

RESOLUTION 2019-139

ESTABLISHING CITY POLICY FOR EVENTS IN CITY PARKS

WHEREAS, The Tracy City Council adopted Chapter 4.16 of the Tracy Municipal Code, which governs the operation of City parks, and

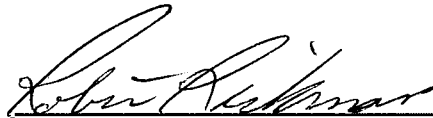
WHEREAS, The Parks and Recreation Department has established regulations and requirements for the public and private use of City Parks, and

WHEREAS, The City Council directed City staff to clarify regulations regarding public events.

NOW, THEREFORE, BE IT RESOLVED, That the City Council adopts the Policy for Events in City Parks, as indicated in Exhibit 1.

The foregoing Resolution 2019-139 was adopted by the Tracy City Council on the 18th day of June, 2019, by the following vote:

AYES:	COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG, RICKMAN
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE


MAYOR

ATTEST:

CITY CLERK

Exhibit 1 - Policy for Events in City Parks

POLICY FOR EVENTS IN CITY PARKS
(Exhibit "1" to Resolution No. 2019-139)

SECTION 1: PURPOSE

The purpose of the Policy is to establish an effective mechanism for allowing events in City of Tracy ("City") parks, while safeguarding the parks and the rights of patrons to access and use the parks. The Policy sets forth requirements, restrictions, and conditions, in addition to those in Chapter 4.16 of the Tracy Municipal Code, under which events may be scheduled and held within parks consistent with the operation and protection of parks, public use of Tracy parks, and public health, safety and welfare.

Generally, any request to reserve a City Park for any activity organized by the City, any individual, group, or outside entity requires a permit. Permits or "Park Permit" may be obtained from the Parks and Recreation Department, Community Facilities Division.

SECTION 2: DEFINITIONS

"City Manager" means and refers to the City Manager or designee.

"City co-sponsored event" means any public event, program, or activity conducted in a City park for which the City of Tracy allows the use of its name and/or logo by another sponsoring organization with regards to conduct of the event as well as advertising, promotion, or general public awareness, and which may out of necessity require a level of public resources for its execution or conduct that is above the level provided under ordinary circumstances. Fees may be waived or reduced for City co-sponsored events.

"City-sponsored event" means any private or public event, program, or activity conducted in a City park which is initiated and financed, by the City of Tracy and is directly related to the operations of the City of Tracy's government including, but not limited to: City Council, official commissions, advisory boards, task forces, and study committees, City departments and divisions, City programs and events. Fees are not charged for City reservations in City parks.

"Department" means the Parks and Recreation Department.

"Director" means and refers to the Director of the Department of Parks and Recreation or designee.

"Event vendor" means a person or legal entity which has been approved by the permittee to occupy a designated, commercial space at the permitted event. An event vendor may provide information, or sell a product, good or service. An event vendor selling at a permitted event must have a valid, current business license issued by the City of Tracy.

"Exclusive use" means the right to use a park, or area thereof, for any activity at a specified time, to the exclusion of all others (ref. Tracy Municipal Code section 4.16.030).

"Non-sponsored event" means any event, program or activity conducted in a City park for which the City of Tracy does not lend the use of its name and/or logo, in any manner, except as may be denoted for location or directional purposes for the public. City assistance shall be limited to permit processing, site and/or park reservation, and normal park/property maintenance. The sponsoring individual or organization shall pay all fees established for the use of parks and facilities including permit fees, rental charges, and the costs of additional public resources as determined through evaluation of the permit request.

"Park" means all City outdoor parks, picnic spaces, sports courts, and sports fields owned, operated, and designated by the City for park, recreation or open space purposes.

"Park permit" means written permission by the Director or designee for a specified use of a park or area thereof. "Park permit" shall have the same application as "Facility permit" in Chapter 4.16 of the Tracy Municipal Code.

