

City of Brisbane

Agenda Report

To: City Council via City Manager

From: Administrative Assistant and Deputy City Manager

Subject: Approval of Park Use Permit

Date: June 10, 2013

Purpose:

Review Community Park application from Brisbane resident, Ms. Carly Fong, requesting use of the Gazebo on Saturday June 29, 2013 from 10:00am – 3:00pm, for a wedding.

Recommendation:

Approve application for the use of the Community Park/Gazebo for a party larger than 100 people. (Attachment 1).

Background:

Ms. Fong originally submitted a Community Park application and signed guidelines (Attachment 2) on March 4, 2013 anticipating approximately 60 guests. At that time she also signed the last page of the City's Noise Control Ordinance (Attachment 3). The application was approved by the Parks and Recreation Office and all fees were paid on March 4, 2013. Subsequently, she informed Parks and Recreation staff that more guests are interested in attending her event than first anticipated and she has submitted an updated application for consideration.

The Community Park policy states that applications for 100 or more persons must be approved by the City Council.

Discussion:

Ms. Fong's request is for a wedding and reception that includes party trays, sodas and water. She does not plan on using more park space or extended time than what was approved on the original application.


Ms. Fong plans on being available at the City Council meeting to answer questions pertaining to this event.


Fiscal Impact:

None.

Attachments:

Three.


Nancy Carpenter
Administrative Assistant


Clay Holstine
City Manager

COMMUNITY PARK DAY USE PERMIT APPLICATION

Recycling Encouraged — Use Designated Containers in the Park

BRISBANE PARKS & RECREATION DEPARTMENT

50 PARK PLACE, BRISBANE, CA 94005

FOR RESERVATIONS 415 / 508-2140

NON-EMERGENCY CITY ASSISTANCE 415 / 467-1212

ALL CHECK PAYMENTS MUST BE PAYABLE TO: CITY OF BRISBANE

1. RESERVATION REQUEST

Contact Person/Organization: CARLY FONG Today's Date: 5/29/2013

Primary Phone: 415-370-8297 Secondary Phone: 415-468-7980
(please circle: cell / home / work) (please circle: cell / home / work)

Address: 70 KINGS ROAD City: BRISBANE State: CA Zip: 94005

E-Mail: CARLYFONG4@YAHOO.COM CDL#: C2518145

2. EVENT (circle all that applies)

Picnic Area(s): 1 2 3 4 Tables: A B C D Grassy Area(s): East West Gazebo

Date: 6/29/2013 Day of Week: SATURDAY

Starting Time: (include time for set-up) 12:00 AM Ending Time: (include time for clean up) 3:00 PM

Number attending under 18 years old: 20 18 - 20 years: _____ 21+ years: 120-130

3. Describe your event Include nature of event and specific description of use of park.

Redo application We are anticipating approx. 150 guests for the wedding

Please check boxes that apply to your event:

☐ Jump House* ☐ Alcohol ☒ Amplified Music/Sound** ☐ Volleyball/Badminton Net ☐ Piñatas ☐ Barbeque

*generator needed for jump house, power not provided **signature on noise ordinance may be required

4. **NOTICE:** This is a legal document which limits our liability, please read carefully! By Signing this document you state that (1) you assume all risk of injuries from participation in this activity, (2) you release the City of Brisbane, its officers, employees, agents, and servants from all liability arising out of your participation in this activity. I. **ASSUMPTION OF RISK:** I voluntarily participate in the activity described in the Brisbane Community Park Use Permit, fully aware of the dangers and risks involved and knowing that the City of Brisbane does not guarantee the construction, condition, or safety of the facilities or the equipment, not the supervision of the activity by its officers, employees, agents, and servants. I expressly assume the risk of all loss, damage or injury from my participation in or presence at the said activity. II. **RELEASE OF LIABILITY:** In consideration for the opportunity to participate in this activity and the services provided by the City of Brisbane, I (on behalf of myself, my heirs, assigns, and legal representatives) release the City of Brisbane, its officers, employees, agents, and servants from any liability arising out of my participation in or presence at the described activity in the Brisbane Community Park Day Use Permit. I expressly absolve the City of Brisbane, its officers, employees, agents, and servants of liability for their negligence.

Applicant's Signature: [Signature]

OFFICE USE ONLY

Application Received:

Date: 5-30-13 By: [Signature]

Application Approved:

Date: _____ By: _____

Jump House Approved:

Date: _____ By: _____

Fees:

Tables: \$ _____ Grass Area: \$ _____

Gazebo: \$ _____ Gazebo Dep: \$ _____

Total Fees: \$ _____

Cr Card / Cash / Ck# _____

Issued: Police: _____ Attendant: _____

COMMUNITY PARK DAY USE PERMIT APPLICATION

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50 PARK PLACE, BRISBANE, CA 94005

FOR RESERVATIONS 415 / 508-2140

NON-EMERGENCY CITY ASSISTANCE 415 / 467-1212

ALL CHECK PAYMENTS MUST BE PAYABLE TO: CITY OF BRISBANE

1. RESERVATION REQUEST

Contact Person/Organization: CARLY FONG Today's Date: 3/4/2013
 Primary Phone: 415-370-8297 Secondary Phone: 415-468-7980
 (please circle: cell / home / work) (please circle: cell / home / work)
 Address: 70 KINGS ROAD City: BRISBANE State: CA Zip: 94005
 E-Mail: CARLYFONG4@YAHOO.COM CDL#: C2518145 nxc

2. EVENT (circle all that applies)

Picnic Area(s): 1 2 3 4 Tables: A B C D Grassy Area(s): East West Gazebo

Date: 6/29/2013 Day of Week: SATURDAY

Starting Time: (include time for set-up) 10:00 AM Ending Time: (include time for clean up) 3:00 PM

