**PERMIT PROCESS CHECKLIST**

**COMMERCIAL USE OF DEDICATED PARKLAND**

**Step 1 Applicant**

**Completed Application**

* Application Form *(MUST be completed by owner)*
* Additional personnel form *(for each additional personnel with signatures)*

**Step 2\* Applicant**

**Document to Submit Notes**

* [Insurance Certificate](http://www.austintexas.gov/sites/default/files/files/Parks/Special_Events/policies/insurance.pdf) *(see online resource)*
	+ General and Auto *(required)*
	+ Professional Liability Insurance *(required)*
	+ Worker’s Compensation *(if NOT a sole proprietor)*
* [Sole Proprietor Letter](http://www.austintexas.gov/sites/default/files/files/Parks/Special_Events/Concession/Concession_App_-_sole_proprietor_letter_template.docx) *(If applicable* - *see online resource)*
* [Texas Sales and Use Permit (tax id)](https://comptroller.texas.gov/taxes/sales/) *(applicant)*
* Texas Driver License Copy *(applicant, and personnel)*
* CPR Certification Copy *(applicant, and personnel)*
* First Aid Certification Copy *(applicant, and personnel)*
* Digital color head shot photo(s) *(applicant, and personnel)*
* Criminal Background Investigation *(applicant, and personnel – see online resource)*
* Standard of Operation *(applicant, exhibit A)*

***\*NEW APPLICANTS:*** *Items due after application preliminary review and approval. This allows for questions and answers prior to having to procure or produce additional documentation.*

***\*RETURNING APPLICANTS:*** *If NO changes to prior use requests, all items should be packaged with Step 1 application items.*

**Step 3 Parks and Recreation Department**

**City Permit Issuance**

* City Commercial Use ID(s) printed
* Bill for permit *($50 fee/trainer/6 months)*
* Tracking *(track company monthly submittals)*

Commercial Use of Dedicated Parkland Permit Application
Personal Training & Other Outdoor Professional Services

# **This constitutes a request for permit approval by the Director.**

If approved, this will constitute a permit for park use under City Code § 8-1-12.

Incomplete applications cannot be reviewed and will require resubmittal of a complete application.

# **PERMIT REQUESTOR COMPANY INFORMATION**

|  |  |
| --- | --- |
| Company Owner: | Click here to enter text. |
| Company Name: | Click here to enter text. | (the “Company”) |
| Tax ID | Click here to enter text. |  |
|  Billing Address: |  Click here to enter text. | State: | Click here to enter text. | Zip: |  Click here to enter text.  |
| Mobile #: |  Click here to enter text. | Emergency/ Alternate #: |  Click here to enter text. |
| Email address: |  Click here to enter text. |
|  |

**LEAD PERSONNEL**

|  |  |
| --- | --- |
| Lead Personnel:  |  Click here to enter text. |
| Mobile #: |  Click here to enter text. | Emergency/ Alternate #: |  Click here to enter text. |
| Email address: |  Click here to enter text. |
| Texas Driver’s License or ID Card #: |  Click here to enter text. |
| CPR Certification Expiration Date\*: |  Click here to enter text. |
| First Aid Certification Expiration Date: |  Click here to enter text. |
|  |  |

**PERSONNEL/INSTRUCTORS**

Submit the [Additional Personnel Document](http://www.austintexas.gov/sites/default/files/files/Parks/Special_Events/Concessions/2018_application_add_personnel.pdf) when there is more than one Instructor

***\*Permit holder must provide all documents listed in step 2 of the permitting checklist***

***before the Park Use Permit may be issued.***

**PERMIT DETAILS AND LOCATION INFORMATION**

Please check predominant use. **(Check ONE)**

|  |  |  |  |
| --- | --- | --- | --- |
|[ ]  **Low to Medium Impact** |[ ]  **High Impact** |[ ]  **Dog Trainer** |[ ]  **Tour Group** |
| Professional TrainerGroup size less than 10 | Professional TrainerGroup size greater than 10 | Case by case approval | Bicycle tours only – no motorized vehicles |
| **Requested 6-Month Permit Term:** |
| [ ] January 1 through June 30 | [ ] July 1 through December 31 |
|  |
| **Total Amount of instructors to utilize parkland:** | Click here to enter text. |
| **Park(s) Requested:** | Click here to enter text. |
| **Date(s) and Time:** | Click here to enter text. |
| **Amplified sound:*****($30/trainer)*** | Choose One Prohibited by law prior to 10 am. |
|  |
| Average participants per class: | Click here to enter text. |
| Describe the specific program/ activity / equipment: |  Click here to enter text. |
| Describe in detail how the park land, park equipment, and park improvements will be used: |  Click here to enter text. |

