



ELKHART COUNTY PARKS

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www.elkhartcountyparks.org

Field Use and Allocation Policy #1-12

INTRODUCTION

Elkhart County Parks and Recreation coordinates and issues permits for the use of open fields in the County Parks to the general public for cultural, social and recreational activities and programs.

The purpose of this policy is to outline procedures and allocation priority for the permitted use of athletic fields within the Elkhart County Parks.

Athletic fields are allocated and permitted in two, 4-month periods from April 1 through June 30 and from July 1 through October 31 as sustainability allows. The Parks Division will monitor proper use of allocations and permits. Priority will be given to Elkhart County residents. The County may charge fees to recover public costs to operate, maintain, supervise and administer the use of parks and recreational facilities. Submission of an Application and Agreement Request does not constitute approval.

Requests for use or programs not covered by the Field Use and Allocation Policy should be addressed in writing to the Parks Director. An appeal to the Parks and Recreation Board of the Director's decision must be submitted in writing with justification within ten (10) working days from the decision and will be heard at the next regularly scheduled Parks and Recreation Board meeting. Appeals received fewer than 10 days prior to a meeting will be heard at the following meeting of the Parks and Recreation Board by which special events and large gatherings may be permitted within an Elkhart County Park when the requirements have been met and approved.

This policy has been adopted in the interest of the health, safety, and welfare of our visitors.

I. Definitions of Terms and Fees

Resident Status

Elkhart County resident status will be determined from actual team rosters (fall for fall season, spring for spring season). Team rosters or individual participant driver's license or photo ID may be required to verify Elkhart County residency status.

Youth Status

Youth status is defined as person 18 years or age of under.

Non-Profit 501c

Organization must be established as a non-profit organization. Non-profit status is defined as an organization that is so defined by the Internal Revenue Service and has a State of Indiana Tax Identification Number.

Organization must submit the following to be considered for non-profit status:

1. Submit 501c IRS papers and bylaws.
2. Roster of Officers
3. List of persons authorized to make reservations for your non-profit organization.

Commercial Status

Business or leagues that are making a profit from the use of these community fields.

II. User Priority

County Parks that have open field space designated in their design are available for use. Due to limited number of fields available, the Elkhart County Park Board and Parks Department have established priority use. Allocation of fields will follow terms set forth in the Field Use and Allocation Policy as sustainability allows. The County Parks Department has discretion in decisions relating to scheduling of Open Fields and such decisions are final.

Priority scheduling of use of fields and facilities will be as follows:

Group 1 organizations must meet all of the following:

- Organizations, or portions of organizations, that assign registrants to teams in an effort to make the teams in each division of equal playing experience and talent.
- Have an “everyone plays” philosophy requiring that each player suited up and able to play is entered into the games for a significant period of time.
- Is recreational in nature (versus teams that are more competitive or have selected players- this excludes AP, all stars and tournaments.
- 501c(3) status
- No child turned away that wants to play.
- 75% or greater Elkhart County residents.
- Organizations that have special status OR have special status assigned by the Elkhart County Park Board as a result of having historical use of fields.

Group 1 organizations shall have the highest priority for the use of Elkhart county Park fields.

Group 2: Organizations that may otherwise meet Group 1 requirements **EXCEPT:**

- 50% but less than 75% Elkhart County residents
- OR
- Have at least 50% but less than 75% Elkhart County residents in which tryouts are held in order to place registrants according to their ability on competitive teams; applicants may be turned away; not every player suited up and not able to play in every game.

Group 3: Programs, organizations or events with less than 50% Elkhart County residents.

III. Scheduling Procedures

After the Elkhart County Parks programs, special events, leagues and tournaments have been scheduled and fields needed have been determined for each season, all open time slots will be available for rental based on the User Priority list.

After confirming dates any available fields will be available for rental for other groups.

IV. Process for Obtaining Permits

Reservation requests are accepted at:

Elkhart County Parks Department
211 West Lincoln Avenue
Goshen, IN 46526
Phone: 574.535.6458
Fax: 574.535.6616
Email: info@elkhartcountyparks.org

Fields and facilities are allocated and permitted for two use periods: April 1 through June 30 and July 1 through October 31.

Each organization is required to sign and submit the following documents by the first week of November for the April through June use period and the first week of May for the July through October use period.

- A Field Use Application must be completed.
- Field User Information Sheet
- Athletic Field Use Rules and Regulations Sheet
- Hold Harmless and Indemnity Agreement
- Proof of Liability Insurance in the amount of \$1,000,000.
- Any person or organization missing these deadlines will have access to any remaining fields after the allocation and scheduling process is finalized on a first come, first served basis.