Number attending under 18 years old: _____ 18 - 20 years: _____ 21+ years: 60+

3. Describe your event Include nature of event and specific description of use of park.

Please check boxes that apply to your event: Wedding Ceremony

☐ Jump House* ☐ Alcohol ☒ Amplified Music/Sound** ☐ Volleyball/Badminton Net ☐ Piñatas ☐ Barbeque

*generator needed for jump house, power not provided **signature on noise ordinance may be required

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Applicant's Signature: [Signature]

OFFICE USE ONLY

#347
Application Received:

Date: 3-4-13 By: [Signature]

Application Approved:

Date: 3-4-13 By: [Signature]

Jump House Approved:

Date: _____ By: _____

Fees:

Tables: \$ _____ Grass Area: \$ _____

Gazebo: \$ 300 Gazebo Dep: \$ 200

Total Fees: \$ 520

Cr Card / Cash / Ck# _____

Issued: Police: 627-13 Attendant: 627-13

Brisbane Parks & Recreation Department Community Park Use Guidelines

A. RESERVATION PROCEDURE

1. Reservations may be made by contacting the Brisbane Parks & Recreation Department, during normal business hours. Persons/groups wishing to reserve a designated Park area should have alternatives in case their first choice of date and/or time have already been reserved.
2. The application must be completed and filed in person or by mail by an adult representative of the group applying, and for youth groups, by an adult supervisor or representative. No permit will be issued to a minor.

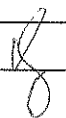
The applicant or group representative agrees to be present during the entire time reserved by their group.


Permit applications must be fully completed and submitted with payment for permit to be issued. This process must be completed no less than three (3) working days prior to the desired date for groups of less than one hundred (100) persons. Payment may be made using credit card, check or cash. Reservations are not valid until fees are paid in full.

Phone reservations will be held for five (5) working days and will not be secured until the application process is complete and the fee is paid within the timeframe prescribed above.

B. OTHER CONSIDERATIONS

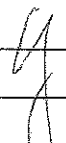
1. Any person, group or organization which has damaged or destroyed any City property or has failed to follow established policy in the past may be denied a permit.

- Initial 
2. **Users of the Park are responsible for any damages or extraordinary cleanup resulting from their use. Permit holders are prohibited from using nails, staples or other items that could damage the park or any of its facilities. Trees are a precious resource – please respect them.**

- Initial 
3. **The permit holder shall be required to perform all site preparation and all clean up following the completion of the event.**

4. No person shall use or permit the use of any sound amplification device in any portion of the Park without specific permission of the City of Brisbane. All noise being emitted from said gathering must comply with the City of Brisbane Noise Ordinance.

5. Ball games, practices, tournaments or similar activities by any organized group shall be prohibited.

- Initial 
6. **Permit holders shall not engage in any activity or set-up any equipment or decorations which infringes on other park users ability to use the Park or any of its other facilities.**

7. Permit holders are prohibited from using bar-b-ques or other flammable devices in or within fifteen 15 feet of the Gazebo.
8. On any given date, a maximum of two (2) jump house permits will be issued.
9. **Permit holders who have been approved for use of a jump house MUST provide a secondary container in which the generator will sit. This will eliminate any fuel spillage onto the grassy area.**
10. Barbeque pits are available for use at no additional cost on a first-come first-served basis. Please dispose of spent coals into the provided hot ash containers.

Initial 

C. CANCELLATION POLICY

Applicants must notify the Brisbane Parks & Recreation Department office within five (5) working days prior to the scheduled use date for a full refund less cancellation fee of \$8. Failure to cancel an event within this timeframe will result in forfeiture of the reservation fee.

D. REFUND POLICY


In the event of rain, groups will receive a refund or full credit toward a rescheduled date. Rainy day refunds will be determined by the Brisbane Parks & Recreation Department and reviewed as to whether or not the applicant had utilized the reserved area.

Allow approximately four weeks for processing of refunds.

E. VIOLATIONS OF POLICY

Violations of conditions of this policy guidelines or Park regulations shall be punishable by a fine.

I have read and understand these Guidelines and hereby agree to comply with the content. I understand that failure to observe these regulations of City, State or Federal law may result in severe penalties


Applicant Signature


Date

Title 8 - HEALTH AND SAFETY
Chapter 8.28 - NOISE CONTROL

1. The level of the noise;
2. Whether the nature of the noise is unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level of the background noise, if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates or to which it is transmitted;
7. The density of the inhabitation of the area within which the noise emanates or to which it is transmitted;
8. The time of the day or night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant; and
11. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. 332 § 1(part), 1987).

8.28.100 - Violations—Enforcement—Penalties.

A. The violation of any of the provisions contained in this chapter shall constitute an infraction, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code.

B. It shall be the duty of all public safety officers, and public works supervisors and the planning director to enforce the provisions of this chapter. Any permit or license of any type issued by any department or officer of the city, issued in conflict with the provisions of this chapter, shall be null and void.

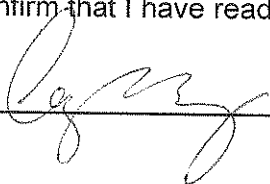
C. In addition to the penalties set forth for infraction offenses and the procedures for administrative enforcement and nuisance abatement, any noise level and its source in violation of any of the provisions of this chapter may be summarily abated, which may include, but is not limited to, removal, dismantlement and taking into custody the source of such noise, and in this regard, the confiscation of any machine or device used to violate any of the provisions of this chapter is authorized to be held for use as evidence in any proceeding that may be brought for such violation.

(Ord. 332 § 1(part), 1987).

(Ord. No. 554, § 20, 1-18-11)

This is to confirm that I have read the above City of Brisbane Noise Ordinance

Signature



Date

3/4/2013