

BOCCE BALL COURT USE POLICY

I. **POLICY:**

Primary use of the City of Novato bocce ball courts is for recreational programs offered by the City of Novato Parks, Recreation and Community Services Department (PRCS). When not in use for scheduled City Events and Programs or City Sponsored or Co-Sponsored events or programs, the courts may be used by other agencies, organizations or individuals consistent with the Bocce Ball Court Use Policy, Chapter 10 of the Novato Municipal Code, use agreements and other pertinent City policies. Uses shall be based upon the Use Priority Order set forth in Section II. below. The courts are open to the general public at the posted times on a first-come, first-served basis, unless the courts have been reserved for City Programs and Activities, City Sponsored or Cosponsored Programs or otherwise by the issuance of a Park Permit. Uses of a higher priority in accordance with the Use Priority Order set forth below (such as City programs and activities) can preempt other previously scheduled lower priority uses or activities.

Rental and use of City of Novato bocce ball courts is governed by the Novato Municipal Code, Chapter 10, Parks and Recreational Facilities, (novato.org) and this policy. PRCS manages and supervises the use of the bocce ball courts. This policy describes the conditions of use, and application process for a Park Permit for exclusive use and rental of the bocce courts.

II. **USE PRIORITY**

1. Occasionally, conditions occur which necessitate relocation of user groups due to higher priority needs. With prior approval of the PRCS Director or designee, individuals or groups with Use Priority Order will have bumping rights to displace reserved exclusive use by a lower priority group or individual. Attempts will be made to locate a suitable alternate location for displaced individuals or groups. Displaced individuals or groups will be given as much notice as possible.
2. The following shall be the Use Priority Order which is hereby generally established for use of all City bocce ball courts facilities as approved by the Director and except as otherwise set forth in any agreement applicable to the individual facility:
 - A. City Programs or Activities: All use of the courts by any City department or entity.
 - B. City Sponsored and Co-Sponsored Programs or Activities: All bocce ball leagues, tournaments, or instructional programs sponsored, or cosponsored by the City.
 - C. Novato Based Bocce Ball Groups: Nonprofit organizations, corporations, or clubs who provide bocce ball leagues, tournaments, or instructional programs for Novato

residents. Fifty percent or more of the clients served by the nonprofit organization, corporation, or club must be Novato residents.

- D. Private Uses: Bocce ball events and activities with restricted participation that are closed to the general public, and do not meet the criteria for categories A through D above.
- E. For Profit Uses: Any group or individual conducting an activity for profit.

III. DEFINITIONS

- A. Application Fee: Means the fee set by resolution of the City Council to cover the cost of processing and investigating the “Application for Use of a City Facility,” and administering the Park Permit/PRCS Rental Contract program.
- B. Application for Use of a City Facility: Means the form to request a Park Permit or Building Use for the exclusive use of a specific City of Novato park, building, facility, or field or portion thereof.
- C. Deposit: Initial fee deposit required to reserve a specific City of Novato park, building, facility, or field or portion thereof, park, or portion thereof, for exclusive use.
- D. Director: Refers to the Director of the City of Novato Parks Recreation and Community Services Department, or his/her designee.
- E. Exclusive Use: Right to use a park, or portion thereof, facility, or field for an activity at a specified time period, to the exclusion of other citizens, or groups as approved by the issuance of a Park Permit or Building Use Contract.
- F. Park Permit/Building Use/PRCS Rental Contract: Written Permit and contract approved by the Director or designee for a specific use of a City of Novato park, building, facility, or field or portion thereof.
- G. Rental Fee: Fee paid by an applicant for use a City of Novato park, building, facility, or field or portion thereof.

IV. CONDITIONS OF USE

- A. Care and Use of Bocce Ball Courts: All individuals and groups using City of Novato bocce ball courts are responsible for proper use and care of the courts, and their supporting facilities such as restrooms, park furniture, and equipment. Bocce ball courts cannot be used for any other activity except bocce ball. No food or beverages, except water, are allowed on the courts. Food must remain at the tables and no glass containers are allowed. Litter and recyclable containers shall be deposited in the appropriate trash/recycle receptacles. Common bocce ball court etiquette will be expected and shall be observed at all times, and players must wear appropriate footwear.

