



## CITY OF GRAND HAVEN PARK USE POLICY

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The following constitutes the policy of the City of Grand Haven for the use of its parks as hereafter defined:

1. Definitions: The following words and phrases shall have the corresponding definitions:
  - *“For profit organizations”* means partnership, corporation or other organization or group of two or more individuals that are not organized under the applicable state statute for non-profit entities and have not been qualified as tax exempt under the Internal Revenue Code.
  - *“Parks and Recreation Board”* means the advisory board, including its five voting members, appointed by the City Council, The City’s Administrative liaison and the City Council Liaison.
  - *“Parks”* means those City-owned and officially designated parks.
  - *“Department of Public Works Director”* means the person acting as the Director of Public Works for the City of Grand Haven or his/her designee.
2. Authority: The use of all City land shall be governed by applicable state and federal laws, City ordinances and administrative orders of the Department of Public Works Director. This policy shall be deemed in addition to all of those provisions. In the event of a conflict, the more restrictive shall prevail.
3. Coast Guard Festival: The annual Coast Guard Festival is a community-wide event that, at least in part, serves as the basis for the City’s designation as “Coast Guard City USA”. It’s extensive, year-round organizational structure, the scope of the event, the numbers of volunteers, the numbers of other involved community organizations and members, the numbers of tourists drawn to the event, the nature of the activities it involves, and other aspects of the event make it a unique community undertaking for which the City has determined to make its facilities available on a higher priority basis. Accordingly, even of the Coast Guard Festival organizers seek permission for park or facility use after others have done so, the Coast Guard Festival will, if the use is during the annual festival week, be given priority in the requested use.
4. Scope of Policy: This policy shall apply to City Park use, other than general public use, and other than use by City personnel in the discharge of their functions. Unless expressly exempt, no person shall use a park without permission.
5. Exempt Activities: Permission is automatically granted without application for general public use for recreation not involving the reserving or setting aside of any park space and not including

advertising signs, sound broadcasting equipment, tents, bleachers or similar items. Brief nonexclusive use for television and other photographic activities not being used for advertising or other commercial purposes are exempt unless opinion of the Parks and Recreation Board deems the activity will disrupt normal use.

6. City Council Approval: The City Council approval of an application for park usage is necessary whenever permission for use of a park has been recommended or denied by the Parks and Recreation Board.
7. Department of Public Works Director's Authority: Permission for use of City-owned parks may be granted by the Public Works Director, or designee, and no further approvals from the Parks and Recreation Board of the City Council may be necessary, if the activity complies with all of the following:
  - a. The activity is limited to not more than one day.
  - b. The activity is neither sponsored nor conducted by a for-profit organization.
  - c. Admission to the activity is not restricted and no fee or donation is charged.
  - d. No commercial activity, fund-raising activity or business enterprise is conducted. This includes the sale of goods or services.
8. Standards: Standards for granting approval of an application by the Director of Public Works or approval from the Parks and Recreation Board and City Council shall include the following stipulations:
  - a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
  - b. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - c. That the proposed activity or use will not promote violence, crime or disorderly conduct or cause a violation of any law.
  - d. That the proposed activity will not cause damage to trees, benches, landscaping or other components of the facility.
  - e. That the proposed activity will not entail extraordinary or burdensome expenses of operation by the City.
  - f. That the facilities desired have not been reserved for other use on the date and hour requested in the application.
  - g. The frequency of an event or events held in the park does not unreasonably interfere with normal park use.

9. Applications: Applications for park use must be filled out and signed by the sponsoring organization. Applications will be submitted to the Director of Public Works and/or the Parks and Recreation Board by the Special Events Coordinator at least six weeks prior to the requested event date. Such applications and the submission of the applications shall comply with the following:
  - a. Applications shall not be filed earlier than one year prior to the activity or event.
  - b. Applications shall be considered on a “first-come, first-served” basis.
  - c. The application shall be signed under oath or affirmation by the person who will be in attendance at and in charge of the event or activity.
  - d. The application shall be accompanied by a non-refundable \$35 park usage application fee. Such fee shall be established from time to time by the Parks and Recreation Board, with approval by the City Council.
10. Fees: Any usage fees set by City Council would be applicable to this Policy. Fees may vary depending on the park, activity requested and time of year. All fees collected will be put in the Parks Fund to be utilized by the City Park System. Refer to the Park Usage Rate Schedule.
11. Insurance: Unless waived by the City Council all applicants shall provide insurance as follows:
  - a. Comprehensive general liability and property damage insurance in the amount of \$1,000,000 per occurrence shall be provided.
  - b. The policy shall name the City of Grand Haven as an additional insured on the policy.
  - c. The duration of the insurance shall encompass the total length of time any equipment is placed on City property or the time of the event, whichever is longer.
  - d. Suitable proof of insurance shall be submitted to the City Clerk no later than four weeks prior to the event. (No permit will be issued without proof of insurance.)
12. Parks and Recreation Board: Before granting approval of an application for park use, the City Council shall seek the review and advice of the Parks and Recreation Board.
13. Conditions: The following conditions apply to park use:
  - a. Equipment and Signs: All equipment, signs, and portable toilets to be brought onto the park or adjacent property or water shall be listed on or included with the application. No signs shall be erected in violation of any City ordinance. Placement of such equipment shall be coordinated with the Director of Public Works, the Parks and Recreation Board and the Department of Public Safety.
  - b. Cleanup: The applicant shall be primarily responsible for the prompt and complete cleanup and restoration immediately following the event or activity. Damage or City cost incurred in the cleanup shall be the responsibility of the applicant. Payment shall be due within 30 days. The City may require a bond letter of credit or cash deposit as security for cleanup and restoration.

