



CITY OF CENTENNIAL, COLORADO
13133 East Arapahoe Road, Centennial, Colorado 80112

**ADMINISTRATIVE POLICY
No. 2012-AP-01
THIRD AMENDMENT AND RESTATEMENT**

CENTENNIAL CENTER PARK ADMINISTRATIVE POLICIES

I. AUTHORITY:

The City Manager is authorized to promulgate administrative policies pursuant to Section 2-2-130(b)(6) of the City of Centennial Municipal Code subject to ratification of such policy by the City Council. Specific authority to adopt policies for Centennial Center Park 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 Centennial Center Park ("Park").

III. SCOPE:

This policy governs (i.) hours the Park will be open to the public and other policies related to park operations, (ii.) fees and policies regarding the reservation and rental of Park facilities, (iii.) requirements for events in the Park, 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. Park Operating Hours and General Policies:

- **Hours:** The Park shall be open for use by the public during the dates and hours specified below, as may be adjusted or modified as provided below:
 - May 1 to October 31: 5 a.m. to 10 p.m.

- November 1 to April 30: 6 a.m. to 8 p.m.
 - Hours of operation of the water play area shall be from 10 a.m. to 8 p.m., from roughly Memorial Day to Labor Day of each year.
 - 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 Park for special events, inclement weather, maintenance or repairs, or other purposes as determined by the City Manager.
 - **Park Signs:** The City may post signs in the Park notifying users of Park 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 Park facilities.
- ii. **Reservations and Rental of Facilities:** The City may designate areas of the Park and individual facilities within the Park as listed in Table 1 that may be offered for rental and private use for a limited period of time for events subject to the following conditions and requirements:

Table 1 Center Park Facilities Available for Rental	
Large Shelter	(2 hour minimum)
Large Shelter and Plaza	(4 hour minimum)
Bluff Pavilion	(2 hour minimum)
Small Shelter	(2 hour minimum)
Amphitheater	(1/2 day - 6 hour minimum)

If the requested reservation would require issuance of any large event, use restrictions exemption, private occasion use or special event alcohol permit, and the application does not otherwise conform to the requirements for such permit, the City may refuse the request.

If the requested reservation would require issuance of any large event, use restrictions exemption, private occasion use or special event alcohol permit, and 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 refuse the request.

- **Application:** In permitting the use of Park 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 rental is desired; and
 - any other information which the City shall find reasonably necessary.
- **Fees:**
 - Application processing fee: Application processing fees shall apply to any Park facility or area reservation application which requires (a) City approval of an otherwise prohibited activity within the Park, or (b) a special event permit. 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.
 - Reservation fees or rental rates: Reservation fees shall be determined by the City Manager, based on an hourly rate, and published at all times on the City's web site. Except for the amphitheater, hourly reservation fees charged to non-residents or entities without a business presence in the City shall be 150% of the fees charged to Centennial residents or entities with a business presence.
 - Associated fees: In addition to the hourly reservation fee rate, associated fees as determined by the City Manager may be charged for costs incurred by the City for any security, waste removal, utility usage, damages, cleaning costs, staffing, development, approval and implementation of security, parking and/or traffic plans, loss of reservation income if the reserved event forecloses the possibility of renting other facilities within the Park, and other similarly associated cost(s). Associated fees shall be the same regardless of residency or place of business.
 - The person(s) or organization reserving the facility agrees to pay reservation and application fees as adopted by the City Manager at the time the reservation is made for the rental and to pay associated fees, if any, as required either before or at the conclusion of the use or event as determined by the City.
 - **Cancellations/No-Shows/Refunds:**
 - Application fees are non-refundable.
 - Reservation fee refund: Except for the amphitheater, cancellation of an event more than 15 days before an event shall result in a cancellation fee as determined by the City Manager and published at all times on the City's web site. For the amphitheater, cancellation of an event more than 30 days before an event shall result in a cancellation fee as determined by the City Manager and published at all times on the City's web site.
 - The cancellation fee will offset any refund of reservation. Except for the amphitheater, if an event is cancelled 15 days or less before the event, there shall be no refund of reservation fees. For the amphitheater, if an event is cancelled 30 days or less before the event, there shall be no refund of reservation fees.