- B. Exclusive Use: Bocce ball courts can be reserved for exclusive use by filling out an “Application for Use of a City Facility,” and obtaining a “Park Permit/Building Use/PRCS Rental Contract” An “Application for Use of a City Facility” is available at the customer services centers: Margaret Todd Senior Center, 1560 Hill Road; the Novato Gymnastics Center, 950 Seventh Street, or online at novato.org/presforms. Certain uses may require that the rental party provide a parking and traffic management plan, temporary sanitary facilities, and trash receptacles.
- C. Bocce Ball Court Availability:
- Hill Recreation Area (6) courts
- D. Use Times: PRCS has priority use of the bocce ball courts for City Programs or Activities. If PRCS is not using the courts for City Programs or Activities, the courts are open to the general public at posted hours on a first-come, first served basis, unless the courts have been reserved.
- E. Rules and Regulations: Bocce ball court users must comply with all City of Novato rules and regulations posted at each site, and in accordance with the NMC, Chapter 10, Parks and Recreational Facilities, Chapter 7, Health, and Chapter 14, Police Regulations, (novato.org) this policy and any other policies or waivers as deemed necessary by City Council and/or legal counsel.

The following activities are prohibited:

1. Use of the bocce ball courts between the hours of 10:00 PM to 8:00 AM, unless otherwise posted.
2. Possessing, consuming, dispensing, or furnishing alcoholic beverages except as permitted through the issuance of a Park Permit or Building Use Agreement.
3. Smoking is not permitted in City parks, fields, or facilities, or within 20 feet of any facility entrance, opening or exit, including windows (Novato Municipal Code, Chapter 7, Health).
4. No person shall sell or offer for sale or barter, any goods, wares, or merchandise, food or beverage in any park, unless upon prior written authorization by the Director. (NMC 10-29)
5. Operation or driving of an automobile, bicycle, motorcycle, truck, trailer, wagon, motor scooter, or other conveyances on other than roads or paths designated for that purpose except with permission of the Director. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or trail or path reserved for pedestrian use. Automobiles, bicycles, motorcycles, trucks, trailers, wagons, motor scooters or other conveyances shall at all times be operated with reasonable regard to the safety of others. In no event, shall the maximum speed of any such

conveyance exceed 10 miles per hour except as otherwise posted. All such conveyances when left unattended shall be parked in an area and manner designated. No such conveyance shall be left unattended in any place or position where other persons may trip over or be injured by them. (NMC 10-32)

6. Operation or parking of any vehicle (as defined in the California Vehicle Code) within a park, except upon areas designated for such use. No person shall park, abandon, or otherwise allow to remain, any such vehicle or other conveyances in city park facilities between the hours of 10:00 p.m. and 6:00 a.m. except with written permission of Director, or as otherwise posted. (NMC 10-19)
7. Operating any motor-driven airplane, rocket, or other flying model. (NMC 10-18) and including drones or other remote-controlled airborne device.
8. Use of portable barbecues.
9. Leashed or unleashed dogs or other animals are prohibited on the courts at all times. All dogs and other domestic animals shall at all times be kept on leash while within a city-owned park and shall under no circumstances be permitted in those areas from which they are prohibited by posted notice. (NMC 10-33)
10. Possession of firearms air gun, slingshot or bow and arrow or other weapons.
11. Discharge or shooting of any firearm, in any park except at places designated and posted specifically for such purpose. (NMC 10-24)
12. Playing or practice golf or use golf clubs in any area of a park not designated for such use. (NMC 10-17)
13. The use of any system for amplifying sounds, as defined in section 10-2c and d of the NMC, whether for speech or music or otherwise, unless an exclusive use Park Permit or Building Use Contract permit is first obtained. (NMC 10-16)
14. Camping. (NMC 14-20)
15. Cutting, breaking, injuring, defacing, disturbing, marking or placing any mark, writing or printing or attaching any sign, card, display, or other similar device on any rock, buildings, cage, pen monument, sign, fence, bench, structure, apparatus, equipment or property unless authorized by Permit. (NMC-10-27)
16. Removal of any wood, turf, grass, soil, rock, sand or gravel. (NMC 10-26)

17. Climbing fences or other objects not designed for climbing.
18. Climbing any tree, or walking, stand or sitting upon monuments, vases, fountains, railings, or upon any other property not designated or customarily used for such purposes. (NMC 10-31)
19. Videotaping, photographing, or other similar process for the making of commercial motion pictures, television commercial production, television programs, or theatrical film productions without obtaining an approved City of Novato Photography/Filming Permit from the Novato Police Department.
20. Digging removing, destroying, injuring, mutilating, or cutting any tree, plant, shrub, bloom or flower or any portion thereof. (NMC 10-25)
21. Lighting or maintaining any fire. (NMC 10-28)

