

**TOWN OF GARDNERVILLE  
PARK USE AND RESERVATION POLICY  
RULES AND REGULATIONS**

*(Revised in January 2013)*

**1. Park Use and Reservation Policy:**

The Gardnerville Town Board ("Board") defines and declares that, with the completion of the improvements to Heritage Park, including the pavilion and related public facilities, and the requests for public and private exclusive use of Heritage Park and/or other parks within the Town, Town park use requires a reservation policy for all persons desiring to use, promote, encourage or sponsor activities within Town parks regarding reservation of Town parks.

The Board will for events within Town parks allow for a public or private group or person to reserve parks for such use, for limited amounts of time, pursuant to this policy and the following rules and regulations.

No person or entity shall use Town parks without compliance with this Park Use and Reservation Policy ("Policy"). Any person desiring to use a Town park for an event must first apply to the Town office for a permit issued by the Board for the conduct of the event within the park. Any completed application will be placed on the next available Board agenda for consideration and possible approval by the Board after its review and approval by the Gardnerville Town Manager ("Manager").

**2. Board Findings:**

The Board has found that certain activities to be conducted within Town parks should be subject to a park reservation fee based upon the following findings:

- a. Youth activities are to be supported and subsidized to ensure an open and inviting park-use environment. The Town will not charge a fee for youth activities except for minimum fees necessary for security and/or cleaning of Town park facilities.
- b. Adult activities are also to be supported, but are subject to fees based on a greater ability to support and pay for use of Town parks.
- c. Youth-oriented community organizations should be allowed to maximize fund-raising efforts in support of a non-profit youth activity organization.
- d. All requests are subject to the Manager's priority ranking to ensure reservation of Town parks.

- e. Deposits and insurance requirements will be required according to the schedule set forth in this Policy to ensure continuing availability and security of Town parks.
- f. Additional fees may be charged beyond the minimum fees, at the discretion of Town staff, when the impact on the Town in accommodating the park use is beyond normal operations, such as Town staff overtime and cleanup costs.
- g. Uses of Town parks which are for commercial purposes, or other uses creating major impacts on the park facilities, will be reviewed by the Manager on a case-by-case basis. The Manager's recommendation shall be provided to the Board prior to approval of such park use.

**3. Definitions:**

An application for Town park use, which may or may not involve the entire Town park facility, shall be construed as a use of that portion of the Town park to the exclusion of all other public and private users for the reserved period of time ("use" or "park use"). Park use shall be arranged by the Manager according to this policy. A park use includes any event conducted within a Town park, whether organized or promoted for commercial purposes or non-commercial purposes, whether or not an admission fee or donation is requested or required, and shall include any exclusive use of a Town park.

A use of the park includes the park and all of its facilities. Where applicable, the Town's template for location of temporary facilities, such as booths, shall be utilized.

**4. Permit Required:**

No person or entity shall be entitled to reserve any area or the entire area of a Town park for the operation, maintenance, conduct, or advertisement of any activity, or advance ticket sales related thereto, unless a permit from the Town is first obtained by submitting an application, described below, to the Town and the Board, and the Board approving such application.

**5. Priority of Uses:**

The Board establishes, in the first instance, that reservation of Town parks shall be on a first come, first served basis. If an application is received, reviewed and approved, the application to use a Town park shall take precedence over any other applications even if a later received application requests use of the park for the same time period.

For applications received, but not yet approved, that request the same period of time of use of a Town park, then park use will be based on a priority pursuant to the Board's findings and the following priorities:

- a. Town-Sponsored Activities.
- b. Student groups sponsored by the Douglas County School District.
- c. Youth, family or adult community recreation activities open to the public sponsored or conducted by a recognized community organization.
- d. Governmental agency meetings open to the public.
- e. Douglas County-based groups or individuals conducting activities restricted to members of the group or entity, and are otherwise closed to the public.
- f. Religious, sectarian or political meetings.
- g. Commercial uses for financial gain.
- h. Out-of-county group or organizational uses.