Multiple-use reservations may be made for more than one date or recurring weekly use but documentation must be completed for each reservation.

The Parks Department does not accept verbal requests for fields.

Only user groups who have a completed Field Use Application will be considered for rentals.

Field requests will not be accepted or considered from any group or organization with outstanding fees owed to the Elkhart County Parks Department or history of rules violations or damage to Parks properties.

Only the Organization President or authorized representative listed on the Use Application will be allowed to make any changes.

Any changes to the description submitted with this Use Application must be submitted in writing to the Elkhart County Park office. Any aspect of the event not fully described in the Use Application or an addendum submitted in accordance with this paragraph will not be covered by the permit or allowed in Park facilities.

An organization or business shall not sponsor, operate, maintain, conduct or promote an event in any Elkhart County Park unless the person shall have first made application for, and obtained as hereinafter prescribed, a permit for each such event.

A person shall not participate in an organized field use or event in any Elkhart County Park unless a permit has been approved and issued for the event.

IV. Fees and Deposits

Payment in advance of use is required. Cash, check, money order may be used 14 working days prior to requested use.

If payment is not received, the reservation will be cancelled.

A maintenance fee may be required by the County Parks Department to maintain and/or repair fields.

The normal rental fee shall apply and is due two (2) weeks from the date the reservation is made. For any shelter made unavailable for rent to the general public by the event due to parking and capacity constraints, the normal rental fee shall apply and be due two weeks from the date the reservation is made, regardless of whether the shelter is being used by the event or not.

Additional fees for electric, field rental, early opening and late closing may also apply.

Security deposits will be required on multiple-use date permit reservations and competitive or league group rentals. When required, they must be made in cash or check payable to the Elkhart County Parks Department and are due fourteen (14) days prior to the event. Security deposits will be returned if the site is in the same condition as it was prior to renting.

A deposit of \$200.00 will be required for each Field Use Permit.

V. Waiver

A waiver of vehicle entry and rental fees may be considered by the Elkhart County Parks and Recreation Board or its designated representative by 501 (c) 3 not-for-profits or events that donate all net proceeds to charity, and/or the Elkhart County Parks, or the Friends of the Elkhart County Parks. The organization *must* make the request in writing. A representative will need to attend a Park Board meeting that directly follows when the Special Event Application was submitted to request this fee waiver.

The sponsor of the event may petition the Park Board or its designated representative for a waiver of one or more of the requirements for a permit under these rules. Upon receipt of such petition, if it appears to the Park Board or its designated representative that one or more requirements of the policy creates an unnecessary hardship, not created by action of the sponsor, or that a genuine hardship exists because of unusual circumstances with regard to the particular activity, such requirement or requirements may be waived.

The need to obtain a permit may be waived by the Park Board or its designated representative or its designee if it is determined it is unreasonable for the size or nature of the activity taking place.

The nature of the event, the number of attendees anticipated and the past history of similar events and/or sponsoring organizations are factors that will be considered in determining whether a waiver is granted.

VI. Action by the Elkhart County Parks Department

The application shall be reviewed by the Elkhart County Park & Recreation Board or its designated representative for its approval or denial.

The Director of the Elkhart County Parks Department may be designated by the Elkhart County Parks & Recreation Board to make decisions regarding approvals of Use Permit Applications and/or conditions of a Use Permit.

VII. Permit Cancellation

Permits and/or reservations may be cancelled

If renter cancels after payment and up to two (2) weeks prior to the date the field is to be used, all of the deposit but \$10.00 will be refunded. For cancellations made within two (2) weeks of the rental date, no refund will be refunded. If you receive a refund please allow three to four weeks for refund.

Elkhart County Parks may cancel or re-assign use of fields for any of the following reasons:

- County begins work involving any of the fields or facilities.
- When the safety of participants are threatened due to impending conditions, including but not limited to, heavy rains, adverse weather, smog alerts, pesticide spraying.
- Non-adherence to Field Use and Allocation Policy or County ordinance.
- Tournaments and special events hosted by the County or Group 1 organizations throughout the year.

VIII. Notice of Field Exchange

Users **may not sublease fields** under any circumstances.

Subleasing of fields may result in revocation of all permits.

IX. Notice of Non-Use of Fields

Any organization that has been permitted to use a field and determines they will not need to use it shall notify the Elkhart County Parks Department. User groups with fee waivers may be billed for fields that they have reserved and have not used or properly cancelled.