|  |
| --- |
| **Insert jpg image of Driver’s License Below** |

|  |
| --- |
| **Insert jpg image of Headshot Below** |

|  |
| --- |
| **Insert jpg image of CPR Certification Card Below** |

|  |
| --- |
| **Insert jpg image of First Aid Certification Card Below** |

**USE ALLOWED**

Programs/activities as described in the program activity description section herein are allowed and must adhere to the GUIDE attached as [**EXHIBIT B**](#exhibita) – Commercial Use - Rules Regarding Commercial Use of Dedicated Parkland. To the extent of any conflict between the program activities authorized in this Permit and other existing uses, the City reserves the right to adjust the uses authorized. This Permit may not be assigned.

Permit holder will uphold, abide by and enforce the rules and procedures set forth**.** Permit holder will advise and train permit holder’s employees of the park use policies to ensure that all activities under this permit comply with the park use policies and procedures, and PARD park rules.

**MONTHLY REPORTING REQUIREMENTS – ALL PARTICIPANTS**

Regardless of the number of participants, each Permit Holder shall provide the PARD point of contact with metrics for the previous month. Both free and paid classes must be reported. Use the Daily Use Summary Revenue Report – see links below for resources**.**

* [**Monthly Reporting Form**](http://www.austintexas.gov/sites/default/files/files/Parks/Special_Events/Concessions/reporting_-_single_sheet_3.xls) – Document to use when submitting reports
* [**Monthly Reporting Guide – Step by step instructions (pdf)**](http://www.austintexas.gov/sites/default/files/files/Parks/Special_Events/Concessions/Monthly%20Report%20-%20Guide.pdf)
* Failure to submit a monthly report will be considered a material breach of contract and the Agreement may be terminated on the 20th of the month - ten (10) days after the report due date.

**PERMIT FEES AND PAYMENT REQUIREMENTS**

1. Fee Per Instructor: $50 Base Permit Registration Fee (per 6 months)
2. Monthly Reporting: Report of all free or fee based clients [(form)](#exhibitb)
3. Monthly Remittance: Clients 0-3 per session, No Monthly Use Fee is required

 Clients 4+ per session, Monthly Use Fee of $.45/Per Client/Per Day

Monthly Report Remittance: In addition, for every month in which permit holder provides personal training or fitness services to more than three (3) clients per session under this permit, permit holder shall make monthly payments in the amount of 45 cents per client per day based on the revenue schedule included in the Monthly Revenue and Activity Report; provided, however, that the monthly payments may not exceed $1,500 for any six (6) month period.

* Capped at $1,500 per 3 instructors/company, within each 6 month permit period.
* There may be three (3) trainers within the $1,500 cap for each six (6) month permit period. Each individual trainer within this provision is required to register and pay the registration fee.
* Total number of attendees per month X 0.45¢ = Monthly Fee
* If a company or organization has a specific and identifiable business need to produce reports on a specific schedule other than the listed 4 week schedule this may be discussed and arrangements made.

**CRIMINAL BACKGROUND INVESTIGATION (CBI)**

Contractors/Vendors/Service Providers working with the City of Austin Parks and Recreation Department are required to obtain a Certified Criminal Background Report with fingerprinting for all staff who provide services to this facility at the Contractor’s expense. [**Criminal Background Investigation (CBI) Process (pdf)**](http://austintexas.gov/sites/default/files/files/Parks/Special_Events/Concessions/CBI_process.pdf)

**RESPONSE TO COMPLAINTS/INQUIRIES FROM THE CITY**

The Contractor shall respond to City or customer complaints or inquiries. The Contractor shall provide complete and accurate responses and records, rental agreements, contracts for service or similar as requested by the City.

* Performance requirement:
	+ The Contractor shall provide information no later than 5:00 pm on the second business day after the complaint or inquiry is communicated.
* If a complaint or inquiry is deemed by the Parks and Recreation Department to be a violation of a park rule or the Commercial Use guideline action will be followed as listed below “Violations”.

