

**AMPHITHEATER USE POLICY**

I. **POLICY:**

It is the intent of the City of Novato to manage the use of the Amphitheater and the adjacent park. Uses are dependent on the ability of the City to provide adequate sanitary facilities, lighting, traffic regulation, parking facilities and security services in order to ensure the health, safety and well being of all attendees, participants and staff. It is also the intent of this policy to minimize any impacts from the use of this facility on the adjacent residential neighborhoods. The facility may be used for City of Novato programs and special events. When not in use by the City, other agencies, organizations or individuals may reserve the facility for their exclusive use, consistent with the guidelines outlined in this policy and other pertinent City policies.

This policy shall remain in effect while the facility remains under the Baseline conditions as described in Chapter 5 of the City's Hamilton Community Facilities Implementation Plan - Phase 2 Study. If the facility is developed into Phase 2 (Near Term Modifications) and Phase 3 (Long Term Modifications) this use policy will be amended accordingly.

Rental and exclusive use of the Amphitheater is governed by the City of Novato Municipal Code Chapter 10, entitled *City of Novato Ordinances - Parks and Recreation Facilities*. Management, direction and supervision of these facilities is vested in the Parks, Recreation and Community Services Department.

The turf area and picnic area adjacent to the Amphitheater are unfenced. Parks, Recreation and Community Services Policy 6 entitled "Park Permits" shall apply if a reservation is requested for this area. When the Amphitheater is rented, these areas may be fenced at the user's expense, at no additional rental charge, but with prior notification and the approval of Parks, Recreation and Community Services Department and the Maintenance Division of the Community Development Department. (This fencing cannot be staked into the ground). The site is ADA accessible.

Priority for rental activities shall be given as follows:

1. Activities sponsored or co-sponsored by the City of Novato;
2. Activities sponsored by the Novato Unified School District (NUSD);
3. Activities sponsored by non-profit cultural arts groups and other non-profit groups;
4. Activities sponsored by for-profit cultural arts groups;
5. Private uses; and
6. Commercial uses.

## II. DEFINITIONS:

1. Activities sponsored by the City of Novato: This includes all activities including classes, meetings, activities, special events and other functions of the City of Novato or activities co-sponsored by the City of Novato with another group.
2. Activities sponsored by the Novato Unified School District: As defined by Joint Use Agreement No. 2806.
3. Activities sponsored by non-profit cultural arts groups and other non-profit groups. This include activities of organizations which fulfill cultural, recreational or social needs, or which promote the general welfare of the community.
4. Activities sponsored by for-profit cultural groups. This includes activities of organizations conducting cultural arts activities on a for-profit basis.
5. Private Uses. Events which are not open to the general public, which have restricted participation or which do not meet criteria 1 through 4, above.
6. Commercial Uses. Any groups or individual conducting an activity for profit will be classified within this section.

## III. PROCEDURES

### A. Conditions of Use:

1. Care of Facilities: All renters using the Amphitheater shall be responsible for the proper use and care of the property and all equipment. Participants shall adhere to all City Park Regulations, as listed in the Municipal Code, Chapter 10.
2. Preparation and Clean Up: Preparation and clean up shall be done by the renter(s) including complete removal of items brought in by the renter(s). Painting of scenery or signs at the Amphitheater is prohibited. Renter(s) shall provide additional garbage containers if required. The area must be left in good condition. If damage and breakage is caused by the renter, replacement or repair will be responsibility of, and will be charged to the renter(s). All activity, including clean-up, must end by the time listed on the application and under no circumstances can be continued after sunset. If additional clean up is provided by City staff, the renter(s) will be charged additional fees (See Item 12). Vehicles must remain on paved pathways or other areas with no irrigation or landscaping. No loading or unloading of items (including food) can be done on turf areas. Set up and take down times shall be specified in the application.

3. Publicity: No advertising or other public notices shall be permitted until all fees have been paid to the City and all required permits have been approved. Any advertising or ticket sales by the renter(s) prior to these approvals is undertaken at the renter(s)' risk. In accordance with the Municipal Code (Section 19-14), a sign permit is required prior to installation of any advertising or signage on site.
  
4. Capacity: As a general guide, the number of persons attending an event cannot exceed 950. It is the responsibility of the renter(s) not to exceed this number. The actual capacity of each event will be limited proportionally to the ability of the renter(s) to secure off-site parking and prepare a traffic management plan acceptable to the Parks, Recreation and Community Services' Director, or designee. At the time of the application, the renter will be given information regarding parking lots available in the area. See, also, Section A.10, below.
  
5. Rental Times: Normally (weather permitting) the facility shall be available for rentals from March 1 until November 30. The permit shall state the date(s) and hours that are approved. Unless otherwise approved, the days and hours of use shall be limited as follows:

Monday through Saturday:	10:00 a.m. to sunset
Sunday	1:00 p.m. to sunset

No night time use of this site shall be allowed.

6. Food: There shall be no items for sale to the public, unless approved in advance by the Parks, Recreation and Community Services Director, or designee. No County permits are required for single day events. Events for longer than one day which include serving or selling food are required to obtain a "Temporary Food Facility Permit" from the Marin County Environmental Health Department. In all cases where food is available, renter(s) shall be advised to contact Environmental Health Department regarding safe food handling.
  
