

BEAR MOUNTAIN RECREATION AND PARKS DISTRICT

Policy Title: Facility Use and Fees and Charges Policy

Approval Date: October 19, 2017

Policy No: 2

**Purpose**

The purpose of this policy is to provide guidelines for the rental use of Bear Mountain Recreation and Parks District facilities by both staff and outside organizations. It is intended to ensure that the use of the facility is granted in a fair and equitable manner for meetings, activities, and events, which are recreational, social, and/or civic in nature, offering services of interest and need to the community. Rental fees charged for the use of the facility are intended to reflect operation costs of each event.

**Policy**

The Bear Mountain Recreation and Parks District (hereinafter “District”) main office is located at 10300 San Diego Street, Lamont, CA 93241, which contains two large meeting rooms/reception halls, outdoor meeting space, parking lot, and kitchen amenities. Additionally the District facilities include picnic shelters, soccer fields, and two pools. These facilities are available for rent in accordance with the terms of this Policy.

**Policy Approvals**

This policy shall be reviewed by the Board of Directors at least annually, and may be revisited sooner should the need arise.

**Application Procedures**

- A. An individual or representative of a group (Applicant) may inquire about the availability of a specific rental location, date and time as well as rental rates by telephone or in-person at the District during regular business hours. An available date cannot be held for possible use by making an inquiry.
- B. An individual or representative of a group can hold a date for possible use by making an appointment with staff to submit a written application, to sign the contract, and to pay the required deposit for a specific room, date and time.
- C. All applicants must complete a District Facility Use Application (Application) and pay all applicable fees at the time of submitting the application at least fourteen (14) working days prior to the event.
- D. The applicant shall be classified and assigned a Group in accordance with the definition and priority rankings set forth in the section titled Group Priority Rating.
- E. Hours of operation are limited to Saturday and Sunday 8:00 am – 2:00 am. A two (2) hour clean-up may be requested at the end of each event. Hours of operation are limited to Monday through Friday 8am to 5 pm. Additionally, some District meetings are scheduled from 5:00 pm to 10:00 pm. Requests for alternate hours require written approval from the General Manager, or designee, and may be subject to additional fees.
- F. Observed Holidays- Thanksgiving, Christmas Eve, Christmas Day, and New Year’s Day. No use shall be scheduled on observed holidays without written District approval.
- G. Upon approval of an application, the applicant may not transfer, assign, or sublet use of the Facility or apply for use on behalf of another person or organization.
- H. Applications shall be accompanied by proof of liability insurance consistent with the provisions of this Policy, a refundable cleaning deposit, and fees per the attached fee schedule.
- I. The District reserves the right to suspend use of a facility to those groups or individuals not complying with established rules and regulations.

- J. The District reserves the right to cancel a permit issued for any event or activity. In the event of such a cancellation, notice shall be given as far in advance as possible and a full refund will be made. Please note that this facility has been designated as an emergency facility, which could result in event cancellation should an emergency occur.
- K. The applicant must check-in with the District's on-site staff at the beginning time of the reservation and must be present for the duration of the event. Applicant must also checkout with on-site staff at the conclusion of the reservation and clean-up.
- L. Neither the District nor their agents, officials, employees, and/or volunteers will be held responsible for loss, damages or theft of equipment or articles owned by the applicant and/or guests.

### **Group Priority Rating**

- A. An individual or group seeking permission to utilize the Facilities will be classified in one of the following priority groups. These classifications are used to establish 1) priority of use, 2) applicability of a fee, and 3) amount of the fee, if any.

The priority groups are as follows:

- a. Group A - Activities conducted and or sponsored by the District
  - b. Group B - Activities conducted by governmental agencies
  - c. Group C - Non-profit service organizations or organizations sponsoring a public forum or candidate's night
  - d. Group D - Private events, i.e.: wedding, anniversary, birthday, work parties, and faith based organizations.
- B. Priority for use of the facility will be in alphabetical sequence, with Group A applicants receiving highest priority and Group D applicants the lowest priority.

### **Liability and Insurance**

- A. All users of the facility shall procure and maintain, at their own expense and for the duration of the event covered, comprehensive general liability and property damage liability insurance, against all claims for injuries against persons or damages to property which may arise from or in connection with the use of the facility by the user, its agents, representatives or employees in the amount of one million dollars (\$2,000,000) combined single limit and hold the District harmless for any damage or injury.
- B. Bear Mountain Recreation and Parks District must be named as "additional insured".
- C. If alcohol is to be served, insurance coverage shall include coverage for serving alcoholic beverages.

