



Commercial Park & Beach Use Information and Guidelines

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Information & Guidelines

This packet of guidelines for a Commercial Park and Beach Use Permit is to establish an effective mechanism for allowing activities or services provided by (individuals or organizations, including non-profit organizations, who conduct any recreational business in the City parks or beaches identified in this policy and/or) who receive a form of payment or other consideration as fee for providing such activities or services (“Commercial Operators”), while safeguarding the City of Imperial Beach’ (City) public recreational property and the rights of members of the public who access and use these facilities.

The guidelines, park rules and regulations included in this packet are for designated City parks & beach open space areas only and does not include reservable facilities such as picnic tables, shelters, community rooms, buildings, and sports fields. Any Commercial Operators that are interested in using a City park or beach as a location for delivery of a program or service is required to obtain a Commercial Park & Beach Use Permit as described below.

Commercial Activities in Parks

Commercial use in City parks is regulated by section 12.56.020(H) of the Imperial Beach Municipal Code (IBMC) and is generally prohibited unless authorized by the City Council or designee. Commercial use is any activity in which there is an exchange of goods or services for money or something else of value in consideration therefore. This includes, but is not limited to, private lessons, classes, or group activities where the lesson, class, or activity has a fee or other monetary barrier to entry. Commercial use also includes any lesson, class, or commercial activities taking place on park system property that is associated with any trade, occupation, profession, business, or franchise. Commercial use does not include activities conducted on the City’s behalf or in conjunction with the City or activities by sidewalk vendors that are regulated by Chapter 4.64 Of the IBMC.

Examples of commercial activity may include but are not limited to boot camps, on-leash dog obedience courses, recreational group meetings, running clubs, yoga, and workout groups. Commercial use of City park property requires a limited-term permit issued by the City of Imperial Beach and must adhere to the following guidelines:

- The permit is good for use of designated open space areas only, not sports field use or use of other park features (playgrounds, shade structures, etc.). The permit does not grant exclusive use of a specific open space, but provides the permit holder a license for the activity at a specified park.
- Noise Ordinance and park amplification rules and regulations must be followed at all times.
- A list of designated open space areas within City parks can be found on page ___ and ___ of this packet.
- The permit holder and participants cannot block public access and must operate within one of the designed commercial use areas for the permitted park.
- Only 1 permit will be issued for each available time slot per park. Permits are good for up to 25 participants.
- Maximum of one (1) hour per activity and two (2) hours per day may be reserved per Commercial Operator.
- Any City-sponsored or conducted events, programs, and activities shall have priority over all other requests for use of City public recreational properties.

Approval and Application Process

Permit approvals will be reviewed and granted by the Parks & Recreation Department on a calendar quarter basis (*Quarter 1: January – March, Quarter 2: April – June, Quarter 3: July – September, and Quarter 4: October – December*) and permit approval for one calendar quarter does not guarantee approval for additional calendar quarters. Applications must be submitted by the 5th calendar day of the month prior to the anticipated start quarter of the permit (Example: a permit application to start July 1st, would need to be submitted by June 5th). Permits can be submitted up to 30 days prior to the due date. Only one application per calendar quarter per activity use for each applicant will be considered for permit approval.

The Holder of the Permit must process renewal paperwork one month (30 days) prior to expiration to continue to hold activities or services in City designated park and beach locations. To include: Certificate of Insurance, Proof of City of Imperial Beach Business License, Application and Terms and Conditions. It is the responsibility of the permit holder to request renewal of permit. Failure to do so gives right to new commercial operators to take time slot.

Guidelines have been established with regard to commercial use of City parks & beaches and all activities must adhere to the following:

- Must be recreational in nature
- Will not restrict or impede access for the general public
- Must not conflict with current or planned recreational programming offered by the City
- Will not pose a safety risk to persons or property
- Will not create an undue burden on the park system property in use
- Must be conducted within commercial use hours (see application for details)
- Permits cannot be subcontracted. Only the person named on the permit may be instructing permitted classes or programs.

Restrictions

The Imperial Beach Parks & Recreation Department reserves the right to approve or deny an application on a case-by-case basis. Permits may not be issued for programs or services that are considered high risk, are already offered by the department, are considered to be a nuisance to the neighborhood or surrounding areas, require equipment to be placed in the park, negatively impact traffic or the public's ability to use and enjoy a park, beach, or any other factor that may impact the public's health, safety and welfare, as well as programs and services deemed inappropriate by the Parks & Recreation Director or as specified in IBMC Section 12.56.070.

Permit revocations. A permit issued may be revoked at any time by the Parks & Recreation Director for a violation of the permit conditions; a violation of any rule, ordinance, federal or state law; or if the Director determines the permitted use constitutes a threat to the health and safety of the public.

