

MEMO

Date: January 14, 2023
To: Parks Commission
From: Cindi Wight, Director
Deryk Roach, Parks and Facilities Superintendent
Subject: Commercial uses of parks - Discussion

OVERVIEW

At the January 10, 2023 Parks Commission meeting we reviewed and discussed the commercial uses of our parks as the ordinances require approval by the Parks Commission for them. The Department is confident that we are catching most of the uses and hope to educate more users through our Park Ranger program.

The addition last year of the “Programs in our Parks” helped us catch group fitness programs, such as yoga and we had four businesses sign up our first year. Park Partners enhances programming in our parks without the burden of exclusive use of the space and ensures we know who is in our parks. They do not have exclusive use of a space within a park, must be under 20 people, have an opportunity for sign-up (can be through a studio/membership) and the cost is \$100/year

One area we do not capture is private weddings with a paid officiant with a group size under 20 individuals. To capture the majority of the small groups, we suggest adding an “Officiant Park Partners” category, where we charge a blanket rate of \$200 for the season to the officiants that would cover them for weddings for a calendar year.

Since weddings are exclusive, in that no one else is invited, we believe the rate should be higher than our other Park Partners programs. If the group size is over 20 people, they would need a park permit in addition to being a part of our “Officiant Park Partners” program.

Motion

Approve a new “Officiant Park Partners” rate of \$200 per calendar year for officiants performing weddings in our parks.

Websites alert couples that public parks need permits

<https://thebudgetsavvybride.com/planning-the-perfect-public-park-wedding/>

<https://www.marthastewart.com/7891001/things-to-consider-married-in-public-park-wedding-venue>



Additional Information

Concessionaires (% of sales) – exclusive use

North Beach Beach House restaurant
SUP/Kayak rentals
Splash
Maven trailer @ A_Dog Skatepark
Bike rentals (tentative)
Spirit of Ethan Allen

Park Partners (\$100/year) – not exclusive use

Yoga classes
Private fitness and sport coaches

Photography & video (\$100/visit) – not exclusive use

Varies annually

Slip rentals (\$134/foot) – exclusive use

Whistling Man Schooner
Let's Go Sailing

Listed below is a portion of the ordinances related to permits. You can find all of the rules for the parks in [Appendix D](#).

1. 1 Park reservation and special use policy.

(A) *General Statement:* The department of parks and recreation will make park properties and facilities available to the public on a first-come-first-served basis. Certain areas and facilities may be available for special use on a reservable and exclusive-use basis. Special use of areas and facilities must be compatible with the department's overall policy of appropriate and equitable use and wise land management. Specific policies and regulations have been developed as detailed in subsections (C) through (I), which cover many of these special uses. Any request for park use which is not detailed in subsections (C) through (I) must be submitted to the board of parks and recreation commissioners for consideration.

The policies and procedures for park special use and required permits as stated herein are exclusive of contractual agreements in excess of four (4) days which are generally associated with seasonal concessionaires and the operation of the Gordon H. Paquette Municipal Arena and the North Beach Campground.

(B) *Objectives:* The objectives of the park reservation and special use policy as detailed herein is to define the purpose for which park areas and facilities may be used, appropriateness and conditions of use, scheduling requirements and priorities, permit requirements and applicable charges for services and facilities provided by the department.

(C) *Types of Park Special Use Permits:*



- (1) Standard form—Park special use permit;
- (2) Approved schedules submitted by recognized youth or adult sports leagues, Burlington City governmental divisions or recognized annual concert series.
- (3) Contract agreement.
- (4) Park entertainer's license.

(D) *Conditions Requiring Park Special Use Permits:* A park special use permit is required if one or more of the following conditions exist.

- (1) A group of individuals of twenty (20) or more who use a park area or facility.
- (2) Reservation and exclusive use of a park area or facility for a specific time and date or on a continued scheduled basis.
- (3) Use of park area or facility for an event open to the public.
- (4) Use of park area or facility for commercial or fund-raising purposes, including, but not limited to, the sale of goods and services, solicitation of monies, sale of tickets or games of chance, and the use of park areas or properties to conduct an activity where the exchange of money for a product or service does not occur directly in the park, such as mass media advertising or photography.
- (5) The conduction of a sports tournament or event where individuals or teams are charged a fee to participate or spectate.
- (6) Use of park area for park entertainers where donations may or may not be solicited.

(E) *Rules and Regulations Concerning Park Special Use Permits:*

- (1) Park special use permits will be issued to responsible persons eighteen (18) years of age or older.
- (2) Persons representing organizations, institutions or businesses must be an authorized representative and accountable for any personal or property damage arising from the activities of the group and for the conduct of those in the group.
- (3) Payments associated with standard form park special use permits must be made at the time the permit is issued.
- (4) Standard form park special use permits must be picked up at least twenty-four (24) hours before the scheduled use. Permits associated with Saturday and Sunday use must be picked up by 12:00 noon of the preceding Friday. Permits not picked up prior to established deadlines will be voided upon department discretion.
- (5) Park reservations and permits may be canceled by the applicant forty-eight (48) hours prior to scheduled use without liability. The department will issue cancellation notices as far in advance as possible, but reserves the right to cancel at any time as deemed necessary.



- (6) Permits may be canceled by authorized department personnel or the chief and tour commander of the police department at the time of the reservation if the conditions and intent of the permit is violated or if the permit holders violate any park rule or regulation, park or city ordinance, Vermont state or federal law.
- (7) Upon cancellation of a permit as a result of a violation of the permit agreement or violation of park regulations, park or city ordinances, Vermont state or federal law, the park area and/or facilities will be vacated by the group as stated on the permit and the area/facility will revert to use on a first-come-first-served basis until such time as a succeeding permit comes into effect.
- (8) No tickets are to be sold or admission charged, donations or other money-raising methods conducted except as expressly approved by the board of parks and recreation commissioners or authorized designee.
- (9) No group shall conduct any activity causing undue additional work for the department unless a previous agreement has been made for reimbursement.
- (10) Permits are not transferrable to another individual or group.
- (11) Request for park special use requiring department approval may be made in person, by telephone or in writing. Request for park special use requiring approval by the board of parks and recreation commissioners must be submitted in writing.
- (12) Individuals or groups engaging in the sale of items intended for consumption or sponsoring an athletic event where participants are charged a fee must provide proof of a comprehensive liability policy protecting themselves and the City of Burlington, as an additional insured, from loss or liability arising out of their sponsored activities. The limits of such policy shall be no less than three hundred thousand dollars (\$300,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence.

Park Special Use Approval Authorization:

- (1) The department of parks and recreation is authorized to process and approve all requests for park special use in compliance with the policies as set forth in the park special use policy, including the exposure and sale of goods and services in connection with an event when such sales are conducted by the sponsor of the event and intended to defray cost of the event. Proceeds from such sales may also be used to defray operating expenses of governmental divisions, quasi-public or nonprofit organizations or agencies.
- (2) Request for park use, commercial in nature, intended to generate a profit and not affiliated with an activity or event occurring on park property must be submitted in writing and approved by the board of parks and recreation commissioners.
- (3) Any request for department cosponsorship of an event or for park special use not in compliance with the park special use policy must be submitted in writing and approved by the board of parks and recreation commissioners.

Fees and Charges: As set annually by the board of parks and recreation commissioners.