



CITY OF CENTENNIAL, COLORADO

13133 East Arapahoe Road, Centennial, Colorado 80112

**ADMINISTRATIVE POLICY
No. 2018-AP-01**

PARKER JORDAN CENTENNIAL OPEN SPACE ADMINISTRATIVE POLICIES

I. AUTHORITY:

The City Manager is authorized to promulgate administrative policies pursuant to Section 2-2-130(b)(7) of the City of Centennial Municipal Code subject to ratification of such policy by the City Council. Specific authority to adopt policies for Parker Jordan Centennial Open Space is set forth in Section 11-7-10 of the Municipal Code concerning permitting and the adoption of an administrative policy.

Pursuant to this policy and in conformity with the requirements of Section 11-7-10(b)(2) of the Municipal Code and Home Rule Charter Section 11.3, the City Council delegates to the City Manager the authority to set certain fees as provided herein.

II. PURPOSE OF POLICY:

To provide guidance regarding the operation and management of Parker Jordan Centennial Open Space ("Open Space").

III. SCOPE:

This policy governs (i.) hours the Open Space will be open to the public and other policies related to Open Space operations, (ii.) fees and policies regarding the reservation and rental of Open Space facilities, (iii.) requirements for events in the Open Space, and (iv.) policies related to contributions and donor recognition.

IV. DEFINITIONS:

There are no specialized words or terms used in this policy. Words shall have their general meaning as defined by the Merriam Webster on-line Dictionary, <http://www.merriam-webster.com/>

V. POLICIES:

i. Open Space Operating Hours and General Policies:

- **Hours:** The Open Space shall be open each day for use between the hours of one hour before sunrise to one hour after sunset. The public may use the Cherry Creek Trail to pass through the Open Space twenty-four hours per day.

- The City Manager may authorize modifications to the above dates or times to meet operating needs, allow for special events, holiday observances, weather or other reasons.
 - The City Manager may authorize temporary closures of areas or the entirety of the Open Space for special events, inclement weather, maintenance or repairs, or other purposes as determined by the City Manager.
 - **Open Space Signs:** The City may post signs in the Open Space notifying users of Open Space rules and regulations and referring to applicable laws. Signs may also be posted to provide general information determined necessary to assist the public, direct traffic and circulation, and inform users of conditions or risks associated with use and enjoyment of the Open Space. The City may also place fencing or signs to restrict certain uses and/or entry into certain areas within the Open Space as reasonably necessary to protect the environment, landscaping, or public health, safety and welfare.
- ii. Reservations and Use of Open Space:** The City may designate areas of the Open Space that may be offered for non-exclusive use for a limited period of time for events subject to the following conditions and requirements:
- **Permit/Application Required:** A person holding an event that uses any portion of the Open Space must hold a permit issued by the City. The person desiring to hold an event that uses any portion of the Open Space (“Applicant”) shall submit an application for a permit to the City at least fifteen (15) days prior to the date of the event. If the application is not received in sufficient time to assure that all requirements for or under such permit may be timely accomplished, the City may deny the application.
 - **Application Form:** In permitting the use of Open Space facilities for events, the City will require the Applicant to provide sufficient information which identifies in writing on a City provided form:
 - the sponsor or persons making the request;
 - purpose of the event;
 - attendance anticipated;
 - method of advertising the event, if any,
 - the day and hours for which the use is desired;
 - whether any Equipment, as defined below, will be placed in the Open Space;
 - an acknowledgement that the Applicant is responsible for all fees and costs related to such event and that the Applicant will indemnify and hold harmless, the City from all liability related to such event; and
 - any other information which the City shall find reasonably necessary.
 - **Permit Conditions:** Depending on the size, nature and manner of advertisement of an event, if any, and if an event is to be advertised to the public, the City may specify special conditions for such large events including, but not limited to, provisions for traffic control, parking, security, trash collection and pick-up, and portable toilets, which shall be provided at the Applicant’s expense.

○ **Fees:**

- Application processing fee: Processing fees shall apply to any application for an event that uses any Open Space facility or area. Fees shall be determined by the City Manager based on staff time costs to process applications and shall be published at all times on the City's web site. No application will be processed until the applicable application fee is remitted to the City.
- Associated fees: associated fees, as determined by the City Manager, may be charged for potential costs incurred by the City for any security, waste removal, utility usage, damages, cleaning costs, staffing, development, approval and implementation of security and other similarly associated cost(s). Associated fees shall be the same regardless of residency or place of business.
- Payment of fees and costs: The Applicant agrees to pay application processing fees adopted by the City Manager at the time the application is submitted and to place a deposit, in an amount determined by the City Manager, for associated fees, if any, as required before the permit will be issued.

○ **Post Event Clean-Up/Costs:** The Applicant is responsible for all clean-up related to the permitted event. The area in and around where the event was permitted shall be returned to the condition it was in prior to the event. If the actual costs to restore the Open Space following an event exceed the amount of the deposit or associated fees, the Applicant shall be responsible for payment of those additional amounts.

○ **Cancellations/Refunds:**

- Application fees are non-refundable.
- Deposit Return:
 - Associated Fees: The amount of associated fees deposited with the City, if any, will be held and retained by the City unless:
 - The event is cancelled and the City has not incurred an obligation to pay such funds which obligation cannot be cancelled by the City;
 - The City is required expend those funds as a result of the event.
- Refunds: Any fees that may be refunded by the City will be remitted to the Applicant within sixty (60) days after the date of the event.