**6. Application:**

A completed “Reservation Form and Release of Liability and Indemnification Agreement” (“application”) for use of a Town park to conduct an activity or event, which may or may not involve the closure of a street or alleyway within the Town, must be submitted in writing to the Town at least 10 business days prior to the next Board meeting preceding the time indicated for the commencement of the planned use and shall be accompanied by any fees and/or deposits established or required pursuant to this Policy. The following information related to the specific use shall be contained in the application prior to its submission to the Town.

- a. The name, age, residence and mailing address of the person or entity making the application. If the application is made by an entity, the names and addresses of the principals of the entity must appear. Where the applicant is a corporation, the application must be signed by the president, vice-president and secretary of the corporation and must contain the residence addresses of the corporate officers and a certified copy of the Articles of Incorporation as a part of the application.
- b. A statement of the kind, character or type of use which the applicant proposes to conduct, operate or carry on, and the name(s) of the street(s), park(s) or alleyway(s) within the Town for which permission to close such street, park or alleyway is sought.
- c. The home, office and/or work telephone numbers of the applicant, and if the application is by an entity, the home, office and/or work telephone numbers of the principals. If the application is made by a corporation, the home, office and/or work telephone numbers of the president, vice-president, and secretary shall be supplied.
- d. The date or dates and hours during which the use is proposed to be conducted.
- e. An estimate of the number of patrons, customers, spectators, participants and/or other persons expected to attend the use for each day it is proposed to be conducted.

- f. If applicable, proof that the applicant is seeking, or has sought and received the requisite approvals and/or permits from Douglas County, including, without limitation, and if required, a liquor license and/or an outdoor festival and entertainment event license, and that the applicant has received any and all other approvals and/or permits from Douglas County. Failure to submit the requisite proof of Douglas County approval(s) and/or permits shall be deemed to be an automatic determination that the application is incomplete, and shall not be heard by the Board until complete.
- g. Where applicable, if an application proposes the erection of temporary facilities to be used for the event to be conducted in the Town park, the application shall utilize the Town's template for location of temporary facilities, such as booths, and demonstrate to the satisfaction of the Manager that all temporary facilities are located in conformity with the template.
- h. The Board may, in limited and special circumstances, waive any fee(s) and/or deposit(s) required by this Policy, provided that the applicant has complied with all other requirements of this Policy, and provided that any such waiver of fees or deposits was done at a Board meeting complying with NRS Chapter 241.

**7. Insurance:**

As part of the application, each applicant shall supply proof of insurance as required below, unless the applicant is a local government entity sharing the same liability insurance as the Town, in which latter instance Town staff shall verify the status of the local government entity and the liability insurance of such entity. Subject to the immediately preceding sentence, comprehensive general liability insurance naming the Town as an additional insured and certificate holder with minimum limits of insurance of \$1 million for each occurrence and \$1 million annual aggregate will be required for any Town park use when 1) the event is open to the public; 2) a fee is charged; 3) the very nature of the event and/or the number of applicants require(s) liability insurance; 4) alcoholic beverages are to be sold; and/or 5) as recommended by the Town Manager to the Board and/or as determined by the Board. Insurance coverage must include premises, operations, products and completed operations, at a minimum.

**8. Explanation of Use:**

Included with the application shall be a detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, food supply and facilities, sanitation facilities, medical facilities and services, vehicle parking spaces, vehicle access and onsite traffic control, and what provision shall be made for numbers of participants in excess of the applicant's estimated attendance. The applicant shall also provide for cleanup of the premises and removal of garbage and refuse at the Town park after the event has

concluded.

**9. Time of Operation:**

- a. All park uses which are the subject of this policy are available for individual or group use during normally scheduled hours of operation. Exceptions are subject to review by the Manager and review and approval by the Board. Additional hours of operation may be allowed and approved by the Board.
- b. No group or individual may reserve a Town park more than four times per month, two of which may be weekends, including Friday, Saturday and Sunday. Additional use beyond these periods shall be subject to the regulations set forth in Paragraph c below.
- c. Extended park use involving multiple dates within a one month period may be granted for a maximum of one calendar year. All permits shall expire on December 31 of each year. Town park use is subject to the priority ranking schedule of this Policy. Reservations may be cancelled for a full refund of fees and/or deposits up to 5 business days prior to the scheduled use. If a reservation is cancelled with less than 5 business days remaining prior to the scheduled use, no refund of fees will be given, except in extraordinary circumstances, extreme weather, natural disasters, or other acts of God, but any deposits made will be refunded.

