

**PARKS AND RECREATION DEPARTMENT  
POLICY DOCUMENT  
ADOPTED BY CITY COUNCIL MARCH 5, 2012**

**POLICY TITLE: BUSINESS ACTIVITIES IN PARKS AND RECREATIONAL FACILITIES**

**I. AUTHORITY TO ENACT POLICY:**

The Authority to enact this policy includes but is not limited to the following legislative provisions:

**A. Code of Virginia:**

**Virginia Code § 15.2-1806 et seq.:** Powers of Local Government over Building and Lands, Article 2: Parks, Recreation Facilities and Play Grounds.

**Virginia Code § 15.2-1125:** Licenses and permits; fees; bonds or insurance.

Whenever in the judgment of the municipal corporation it is advisable in the exercise of any of its powers or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith; fix a fee to be charged the licensee or permittee and require from the licensee or permittee a bond or insurance contract of such character and in such amount and upon such terms and conditions as the municipal corporation may determine.

**B. City Code Section 18-d:**

The Director of Parks and Recreation is hereby authorized, with the approval of the City Manager, to promulgate rules and regulations governing the **time, place and manner in which City Parks and other recreation facilities may be used for special events, community events (as defined within section 28-29-c of the City Code) and for other activities**, and to establish reasonable fees and rentals therefor.

**II. PURPOSE**

The purposes for this policy include but are not limited to:

- TO ENSURE PUBLIC SAFETY, HEALTH AND WELFARE OF ALL PARK AND FACILITY PARTICIPANTS;
- TO GUARANTEE PARKS AND RECREATION FACILITIES ARE AVAILABLE FOR THE BENEFIT OF ALL CITY CITIZENS;
- TO PRESERVE THE RECREATIONAL NATURE OF THE LAND AND FACILITIES;
- TO SET CLEAR RULES FOR PERMITTED USES IN PARKS AND RECREATIONAL FACILITIES;
- TO PROTECT THE CITY'S PROPERTY AND GUARANTEE USES CONSISTENT WITH THE PARKS AND RECREATION FACILITIES;
- TO ADHERE TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS WITH RESPECT TO THE PROVISIONS OF GOODS AND SERVICES ON CITY PROPERTY;
- TO ESTABLISH CLEAR RULES ON THE TIME, PLACE AND MANNER OF ACTIVITIES IN PARKS AND RECREATION FACILITIES; AND
- TO ESTABLISH REASONABLE FEES, CHARGES AND RENTALS.

### **III. POLICY STATEMENT:**

- A. Business Activities:** For the purpose of this policy ***business activities*** shall mean a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. Business activities include, but are not limited to, group instructional services, group coaching and/or group training activities. Such activities imply a continuous and regular course of dealing, rather than an irregular or isolated transaction or event. A person may be engaged in one or more businesses. There is a rebuttable presumption that a person is engaged in a business activity where through advertising or other means one communicates to the public that they are engaged in an activity for a fee and/or one files tax returns, schedules and/or documents that are required only of persons or entities engaged in trade or business.
- B. Business Activities Registration:** For the purpose of this policy, ***business activities registration*** shall mean the required documentation issued by the Director of Parks and Recreation Department, or his designee, which is evidence of approval to conduct business activities on Park land or within a recreational facility owned by the City of Charlottesville.
- C.** No person shall sell or make an offer to sell goods or services within a park or recreational facility owned by the City of Charlottesville (hereinafter “park or recreational facility”) without first obtaining a business activities registration form from the Parks and Recreation Department, paying all required rental and reservation fees, any applicable permit fees, and/or entering into a facilities use agreement where applicable.
- D.** The Department of Parks and Recreation shall endeavor to provide comprehensive programming and services for its citizens. When the Department seeks to augment services through third party vendors, or to procure products or equipment, it shall follow the City of Charlottesville’s procurement policies.

### **IV. BUSINESS ACTIVITIES REGISTRATION APPLICATIONS:**

- A. Registration Application Requirements:** The Department of Parks and Recreation shall consider applications to use parks and recreation facilities for business activities under the following circumstances:
1. Applicants shall complete a Parks and Recreation Request for Business Activities Registration (hereinafter “Application”);
  2. By filing out an Application, the Applicant agrees to abide by all requirements, stipulations and pay all fees associated with the potential issuance of a Parks and Recreation business activities registration form. Copies of the current fees are incorporated as Attachment A.
  3. The Applicant shall identify the proposed park or recreation facility.
  4. The Applicant shall identify the proposed times and provide a detailed explanation of the business activities to be conducted.