**NOTICE UNDER THIS AGREEMENT**

Notice under this agreement shall be in writing and shall be delivered by hand, by certified mail, electronic mail (e-mail) or by common carrier. Notice to a party shall be addressed to the City, or Organizer, as noted in this Agreement. Notice of violation (notices) shall be issued to the Responsible Party in the order of precedent of: (1) the Company owner, or (2) the sole proprietor.

1. Notice by hand-delivery is deemed effective immediately.
2. Notice by certified mail is deemed effective **3** business days after deposit in U.S. Post Office or in a U.S. Mailbox.
3. Notice by electronic mail is deemed effective immediately.
4. Notice by common carrier, is deemed effective upon receipt.

If any party fails to properly fulfill its obligations under this Agreement in a timely manner, or if any party violates any of the provisions of this Agreement, the non-breaching party shall notify the other party in writing of the specific violations of the Agreement. If the breaching party has not cured any such violation as specified in the written notice or any extension within the time provided, then the non-breaching party, at its sole option, shall have the right to terminate this Agreement. This Termination shall be made by sending written “Notice of Termination” to the breaching party.

* Failure by contractor, to comply with any material provisions of the Agreement shall constitute a material breach hereof.

**VIOLATIONS AND PROGRESSIVE ENFORCEMENT**

Austin Police Department**,** PARD Park Rangers, and PARD Staff. Violations of this permit or PARD rules may result in the revocation of permit.

* The City shall investigate, research, and make final determination as to violations of this program rules based upon facts, research and data collected or obtained during against the rules, and standards or conduct as written. The decision of the City shall be considered final.
* Notices:
	+ Two (2) notices shall be given to a permit holder for violation of Rules Regarding Commercial Use of Dedicated Parkland
* Permit revocation:
	+ Accumulation of three (3) notices by a permit holder shall result in the revocation of the permit for the remainder of the existing permit term.

The applicant may apply for the next permit term.

* Removal from the program: If a permit is revoked two (2) times the result will be removal from eligibility with the Commercial Use program.

**TERM/TERMINATION**

This permit shall be effective from and after the date of signature by the permit holder and the Director of PARD, or designee, and shall automatically terminate on the termination of the requested permit term selected, unless terminated earlier under this provision.

* The Director of PARD may terminate this registration upon five (5) business days notice to the permit holder upon determining that the permit holder caused or allowed others under the permit holder’s control to cause damage to the park location beyond normal wear and tear.
	+ If the permit is terminated due to property damage, the City may retain payments made by the permit holder to offset the damages, in addition to pursuing other legal remedies available.
* The Director of PARD may terminate this registration upon ten (10) business days notice to the permit holder upon determining that the permit holder caused or allowed others under the permit holder’s control to cause a material breach of contract.
* The Director of PARD may terminate this registration upon thirty (30) business days notice for any reason.

**FORCE MAJEURE**

This Agreement will automatically terminate, and Organizer **waives and releases** any claim for damages or compensation from the City on account of termination if:

* the Property, structures and/or improvements are wholly or partially destroyed or damaged by any cause, casualty, or unforeseen occurrence; or
* local, state or federal imposed measures, travel restrictions, quarantines, or isolation in response to the outbreak of an infectious disease, epidemic or pandemic in the City that involves, includes or affects the Property, structures, improvements or staffing/employees, mass gatherings, public assembly or the Event; or
* lightning, earthquakes, fires, storms, floods and landslides; or
* threat or act of terrorism, strike, sabotage, civil disturbance, or disaster declaration; or
* circumstances beyond City’s control, that materially impacts or renders City’s performance impossible.

**INSURANCE**

Registrant shall provide insurance asprescribed by rule by the Director of PARD and agrees to maintain, throughout the permit term, the insurance coverage linked in the online resource. The insurance policies shall contain the correct endorsements in favor of the City of Austin.

* [**Insurance Requirements (pdf)**](http://austintexas.gov/sites/default/files/files/Parks/Special_Events/policies/insurance.pdf)- View City required insurance
* [**Sole Proprietor Letter (word doc)**](http://austintexas.gov/sites/default/files/files/Parks/Special_Events/Concession/Concession_App_-_sole_proprietor_letter_template.docx) - TEMPLATE letter for sole proprietors

**COMPLIANCE WITH CITY OF AUSTIN RULES AND REGULATIONS**

In addition to the specific rules and regulations established for this permit and use program, applicant acknowledges that each park and permit is subject to general park rules and regulations as currently exist and as may be adopted administratively orby ordinance by the City of Austin and agrees to abide by these rules and regulations.