**10. Alcohol and Food:**

Should the applicant desire to dispense alcoholic beverages, or to permit the consumption of alcoholic beverages as part of a Town park use, the applicant must request permission from the Board on the application. Only beer or wine may be consumed at an event and/or during a Town park use. The applicant shall obtain any other permits required for the dispensing or consumption of alcoholic beverages, including but not limited to any liquor permits required by Douglas County, and proof of compliance with such permit requirements must be submitted with the completed application within the time for submitting the application as set forth in this Policy. The applicant shall ensure that no participant in the park use shall use or possess any liquid container made wholly or partially of glass or metal, and demonstrate, as a part of the application, the measures to be taken to restrict alcoholic beverage containers and to ensure that no alcoholic beverage will be consumed or dispensed outside of the area of the park.

The applicant shall provide facilities for the washing of hands for persons who prepare food at a special event.

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**11. Smoking Prohibited:**

Smoking is prohibited in the park except where specifically authorized.

**12. Security/Law Enforcement Protection:**

Security and law enforcement protection may be required for certain uses of a Town park, subject to the Board's discretion and the Douglas County Code. The Board shall consider the following when determining whether security and/or law enforcement protection is required: 1) where an event makes a major impact on a Town park and/or Town park facilities; 2) when alcohol is served; and/or 3) when additional precautions are deemed necessary due to the nature of the event. If required by the Board or by Douglas County Code, the applicant shall employ at his, their or its own expense, law enforcement protection or private security personnel. The number and type of officers shall be determined and specified by the Douglas County Sheriff's Office to provide for the preservation of order and protection of property in and around the park. If security and/or law enforcement protection is required, the applicant shall demonstrate to the satisfaction of the Board that the applicant has obtained the approval of the Douglas County Sheriff of all arrangements for security for the Town park use. The applicant shall be responsible for all costs of security which shall be determined by, and paid to, the Douglas County Sheriff's Office or its designee, or to a private security firm if applicable. Security shall be subject to the complete direction and control of the Sheriff's Office.

**13. Sanitation Facilities:**

The park facilities include limited sanitation facilities. The applicant shall comply with the Douglas County Code and Nevada Administrative Code 444.825 regarding providing toilet facilities, which may include, but is not limited to, providing enclosed portable chemical toilets or enclosed flush type water closet facilities, marked "Men" and "Women" as appropriate, the type and quantity of such toilets and/or facilities to be determined by the Town Manager and approved by the Board pursuant to Nevada.

Every applicant shall be required to provide for solid waste disposal. All solid waste disposal shall be provided by the Gardnerville Health and Sanitation Department which, based upon the application, shall determine the number and type of containers, and pickup and removal of refuse, trash, garbage and rubbish, subject to Board approval. Removal of all trash and refuse shall be at the applicant's expense.

The applicant shall provide adequate assurance to the Board that, at the conclusion of the use, the park shall be cleaned, and all refuse and garbage removed within twenty-four (24) hours of the time of the conclusion of the use.

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**14. Cleaning and Security Deposit:**

A cleaning and security deposit (“deposit”) of \$300.00 will be required to be paid upon submission of each application. The \$300.00 deposit applies one time to one event, so that if an applicant is also applying for a Town street closure and/or special event permit, only one \$300.00 cleaning deposit shall be paid per event. If the application is denied by the Board, the deposit will be refunded to the applicant within 30 days of the application being denied.

Upon recommendation by the Town Manager, the deposit may be waived subject to the Board’s discretion, and based upon the use proposed and the Board's consideration of the matters set forth within a completed application, including, without limitation, the planned use, the number of attendees anticipated, whether or not alcohol will be dispensed or consumed, the hours of operation, and the sanitation facilities required. Even if the Board waives the deposit, the applicant may be responsible for payment of cleanup and/or other expenses as set forth in the Policy if such expenses are necessary of the applicant’s use.