7. Sale of Alcoholic Beverages: Permission to serve beer and wine may be granted by the Parks, Recreation and Community Services Director, or designee, if requested on the application. The City requires a permit from the State Alcoholic Beverages Control Department (ABC) for the sale of any alcoholic beverages which must be obtained by the renter(s). A copy of the permit must be submitted to Parks, Recreation and Community Services ten (10) days prior to the event. Location and operation of any alcoholic beverage service must be approved by the Parks, Recreation and Community Services Director, or designee.

8. Sound: There are no permanently installed amplification systems. Users may provide their own small-scale sound systems, which must be compatible for use with the four 20-amp outlets available on the stage. All sound criteria are regulated by the City of Novato Municipal Code Section 14-13 “Noise-Public Nuisance” and Chapter V - Objective 13 in the General Plan.
9. Sanitary Facilities: Permanent sanitary facilities are available. Renter(s) anticipating large groups may wish to provide additional, temporary sanitary facilities which may be ordered from a sanitary service. The temporary facilities may be placed on the concrete pad at the edge of the turf area. Temporary sanitary facilities cannot be placed in the parking lot or on pathways.
10. Parking and Traffic Control: The Amphitheater is located in a residential area with restricted parking availability. Renter(s) who expect to have over 20 participants at their event will be required to complete the *Parking and Traffic Control* section of the application. This section must be separately approved by the Parks, Recreation and Community Services Director, or designee.
11. Insurance and Damage Responsibilities: All potential renters must agree in writing to hold the City harmless and indemnify the City from any and all liability for injury to persons or property occurring as a result of the use. The City will require a certificate of insurance naming the City as additional insured, at the renter(s)’ expense, for events listed in Appendix B, in accordance with the Municipal Code.

Renters are responsible for any damage or loss resulting from negligence or abuse on the part of users and guests.

12. Deposits and Fees: All fees are set by the City Council and are listed in the City’s Fee Schedule (Administrative Policy 2.3). Fees and Deposits will be specified at the time of application. Rental fees shall be paid prior to the event, i.e. within ten (10) working days of receipt of the approved application. If payment is not received within the specified time, the approval will be null and void.

Deposits are refundable after final assessment of cleaning and staff costs. Maintenance staff time will be billed at the appropriate rate, depending on the length of the event. Maintenance requirements will be assessed and included in fees estimated prior to the event. Actual staff costs exceeding the estimate will be subtracted from the deposit or will be billed if the deposit is insufficient.

Cancellations by any renter less than 20 days before the date of the rental will result in a forfeiture of 50 percent of the deposit as a processing fee. If the

City cancels a rental, all fees will be returned. If the renter is forced to cancel the rental due to inclement weather, there shall be a full refund minus the application fee.

B. Application Process:

1. The Parks, Recreation and Community Services Director delegates responsibility and authority for approval of Amphitheater Use applications (Special Use Park Permit) to the Recreation Coordinator (Cultural/Civic Arts Programs).
2. Applications will be accepted on a first-come, first-served basis, with a maximum of 90 days in advance.
3. Applications must be filed at least 20 working days prior to the proposed use. This 20-working day period may be waived by the Director, or designee, if the applicant shows good cause and as defined in the Municipal Code.
4. Applications must be on the form provided by the City, which is available at the Parks, Recreation and Community Services office. No reservations shall be accepted by telephone or fax. An application is not confirmed until the required payments have been made and the application has been signed by the Director, or designee.
5. Applications must be signed by a person 18 years or older.
6. Applications will be granted or denied within four working days unless the time period is waived by the applicant. A change in time or location may be proposed, if available, in lieu of a denial. Reasonable conditions may be imposed with an approval, in accordance with the Municipal Code.
7. A notice of denial and its reason shall be in writing and shall be delivered in person, mailed or faxed.
8. Appeals of a denial decision or conditions may be filed with the City Clerk within five (5) working days of the date of the decision, in accordance with the Municipal Code.
9. Copies of the approved application will be sent to the renter, Police Department and Maintenance Division.
10. Payment of deposits and fees is required in accordance with Section L (Deposits and Fees).

11. A reservation notice with time and date will be posted at the site to inform the public that the site is reserved for an exclusive use.

---

Laurence Dito  
Parks, Recreation and Community Services Director

Appendix A: Insurance Requirements

Appendix B: Application for Use of the Amphitheater

## APPENDIX A

### RECREATION POLICY 27 INSURANCE REQUIREMENTS

Insurance coverage shall be required for the following events unless the event is City sponsored:

1. Any activity involving the exhibition, display or parading of animals.
2. Rodeos.
3. Carnivals.
4. Any activity involving the sale of food or beverages.
5. Any activity involving vehicle or animal racing.
6. Any activity involving 500 or more persons (based upon reasonably anticipated attendance at activity).
7. Any activity which involves large displays or machinery, or any large physical object which could come into physical contact with persons or property and cause injury.

One million dollars (\$1,000,000) combined single limit per occurrence insurance for bodily injury, personal injury and property damage is required.

Applicant shall furnish City with certificates of insurance and with original endorsements showing coverage required by this policy no less than five days before the event. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. Such insurance shall name on the policy or by endorsement as additional insured the City of Novato. The certificates and endorsements are to be on forms provided by the City and are to be received and approved by the City before the event commences. The City reserves the right to require complete, certified copies of all required insurance policies, at any time. Insurance coverage must be maintained for duration of the event.

Users citing First Amendment rights for activities may apply to the Parks, Recreation and Community Services Director for a waiver of the insurance requirements in accordance with the Municipal Code if insurance is unavailable or the cost of insurance is burdensome.