**INDEMNITY/WAIVER**

Permit holder agrees to indemnify and hold harmless the City of Austin, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder’s employees, volunteers, and clients waive any right they may have had to sue the City, its officers, employees, and assigns due to conduct under this permit.

Permit holder shall communicate the terms of this indemnity and waiver to all permit holder’s employees, volunteers, and clients.

# **APPLICANT’S VERIFICATION:**

I verify that all of the above information is true. I have also read, understand, and am willing to comply with the park use policies and procedures, and exhibits as set forth by the City of Austin Parks and Recreation Department. I agree to the terms of this **six (6) Month** Commercial Use of Park Use Permit and am authorized to sign on behalf of the company or organization.

|  |  |  |
| --- | --- | --- |
|  Click here to enter text. |  Click here to enter text. |  Click here to enter a date. |

**Signature of Company Owner Typed/ Clearly Printed Name Date**

SUBMIT COMPLETED APPLICATIONS:

|  |  |
| --- | --- |
| Physical & Mailing Address:Austin Parks and Recreation DepartmentAttn: Office of Special Events200 South Lamar Boulevard, Austin, Texas 78704Submit your application electronically to: reservations@austintexas.gov  | **Contact:** Office of Special EventsPhone: (512) 974-6797E-mail: reservations@austintexas.gov |

|  |
| --- |
| **(OFFICE USE ONLY)****City of Austin Parks and Recreation Department Approvals:** **Verified by:** |
|  |
|  |  | Click here to enter a date. |
| **Contract Compliance - Signature** | **Typed/Printed Name** | **Date** |
|  |
|  |  | Click here to enter a date. |
| **City of Austin****Parks and Recreation DepartmentDirector or Designee** | **Typed/Printed Name** | **Date** |

**Exhibit A – Standards of Operation**

Understanding that parks are a valuable resource for a large population who have diverse methods of recreation the purpose of this program is to balance the public’s ability to recreate while engaging visitors through professional instruction or experience.

As a permit holder using City of Austin parkland I will:

**Business Operation:**

* Clearly display identifiable business/organization name and staff
	+ signage, uniform shirt, hat, or other
* Clearly display business contact information for patron feedback.
* Clearly display all required City of Austin permits.
* Commercial Activity location, stand, vehicle, trailer, and/or push cart must be clean and in operational condition without visible damage or defects.

**Public Interaction:**

* Have a valid permit from the City of Austin Parks and Recreation Department and carry and/or display these credentials during business operations.
* Train employees in non-discrimination practices and standards to assure that no person be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, sex, age, disability or national origin.
* Follow ADA guidelines to provide and maintain access for people with disabilities.
* Follow the rules and City ordinances at park spaces and offer courtesy to park users
* Offer courtesy to others who are recreating in the parks.
* Provide a safe and quality experience to park patrons.
* Ensure respect for public property and the property of residents and other businesses.

I understand the listed Standards of Operation and will ensure compliance. I understand that two (2) warning notifications will be given regarding the above written standards. Upon three (3) notifications the permit will be revoked.

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Exhibit B – Rules for Commercial Use of Parkland**

A fee and use policy have been approved and rules developed to establish commercial use and location trends for regularly scheduled adult Commercial Use activity in the Austin park system. This program includes revisions that protect the public’s use and provides health and fitness consultants, dog trainers, and other outdoor professional led service provider’s reasonable access, use-based fee structure, and equipment limits to minimize damage to Austin parks.

| **Item** | **Description, Rule or Information** |
| --- | --- |
| 1 | **Approved Commercial Use:** Fitness Groups, Dog Trainers, Yoga Instruction, other adult professional fitness services, and outdoor professional service providers as approved by the Director of Parks and Recreation. **Bicycle Tour Group Specific Guidelines:*** Safety Equipment – Proper equipment for all riders and equipment safety check before each tour
* Lighting – Reflectors and Lighting if tour will occur outside of daylight hours

**Excluded activities:*** Events: Permit holders may NOT provide and/or facilitate organized or sanctioned activities such as soccer tournaments, athletic leagues, practice sessions, or public events.
* Concessions: Prohibited without a separate concession permit, and health permit as required per session. Note there are limitations on temporary health permits per year per organization.