* Commercial Operator is limited to a maximum of (25) participants per class and a continual program/service limit of (2) hours per day. Maximum of (4) four hours per week per Commercial Operator permitted. There is a 15 minute set-up/break-down time allowed per permit.

(*Pier Plaza and beach is limited to twice a week (2 hour max per week) programming per Commercial Operator*).

The following items are required for all commercial use permit applicants:

- **Completed and signed application form**
- **Permit fee** - use permit fee calculator to determine total amount (can be paid once permit is approved)
- **Proof of Business License** - Copy of current Imperial Beach Business License (can be obtained once permit is approved)
- **Proof of Residency** - Must provide copy of California ID with current address and a current utility bill
- **Certificate of Insurance** - naming the *City of Imperial Beach, its agents, representatives, officers, directors, officials, Council Members and employees* as 'additionally insured' with General Liability minimum of \$1,000,000 per occurrence for bodily injury, personal injury and property damage and \$2 million aggregate.

Fees and Refunds:

All applicants are required to pay the non-refundable \$40/\$50 (resident/non-resident) Commercial Park & Beach Permit Fee. This fee will not be refunded even if permit is not approved.

All applicants are required to pay the calculated permit fee prior to the quarter they wish to begin use once permit is approved. Permit fee is \$25/\$35 (resident/non-resident) hour for City parks and \$35/\$45 (resident/non-resident) hour for Pier Plaza/Beach based on anticipated use. Applicants can operate for maximum of 4 hours per week at any park or beach space.

Anticipated Weekly Hours Permit Fee (per week):

HOURS AT CITY PARK LOCATIONS	FEE PER HOUR	HOURS AT PIER PLAZA / BEACH LOCATIONS	FEE PER HOUR
One (1) Hour Res/Non-Res	\$25.00/\$35.00	One (1) Hour Res/Non-Res	\$35.00/\$45.00
Two (2) Hours Res/Non-Res	\$50.00/\$70.00	Two (2) Hours Res/Non-Res	\$70.00/\$90.00
Three (3) Hours Res/Non-Res	\$75.00/\$105.00	Three (3) Hours Res/Non-Res	\$105.00/\$135.00
Four (4) Hours Res/Non-Res	\$100.00/\$140.00	Four (4) Hours Res/Non-Res	\$140.00/\$180.00

The Permittee shall comply with all applicable park rules and regulations, in addition to all local, state, and federal laws and regulations. It is the responsibility of the Permittee to clear with City staff any special requests not addressed in this packet as presented. Failure to comply with these park rules may result in the revocation of permit.

City personnel must approve any changes to your permit. A fee of \$25 per change will be charged for each change to permit. No refunds will be issued once permit fee is received.

Upon completion and approval of the application, you will be allowed to host your program or service for the quarter applied for and park, pier plaza or beach location specified as outlined in the permit granted, subject to availability. The permit MUST always be carried with you while conducting your program or service at the park. Permit must be shown to Imperial Beach City Staff when requested.



City of Imperial Beach Commercial Park & Beach Use Application

Submission of this application form is not a guarantee of permit issuance. Once this form is received and reviewed, a City Parks & Recreation Department staff will contact you. Application review and processing time may take up to 30 days for approval.

Applicant Information:

Name Please Print (First, Last): _____ Date Submitted: _____

Business/Organization Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

IB Business License Number: _____

Park or Beach Use Information:

Mark location requesting (each location request will need a separate application):

_____ Dunes Park _____ Pier Plaza/Beach _____ Reama Park _____ Sports Park
_____ Teeple Park _____ Veterans Park _____ Boardwalk at Estuary

Quarter requesting (each quarter requested will need a separate application):

_____ **Q1 (Jan - Mar: Due Dec 5th)** _____ **Q2 (Apr-Jun: Due Mar 5th)** _____ **Q3 (Jul-Sep: Due Jun 5th)** _____ **Q4 (Oct-Dec: Due Sep 5th)**

Use Type (exp. yoga, boot camp, dog obedience, running clubs, etc.)