Non-use of a field may also result in revocation of the permit of the allocated field.

X. Fines

Groups may be charged \$100 per day for unauthorized field use. There is a \$50 fine (where applicable) for leaving nets, markers or not moving the goals at the end of each permitted field use.

XI. Permit Denial - The permit may be denied if:

The application fails to comply with any requirements of this policy, existing Parks Department Rules and Regulations or any conditions imposed pursuant hereto, or with any other applicable provision of state or local law.

The application is for an event that takes place during another major special event within any of county parks, whether by another applicant or a County Park event.

The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

The application may be denied if the event is deemed high risk for participant injury, has potential to damage park facilities or grounds, has an impact on immediate neighbors to the park, impacts the County Park staff and budget constraints, has the potential for additional security measures to be taken that would impact law enforcement and security.

For any other reason in the reasonable exercise of the Park Board or its designated representative's discretion. Such reasons can include, but are not limited to, prior commitments, scheduling conflicts, facility capacities, prior performance of applicant, person or sponsor, failure to follow Parks Department Rules & Regulations, exceeding shelter or area capacities or exceeding the limits of a previous permit, lack of adequate Parks Department staff and for the protection of the Parks and their visitors.

XII. Tournament Procedures

All general rules and reservation procedures as specified in the Field Use and Allocation Policy are applicable during tournaments. Additional provisions for tournaments are stated in this section.

Tournament applicants must complete and Field Use Application and Agreement Request.

Submission of this form does not constitute approval.

All organizations conducting tournaments using County Park fields must meet with County staff at least 30 days prior to the tournament date and complete a Tournament Orientation Checklist.

Game times and field use must follow all policies outlined in the Field Use and Allocation Policy.

XIII. Field Modifications

No improvements shall be made without Elkhart County Parks prior approval.

No permanent structure or equipment will be erected.

Any damage, other than normal wear and tear, must be corrected by the group or organization with methods and plans for repair approved by Elkhart County Parks prior to field use.

Any corrections or repairs made without prior approval, or unacceptable quality of work, may be subject to withholding a deposit.

If repairs are made by Elkhart County Parks Department the cost incurred will be deducted from the deposit.

XIV. Field Marking

Field layout must be submitted to and approved by Elkhart County Parks.

Only approved materials will be used to line fields. Spray paint must be approved color. Chalk and talc are approved materials.

Lining of fields is prohibited without permit.

Burning of lines is prohibited.

XV. Damages and Maintenance

If the field or facility is damaged, marred or defaced by intention or the act of a negligent user, patron, guest, or any other person using the field or facility or adjoining facilities, the user group will pay to the County such sums as determined by the Park Board or Director to be necessary to restore the field or facility to its condition prior to such damage. Any deposit made by the user may be retained by the Parks Department to cover part or all of the cost of repairing the damaged facilities.

XVI. Rules and Regulations

Applications for large or high security events are subject to these subsections and such additional requirements as may be imposed.

Security personnel - If deemed necessary by the Elkhart County Park & Recreation Board, the Organization shall employ, at its own expense, such security personnel as deemed necessary and sufficient to provide for the adequate security and protection of the maximum number of persons at the event and for the preservation of order and protection of property in and around the site of the event. No permit shall be issued unless the Elkhart County Parks is satisfied that such necessary and

sufficient security personnel will be provided by the sponsor for the duration of the event. A security plan including contact information of security personnel will be required prior to the event.

Restroom facilities - The organization shall provide extra portable restrooms, as necessary depending upon the size of the event. At least one handicapped restroom must be available at the event. The number and types of facilities required shall be determined, on the basis of the number of persons to attend the event, in the following manner:

1. If separate facilities are to be provided for males and females, the following ratios must be followed:

<i>Facilities</i>	<i>Male</i>	<i>Female</i>
Toilets	1:300	1:100
Urinals	1:200	n/a

2. If unisex facilities are to be provided, the following ratio is to be followed: 1:150. Park Staff shall be contacted to identify approved location of the portable restrooms to reduce damage to the Parks facilities and grounds.

Trash Receptacles: The organization or user group is responsible for picking up all trash and litter from the playing fields as well as the surrounding area after each use. The organization or user group may incur the delivery, removal, and cost of extra trash receptacles. This will be specified in the Permit.

Failure to pick up trash or empty trash cans may result in maintenance fee assessed.

Food service: Sales of food, merchandise or vendors are **not permitted**.

Alcohol: Possession, sale, or use of alcoholic beverages is prohibited in the Elkhart County Parks.