- B.** Applicants must provide all of the above information to be considered for a business activity. If an application is incomplete or the applicant fails to provide all of the required information, the Parks and Recreation Department shall deny the request.

Upon issuance of a business registration form, the Applicant must agree to provide all rental and/or reservations fees, applicable to the park or recreation facility identified.

**V. Evaluation Criteria for Permit Application:** The Parks and Recreation Department shall issue a registration form for applications based on the following criteria:

- A.** The business activity requested must be a sports or recreational activity that is consistent with the Parks and Recreation Department's Mission to provide quality recreational experiences.
- B.** The applicant must have a City Business License, if required pursuant to City Code Section 14-19, and must provide evidence of such license and/or demonstrate that City Code Section 14-19 does not apply.
- C.** The applicant must have or be able to obtain insurance coverage sufficient to indemnify the City of Charlottesville, and provide evidence of such insurance to cover any and all injuries to persons or damage to park property.
- D.** The applicant must provide a written notice that clearly communicates to clients and citizens that the applicant is not endorsed or associated in any capacity with the City of Charlottesville Parks and Recreation Department.
- E.** Where the proposed activity may impact health and safety, the applicant must provide credentials including evidence of his/her degrees and/or certifications to provide the services proposed.
- F.** The applicant's business activities must be consistent with the established uses for the proposed City Park and/or facility. The Department of Parks and Recreation shall propose an alternative park or facility if such a space is available that can accommodate the proposed business activity in a manner consistent with the alternative park or facilities' established uses.
- G.** The Department may deny Applications where the times, the site requested and/or the business activities proposed will interfere or impact the normal access to the park or facility requested. The Department shall deny the Application where the number of proposed participants or the size of the space cannot safely accommodate the proposed business activity.
- H.** The Department shall deny proposed business activities that will create a health or safety risk for parks and recreation patrons.

- I. The Department may deny an Application where some other person or entity has already reserved the proposed park or facility space or where the Department of Parks and Recreation already has an ongoing, instructional or recreational activity in the identified park or facility at the proposed time and place for the Applicant's business activity.
- J. The Department shall deny an Application where there is a materially false statement within the Application.

**VI. REGISTRATION, APPROVAL AND TIMELINE**

- A. Upon receipt of an Application and any additional documentation requested, the Parks and Recreation Staff shall prepare a summary and Recommendation to approve or deny the application based upon the criteria in Section V.
- B. During the review process, Staff shall notify the applicant about safety or use concerns at a proposed park or recreation facility and work with the applicant to find a time, place and manner for the activity in accordance with the above purposes and policy.
- C. The Director of Parks and Recreation will determine whether to grant or deny a business activities registration form pursuant to the evaluation criteria under Section V. The Director shall identify the basis for a denial of the Application in writing. He/She shall notify the applicant of the intent to issue or deny the registration form and upon intent to issue, may at that time ask for documentation of liability insurance and business license.
- D. The Applicant shall receive a timely response to applications and notice of intent within a reasonable period of time not to exceed Twenty (20) business days from the date all requested documentation has been provided to the Department of Parks and Recreation.
- E. Approval and issuance of a business activities registration form shall be by the Director of Parks and Recreation. The registration form shall be issued upon receipt of completed, required documentation demonstrating that the applicant has obtained insurance coverage sufficient to indemnify the City of Charlottesville and evidence of a business license to conduct business in accordance with City Code Section 14-19, where required under the City Code.
- F. Upon issuance of a business activities registration form, applicants shall enter into a Facility Use/Rental Agreement, where applicable, and/ or pay such fees as are required to reserve space or conduct business on park land and shall agree to notify all clients in writing that they are not affiliated with or endorsed by the Charlottesville Department of Parks and Recreation.

**VII. APPEAL OF DECISION TO DENY BUSINESS ACTIVITES REGISTRATION FORM:**

- A. An Applicant may request review by the City Manager of an Application denial. Such request shall be in writing and must be submitted within ten (10) business days of the denial notice.

- B. The City Manager, or their designee, shall meet with the Applicant and shall issue a decision to uphold or overturn the denial within ten (10) business days of such meeting. The decision shall be in writing and shall be final.