Specific Activity (List all activities you and your group will engage in)

Day(s) of the week requested (check all that apply):

*Saturday and Sunday Hours are limited to 8:00 am - 10:00 am

_____ Monday _____ Tuesday _____ Wednesday _____ Thursday _____ Friday
_____ Saturday* (8:00 am - 9:00 am) _____ Saturday* (9:00 am - 10:00 am) _____ Sunday* (8:00 am - 9:00 am) _____ Sunday* (9:00 am - 10:00 am)

Time Requested (Permits issued from 7:00 AM to 6:00 PM Mon-Fri): Arrival _____ AM/PM Departure _____ AM/PM

Daily Expected Attendance (max 25): _____

Will the program be open to the general public? (check one): Yes _____ No _____ If No please give reason: _____

Will there a fee to participate in the program? (check on): Yes _____ No _____ If Yes list fee per participant: _____

APPLICANT ACKNOWLEDGEMENTS (Initials):

_____The requested date(s) are not reserved until the permit request has been approved and permit fee has been paid.

_____The following are included with this permit application: Completed and signed application form

- Permit fee Estimate- Use permit fee calculator to determine total amount owed
- Copy of current City of Imperial Beach Business license
- Proof of Residency
- Certificate of insurance naming the City of Imperial Beach as additionally insured with General Liability minimum of \$1,000,000 per occurrence for bodily injury, personal injury and property damage

_____All applicable laws and adopted use policies (City, County, State, and/or Federal) are to be obeyed by all applicants and their guests while on the City premises, which includes the parking lot.

_____Park equipment shall be used in accordance with its intended purpose. Any damage caused as a result of misuse will be charged to the Applicant. Note: playground equipment, picnic tables, etc. are not permitted to be utilized.

_____Applicant must have the Permit available upon request during each class/program time. Inability to provide current and valid permit will result in potential citation/fine and loss of commercial park permit and privileges.

_____Applicant must be at least twenty-one (21) years of age. A form of government-issued identification is required to verify identification. Commercial use of the parks is restricted to the Applicant named on the application.

_____Park facilities are to be left in clean condition. Any cleaning of trash or damage expense incurred other than normal wear and tear will be billed to the applicant.

_____Applicant has received, reviewed, and fully understands the Commercial Park & Beach Use Information and Guidelines. Applicant and its group/organization will abide by all rules and regulations listed, and all local, county, state, and/or federal laws, at all times while on the City premises.

_____Applicant has inspected the City property or premises proposed for use and has determined that they are in a safe and appropriate condition for the activities planned. Applicant and all members of applicant's group or organization hereby ensure that said property or premises will be kept and operated in a safe and appropriate condition.

_____Applicant and the members of Applicant's group or organization (collectively, "Applicant") waive, release, and discharge any and all claims for or right to claim damages of any kind that may arise as a result of Applicant's use of the City's facilities.

_____Applicant(s), individually and collectively, agree that they shall indemnify, defend, and hold the City of Imperial Beach and/or its elected and appointed officers, boards, directors, agents, employees, and designees (collectively, "City Parties") harmless from and against all claims, damages, losses and expenses, including but not limited to, attorneys' fees and witness costs arising out of the performance of the activities described herein and use of the City facilities/premises. Applicant's obligation to indemnify applies regardless of whether or not the claims, damages, losses and expenses were , caused in whole or in part by any negligent act or omission of the City Parties.

_____Applicant(s), individually and collectively, are aware of and assume full responsibility for the potential risks and hazards inherent in participating in the activities described herein and use of the City facilities/premises up to and including the risk of personal injury, death, communicable diseases, illnesses, viruses, or property damage. Applicant(s) hereby acknowledge that participation is voluntary in this Activity and agree to assume any such risks, and understand that the City does not carry insurance to cover participants or spectators of the Activity.

_____Applicant(s), individually and collectively, hereby give the City of Imperial Beach the absolute right and permission to use their photograph(s) in its promotional materials and publicity efforts. Applicant(s), individually and collectively, understand that the photograph(s) may be used in a publication, print ad, direct-mail piece, and electronic media including the City website or other form of promotion. Applicant(s), individually and collectively, release the City Parties and the photographer, its officers, employees, agents, and designees from liability for any violation of any personal or proprietary right applicant(s) may have in connection with such use.

_____Applicant(s) each agree that the City will not be responsible for any consequences to Applicant from Applicant providing incorrect, inaccurate, and/or false information to the City.

_____Applicant acknowledges and agrees that this is a limited-term use permit and not any form of license, lease or other real property right. Applicant acknowledges and agrees that City has the right to cancel or terminate this permit at any time if it is in the best interests of the City.

_____FAILURE TO COMPLY WITH ALL CITY OF IMPERIAL BEACH POLICIES, PROCEDURES, ORDINANCES, LAWS, ETC. MAY RESULT IN CANCELLATION OF PERMIT.



Commercial Park & Beach Use Signature of Understanding

I, _____(printed name), by signing acknowledge I have read and understand, and will abide by, all the listed rules and regulations for the Commercial Park & Beach Use in Imperial Beach, and all federal, state and local laws, regarding the use of City parks and recreation areas and facilities.

Signature _____ **Date:** _____