

VI.
BALDWIN COUNTY
RECREATION FACILITY
USE POLICY FOR ACTIVITIES
OTHER THAN USE BY DEPARTMENT
APPROVED SPORTS ASSOCIATIONS

A. OVERVIEW:

The County believes that:

- 1) County recreation facilities are public property and, as such, should be made available for public use to further recreational, educational, cultural and civic activities for all county residents;
- 2) The un-programmed and unregulated use of County recreation facilities can result in damage to those facilities and inconvenience to the users;
- 3) Working guidelines for facility reservation and use are necessary; and
- 4) Certain costs are incurred in the use of County recreation facilities, which should be shared by the users.

B. GOAL:

The goal of the County is to provide activities that are recreational, educational, cultural, or for civic purposes and to reserve facilities for those purposes whenever possible.

C. PROHIBITED OR LIMITED USES

Use of public facilities for monetary gain by any person, firm, or corporation is prohibited, subject to the following exceptions:

1.) Health, educational and government organizations that provide proof of their non-profit status and their certification of IRS 501© (3) may request the use of Baldwin County recreation Department facilities at a 20% reduction in the facility use fee that otherwise would be charged. These non-profit entities must offer charitable health related or governmental services to the public at no cost. The request must be made on the organization's letterhead at least (30) days prior to the event. The event must be approved by the Recreation Director and the County Manager.

2.) County employees may request the use of Baldwin County Recreation Department facilities. If the facility use provides a direct benefit to the county employee, the employee will be granted a 50% reduction in the facility use fee that otherwise would be charged. This fee reduction will be guaranteed one time per year per employee. Additional opportunities for employee use of County facility at the reduced rate may be available if the facility is not scheduled for use, and employee requests use at least thirty (30) days prior to the event. Employees must be present for the entire event and the event cannot charge an entry/admittance fee. The event and fee reduction must be approved by the recreation Director and the County Manager.

3.) Political events may be allowed so long as every candidate is allowed equal treatment at the facility with no indication that the County, department, or staff supports or promotes a particular candidate or party and no political solicitation that would be disruptive or unwelcome to other users at the park shall be allowed; and

4.) Organizations that conduct sports/recreational camps or training or sponsor tournaments. The fees to be charged must be specifically approved by the Recreation Director and the County Manager and these activities may be subject to the provisions more fully set out in Section IV C. (18.) of these policies and procedures; and

5.) Instruction for recreational or educational purposes when the fee charged is approved by the Director and the County Manager and is for the sole purpose of providing a reasonable fee for the instructor(s) and materials required for the activity.

D. GENERAL REGULATIONS

1) Users under this regulation are also subject to the General Regulations and Ordinances set out in this set of policies and procedures and the Ordinances set out herein. In addition, certain activities may be subject to the policies and procedures in place for the use of facilities by County approved sports organizations. All of these policies and procedures are to be considered cumulative and in the event of any conflict, then County may require adherence to the most restrictive provision and/or the provision most favorable to County. Regulations regarding the use of facilities by County approved sports associations shall be in accord with separate regulations that apply specifically to games, activities, financial reporting, and facility use that apply to those associations. Those associations are subject to the General Regulations set out herein, but in the event of conflict, the specific regulations regarding those associations shall apply.

2) The County reserves the right to prohibit, rescind or change the use of facilities, without notice, regardless of prior approval for use.

3) County recreation facilities may not be used for any purpose prohibited by law. In addition, lewd and abusive language, threats, assault, vandalism, theft, and all other inappropriate actions will result in immediate removal from the premises and prosecution when appropriate.

4) Application for the use of any County recreation facility can be denied in the discretion of the County. Use of facilities will be withheld for events not related to general public welfare.

5) Applicants granted use of facilities are responsible for the proper supervision of all participants and spectators. Those participants under the age of 18 years are not to be left unattended at any time.

6) Applicants granted use of facilities will be held liable and responsible for any personal injury or property damage resulting from the lack of supervision or poor supervision of participants and spectators.

7) Any problems encountered with the facility must be reported to the Recreation Department as soon as possible after the conclusion of the activity.

8) Proper use of facilities is of utmost importance. Individuals or organizations failing to abide by the provisions of this policy will be asked to curtail their event(s) and may be denied further use of recreation facilities.

9) Facilities must be left clean and orderly. All trash and/or materials used must be placed in the trash or removed from the premises.

10) Users of County recreation facilities automatically assume responsibility and liability for all damages and loss to County property that occurs while using said facilities.