○ **Inaccessibility/Unavailability of Open Space Trails:** From time to time, portions of the Open Space may not be available for use at a scheduled event. If the unavailability is due to a pre-scheduled shutdown (for example, the trail reconstruction) or any reason outside the direct control of the City (for example theft or other crime, damage to property, discovery of dangerous condition, imposed fire ban) then no refunds of reservation fees will be available; but, in the discretion of the City, considering the nature and extent of the unavailable amenities, the full amount or a portion of the amount of reservation fees paid shall be credited toward a future reservation if (A) the event is rescheduled to occur within a year and (B) the request for rescheduling is made within one business day by calling City staff in charge of Open Space reservations.

- **Indemnification and Insurance:** By submitting an application for use of the Open Space, the Applicant agrees to hold harmless and indemnify the City for any damages or claims whatsoever related to the use of the Open Space. The City reserves the right to require the Applicant to provide general liability with the City named as an additional insured, with coverage amounts as deemed necessary by the City Manager.

If 75 or more people are expected to attend, the Applicant must provide proof of adequate liability insurance with policy requirements and limits as determined by City staff considering the nature and size of the event.

- **Resident Preference:** The City Manager shall establish a period during which Centennial residents or businesses within Centennial have the exclusive opportunity to make submit applications for use of the Open Space.
- **Applications for Competing Dates:** If two or more applications for a similar use of the Open Space are submitted to the City for a single date, the application that was received first shall have priority.
- **City Discretion to Refuse Entry or Reservation:** The City reserves sole discretion to refuse entry or decline to offer or approve use of the Open Space to any Applicant that has (a) failed to comply with any ordinances, rules, regulations, policy or permit governing use of the Open Space; (b) caused any damage to City property; or (c) abused the City's permit system such that it precludes others a fair opportunity to utilize the Open Space or Civic Center Park facilities.
- **Use Restrictions / Exemption Permits:** Unless an exemption permit is received from the City, event attendees must comply with all applicable state and local laws, including without limitation, restrictions regarding uses and activities in the Open Space as set forth in Section 11-7-40 of the Centennial Municipal Code. Exemption permits issued under this provision shall be signed by the City Manager or his/her designee.
- **City Use Priority:** City sponsored or co-sponsored events shall have priority in scheduling the use of the Open Space and may permit otherwise prohibited uses and activities to occur as provided for by Section 11-7-20 of the Centennial Municipal Code.
- **Tents or Other Structures:** The placement, on Open Space property, of tents, platforms, inflatables, lighting, portable toilets or other equipment or structures ("Equipment") is prohibited absent specific approval from the City Manager or his/her designee. Applicants must indicate on their application if any Equipment is proposed as part of the planned use of the Open Space. If Equipment is permitted, the City may require that the Applicant to provide a diagram, to be approved by the City, to control the delivery, set-up, number and location of such Equipment. Staking of structures into the ground is prohibited. **Sales of Goods or Services:** Groups or individuals that plan to charge entry fees or sell merchandise must describe the intended sale or entry fee in their application to the City. Vendors that sell taxable items as part of any event must collect and remit the City's sales tax to the City. If the vendor has a current City of Centennial Sales Tax License, a copy of that license must be provided to the City and be posted in a visible location at the sales site. In the event that the vendor does not have a current City of Centennial Retail Sales Tax License, the vendor must obtain from the City a Special Sales Event license and display that license

in a visible location at the sales site. The vendor has until the 20th day of the following month to remit the sales tax collected to the City.

- **Other:** The City Manager may authorize such other operating and use restrictions deemed necessary to protect the Open Space from damage or misuse.
- **Consumption of Alcohol:** Consumption of alcohol, including 3.2 beer, in the Open Space is prohibited.

iii. Contributions: Donations and donor recognition is welcomed provided it preserves the appearance, character and identity of the Open Space and that all donations and donor recognitions are approved by City Council. The City retains full discretion to refuse any proffered donation or contribution. In the event that the City adopts a sponsorship and/or donation policy of general application, such policy will take precedence over the provisions contained herein to the extent of any conflict.

- Donations may include cash or donations of equipment or materials dedicated to Open Space improvements. Signs or markers recognizing donors must be appropriate in size, color, location, and material so as to preserve the appearance and character of the Open Space.
- Proposals for donations and donor recognition shall be presented to City Council indicating the sponsoring entity, amount and purpose of the proposed contribution, proposed recognition including the dimensions, location, materials, colors, of the proposed recognition, and any other information the City Council may determine necessary to review proposals for compliance with this policy.
- Staff may also develop a standard donation and recognition program such as a donor rock or other feature and bring this forward to City Council for approval. Such program may be approved to be carried out by Staff without the need for approval of each individual contribution provided donations and recognition comply with the pre-approved program.
- The City may, in its discretion, allow temporary promotional banners, signs or other forms of display that do not comply with these guidelines to recognize sponsors or donors related to special events.

iv. City Manager May Authorize Exceptions: When deemed in the City's best interest, the City Manager shall have the authority to authorize waivers, exemptions or exceptions to the policies set forth herein.

VI. FUTURE MINOR AMENDMENTS OF POLICY AND ADOPTION OF ADMINISTRATIVE DIRECTIVES:

By ratification, the City Council hereby authorizes the City Manager to adopt administrative directives consistent with this policy and to adopt updates and minor amendments to this policy not resulting in any decrease to budgetary revenues from operation of the Open Space, which shall become effective without further ratification.

VII. EFFECTIVE DATE:

This Administrative Policy 2018-AP-01 shall be effective upon adoption by the City Council of a ratifying resolution.

VIII. APPROVAL:

Matt Sturgeon, City Manager

Date

IX. RATIFICATION:

Resolution No. _____

Stephanie Piko, Mayor

Date

ATTEST:

City Clerk or Deputy City Clerk