The deposit, once paid, may be refunded to the applicant, in whole or in part, subject to the Board’s discretion, at the conclusion of the Town park use after inspection by Town staff for any additional clean-up and/or damages other than normal wear and tear. Cleanup by Town staff will be billed at \$25.00 per hour and will be applied to the deposit, with any remaining portion of the deposit refunded as consistent with this Policy. The applicant will remain responsible for any additional damages or repair expenses as a result of the use. A full or partial refund of the deposit, if Town staff determines it is due, will be returned to the applicant within thirty (30) days of the park use.

If the application is approved, prior to the event the applicant will be given instructions for cleaning the Town park to be used. An applicant shall clean the Town park to be used after the event. If, after the event has concluded, additional cleaning is required, it will be provided by the Town, which will bill at the rate of \$25.00 per hour as described in the paragraph immediately above.

**15. Damage to Facilities:**

Any applicant whose use of the park causes damage or excessive wear and tear to the park or its fixtures shall be required to reimburse the Town for all costs to repair, replace, restore, repaint or clean up the affected area to its original condition prior to the use. Any damage caused by a park use beyond normal wear and tear shall cause any future application submitted by the same person or entity to be reviewed to determine if the applicant will be allowed to use the park and its facilities in the future.

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**16. Reservation Fee:**

A basic reservation fee at the rate of \$25.00 per hour, up to \$300.00 maximum per day ("basic rate") is established by Board. At the time an applicant submits the completed written application, the Town Manager shall require a reservation fee based on the basic rate, the proposed use and classification of uses set forth below, and the proposed length of time of use, subject to final approval of the Board. The reservation fee set forth in this paragraph does not include the cleaning and security deposit described above.

**17. Classification of Uses and Charges:**

- A. When two or more applications for use of a Town park are received by the Town, and each requests use of the park for the same time period, approval of an application for the requested time period shall be based upon the following classification of uses.

No application to use a Town park for a period of time shall be granted by the Town if the Board has previously approved an application for use of the park during the same period of time. The Town Board's policy is that the classification of uses established in this section of the Policy is to be applied when two or more applications are received, and each requests use of the park for the same period of time.

- B. Class I: No fee (0% of basic rate)
- a. Non-profit county youth groups when the activity is open to the public for activities and meetings for recreational purposes.
  - b. Groups or community organizations providing adult or youth group recreation activities which are free and open to the public.
  - c. All governmental meetings and fund-raising activities sponsored by a government agency when a reciprocal agreement exists with the governmental applicant.

Class I users include, without limitation, county youth groups or agencies serving youth which are non-profit, tax exempt or not-for-profit activities whose primary purpose is to provide for recreation for Douglas County residents. A majority of participants must be Douglas County residents. Any fee charged for the activity must be used for the support of the activity. For governmental agencies, the fund-raising activity must relate to the governmental operations.

- C. Class II: One-half (50%) of basic rate

Recreational or charitable fund-raising activities for local, community youth serving groups and non-recreational groups when all funds raised support community,

charitable and/or recreational activities.

This rate pertains primarily to fund-raising activities by county community organizations and youth serving agencies in support of recreation and/or community activities. Fund-raising activities must have as a main purpose the generation of funds to support the youth or community activities.

D. Class III: 100% of basic rate

Groups included within this classification are religious, political or union groups conducting meetings; private parties, individual uses and family uses which are not open to the general public; and closed and open dances and fund-raising events where the funds which are raised are not used to support a community or local recreational activity.

Class III uses are usually with private functions and are not open to the public, including private parties, individual uses and family uses. Class III includes community organizations where the event will not generate funds for the organization or will not be open to the public.

E. Class IV: 100% of basic rate plus 25% of gross receipts

Class IV uses will include commercial or personal use of the park for financial gain.

The full basic rate plus 25% of gross receipts received by applicant during the applicant's use of the Town park and for the specified Town park use.