- c. Tents: If tents are used, the tent material shall be composed of a noncombustible and flame-resistant materials, in accordance with the City's Fire Code. Tents must be secured without the use of stakes or poles in the ground. All tents over 400 square feet require a tent permit from the Department of Public Safety.
- d. Advertising: No advertising or public announcements of an event shall occur until all approvals necessary from the City have been obtained. Any violation of this provision shall be sufficient grounds for denying the approval. No signs are allowed in the City right-of-way.
- e. Hours of Events: The permission granted for the event shall specify the hours of the event. If not so specified, the event is limited from 7:00 am to 11:00 pm.
- f. Excavation: No digging, staking or any other ground disturbing activity shall be performed without permission from the Parks and Recreation Board or City Council.
- g. Trash receptacles and toilets: Portable toilets and trash receptacles shall be provided for large events based on the anticipated size of the event. These shall be provided at the expense of the applicant. A minimum of two portable toilets must be provided with at least one ADA approved toilet. A minimum of five trash receptacles shall be required. The event holder is responsible for the cleanup of the area and removal of trash from the site.
- h. Utilities: When available, a temporary water hook up may be provided by the City of Grand Haven Water Department. The hook up charge must be paid in advance of the event. Any temporary electrical hook up must first have an electrical permit and inspection prior to being connected by the Board of Light and Power. The applicant must coordinate this between the BLP and the electrical inspector. All electrical work such as installing a circuit breaker box must be done by a licensed electrical contractor.

Additional reasonable conditions may be imposed by the City Council, Public Safety Director or Public Works Director when granting any permit. All of these conditions are to be met at the applicant's sole expense.

- 14. Signs Describing Off Premises Events: Signs which describe an event, product, and service or any other activity which is not occurring at the same time and location where the sign is placed will not be allowed on any City park land.
- 15. Hold Harmless and Indemnification Provision: The applicant and any other organization or person deemed responsible for the event by the City of Grand Haven shall be required to execute a hold harmless and indemnification provision agreeing to hold the City and its officials, employees and volunteers harmless and to indemnify the City in the event of a claim resulting solely or partially from the event or activity applied for.
- 16. Appeals: Denial of recommendation for permission by the Parks and Recreation Board and/or the Director of Public Works may be appealed by the applicant to the City Council at the scheduled meeting that the request is reviewed for approval. Decisions for the City Council are final.
- 17. Revocation: A permit may be revoked at any time by the Director of Public Works, if it is determined that the holding of the event authorized by the permit is no longer in the best interest of the public health, safety and welfare, there has been a misrepresentation in the application or any material statement by the applicant, or there has been a failure to follow this policy, any City ordinance, state or federal law, or any condition attached to a permit granted by the City Council, the applicant or anyone acting under authority of the permit. If the permit had been granted by the City Council, the applicant whose permit was revoked by the City may appeal to the City Council. All activities under the permit must suspend pending such appeal. Fees are non-refundable and will not be returned if the permit is revoked.

Anyone acting in violation of a revoked or suspended permit shall be deemed to be trespassing and may be removed by the City Public Safety Department. The City reserves the right to initiate legal proceedings, including without limitation, appropriate prosecution of persons violating any portion of the policy.

18. Violations of Policy of Permit: Any person who uses a City park in violation of this policy, or in violation of a permit or any condition attached to a permit, may be removed from City Park. If a person fails to leave after being requested to do so as a result of a violation of this policy or a permit, that person shall be deemed trespassing and may, at the discretion of the City, be prosecuted.

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