- If a party holding a reservation and/or any large event, use restrictions exemption, private occasion use or special event alcohol permit fails to timely meet requirements of the reservation or permit (ex. failing to have a traffic management plan approved in sufficient advance time), the event shall be deemed cancelled and there shall be no refund of any reservation or any permit fees.
 - If a party holding a reservation fails to show for a scheduled reservation, such failure shall be treated the same as a cancellation 15 days or less, or 30 days or less for the amphitheater, before the reservation date and there shall be no refund of reservation fees.
 - In the event inclement weather results in cancellation of a scheduled event, there will be no refund of reservation but the 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 of the date the event was cancelled by calling City staff in charge of Park reservations.
- Associated fees refund: Fees paid for associated costs will be refunded at the time of cancellation, regardless of when cancelled, only to the extent that the City has not incurred an obligation to pay such funds which cannot be cancelled by the City. If associated fees are to be paid after an event, the party making the reservation is still liable to pay such fees if the City has incurred an obligation to pay such costs which cannot be cancelled.
- **Inaccessibility/Unavailability of Facility or Park Amenities:** From time to time, certain amenities such as, but not limited to, grills, water play feature, tables, fireplace, or climbing play features, may not be available for use at a scheduled event. If the unavailability is due to a pre-scheduled shutdown of an amenity (for example, the water play feature outside normal summer operating hours) or any reason outside the direct control of the City (such as, but not limited to, 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 Park reservations.
 - **Indemnification and Insurance:** By submitting a Park facilities reservation application, the person, persons or organization executing such application agree to hold harmless and indemnify the City for any damages or claims whatsoever related to the use of the Park facility. The City reserves the right to require the person, persons or organization reserving Park facilities to provide general liability with the City named as an additional insured, with coverage amounts as deemed necessary by the City Manager.

If more than 100 people are expected to attend, the person, persons or organization executing the reservation form 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 advanced reservations for use of facilities through the balance of the year.
- **Exemptions from Reservation Fees:** Other than the amphitheater, not-for-profit organizations wishing to rent facilities shall be exempt from payment of hourly reservation (but not application) fees for up to four hours per reservation per facility. For the amphitheater, not-for-profit organizations wishing to rent on days other than Friday, Saturday or Sunday shall be exempt from payment of hourly reservation (but not application) fees for up to six hours per reservation. The exemption from fees shall not apply to any requirements for insurance or payment for associated additional expenses as set forth in this policy and in the schedule of fees and costs determined by the City Manager. The organization applying for and claiming the fee exemption shall provide information acceptable to the City to determine the not-for-profit status of the organization. Except for schools, any fee exemption hereunder shall be available one time per year per not-for-profit organization.
- **City Discretion to Refuse Entry or Reservation:** The City reserves sole discretion to refuse entry or decline to offer reservations or permit use or occupancy of any Park facilities to any person or organization that has (a) failed to comply with any ordinances, rules, regulations, policy or permit governing use of the Park and any of its facilities; (b) caused any damage to City property; or (c) abused the Park facility reservation system such that it precludes others a fair opportunity to utilize 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 Park as set forth in Section 11-7-30 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 facilities 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:** Applicants for the use or rental of Park facilities must indicate on their application if any temporary tents, booths, signs, stages, platforms, equipment, inflatables, lighting, supporting framework, port-o-potties or other equipment or structures are proposed as part of the use or event. Such structures or use are subject to approval by the City. The City may prohibit, limit or place other restrictions on such structures or proposed uses of the Park. The City may require that the applicant provide a diagram, to be approved by the City, to control the delivery, set-up, number and location of such structures or equipment. Staking of structures into the ground, lawn or paved surface is prohibited. Only above ground tie-offs or weighting of poles, guy wires or structures, as approved by the City, are permitted.
- **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 for rental or use of the facility and such proposed sale or charge requires approval by the City. Vendors that sell taxable items at the Park

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.

