5) days of receiving your notification. The City Manager or his/her designee will affirm or deny the appeal in five (5) days. Any further appeal must be made in writing to the City Council within ten (10) days upon notification of the decision on the appeal to the City Manager.

Section 2.15 Liability

In order to rent a City facility, the permittee must agree in writing to hold the City harmless and indemnify the City from liability for injury or death to persons or property occurring as a result of the rental. The permittee also agrees to be liable to the City for damage to the park, equipment, buildings, or facilities arising from its rental activity. If determined necessary by the Director, certain rentals may be required to provide general liability or special event insurance and secure an Endorsement, in a format to be approved by the City, naming the City as an additionally insured on the policy. The City may choose to provide necessary insurance on behalf of the permittee, at the permittee's expense. All for-profit rentals will be required to provide any insurance coverage deemed necessary by the Director.

Section 2.16 Use of Special Attractions

Activities that create loud or distracting noises are not permitted. Amplified sound is not permitted without an approved Amplified Sound Permit. Such a permit will only be issued for City sponsored or co-sponsored events or events deemed, in the opinion of the Director, to provide a community benefit. Persons permitted to use sound amplification equipment shall do so consistent with the Moorpark Municipal Code. Use of amplified sound without the appropriate permit will be cause to terminate the rental event. In such cases, all fees collected for the subject rental will be retained by the City and the renter will be assessed for any costs incurred to close down the rental activity, including but not limited to City staff and law enforcement personnel.

No attractions, machines, or equipment, including, but not limited to: trampolines; pony rides; dunk tanks; pitching machines; carnival rides; remote controlled airplanes and rockets and any other similar devices and projectiles; may be brought into, or used in a City park, with the exception of inflatable attractions with an approved permit, within the parameters detailed below.

Inflatable attractions (example – bounce tent) may be permitted in specified parks under certain conditions. Inflatable devices may only be used in conjunction with the rental of a park pavilion and they must be set-up within 50 (fifty) feet of said pavilion. Inflatable attractions permitted for use cannot exceed 15' x 15' in size and must be enclosed to users for safety purposes. Said attractions may only be supplied by a City authorized vendor (a vendor who has signed an agreement with the City, indemnifying and holding the City harmless, provides required insurance naming the City as an additionally insured, as well as maintaining a damage deposit in the amount of \$500 on file at all times with the City). Renters requesting the use of an inflatable attraction must identify the specifications of the inflatable attraction (dimensions and design) and the name of the authorized vendor on their rental application. The inflatable device must be self-contained (inflated by a generator) and transported to the park site by a handcart. Vehicles cannot be used to transport or set up special attractions on park turf. Renters in violation of this section may be cited for violation of the Moorpark Municipal Code in addition to being required to pay for damage to landscaping, sprinklers, and/or turf as applicable.

Inflatable attractions are only allowed at Campus Canyon Park, Mountain Meadows Park, Arroyo Vista Community Park, Peach Hill Park, College View Park, Tierra Rejada Park, and Poindexter Park. The use of unauthorized attractions, machines, or equipment and the like, in a City park will result in the cancellation of the park permit. In such cases, all fees collected for the subject rental will be retained by the City and the renter will be assessed for any costs incurred to close down the rental activity including but not limited to City staff and law enforcement personnel.

Section 2.17     Decorations

All decorations must be approved by the City and must comply with Section 13-143 of the Health and Safety Code of the State of California as to flame proofing of all decorations and materials. The City shall also pre-approve location and method of installation.

Section 2.18     Clean Up

It is the responsibility of the permittee, to clean up decorations and debris from their event. In the event that excessive debris is left after the rental, a fee will be deducted from the security/clean up deposit at a rate of no less than the City's direct cost as identified in the applicable fee schedule. The Director shall make the final decision whether the security/clean up deposit will be returned. In the event the damage resulting from permittee's activity exceeds the security deposit, the City reserves the

right to bill permittee for outstanding expenses. Permittee shall reimburse the City the amount due within 10 days of receipt of invoice.

Section 2.19     Responsibility for Damages to the Facility and Equipment

The use of nails, staples, screws, etc. on park walls, lights, or other facilities is prohibited. If the facility or any portion thereof, or any equipment shall be damaged, marred or defaced by the act, default or negligence of the permittee, his/her employee or employees, patron, guests, or any person admitted to the event by the renting party, the permittee will pay to the City from the cleaning/damage deposit such sums as the City shall determine to be necessary to restore the facility or such equipment to its condition prior to such damage. Should charges exceed the amount on deposit, the renting party shall be billed for the difference and allowed fifteen (15) calendar days in which to make payment.

Section 2.20     Park Rules

The permittee, his/her employee or employees, patron, guests or any person admitted to the event by the renting party, is responsible to comply with the Moorpark Municipal Code governing use of parks. Park permits are immediately revocable if any individual or group willfully violates any rule or regulation established by the City. If a park permit is revoked for a said violation, all fees collected for the subject rental will be retained by the City and the renter will be assessed for any costs incurred to close down the rental activity including but not limited to City staff and law enforcement personnel.

