

PUBLIC USE OF CITY FACILITIES

Purpose

City of Newport Beach (City) facilities, which include parks, playing fields, gymnasiums, community rooms and swimming pools, are available to the public for civic, social, educational, athletic, cultural activities and limited commercial use. It is the intent of this Policy to provide use regulations and application and scheduling procedures to accommodate groups that wish to use City facilities.

Procedure

- A. Applications to use the City facilities must be made on forms provided by the Recreation and Senior Services Department (Department). Applicants must provide all information as may be required by the Department to assure compliance with the requirements and regulations of this Policy.
- B. Applicants will be required to pay a security deposit in an amount that will promote use of the Recreation and Senior Services facilities in an orderly manner without damage to the facilities. Security deposits will be refunded upon inspection of facilities and confirmation that no property damage has occurred or additional cleanup is required.
- C. Applicants will be required to acknowledge that neither the City nor the Department assumes any liability for injury or loss of personal property. Prior to the use of the facility, the application must have approval of the Recreation and Senior Services Director or designated representative.
- D. Approval or denial of a reservation request will be provided within five working days of receipt of a completed application.
- E. Reservations for use of Department facilities may be made up to six months in advance, but no later than ten working days before the event with the exception of park reservations which may be made no later than five working days before the event.
- F. The City is not liable for any and all accidental injury to any and all persons or loss or damage to group or individual property. When it is deemed to be in the best interest of the general public, the City will require the permittee to furnish a Certificate of Insurance naming the City of Newport Beach as an additional insured. The amount of the insurance shall not be less than \$1,000,000 per occurrence of commercial general liability insurance.

- G. A contract shall not be transferred, assigned or sublet. All contracts will be issued for specific facilities and for specific hours, and the premises must be vacated as scheduled.
- H. The reservation request and rental agreement must be completed and signed by an adult age 21 and over who will attend, supervise and be responsible for the entire event or activities. Proof of residency is required at the time of application in order to receive the resident rate. Proof of non-profit status is required at the time of application in order to receive the non-profit rate.
- I. A Facility Use Agreement which authorizes the rental of facilities may be revoked for violation of any rental policies.

Regulations and Restrictions

All uses of Department facilities will be subject to the following regulations and restrictions:

- A. Use of Alcohol.
 - 1. Alcoholic beverages are prohibited and shall not be permitted in or on any municipal facilities operated by the Department, except beer and wine may be served for special occasions at the OASIS Senior Center, Newport Theatre Arts Center (NTAC), Newport Coast Community Center (NCCC), Civic Center Community Room (CCCR), and Marina Park when done in compliance with State of California Department of Alcoholic Beverage Control (ABC) regulations and approved in writing by the Recreation and Senior Services Director. Approval to serve beer and wine shall not be deemed to approve service of alcohol in violation of Section 25604 of the Business and Professions Code. The Recreation and Senior Services Director will require the permittee to pay City costs to provide additional security when alcohol is served.
 - 2. The use of alcoholic beverages is by written permission only and must be requested at the time the facility use request is submitted. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with State Law and these guidelines. "Alcohol use" means the presence of any beverage that contains any amount of alcohol.
 - 3. Alcohol is not allowed when an event is designated for minors such as school age award programs, birthday parties and/or receptions.

4. When alcohol is served, there shall be a minimum of two security guards present at the facility at all times. The guards must arrive 30 minutes before guest arrival time and remain until the contract end time. One guard must be positioned at the entrance of the event and one guard positioned in the event area. The parking lot must be monitored every 30 minutes. The security guards shall have the authority to enforce all rules and regulations governing facility rentals. In the event that the Police are called, the cost of their services shall be deducted from the applicant's security deposit. The applicant will be billed for any costs exceeding the security deposit.
 5. No alcoholic beverage shall be served to any person less than 21 years of age. Injuries caused to any person as a result of alcoholic beverages being served to or consumed by someone under the age of 21 while on the City's premises, shall be the sole responsibility of the organization or individual renting the facility.
 6. The distribution or consumption of alcoholic beverages shall be in compliance with all applicable laws, including regulations of the ABC. Any organization using City facilities shall be solely responsible for obtaining all permits or licenses relating to the distribution and consumption of alcoholic beverages on the premises.
 7. Alcohol may only be served by an adult 21 years of age or older. If evidence is found that alcohol is being served that was not authorized by the Department or to a minor the Police will be notified and the event will be terminated and all fees and deposits will be forfeited.
 8. The City shall require the applicant to carry general liability insurance when alcohol is available, but not sold. The City shall require a full liquor liability premium in addition to general liability insurance when alcohol is sold in exchange for money. The cost of the required liability insurance shall be borne by the applicant.
- B. Smoking is prohibited in all City facilities including restrooms and within 100 feet of a park, park facility or beach.
- C. For all indoor facility rentals involving youth, 17 years and under, there shall be at least one adult for every 20 minors, or increments thereof, in attendance, who shall remain in the facility for the duration of the activity.
- D. No group's activities shall interfere with the administration of the Department.