F. Insurance and Damage Responsibilities: Individuals or groups requesting the exclusive use of a park, or portion thereof, facility, or field must agree in writing to release, indemnify, hold harmless, and defend the City of Novato, City of Novato Successor Agency to the dissolved Novato Redevelopment Agency, City of Novato Public Finance Authority and their respective officials, officers, agents, employees and volunteers from any and all loss, accidents, injury or damage to persons or property occurring as a result of, or at the permitted area during the activity or event held. In addition, for the activities and events listed in Appendix A, a general liability insurance endorsement will be required from the applicant. To meet the general liability insurance requirement, **“City of Novato, City of Novato Successor Agency to the dissolved Novato Redevelopment Agency, City of Novato Public Finance Authority and their respective officials, officers, agents, employees and volunteers,”** must be named as an Additional Insured by endorsement to the applicant’s insurance policy. Evidence of such coverage must be provided by appropriate endorsement. **A certificate of insurance is not sufficient evidence of the additional insured status required by the City.** Insurance coverage must be maintained for the duration of the activity or event, and coverage must be written on an Occurrence Based Policy.

It is the applicant’s responsibility to obtain and submit insurance documentation to PRCS. Applicant must submit the required insurance documentation no less than 10 business days before the date of the activity or event unless the Director, for good cause, waives the filing date. In addition, if the applicant is contracting with another vendor/entity for services, equipment, or products to be provided as part of the activity or event, the vendor/entity must sign a third party user contract with the City. If the documentation is not received within the specified time, the permit will be null and void.

An applicant for First Amendment activities or events may apply to the Director for a waiver of the insurance requirements in accordance with the Novato Municipal Code,

Chapter 10, Parks and Recreational Facilities, Section 10-14, if insurance is unavailable or the cost of insurance is burdensome.

- G. Special Permits and Licenses: It is the applicant's responsibility to obtain any legally required permit or license such as a California Department of Alcoholic Beverage Control license to sell alcohol, or County of Marin, Environmental Health Department permit to sell food. The applicant must submit his/her documentation to PRCS no later than 10 business days prior to the event. If the documentation is not received within the specified time, the permit will be null and void.
- H. Application and Rental Fees: Fees are set by City Council Resolution, and are subject to change at any time. The fees required for use of City bocce ball courts will be specified on the "Park Permit/Building Use/PRCS Rental Contract" based on the currently adopted Fee Schedule. The rental fee for using bocce ball courts, and an application fee must be paid prior to the date of the event.

The rental fee will only be refunded if the following applies:

- Rental request is not approved.
- City revokes the "Park Permit/Building Use Permit/PRCS Rental Contract" prior to the event.
- Cancellations are requested prior to the event.
- Inclement weather prevents the renter from using the courts, and the renter notifies PRCS within five business days of the scheduled reservation.

The application fee will only be refunded if the City revokes the "PRCS Rental Contract/Permit."

It is the responsibility of the renter to complete all conditions of use requirements 10 business days prior to the event. Director or designee can cancel the event if the conditions of use requirements are not met by the deadline.

IV. APPLICATION PROCESS

- A. Application Form: Requests for use of the courts must be made on an "Application for Use of a City Facility" form. The application must be completely filled out, initialed, signed, and dated where indicated. The form is available at the customer services centers: Margaret Todd Senior Center, 1560 Hill Road; the Novato Gymnastics Center, 950 Seventh Street, or online at novato.org/prcsforms. Applications accepted on a first-come, first-served basis.
- B. Age of Applicant: Applications must be signed or co-signed by a person 18-years-old, or older who will agree to be responsible for the requested use of the bocce ball courts. Adult supervision is required during the event.
- C. Approval Authority: Director or designee has the responsibility and authority to approve or deny an "Application for Use of a City Facility." Applications are not

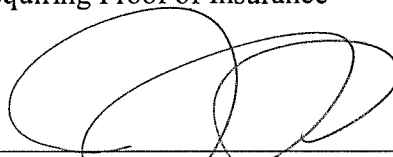
considered approved until after the Director or designee has signed the “Park Permit/Building Use/PRCS Rental Contract” and a facility use permit has been issued. The Director may impose reasonable conditions per the Novato Municipal Code, Section 10-7, Action on Park Application.

- D. Time Limits for Approval/Denial of Applications: Director or designee shall grant or deny an “Application for Use of a City Facility” within four business days of filing unless the time period is waived by the applicant in accordance with the Novato Municipal Code, Section 10-7, Action on Park Application. A change in time, date, or location will be proposed when possible in-lieu of denial.

