


TOWN OF WOODFIN - POLICY STATEMENT		Policy #:	
Department: Parks & Recreation		Issuing Date:	04/19/2022
 <p style="text-align: center;">Commercial Use of Park Property Policy</p>	Policy Title:	Effective Date: 04/19/2022	
		Revised Date:	N/A
		Prepared By:	Luke Williams, Project & Facilities Manager
		Approved By & Date:	Board of Commissioners 04/19/2022

PURPOSE: To establish a procedure for how citizen can utilize Town park property for commercial use(s).

POLICY: **1. What is commercial use of park property?**

Commercial use is defined as any activity conducted for pecuniary or commercial gain including private lessons, classes, or group activities where the lesson, class, or activity has a fee or other monetary barrier to entry. "Commercial use" also includes any lesson, class, or commercial activities taking place on park system property that is associated with any trade, occupation, profession, business, franchise, not-for-profit or school use. "Commercial use" does not include activities conducted on the Town's behalf or in conjunction with the Town. Examples of commercial activity may include but are not limited to take out or put in of tubes or rafting equipment, boot camps, running clubs, and workout groups. If you are an individual, group, or organization and you conduct organized commercial recreational activities such as fitness classes, nature education, organized school activities such as recess or PE, wilderness training classes, or recreational services such as pop-up picnics or laser-tag on Town parkland, you are required to obtain a park permit.

2. Why do I need a permit?

Commercial use of any park system property is unlawful without first obtaining a permit from the Town authorizing the use or entering into a rental contract or booking agreement with the Town authorizing use of a specific facility. A commercial use permit does not grant exclusive use of space. A permit provides the permit holder a license for the activity in the designated areas and is revocable at will. The permit holder and participants must share the designated areas with other users and cannot block public access.

3. What activities are authorized under a commercial use permit?

Activities (1) must be recreational in nature, (2) will not restrict or impede access for the general public, (3) must not conflict with recreational programming offered by the Town, (4) will not pose a safety risk to persons or property, and (5) will not create an undue burden on the park system property in use. Examples of authorized activities may include but are not limited to fitness camps and courses, on-leash dog obedience courses and recreational group meetings.

4. What activities are not authorized under a commercial use permit?

Any activities that violate the provisions set forth in Question #3 are not authorized activities under a commercial use permit. Examples of unauthorized activities may include but are not limited to off-leash dog obedience courses, mobile vehicle detailing, swim lessons, tennis lessons, etc.

5. Does my permit give me exclusive use of the park property?

No, it does not. A commercial use permit does not grant exclusive use of space. A permit provides the permit holder a license for the activity in the designated areas and is revocable at will. The

permit holder and participants must share the designated areas with other users and cannot block public access. The permit holder may need to move or share space.

6. What is the permit cost and how long is it valid?

There is a \$75.00 permit fee/per park in addition to a monthly use fee of \$75.00 per month per park. This permit fee is due at the time of permit issuance.

- a. After you submit your application and it is approved, you will receive an invoice for payment.
- b. The monthly use fee is based on the calendar month and may not be prorated.
- c. You can request a permit for one month or incrementally up to 12 months at once.

7. What information must i provide with my application for a permit?

Permit holders must submit a completed application, the \$75 permit application fee and a certificate of insurance (COI).

8. What is a certificate of insurance (COI) and what are the requirements?

A Certificate of Insurance is a document that proves that the applicant has Comprehensive General Liability insurance to cover any liability claims, whether personal or damage, which may occur during use of the park property. The Town of Woodfin must be named an additional insured on the policy, and the policy must meet the limits specified in the Hold Harmless Agreement of the Commercial Use of Park Property application. BASIC PERMIT REQUIREMENTS: CGL LIMITS \$1,000,000 CSL PER OCCURRENCE, \$2,000,000 AGGREGATE.

9. Can I conduct business in the park when there are special events happening?

No. There are specific dates when annual or community events take place in the parks The event organizers hold the permit to the park site for the event dates and have precedence. In some cases, you may be able to arrange to vend at an event by working directly with the organizer. Separate fees may apply.

SCOPE: This policy applies to all employees of the Town of Woodfin.

COMMENTS: Policy should be reviewed annually and updated, as necessary.

POLICY AUTHORITY: Please contact the Town Manager at 828-253-4887 with any questions pertaining to this policy.