- E. Non-profit 501 (c) (3) groups may use the facility for fundraising activities and charge entrance fees and collect donations provided that a detailed plan of the event, including the expenses, marketing plan and procedure for collecting fees, is submitted with the rental application.
- F. Facilities and equipment are to be left in the same condition as they were prior to the rental. The permittee is responsible to pay for any damage to property or loss of property. A fee equal to total replacement cost will be charged. It shall be the responsibility of the permittee to see that unauthorized portions of the facility are not used. Continued or repeated use of City facilities will be contingent upon care of the facility, property and equipment, and observance of all approved rules and regulations.
- G. No gambling of any kind shall be conducted on, or in, City facilities, and the permittee shall insure that no disorderly or illegal conduct shall be allowed in any facility.
- H. The use of public address equipment will be limited to that provided by the facility, unless written approval has been secured by the Department through a Special Event Permit.
- I. Private groups wishing to collect fees, donations or admission charges, or those using the facility to market a product, give a presentation, or advertise their business, will be considered commercial users.
- J. The posted occupancy of City facilities shall not be exceeded.
- K. Storage space will not be granted at any time.
- L. Facilities are not available for reservations on the following holidays: Christmas Eve, Christmas Day, Easter, President's Day, Independence Day, Labor Day, Martin Luther King Day, Memorial Day, New Year's Eve, New Year's Day, Thanksgiving and Veteran's Day.
- M. All persons using the facilities shall observe and obey regulations of this policy, the rules of the Department and all applicable City, State and Federal laws, rules and regulations.
- N. Vehicles are not permitted on park grass or fields. Parking is permitted in designated spaces. Overnight parking is not allowed.
- O. Minors must remain in the rented facility room and shall not be allowed to roam unsupervised throughout the facility.

- P. When no alcohol is served but the group size is 200 or more, one security guard may be required, at the discretion of the Department Director.
- Q. Policies and guidelines regarding caterers shall be adhered to.
- R. All professional services utilized for events require a City of Newport Beach business license.
- S. Animals are not permitted within City Facilities with the exception of service animals. However, this provision shall not apply to activities or programs of the Recreation and Senior Services Department.

Fee Classifications - Priorities of Use

Permission for use of City facilities shall be granted on a first come first served basis, subject to the following priorities:

- A. All official Department initiated and/or conducted activities, including those of the Friends of OASIS at the OASIS Senior Center, and exemptions noted in City Council Policies B-5 and B-10.
- B. All official City of Newport Beach activities.
- C. All official City co-sponsored groups and/or activities such as community groups and activities which are non-profit, self-governing, privately organized and of an educational nature which may be brought under the sponsorship of the Department.
- D. Official public agency sponsored programs and activities not included in A, B, and C above.
- E. Youth Sports Commission Member Organizations.
- F. Resident non-profit youth serving organizations with 50% or more of membership consisting of Newport Beach residents.
- G. Recreational, social or civic activities of groups which are resident promoted and sponsored by local non-profit* organizations which are open to the public and have 50% or more of memberships consisting of Newport Beach residents.
- H. Recreational or social activities of private Newport Beach residents which are not open to the public. (private parties)

- I. Recreational, social or civic activities and/or groups which are non-resident promoted and sponsored by non-profit organizations which are open to the public, but not qualifying under D above.
- J. Schools, colleges, hospitals and other similar civic groups not qualifying under the definition of non-profit.
- K. Others.

* *Non-profit status is defined as an organization that is so defined by the Internal Revenue Service, § 501(c) (3) and has a State of California Tax Identification Number.*

Fees, Deposits and Cancellation Procedures

Fees may be charged for the use of City facilities and shall be established and periodically adjusted and approved by the City Council. Fees are imposed to cover overhead, processing, deposits, maintenance and replacement costs for application and scheduling and maintenance of the facilities.

- A. A security deposit will be required for all room rentals. All or a portion of the deposit may be retained by the Department after inspection of the facility by the Recreation and Senior Services Director or a designated representative and a determination that the facility has not been left clean and/or in good repair.
- B. A separate additional cleaning fee may be charged for rental of the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, and Marina Park Community Center.
- C. No fee or deposit shall be charged for use of City facilities by the City of Newport Beach, or events co-sponsored by the City of Newport Beach or its departments, with the exception of direct costs.
- D. Cancellations for any facility other than the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, and Marina Park may occur seventy-two hours prior to the scheduled use of facilities without forfeiting fees collected by the City, with exception of a City service refund processing fee. Cancellations with less than seventy-two hours notice will be charged a cancellation fee established by resolution of the City Council. In the event of cancellation by the City, notice will be given as far in advance of the scheduled use as possible.

- E. Cancellation of rentals by users for the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, and Marina Park that occur less than thirty days prior to the scheduled use of the facility will be charged 25% of the rental fee. Cancellations with less than seventy-two hours notice will be charged the entire rental fee.

History

Adopted I-5 - 11-22-1962 ("Use Priorities and Fees")
 Amended I-5 - 3-9-1970
 Reaffirmed I-5 - 2-14-1972
 Adopted G-4 - 5-13-1974 ("Use of City Facilities")
 Amended I-5 - 5-28-1974
 Amended I-5 - 2-13-1978
 Amended G-4 & I-5 - 10-10-1978
 Amended I-5 - 2-12-1979
 Amended I-5 - 5-14-1979
 Amended I-5 - 8-28-1979
 Amended I-5 - 11-26-1979
 Amended G-4 & I-5 - 2-9-1981
 Amended I-5 - 11-23-1981
 Amended I-5 - 10-12-1982
 Amended I-5 - 10-25-1982
 Amended G-4 & I-5 - 4-23-1984
 Amended I-5 - 11-28-1988
 Amended I-5 - 11-27-1989
 Amended I-5 - 3-25-1991
 Adopted I-25 - 5-26-1998 ("Public Use of City Facilities", incorporating G-4 & I-5)
 Amended I-25 - 5-8-2001
 Amended I-25 - 4-23-2002
 Amended I-25 - 4-8-2003
 Amended I-25 - 7-22-2003 (changed to B-13)
 Amended B-13 - 9-13-2005
 Amended B-13 - 10-10-2006
 Amended B-13 - 8-11-2009
 Amended B-13 - 5-14-2013
 Amended B-13 - 5-12-2015
 Amended B-13 - 8-8-2017