**Amplified Sound**: No music/dj’s/stereos are allowed without an additional amplified sound permit from Office of Special Events. * Amplified sound is not allowed before 10 am.
 |
| 2 | **Use Session:** Two (2) hour maximum block of time permit holder is allotted to provide service at each location |
| 3 | **Limits on Commercial Use Groups:** PARD may limit the times, hours, or numbers of uses based on feedback received. * Examples of behavior leading to limits include scheduling conflicts, traffic congestion, damage to the public recreation area or landscape, threat to public health, safety or welfare, or use inconsistent with the purpose of the public recreation area or nature preserve.
 |
| 4 | **Regularly Scheduled Programming**: Permit holder plans and schedules a series of sessions occurring in Austin parks (i.e. daily or weekly)  |
| 5 A | **Approved Locations**: The inner city and urban area parks, as listed below, excluding off-leash areas, public walkways, and pre-defined use areas:* Open Greenspace within parkland may be used
* Lighting, water fountains, and other park amenities that require maintenance may, at times, be unavailable
 |
|  | * Bailey District Park
* Balcones District Park
* Battle Bend Park
* Beverly S. Sheffield Northwest District Park
* Bull Creek District Park
* Butler Shores
* Circle C. Ranch Metropolitan Park on Slaughter Creek
* Davis-White Northeast District Park
* Dick Nichols District Park
* Dove Springs District Park
* Eilers (Deep Eddy) Park
* Garrison District Park
* Givens District Park
* Little Stacy Park
* Longview Park
* Mable Davis District Park
* Mary Moore Searight Metropolitan Park
* Onion Creek Metropolitan Park
 | * Patterson Park
* Pease Park
* Ramsey Park
* Reed Park
* Riata Park
* Sir Swante Palm Park
* Springwoods Park
* Tarrytown Park
* Town Lake Metropolitan Park – E.R. Senior at Festival Beach
* Town Lake Metropolitan Park – Lakeshore
* Town Lake Metropolitan Park – Longhorn Shores
* Trailhead Park
* Walnut Creek Metropolitan Park
* West Enfield Park
* Woolridge Park
* Zilker Metropolitan Park

(limited approval – see 5C) |
| 5 B | **Ann and Roy Butler Hike and Bike Trail:*** Bicycle Tours only – Bicycles must not be motorized
 |
| 5 C | **Zilker Metropolitan Park:*** Only available to commercial use groups from January 1 – Labor Day
* 1 training group permitted at a time – per 2 hour maximum timeslot
* Group size for each training session is limited to 40 participants
 |
| 5 D | **Excluded Locations:** * Area specifically **dedicated to a use** that reasonably conflict with approved use is excluded. Example, fitness classes in an area dedicated to a children’s play area, basketball court, public workout station, and picnic tables/pavillions is not appropriate.
* Shared parkland with Austin Independent School District (**AISD**) will not be an approved location for commercial activity at this time.
* Due to safety concerns, the hill, fountain, and dock area at **Butler Park and Alliance Children’s Garden** is excluded from commercial activity.
* The circular driveway and temporary parking area at The Long Center is excluded from commercial activity.
* Off-leash area at Auditorium Shores.
* Public walkways
* Greenbelts and Nature Preserves
* Parking Lots:Dedicated parking lots may not be used for any fitness, training or professional service purpose at any time.
 |
| 5 E6 | **Addition or Removal of Approved Park Locations:** PARD Staff may review the addition and/or deletion of approved locations at each 6-month review of the permitting program. **Equipment:** Prohibited: Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public. These items include but are not limited to: * Tractor tires, or ship ropes use for resistance training.
* Vehicles on park property (prohibited by City Code/Law)
* Cables or railroad ties
* Attaching equipment to trees, hand rails or other fixed items.

Bicycle Tour Groups may not use motorized bicycles. Approved:Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands. |
| 7 | **Impact on public use and priority of the permit:** Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited.* If a commercial use session has already begun and is in process, the general public may not interrupt an ongoing class.
 |
| 8 | **Permit Credential:** ID Card with Photo for each permit holder. Permit Holders are required to wear or have with them the permit credential when conducting business on City property. City retains the right to request proof of permit by requesting permit credential by any City of Austin employee.  |
|  |  |
| 9 | Commercial Youth Programming on Parkland: Commercial youth programming will be considered with completion of a class/program proposal for programming through a PARD recreational facility that presents a need and interest in the proposed services. To submit class/program proposals please see: <http://austintexas.gov/department/parks-and-recreation/services>. Select “*Instructional Contractors at Recreation Facilities*”. |