Copies of the approved “Park Permit/Building Use/PRCS Rental Contract” will be mailed or e-mailed to the applicant, and Maintenance Division. A copy of the permit may be shared with the City of Novato Police Department as notification of the upcoming event. The approved reservation notice will be posted at the reserved site. **It is recommended that on the day of the event, each renter should bring the approved permit with them to confirm, if necessary, proof of their reservation.** For applications that are not approved, a notice of denial giving the reason(s) for the denial will be personally delivered or mailed to the applicant. Appeals of the decision must be filed in writing with the City Clerk within five days of receiving the Director’s mailing or personal delivery of such decision stating the grounds for the appeal. Appeals will be heard in accordance with the Novato Municipal Code, Section 10-12, Right of Appeal.

- E. Application Deadlines: An “Application for Use of a City Facility” must be filed at least twenty 20 days prior to the proposed use of the bocce ball courts, and no more than 90 days prior to the proposed use of the bocce ball courts, unless the application is for approved league play by Novato based bocce ball groups. The 20 day period may be waived by the Director or designee if sufficient time is available to process and investigate the application; adequate time is available for the City to prepare for the activity; and/or the activity exercises the right of free speech per the Novato Municipal Code, Section 10-5, Park Application.
- F. Payment of Rental and Application Fees: Rental fee and application fee will be paid as stated above in Conditions of Use, Section IV.

Appendix A Activities or Events Requiring Proof of Insurance



Jessica Deakyne, Director
Parks, Recreation and Community Services

APPENDIX A

ACTIVITIES OR EVENTS REQUIRING PROOF OF INSURANCE

Two million (\$2,000,000) combined single limit per occurrence insurance for bodily injury, personal injury and property damage is required for the activities or events listed below, unless the activity or event is City sponsored. Insurance coverage must be maintained for the duration of the activity or event, and coverage must be written on an Occurrence Based Policy. The Director may determine that other types of activities or events will require additional insurance to protect the public, park users, and City property. Applicants for First Amendment activities or events may apply to the Director for a waiver of the insurance requirements in accordance with the Novato Municipal Code, Chapter 10, Parks and Recreational Facilities, Section 10-14, if insurance is unavailable or the cost of insurance is burdensome.

A general liability insurance endorsement naming the City of Novato, City of Novato Successor Agency to the dissolved Novato Redevelopment Agency, City of Novato Public Finance Authority and their respective officials, officers, agents, employees and volunteers as an Additional Insured by endorsement to the insurance policy for products and completed operations and ongoing operations hazards is required for the following activities or events. **Not all listed activities and events listed below are permitted at every, or any specific Park or Building or portion thereof. Only activities and events listed on the permit are permitted.**

1. Activity or event involving 150 or more persons (based upon reasonably anticipated attendance at activity or event).
2. Activity or event involving large displays of machinery, or any large physical object which could come into physical contact with persons or property and cause injury.
3. Aerobics, Exercise and Body Building Classes or Instruction.
4. Aircraft and Balloon Events.
5. Animal Acts/Shows.
6. Animal Exhibition, Display or Parading.
7. Animal Training.
8. Arcades.
9. Bicycle Rallies.
10. Block Parties/Street Closures (use of bleachers is not permitted).
11. Casino and Lounge Shows.
12. Circus and Carnivals.
13. Concerts (all types).
14. Conventions.
15. Dances or Dance Shows (including rehearsals and dancers).
16. Debutante Balls.
17. Dinner Theaters.
18. Drill Team Exhibitions.
19. Film Production.
20. Fishing Events.
21. Grad Night.
22. Gun and Knife Shows.

23. Gymnastic Competitions.
24. Heads of State Events.
25. Horse Shows.
26. Ice Skating Shows.
27. Job Fairs.
28. Junior Athletic Games.
29. Jump Houses, Moonbounces and Trampolines.
30. Kiddielands.
31. Live Performances.
32. Marathons (walking, running, etc.).
33. Mechanical Amusement Devices.
34. Motorized Sporting Events.
35. Night Club Shows.
36. Overnight camping.
37. Parades.
38. Proms.
39. Pyrotechnical Uses/Fireworks Shows.
40. Racing Vehicles or Animals.
41. Rodeos and Roping Activities or Events (including practice).
42. Sale or Barter of Goods, Wares, Merchandise, Services, Food or Beverages.
43. Scouting Jamborees.
44. Soap Box Derbies.
45. Sporting Activities - organized games or instruction including, but not limited to, baseball, basketball, boxing, handball, hockey, martial arts, racquetball, soccer, softball, tennis, volleyball, and wrestling.
46. Sporting Events (professional).
47. Tractor/Truck Pulls.
48. Union Meetings.
49. Zoos.
50. Water activities or events involving bodies of water, swimming and diving, and waterslide equipment.