### **General Operating Regulations**

- A. Tobacco use of any kind or smoking is not permitted in the Facility.
- B. Incense, fog, hazer or smoke use is not permitted in the Facility at any time. Fire and open flame are strictly prohibited. Sterno heaters for food warming are allowed without a permit so long as heaters are placed under a chafing dish on a table with no guests seated at the table.
- C. Animals are not permitted inside the Facility except those designated as service animals.
- D. Any user group desiring to charge an admission fee and/or donation or sell any items must submit a written request with the Facility Use Application and receive written authorization from the District. Additional insurance may be required.
- E. Illegal activities shall not be permitted. All groups and individuals using the Facility shall comply with City, County, State, and Federal laws. Fighting, gambling, and lewd conduct are prohibited.

- F. Amplified music and/or sound systems, including public address systems, DJ's, karaoke, will not be permitted without prior written approval.
- G. Advertising materials may be left with the District for approval and may be displayed when deemed appropriate and as space permits. Any items posted which have not been approved will be removed and discarded.
- H. No signs or decorations are to be nailed or otherwise attached to walls, windows, ceilings, or window coverings in any manner that may cause damage to District structures. No rice, birdseed, confetti, or similar items shall be thrown in or around the facility. Balloons must be secured and not released.
- I. Clean-up is the user's responsibility. This includes the wiping of table tops, ensuring chairs are clean, disposing of trash into proper receptacles, and removal of all user-owned or leased (non-District owned) items. Storage is not provided at the Facility.
- J. Food and beverage must remain in designated areas.
- K. Kitchen facilities, if applicable, are available for rent. Use of ovens, refrigerators, etc. may be used only with specific advance approval and with the appropriate fee and deposits. Renters must provide all kitchen utensils.
- L. The District shall have the right to control and operate the Facility, including heating and air conditioning systems and common use areas, in a manner deemed best by the District.
- M. The District shall not rent, lease, or allow use of its public facilities by any person or organization that illegally discriminates on the basis of race, religion, sex (including gender, gender identity, gender expression and pregnancy), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification as protected by law.
- N. Special events or requests not covered in this Policy must be submitted in writing and shall be reviewed by the District's Board of Directors to determine appropriate use, fees, and services.
- O. In the event of damage, destruction or defacement, the applicant shall be liable for all expenses required to repair, restore, or replace the facility, its furnishing, or equipment to its original condition.

### **Alcoholic Beverage Use and Service**

- A. The use of alcohol in the Facility is exclusively by written permission in advance and must comply with applicable law and provisions of this Policy. Failure to comply with any regulations will result in immediate revocation of the permission to use alcohol and termination of the event. Additional regulations and specifications may be required in the facility use permit for any event.
  - a. "Alcohol use" refers to any beverage that contains any amount of alcohol.
  - b. Security is required to be present at all events at which alcohol is served. Cost of the security is the responsibility of the user. Applicant is responsible for providing State licensed security and must provide verification of the hired security's licensing prior to the date of the event.
  - b. Alcohol shall not be served to minors. The user's failure to comply, monitor and enforce this provision is grounds for terminating the activity immediately and forfeiture of the refundable deposits and all of the room fees.
  - c. Permission to serve alcohol shall not be granted for any event where a majority (50% plus one) of guests in attendance will be under the age of 21.
  - d. Alcohol may not be served or consumed in the parking lot.

- B. License Requirements (when alcohol is to be sold)
  - a. No sales or requests for donations for alcohol are permitted without a license from the State Alcoholic Beverage Control Board (ABC).
    - i. State Alcoholic Beverage Control Board is located at 4800 Stockdale Highway, Suite 213, Bakersfield, CA 93309. Their telephone number is (661) 395-2731.
  - b. A copy of your contract must be furnished to ABC when applying for this license.
  - c. A copy of the ABC license must be furnished to the District a minimum of seven (7) working days prior to the event and posted in plain view near the bar or where alcohol is being served.
  - d. A one-day alcoholic beverage permit can only be issued to a non-profit organization and only if the proceeds are going back to the non-profit organization.
  - e. Private parties shall not sell alcohol on their own, but must arrange this through a licensed caterer. The caterer must have a License (Type 47 or 48), which enables the caterer to sell beer, wine and distilled spirits (hard liquor). If the caterer does not have this license the private party cannot sell alcohol, NO EXCEPTIONS. It is illegal for a private party to sell alcohol on their own.
- C. The service of alcohol at any event is limited to a maximum of five (5) consecutive hours. Serving of any alcoholic beverage must end one (1) hour before the close of the event.
- D. All alcohol must be distributed by a server from behind a table or bar, which must be monitored by the server at all times. The server(s) must be an adult, over the age of 21 who is to be responsible for ensuring that no minors are served and that no guests are over-served. The server may not consume alcohol while on duty.

