

HAMILTON COMMUNITY POOL USE POLICY

I. POLICY

Primary use of the Hamilton Community Pool and its supporting property, facilities, and buildings (the “Pool”) is for recreational programs offered by the City of Novato Parks, Recreation and Community Services Department (PRCS). When not in use for scheduled recreational programs, the Hamilton Community Pool may be used by other agencies, organizations, or individuals consistent with the Hamilton Community Pool Use Policy, and other pertinent City policies, regulations, and ordinances. City programs and activities can preempt other previously scheduled activities with seven business days notice.

Rental and use of the Hamilton Community Pool is governed by the Novato Municipal Code, Chapter 10 (Parks and Recreational Facilities) (cityofnovato.org), and this policy. PRCS manages and supervises the use of the Hamilton Community Pool. This policy describes the conditions of use, and application process for rental and use of the Hamilton Community Pool. To the extent this policy conflicts with the Novato Municipal Code, the Novato Municipal Code shall apply.

Priority order for use of the Hamilton Community Pool is as follows:

- A. City Sponsored and Cosponsored Programs: All social, recreation, and service programs sponsored by the City of Novato. PRCS has priority over other City sponsored or cosponsored activities.
- B. Novato Unified School District Activities: Classes, meetings, special events, and other functions directly sponsored by the Novato Unified School District.
- C. Novato Based Nonprofit Organization Activities: Nonprofit organizations who deliver a service or other resources to Novato residents. Fifty percent or more of the clients served by the nonprofit organization must be Novato residents.
- D. Other Government Sponsored Activities: All official business, service, and program functions of official governmental units other than the City of Novato and the Novato Unified School District.
- E. Private Uses: Events with restricted participation that are closed to the general public, and do not meet the criteria for categories A through D, or F.
- F. For Profit Uses: Any group or individual conducting an activity for profit.

II. DEFINITIONS

Terms used in this Hamilton Community Pool Use Policy shall have the following meanings:

- A. Application Fee: Covers the cost of processing and investigating the “Application for Use of a City Facility,” and administering the PRCS Rental Contract/Permit program.

- B. Application for Use of a City Facility: Form to request use of the Pool.
- C. Director: Refers to the Director of the City of Novato PRCS, or his/her designee.
- D. Deposit: Fee required to reserve the Pool for Exclusive Use.
- E. Exclusive Use: Right to use the Pool for an activity at a specified time period, to the exclusion of other citizens.
- F. PRCS Rental Contract/Permit: Written authorization from the Director or designee for a specific use of the Pool.
- G. Rental Fee: Fee paid by an applicant to use of the Pool.

III. CONDITIONS OF USE

- A. Care of Pool: All individuals and groups using the Pool are responsible for proper use and care of the Pool and its supporting property, furnishings, and equipment, as described at the Pool. Litter and recyclable containers should be deposited in the appropriate trash receptacles.
- B. Exclusive Use: The Pool can be reserved for exclusive use by filling out an “Application for Use of a City Facility,” and obtaining a “PRCS Rental Contract/Permit.” At least ten business days prior to the event, a diagram showing desired set-up of tables and chairs, etc. must be submitted. Requests for additional set-up or equipment needs, must be submitted in writing with this diagram. An “Application for Use of a City Facility” is available at the Margaret Todd Senior Center located at 1560 Hill Road, the Novato Gymnastics Center office located at 950 Seventh Street, or online at novatofun.org.
- B. Capacity:
 - a) Activity Pool: 89 maximum capacity
 - b) Lap Pool: 224 maximum capacity
- D. Use Times: 6:00 AM to Dusk
- E. Rules and Regulations: Users must comply with all City of Novato rules and regulations, applicable policies, and in accordance with the Novato Municipal Code, including, but not limited to, Chapter 10 (Parks and Recreational Facilities), Chapter 7 (Health), and Chapter 14 (Police Regulations) (cityofnovato.org).
 - 1. Nonsmoking: No smoking is permitted in the Pool, surrounding areas, or within 20 feet of any entrance, opening, or exit of any enclosed area, including windows (Novato Municipal Code, Chapter 7, Health).
 - 2. No Alcoholic Beverages: Alcoholic beverages are not allowed at the Pool.
 - 3. Exits: All exits must be kept clear at all times.