Access and traffic control: The sponsor shall provide for ingress and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways, and only from the designated park entrance roadways. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles.

It is the user groups responsibility to alleviate traffic and parking issues.

At least one travel route not less than twenty (20) feet wide shall be maintained at all times for ingress into the parking area from a public roadway, and one travel route not less than twenty (20) feet wide shall be maintained at all times for egress from the parking area. Each travel route shall be clearly marked for either egress or ingress, and such designations shall be enforced. If the event is taking place on or across roads, it is the responsibility of the event Sponsor to coordinate permission and services.

Parking and Driving: Parking is allowed in designated areas only. User groups must inform their participants and spectators to park in the parking lots and public parking areas. At each park, parking is limited to designed capacity. The Parks Department reserves the right to prohibit any and all parking outside of the designated parking areas. No parking on the grass.

In determining the number of parking spaces necessary for the event, the sponsor shall plan for no less than one (1) automobile for every three (3) persons expected to attend the event. The Event Sponsor shall provide sufficient readily-identified parking attendants to direct persons arriving at and leaving the event into and out of the parking area and to maintain such parking and traffic patterns within the parking area as to assure that each vehicle shall have a clear route by which to leave the parking area at all times.

All vehicles must remain on roadways and parking lots at all times, including during set-up and tear-down of events unless permission is otherwise obtained in the application process. Driving in grass areas, trails, or fields and pulling up to shelters with vehicles is prohibited.

Speed limits and stop signs in the park need to be obeyed at all times.

Insurance: The sponsoring organization must provide a completed certificate of insurance naming Elkhart County Parks and the Elkhart County Parks & Recreation Board, elected and appointed officers, employees, all parties involved and volunteers as additional insured at least two (2) weeks in advance of the event showing general liability coverage with the following limits. The Director of Parks is authorized to require higher limits than those stated below when circumstances warrant.

Hold Harmless Agreement:

The applicant must provide the completed and signed indemnification and hold harmless agreement with their application.

Hours of the event: It is highly encouraged the event, along with set up and cleanup is planned during the open hours of the Elkhart County Parks.

If an early opening or late closing is required for the event, the organizer must clearly let us know one month in advance, or preferably on the Special Event Application. There is a \$50 fee/hour for early opening and late closings. Do to staff constraints and budgets, his fee cannot be waived. The park can be opened as early as 7am but must close at established hours.

Miscellaneous: Prior to the issuance of a permit, the Park Board or its designated representative may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of persons attending the event and park property.

Equipment: The Elkhart County Parks is unable to provide any equipment for an Athletic Events.

This includes goals, nets, boundary markers, bases or any other equipment.

The Elkhart County Parks is not responsible for any lost, stolen, or damaged items or equipment that belongs to the Event Sponsor.

Sound Producing Equipment: Loudspeakers and public address instruments are discouraged. The use of such a machine or device such that the sound produced from is audible in any direction at a distance in excess of one hundred feet (500'), shall be deemed a prima facie violation of this section, unless written permission has been obtained from the Elkhart County Park Board or its designated representative(s).

Tents and Canopies: Tents and canopies that require staking into the ground are prohibited unless prior authorization has been granted through the tent permit. The tent/canopy must be put up and

removed the same day of the event, unless prior permission is obtained from the Elkhart County Parks Director.

The Event Sponsor must abide by the tent policy of the Elkhart County Parks, pay the \$50/day per tent space fee, place the tent in the agreed upon area, and also follow the regulations of the State of Indiana's Department of Homeland Security – Division of Fire and Building Safety's Tent Policy, including any inspections that are needed prior to the event. (www.in.gov/dhs)

The Event Sponsor is responsible for contacting the federally-mandated national "Call Before You Dig" number, in Indiana the contacts are 811 or 1-800-382-5544 or www.indiana811.org. Event Sponsor should call 3 days in advance of the tent being set up.

XVII. Violations

It shall be a violation of this policy for a sponsor, its agents, employee or volunteers to knowingly:

Advertise, promote or sell tickets to, conduct or operate an event without first obtaining a permit as herein provided.

Conduct or operate an event in such a manner as to create a public or private nuisance, or in violation of any of the requirements of this policy.

Permit any person on the premises to cause or create a disturbance in, around, or near the event or engage in disorderly conduct

Permit any person to unlawfully consume, sell or possess any intoxicating liquor while on the premises.

Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other substances as amended. Violation of any other provision of this ordinance shall be punishable by the extent of the law.

XVIII. Severability

If any word, clause, sentence or section of this policy or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this policy which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this policy is declared to be severable.