#### **Equipment Use**

- A. The District has a variety of equipment that can be requested for use at the Facility on a first come, first served basis.
- B. Tables and chairs will be included as described in the attached table as part of the paid facility rental with the exception of the outside and lobby areas.
- C. Kitchen amenities include: stove with oven; and refrigerator with freezer.

#### **Fees & Deposits**

- A. To hold a date, a minimum deposit of 50% of the total fee must be made at the time of the reservation. The remaining balance due must be paid 45 days prior to the reservation date. All fees are payable to Bear Mountain Recreation and Parks District. Should the application be submitted less than 45 days prior to the requested date, to hold the requested date, the entire fee must be deposited at the time of the reservation.
- B. Activities, other than meetings, where alcohol will be served require a \$500.00 security/cleaning deposit must be paid at the time of reservation. If no alcohol shall be served, a \$350.00 security/cleaning deposit must be paid at the time of reservation.
- C. If the request for facilities is not approved, all initial deposit(s) will be returned within three (3) weeks of the denial.
- D. All facility use cancellations must be made by the Applicant at least forty five (45) working days in advance of the scheduled event. Failure to do so may result in a 10% loss of the fees paid to reserve the facility or \$100, whichever is greater.
- E. Linens, cutlery, and decorations are not included with the room rental fee.

### **Variance**

- A. An applicant may request a variance from one or more of the rules set forth in this policy in writing at the time of the Facility Use Application. The request must set forth the unusual circumstances that justify a deviation from the ordinary rules.
- B. In the event a variance is granted, the applicant will pay any supplemental fee necessary to compensate the District for additional costs associated with the variance. Denial of a variance may be appealed within ten days to the General Manager/CEO. The General Manager/CEO's decision will be final.

## RENTAL RATES TABLE

LOCATION	WEEKDAY RATE	WEEKEND RATE	RENTAL ITEMS	ALCOHOL	
<b>Bear Mountain Park</b>					
<i>Picnic Shelter</i>	\$25 per shelter	\$25 per shelter	None	No Alcohol	
<i>Soccer Field</i>	\$10/hr (minimum 2 hr)	\$10/hr (minimum 2 hr)	None	No Alcohol	
<i>David Head Center:</i> Non-profit <sup>1</sup>	\$100/day	\$100 (8am-2pm; 1 Saturday/yr)	\$2.75 per table; .35 per chair	Alcohol \$500	No Alcohol \$350
Regular rental	\$75/hr (up to 6 hrs)	\$800 (8am-2am)	\$5.50 per table; .55 per chair	\$500	\$350
<i>Senior Center:</i> Non-profit	\$75/day	\$75/day If David Head Center is not being used	Tables/Chairs Included	No Alcohol	
Regular rental	\$50/hr (up to 6 hrs); or \$375/day	\$50/hr (up to 6 hrs); or \$375/day	Tables/Chairs Included	No Alcohol	
<b>Weedpatch Park</b>					
<i>Picnic Shelter</i>	\$25 per shelter	\$25 per shelter	None	No Alcohol	
<i>Soccer Field</i>	\$10/hr (minimum 2 hr)	\$10/hr (minimum 2 hr)	None	No Alcohol	
<b>Pools</b>					
<i>Arvin/Lamont</i>	\$200/2hr, then \$75/hr	\$200/2hr, then \$75/hr	2 Lifeguards Included; \$25 additional lifeguard	No Alcohol	

<sup>1</sup> **Nonprofit:** A nonprofit organization is a U.S. Code §501(c) organization, or simply a 501(c), is a tax-exempt nonprofit organization in the United States. For an organization to receive the District's "nonprofit" rental rate it must establish that the Internal Revenue Service (IRS) has granted it tax exempt status under 26 U.S. Code §501(c).