4. Preparation and Cleanup: Preparation and cleanup of the Pool shall be done by the applicant including removal of decorations, food, beverages, and other items brought by the applicant. No glass is permitted. Only fireproof materials may be used for decorations. No candles, votive candles, or oil lamps are permitted. No balloons are permitted. No tacks, pins, masking tape, or nails may be used to put up decorations. No rice, confetti, glitter, or birdseed may be used. *Additional charges may be incurred to remove decorations left by the applicant or to clean/repair spills, stains, scuff marks, etc., which occur during the rental.*
 5. Property/Temporary Fixtures: Any property/temporary fixtures intended to be used in the Pool for an event must be listed on the application and approved by the PRCS Director or designee prior to the event. Such property/temporary fixtures shall be removed by the applicant immediately after the event. *Any property not removed by the applicant will be removed by the City of Novato at applicant's expense. Any property installed without the Director's prior approval will be required to be immediately removed by the applicant or will be removed by the City of Novato at the applicant's sole expense.*
 6. Staff Requirements: Staffing requirements will be assessed and included in fees estimated prior to the event, at the City's sole discretion. In all cases, costs for staffing, including overhead and overtime rates, will be covered by the applicant.
 7. Rental of Equipment: Tables and chairs on-site at the Pool are available for use. These items are included in the rental fee for the Pool.
 8. Videotaping, photographing, or other similar process: The making of commercial motion pictures, television commercial production, television programs, or theatrical film productions is not allowed without first obtaining an approved City of Novato Photography/Filming Permit from the Novato Police Department.
- F. Insurance and Damage Responsibility: Individuals or groups requesting the exclusive use of the Pool 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 the activity, event held, or use of the Pool.

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 no less than 10 business days before the date of the activity, event, or use of the Pool, unless the Director or designee, 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, event, or use of the Pool, 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.

- G. Special Permits and Licenses: It is the applicant's responsibility to obtain any legally required permit or license. The applicant must submit documentation of the acquired permit or license 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. Amplified Sound and Live Music: No amplified sound and live music, unless an exclusive use permit is obtained. If approved, amplified sound or live music must be within reasonable audio levels that do not disturb people in adjacent program areas, neighboring facilities, or residential areas. Director or designee may impose reasonable conditions per the Novato Municipal Code, Chapter 10 (Parks and Recreational Facilities) Section 10-16.
- I. Deposit, 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 the Pool will be specified on the "PRCS Rental Contract/Permit" based on the currently adopted Fee Schedule. The deposit to reserve the Pool, and an application fee must be paid at the time the application is submitted for approval. Rental fees for using this Pool, must be paid at least 10 business days prior to the event, unless the 10-business day requirement is waived by the Director or designee. If the rental fee is not received within the specified time, the permit will be null and void. Use of the Pool's tables and chairs is included in the rental fee.

Deposit to reserve the Pool is refundable after final assessment of cleaning, any damages to the Pool and/or equipment, and staffing costs. (See Conditions of Use, Section III.E., Rules and Regulations.) In addition, evening and weekend events will be charged an appropriate fee to cover the staffing costs, including, but not limited to, overtime rates for custodial and/or building attendants for the length of the event if required as a condition of use. Maximum daily fee for Community Service groups on Saturdays is limited to once per quarter or every 90 days.

The application fee will only be refunded if the City revokes the “PRCS Rental Contract/Permit.” The deposit and rental fee for reservation cancellations requested at least 20 business days prior to the event will be fully refunded. Cancellations requested less than 20 business days prior to the event will be charged a fee equal to 50 percent (50%) of the deposit. If the City revokes the “PRCS Rental Contract/Permit,” the application fee, deposit, and rental fee will be fully refunded unless another mutually acceptable date to reschedule the event can be agreed upon.

IV. APPLICATION PROCESS

- A. Application Form: Requests for use of the Pool 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 Margaret Todd Senior Center located at 1560 Hill Road, the Novato Gymnastics Center office located at 950 Seventh Street, or online at novatofun.org. 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 Pool. 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 “PRCS Rental Contract/Permit,” and a building use permit has been issued. The Director may impose reasonable conditions per the Novato Municipal Code, Section 10-11 (Action on Building Application) and/or the Hamilton Community Pool Use Policy.
- 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 City Council has approved another time limit for approval/denial of the application, or the time for granting or denying the permit has been waived by the applicant. (Novato Municipal Code, Section 10-11, Action on Building Application.) A change in time, date, or location will be proposed when possible in-lieu of denial.

Copies of the approved “PRCS Rental Contract/Permit” 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. 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 business days prior to the proposed use of the Pool, and no more than 90 business days prior to the proposed use of the Pool, unless special approval is given by the Director or designee beyond the 90 days. 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 good cause can be demonstrated by the applicant per the Novato Municipal Code, Section 10-9 (Building Application).

F. Payment of Deposit, Rental and Application Fees: Deposit, rental and application fees will be paid as stated above in Conditions of Use, Section III.I.

Appendix A Activities or Events Requiring Proof of Insurance



Katie Gauntlett, 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. Gymnastics 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.