- 11) Parking is permitted in designated parking areas only.
- 12) Violation of the parking policy will result in revocation of the applicant's privilege to continue utilizing County recreation facilities.
- 13) There is included herein under Paragraph F. the format for the Facility Use Application, with place for approval thereof. The executed permit (or a copy thereof) must be with the user group's representative at all scheduled activities and presented, upon request, to any county official.
- 14) NO ALCOHOLIC BEVERAGES ARE TO BE CONSUMED, DISPENSED OR BROUGHT INTO OR ONTO COUNTY RECREATION FACILITIES OR PROPERTIES. THERE WILL BE NO EXCEPTIONS.
- 15) Activity(ies) shall begin and end within the approved time frame.
- 16) The County requires security to be present at cost to the renter for all events. Baldwin County Sheriff Department deputies are required for weekend evening events.
- 17) Noise must be kept to a minimum so as not to disturb others utilizing the facility and the residents within the area.
- 18) County facilities are non-smoking facilities and smoking will be allowed only in areas that may be specifically designated by the Director.
- 19) Signs, banners and other such material require the specific approval as to size, content and location by the Director and the County Manager.

E. PROCEDURES AND REQUIREMENTS:

The following procedures and requirements must be followed and met in order for any permit to be considered and/or issued:

- 1) Applications for facility use permits must be made in writing on the County Facility Use Permit form. Only fully completed applications accompanied by all other necessary paperwork and fees will be considered.
- 2) Fees are required for use of certain facilities and must be included at time of application. A rental does not get put on the calendar until half of the fees are paid and the rental agreement is signed. Fees are refundable only if reservation is cancelled within 2 weeks of the event. No refunds will be granted if any violations of this agreement occur. Please see SCHEDULE OF USE FEES established and maintained by the Director and the County Manager, with copies available at the Department offices.
- 3) The cost to repair or replace any damage shall be billed to the renter. Users will be notified in writing by the Recreation Department of any such damage and if a charge will be assessed.
- 4) A Certificate of Insurance is required at time of application for all Sporting Event applications for facility use, unless specifically waived by the Director, upon approval by the County Manager. Insurance must provide satisfactory evidence of insurance protection for participants, spectators, coaches and the public within the following terms and conditions. The applicant must

maintain Commercial General Liability insurance with limits of liability not less than \$500,000 per occurrence and aggregate. The policy will provide coverage for the user's activity at the approved facilities and shall state such facilities on the certificate of Insurance. The Certificate shall name the County as the Certificate Holder and as Additional Insured for the full duration of the use of the facility. The certificate shall have the following language:

Additional Insured:

The name of the organization endorsed as Additional Insured for all endorsements shall read "Baldwin County Board of County Commissioners."

Indemnification:

The Contractor/Renter shall indemnify, defend and hold harmless the County, its offices, agents and employees from and against any and all claims, losses or liability, or any portion thereof, including attorney's fees and costs, arising from injury or death to persons, including injuries, sickness, disease or death to contractor's/renter's own employees or damage to property occasioned by a negligent act, omission or failure of the Contractor/Renter.

5) Written copies of all rosters/registration lists/etc. complete with names, home addresses and/or places of employment may be required and, if requested, must be submitted by the applicant prior to the issuance of a permit.

6) As to priority of use, see Section II, Paragraph D. Generally, in the event of conflict between requests, priority will be given to activities conducted by the Department; then to County sports associations then in full compliance with Department policies; then to recreational activities for youth groups; then to recreational activities for adults; then to charitable, non-profit organizations; and then to others. The Director may alter this priority to insure greater benefit for the citizens of Baldwin County. Scheduled paid events will not be bumped for any reason.

7) Any solicitation for funds and/or any advertisement for any event shall in no way indicate sponsorship or approval of the event by County; or indicate in any way that any contribution or sponsorship is for the benefit of the Recreation Department, or that any such sponsorship or contribution affords tax treatment afforded direct contributions to a governmental entity.

8) Under special circumstances, an organization may apply to have County enter into a cooperative agreement for an event. The event must promote a public benefit and encourage broad citizen and/or tourist participation. Cooperative agreements include, but are not limited to, fee reduction on facilities and use of equipment, waiver of certain requirements set out herein, and/or unreimbursed staff hours as a public donation to the event. Cooperative agreements must be approved by the Director and the County Manager. The Recreation Department must be given credit in any and all advertising and promotions as a contributor.

9) County may require written authorization to conduct such credit, criminal, and/or background checks on applicants or the principals of corporate applicants as it deems appropriate, with the costs thereof to be paid by Applicant.