

COUNCIL POLICY STATEMENT

Policy No. 28  
Date Issued 1-6-09  
Effective Date 1-6-09  
Cancellation Date \_\_\_\_\_  
Supersedes No. 28 Dated 06/14/05

General Subject: Administration

Specific Subject: **Park and Facility Use Regulations**

Copies to: City Council, City Manager, City Attorney, Department and Division Heads, Employee Bulletin Boards, Press, File

**A. PURPOSE**

To establish a policy related to the public's use of all City of Carlsbad ("City") parks and recreation facilities. Further, to delegate to the City Manager the authority to implement this policy through administrative orders and regulations.

**B. POLICY**

There is a high demand for use of parks ("Parks") and recreation facilities (hereinafter "Facility") for a wide variety of uses. In addition to existing policies and administrative orders, this policy has been established to provide guidelines for the use of Parks and Facilities, including the consumption of alcoholic beverages and amplified sound. The City Manager may designate the Recreation Director ("Director") as the official responsible for the administration of this policy.

**C. APPLICATION PROCESS FOR PARK AND FACILITY USE**

The Director shall develop a Park and Facility Use Permit ("Permit") application process for the use of Parks and Facilities within the City of Carlsbad. Additionally, the Director shall establish an appeal process for the denial of a Permit application or the revocation of a Permit that has been issued. A pre-revocation review process shall not be required when a Permit is revoked pursuant to Section D below.

**D. EMERGENCY TERMINATION AUTHORITY**

In an emergency or when facts justify immediate action to be taken, the City Manager, Police Chief or their designees may summarily revoke an approved Permit without providing (i) an opportunity to cure or (ii) prior notice for a violation of either the Facility Use Regulations or Permit, or any federal, state or local law. In the event a Permit is summarily revoked, all persons shall be required to leave the premises of the Park or Facility immediately, unless otherwise directed by the City Manager, Police Chief or designee.

**E. COMPLIANCE**

1. Applicants must strictly adhere to all City ordinances, fire codes, policies and administrative orders during their use of the Park or Facility.

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2. Any suspected unlawful activity will be reported to the Police Department, City staff or both the Police Department and City staff.

**F. AMPLIFIED SOUND**

1. Applicant or designated event contact ("Event Contact") shall control any amplified sound system, including radios, so as not to disturb other groups, activities, or the surrounding neighborhood.
2. Cancellation of the event may occur if the noise level is not controlled or the police are required to respond. In the event that the police are called, the applicant or designated Event Contact will be the person initially contacted and requested to lower the amplified sound.
3. If the applicant or designated Event Contact is not present at the event when the police arrive, the Police Chief or designee may elect to revoke the Permit and terminate the event. If the police are dispatched a second time, the Police Chief or designee may revoke the Permit and terminate the event immediately.

**G. ALCOHOLIC BEVERAGES**

1. Applicants seeking to sell alcoholic beverages must obtain "Daily On-Sale General License" from the State Alcohol Beverage Control Board ("ABC").
2. Private security guard service will be arranged by the Recreation Department but paid by the applicant. Guards will act as security forces and not as identification or age checkers. Additional guards may be required.
3. Alcohol consumption is strictly limited to the event time and area defined on the approved Permit and must comply with the terms of the ABC Daily On-Sale General License.
4. Alcoholic beverages shall not be purchased or brought into the Park or Facility by anyone other than the person responsible for the activity or a licensed caterer. Alcoholic beverages are not to be consumed outside of the area designated in the Permit or the permitted Park or Facility.

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5. If minors are in possession of alcoholic beverages, or if any event participant(s) appear to be under the influence of alcohol or controlled substance(s) or in possession of illegal drugs, the Permit may be revoked and the event will be terminated immediately.
6. For the health, safety or welfare of the public, alcoholic beverage service may be terminated at any time by City staff, security, or law enforcement.
7. Alcohol will not be allowed to be served or permitted at any celebration for a minor under the age of 21.
8. The applicant shall provide evidence of commercial general liability insurance in a form acceptable to the Risk Manager (and additional coverage(s) as appropriate for the activities of the Park or Facility use), naming the City of Carlsbad as an additional insured, and with a coverage amount to be determined by the Risk Manager according to the size and risk factors of the event.
9. Commercial general liability insurance (GCL) including liquor liability coverage with a minimum limit of \$2 million per occurrence is required when an event includes alcohol. The liquor liability coverage must be the same as the CGL, i.e., a lower sub-limit will not be accepted.
10. A City Special Event Permit may be required (per Carlsbad Municipal Code 8.17) in addition to the Permit.

**H. CITY AND RECREATION DEPARTMENT ACCESS TO PARK OR FACILITY**

1. The City Manager, Police Chief, Recreation Director or designee has the right to full unrestricted access for all activities in order to ensure that all rules and regulations are being observed.
2. The City Manager, Police Chief, Recreation Director or designee has the right to terminate the event or activity for the safety and welfare of the citizens or City property.

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**I. SUBLETTING OF PARKS AND FACILITIES**

1. Parks and Facilities, including athletic fields, may not be sublet or rental time given to a group other than the approved applicant without prior written authorization of the Recreation Director or designee.