- **Events/Large Events Permit:** Depending on the size, nature and manner of advertisement of an event, if any, and if events are to be advertised to the public, the City, following review of such application, shall determine if a large event and/or use restrictions exemption permit is required hereunder. Generally, large event permits shall not be required unless 300 or more people are anticipated to attend. However, if the nature of the event causes concerns for public health and/or safety, a large event permit may be required for events for which less than 300 persons are anticipated to attend. The City may specify special conditions for such large events use 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. Large event permits issued under this provision shall be signed by the City Manager or his/her designee.
- **Other:** The City Manager may authorize such other operating and use restrictions deemed necessary to protect Park facilities, paved surfaces and landscaped areas from damage or misuse.
- **Consumption of Alcohol:** Consumption of alcohol and fermented malt beverages, including 3.2 beer, in the Park is prohibited unless authorized by the City as follows:
 - The City Clerk's office may issue a:
 - **Special Event Alcohol Permit:** a permit authorizing the sale, possession and/or consumption of alcoholic beverages during a special event taking place in the Park and as authorized by the City's ordinances and by the Colorado Beer and Liquor Code. This type of permit is available only to certain qualifying organizations. A fee in an amount determined by the City Manager, and published on the City's web site, payable to the City of Centennial, for each event will be assessed. Special conditions shall be required to ensure that persons under the age of 21 and/or visibly intoxicated persons are not provided alcohol or 3.2% beer and as may otherwise be required by City staff charged with administering and enforcing liquor licensing laws within the City to ensure compliance with such laws. The City shall establish permit application requirements and any special conditions of the permit to comply with Colorado law and the City's ordinances. Applicants must contact the City Clerk's office at least thirty (30) days prior to the occasion or event to determine the type of permit required and the application process.
 - The City may issue a
 - **Private Occasion Use Exemption Permit:** It is illegal to consume spirits, wine, or malt liquor (all beer other than 3.2% beer) in public other than in a place which is licensed for that

purpose. The Park is not licensed for the sale, service or consumption of spirits, wine, or malt liquor. However, the City recognizes that certain areas of the Park may from time to time be set aside for an event or gathering that is not "public" and therefore possession and consumption (but not the sale) of spirits, wine, or malt liquor may be allowed when the City issues a private occasion use exemption permit for a private event taking place in limited facilities or areas of the Centennial Center Park as designated by the City Manager. A fee shall be assessed in an amount determined by the City Manager and published on the City's web site. Special conditions may be required to prove the private nature of such event such as requirements (a) to limit public access to the area for which the permit is granted during the event, (b) to ensure that persons under the age of 21 and visibly intoxicated persons are not provided alcohol or 3.2% beer; and (c) as may otherwise be required by City staff to ensure compliance with State and local law.

iii. Contributions: Donations and donor recognition is welcomed provided it preserves the appearance, character and identity of the Park as a Centennial park 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 precedent over the provisions contained herein to the extent of any conflict.

- Donations may include cash or donations of equipment or materials dedicated to Park improvements or donations of public art. Signs or markers recognizing donors must be appropriate in size, color, location, and material so as to preserve the appearance and character of the Park.
- 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 brick donor plaza, 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 Staff may, in its discretion, allow temporary promotional banners, signs or other forms of display that do not comply with these guidelines to recognizing 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.

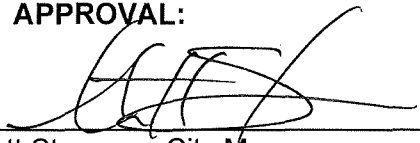
VI. FUTURE MINOR AMENDMENTS OF POLICY AND ADOPTION OF ADMINISTRATIVE DIRECTIVES:

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 Park, which shall become effective without further ratification.

VII. EFFECTIVE DATE:

2012-AP-01 was ratified by the City Council by Resolution 2012-R-21, effective April 2, 2012. The First Amendment to 2012-AP-01 was ratified by City Council by Resolution 2013-R-22, effective May 6, 2013. The Second Amendment and Restatement of 2012-AP-01 was ratified by City Council by Resolution 2014-R-74, effective November 17, 2014. Resolution 2014-R-74 specifically authorizes the City Manager to adopt updates and minor amendments to Administrative Policy 2012-AP-01 not resulting in any decrease to budgetary revenues from operation of the Park, without the requirement of further ratification by the City Council. Thus, this Third Amendment and Restatement, which updates and effects minor amendments to Administrative Policy 2012-AP-01 not resulting in any decrease to budgetary revenues from operation of the Park, shall be effective upon its approval by the City Manager.

VIII. APPROVAL:



Matt Sturgeon, City Manager

Date 12/19/2022