"Permit application fee" means the nonrefundable fee to be paid by an applicant for a Park permit. The fee shall be set by the City Council and shall cover the full cost (or portion thereof) of processing and investigating the application, and administering the park permit program (ref. Tracy Municipal Code section 4.16.030).

"Permittee" means the person or group which has been granted a permit in accordance with Chapter 4.16 of the Tracy Municipal Code.

"Private event" means any event, program or activity that is conducted by the City, an individual, group, outside entity, or organization by invitation only, where attendance is not open to the general public, and event access is exclusive and controlled by means of a ticketing or similar system, and/or by a physical barrier to entry.

"Public event" means a celebration, gathering, meeting, program, activity, or similar occasion, open to the general public, which involves the use of parks, park areas, or any part thereof, and which may include but not necessarily be limited to entertainment, dancing, music, dramatic productions, parades, exhibitions, sports competitions, sale of merchandise or food, or any combination thereof. Public events may be City-sponsored, City co-sponsored, or Non-sponsored events.

"Publicize" means to inform, or notify the public of an event, and/or invite the public to an event, that is open to the general public, by means of newspaper articles, notices, radio or television notices, announcements at public places, leafletting, posting signs, electronic media or written notices in places used by the public, social media, or by any other means calculated to notify the public of any activity.

SECTION 3:

POLICY

3.1. Public events are to be open to and allow the opportunity for access by the general public. Neither the City of Tracy nor any permittee of a public event shall remove or exclude a member of the public attending the event unless such restriction or removal is necessary for public health, safety, or welfare. Events that present questions about public safety will be reviewed on a case-by-case basis by the Chief of Police or designee after conferring with the Director or designee.

3.2. The City of Tracy shall not sponsor or co-sponsor any public event, program, activity, gathering, procession, parade, or similar function, the primary purpose of which is a political demonstration or rally, or religious observance.

3.3. Consistent with the First Amendment, there shall be no limitation, on political, social commentary or religious speech, written or verbal, at any public event. Specifically, at any public event, no person may be excluded for passing out literature, written material, cards of fliers unless such exclusion is necessary to protect the public health, safety, or welfare as determined by the Chief of Police or designee.

3.4. Private events are not subject to section 3.3 of this Policy and may use the park or area thereof for exclusive use during the course of the permitted, limited use. The permittee of a private event shall be responsible for monitoring access to the private event and the area(s) designated for exclusive use.

3.5. If a public event and a private event occur in the same park at the same time, the private event will not be subject to section 3.3.

SECTION 4:

AUTHORITY

4.1. Tracy Municipal Code Chapter 4.16 – Regulations pertaining to the use of City parks and the scope of the Director's or designee's authority to approve, condition, and/or deny permits for use of parks and park facilities.

4.2. In accordance with section 4.16.170 of the Tracy Municipal Code, a permittee "shall comply with all terms and conditions of the permit issued under this chapter."

4.3. Nothing in this Policy is intended to be a limitation or restriction on the duties or powers vested in the Parks and Recreation Department, and the Director under Chapter 4.16 or other provisions of the Tracy Municipal Code, or granted to the Department and the Director under the Administrative Policies

SECTION 5:

PERMIT APPLICATION REQUIREMENTS

In addition to the requirements for a park permit, as provided in Chapter 4.16 of the Tracy Municipal Code, the following is required on a permit application:

5.1. Applications for Park permits must clearly indicate whether an event is open to the public by checking off the corresponding box. Applications that have the box left blank will be deemed incomplete and may be denied by the Director or designee.

5.2. For public events that will be or have been publicized, applicants must provide a copy of any fliers or printed ads, and link addresses for any online advertising, with the application for the Park permit.

5.3. For private events exceeding 100 persons, fencing, controlled access, and/or security personnel or monitors may be required of the permit holder to ensure public safety, to secure the event from trespassing, and/or to ensure that other activities at the park will not be unduly disturbed by the proposed activity of the applicant as a condition of the permit.

5.4. Denials of Park permit applications and appeals shall be in accordance with Tracy Municipal Code Chapter 4.16.