Section 2.21     Complaints

Complaints and comments should be sent to the Director at:

City of Moorpark  
Parks, Recreation & Community Services Department  
799 Moorpark Avenue  
Moorpark, CA 93021

SECTION 3.     The Park Rental Group Classifications

Section 3.1     Group Classification Definition

GROUP 1     City co-sponsored programs. When deemed a community benefit, the City, at its discretion, may co-sponsor an activity or event. Fees may involve the City's direct costs including, but not limited to: City and law enforcement personnel costs, lights and utilities, excess trash collection, security, damage

to park property, or any other out-of-pocket cost incurred by the City.

**GROUP 2** City of Moorpark residents and organizations that are tax exempt under Section 501 (C) (3) of the U.S. Revenue Code chartered within the City limits of the City of Moorpark and other non-profit tax exempt organizations chartered within the City limits of the City of Moorpark, such as recreation/youth serving organizations, homeowners association meetings, service groups, and churches. Other governmental agencies (the County of Ventura, Moorpark Unified School District, Water Works District I, in which City of Moorpark residents are within the jurisdictional boundaries of those agencies), and their commissions, boards, or departments.

**GROUP 3** Residents of the Moorpark Unified School District boundaries that reside outside of the City limits; non-profit service organizations not covered under Group 2; and City of Moorpark businesses and commercial for profit organizations for activities where no admission fee is charged and no product is sold (i.e.: for recreational purposes).

**GROUP 4** All other rentals not included in Groups 1, 2, and 3, including but not limited to: City of Moorpark businesses and for-profit organizations conducting business, non City residents not included in Group 3, non Moorpark business and for-profit organizations regardless of the activity.

**SECTION 4.** The Park Rental/Use Fee Schedule shall read as follows:

**Section 4.1** Fees

The City reserves the right to make adjustments or impose additional fees on a case-by-case basis to address rental activities that, in the opinion of the City, could potentially create unusual, extraordinary, or burdensome expense to the City based on the rentals size or nature.

**Section 4.2** Park Facility Permit Fees

- A.** Ball field (Softball/Baseball):
- |          |               |
|----------|---------------|
| Group 1: | Direct Costs  |
| Group 2: | \$10 per hour |
| Group 3: | \$15 per hour |
| Group 4: | \$25 per hour |

- B. Ball field (Softball/Baseball) Preparation - flat fee:
  - Group 1: Direct Costs
  - Group 2: \$25
  - Group 3: \$35
  - Group 4: \$45
  
- C. Softball/Baseball Base Rental – flat fee:
  - Group 1: Direct Costs
  - Group 2: \$10\*
  - Group 3: \$15\*
  - Group 4: \$25\*

*\* deposit required*
  
- D. Ball field (Softball/Baseball) Lights:
  - Group 1: Direct Costs
  - Group 2: \$20 per hour
  - Group 3: \$25 per hour
  - Group 4: \$35 per hour
  
- E. Athletic (Soccer/Football) Field:
  - Group 1: No Charge
  - Group 2: \$10 per hour
  - Group 3: \$15 per hour
  - Group 4: \$25 per hour
  
- F. Outdoor Basketball Court:
  - Group 1: Direct Costs
  - Group 2: \$10 per hour
  - Group 3: \$15 per hour
  - Group 4: \$25 per hour
  
- G. Tennis Court:
  - Group 1: Direct Cost
  - Group 2: \$10 per hour
  - Group 3: \$15 per hour
  - Group 4: \$25 per hour
  
- H. Multipurpose Court (AVCP):
  - Group 1: Direct Costs
  - Group 2: \$10 per hour
  - Group 3: \$15 per hour
  - Group 4: \$25 per hour

- I. Horseshoe Pit:
  - Group 1: Direct Costs
  - Group 2: \$5 per hour
  - Group 3: \$10 per hour
  - Group 4: \$20 per hour
  
- J. Horseshoes:
  - Group 1: Direct Costs – flat fee
  - Group 2: \$10\*
  - Group 3: \$15\*
  - Group 4: \$20\*

*\*Deposit required*
  
- K. Picnic Pavilion (Small – 50 people max):
  - Group 1: No Charge
  - Group 2: \$10 per hour\*
  - Group 3: \$15 per hour\*
  - Group 4: \$25 per hour\*

*\* Deposit required*
  
- L. Picnic Pavilion (Large–AVCP Pepper Tree, Poindexter Park):
  - Group 1: Direct Costs
  - Group 2: \$30 per hour\*
  - Group 3: \$55 per hour\*
  - Group 4: \$80 per hour\*

*\* Deposit required*
  
- M. Gazebo:
  - Group 1: Direct Costs
  - Group 2: \$10 per hour\*
  - Group 3: \$15 per hour\*
  - Group 4: \$25 per hour\*

*\* Deposit required*
  
- N. Open Area:
  - Group 1: Direct Costs
  - Group 2: \$10 per hour
  - Group 3: \$15 per hour
  - Group 4: \$25 per hour
  
- O. Snack Bar:
  - Group 1: Direct Costs
  - Group 2: \$15 per hour\*
  - Group 3: \$25 per hour\*
  - Group 4: \$35 per hour\*

*\*Deposit required*

- P. Electricity (electrical use other than ball field lights):  
Group 1: Direct Costs  
Group 2: \$5 per hour\*  
Group 3: \$10 per hour\*  
Group 4: \$20 per hour\*  
*\*Electricity charge shall be based on the duration of the rental agreement.*

- Q. Inflatable Attractions (must be rented in conjunction with a pavilion):  
Group 1: Direct Costs  
Group 2: \$10 flat fee  
Group 3: \$15 flat fee  
Group 4: \$25 flat fee

Section 4.3 Refundable Security Deposit

- A. Softball/Baseball Bases Rental: \$100 deposit  
B. Horseshoes: \$50 deposit  
C. Small Pavilion and Gazebo Deposit: \$100  
D. Large Pavilion Deposit: \$200  
E. Snack Bar: \$500 deposit  
F. Groups of 200 or more, including sports tournaments, and all for-profit rentals: \$500 to \$1,000 depending on the size of the group, activity, and rental facility.

Section 4.4 Additional Fees

- A. An additional staffing and deposit fee may be assessed for events of 200 people or more and/or for rentals that, in the opinion of the Director, require staff assistance or coverage, and/or in the opinion of the Police Chief, law enforcement officers. In determining whether or not additional security fees, staff or law enforcement officers are necessary, the City will consider, but not limited to, the following: size of area for rental use, anticipated attendance, nature of the event, time of day, and location of the rental and its compatibility to the surrounding area.

Fee for additional City staff and law enforcement (hourly):

Group 1: Direct Costs

Group 2: Cost plus 15 percent

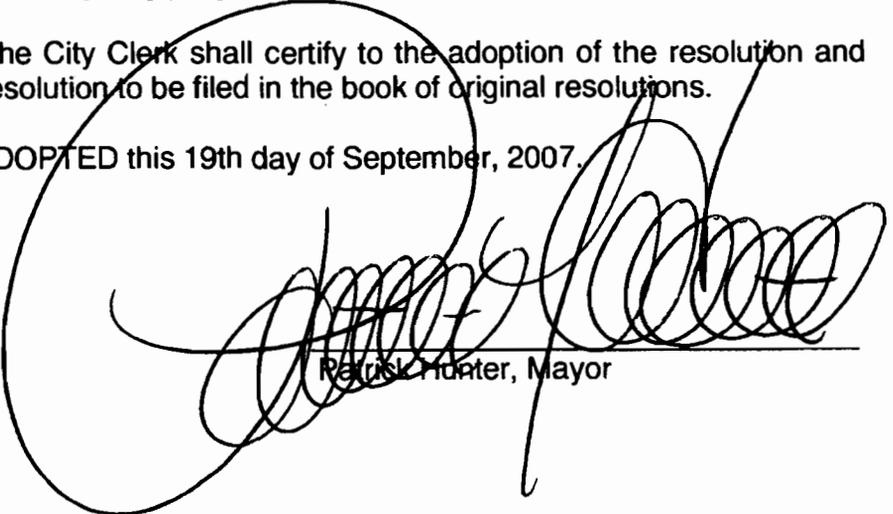
Group 3: Cost plus 20 percent

Group 4: Cost plus 50 percent

- B. A vending fee will be assessed at the rate of \$50.00 per day per approved vendor.
- C. An administration fee of \$5.00 is required to be paid at the time the park use permit is filed for groups 2, 3, and 4.
- D. For tournaments or events that charge either an admission fee to the general public or an entry fee to participants and have more than 2000 persons attendance throughout the event, an additional fee of the City's actual cost (recycling bin, tonnage) plus 15% will be assessed for the City's recycling program.

SECTION 5. The City Clerk shall certify to the adoption of the resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 19th day of September, 2007.

  
Rick Hunter, Mayor

ATTEST:

  
Maureen Benson, Assistant City Clerk



STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                 )  
CITY OF MOORPARK                    )        ss.

I, Maureen Benson, Assistant City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2007-2635 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 19th day of September, 2007, and that the same was adopted by the following vote:

AYES:            Councilmembers Millhouse, Parvin, Van Dam, and Mayor Hunter  
NOES:            Councilmembers Mikos  
ABSENT:         None  
ABSTAIN:        None

WITNESS my hand and the official seal of said City this 3rd day of October, 2007.

  
\_\_\_\_\_  
Maureen Benson, Assistant City Clerk  
(seal)