Class IV includes a significant activity whose purpose is a commercial use and/or which constitutes a major impact upon the public. Any request for a Class IV use must be approved by the Board, which may review, among other factors, the nature of the profit-making organization, company or enterprise.

F. The Board's policy is that, for competing applications for the same period of time, the Manager shall rate the competing applications based upon the classification of uses set forth within this section so long as no other approved application has requested use of the park for the same period of time.

**18. Additional Charges:**

Additional charges may be levied over the basic rate charged when any one or more of the following occur:

- a. When the facility would not normally be open and Town staff are required to be on

duty or to perform a service.

- b. When the applicant requests Town staff to assist in set-up, breakdown, clean-up, park preparation or other maintenance duties when required during other than normal operating hours.
- c. When Town staff are required for control of the event.
- d. When the proposed use requires park renovation or facility repair as a result of the proposed activity.
- e. When damage to the park and its facilities is reasonably foreseeable, or has occurred, and includes without limitation all material costs, supplies and labor.

The determination of requirements for additional charges shall be made by the Manager. The applicant will be charged at the rate of \$25.00 per hour when use of Town staff is required, such use as determined by the Manager.

A total of the basic rate and any additional deposit, as required by this Policy, shall be paid in full at the time of the submission of the application. In no event shall any fee or deposit required by the Town be paid later than 10 business days prior to the date of the event. If the fees are not paid in full prior to 10 business days prior to the event, the permit shall be revoked.

**19. Refunds:**

Any applicant may cancel an application prior to its approval and receive a full refund minus a \$25.00 administrative fee.

An approved applicant may cancel its reservation 5 business days prior to the event with a full refund of the reservation fee minus a \$25.00 administrative fee. In the event an applicant cancels its reservation for Town park use at any time prior to the event, the cleaning and security deposit will be refunded regardless of when the cancellation is made.

If an approved applicant cancels its reservation less than 5 business days prior to the event, the reservation fee will not be refunded, except in extraordinary circumstances, extreme weather, natural disasters, or other acts of God.

A cleaning and security deposit of \$300.00 is set forth in Section 14 above. Deposits may be refundable subject to the terms of this Policy.

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**20. Miscellaneous Park Use Rules:**

***Street Closures or Special Events:*** In the event that the applicant proposes to close any streets or alleyways within the Town, the applicant shall also comply with the Town's Street Closure / Special Events Policy.

***Dumpster Fee and Litter:*** The applicant will be charged a fee of \$25.00 per garbage dumpster for groups of 50 or more people. Litter must be placed in appropriate garbage containers and/or wastebaskets and/or removed by park users from the Town park being used.

***Winter Restroom Use:*** The applicant will be charged \$50.00 if park restroom use is required from the time period of the day immediately after Thanksgiving until March 31 of the next year.

***Damage or Destruction of Town Property:*** No person shall intentionally damage, destroy, remove or modify any Town property. No person shall operate any vehicle, including but not limited to motorcycles, all-terrain vehicles, dune buggies, or other motor vehicles, within a Town park, except on designated paved roads. Vehicles may not be driven on any lawn or surface other than the designated parking areas without the express permission of the Board and as recommended to the Board by the Town Manager.

***Music:*** The Board must authorize any amplified music.

***Tents, Canopies, Awnings, etc.:*** The Board must authorize the erection of tents, canopies, awnings, or other like structures. Bounce houses, dance floors, or tents larger than 20 ft. by 20 ft. may be subject to additional security deposits and/or insurance coverage, at the discretion of the Board and as recommended to the Board by the Town Manager. Stakes are not permitted for use in securing tents, etc.

***Signs:*** Signs are not allowed within the park without the express permission of the Board and as recommended to the Board by the Town Manager.

***Dogs:*** Dogs, except seeing eye guide dogs, police dogs or service dogs, are not allowed in Town parks. The Board may allow other animals in Town parks when part of an event at its sole discretion.

***Hunting, Trapping, and/or Fishing:*** Hunting and trapping in Town parks are strictly prohibited. Fishing is not permitted, except in areas specifically designated for that use in the manner provided for. All fishing is subject to and in conformance with Nevada Revised Statutes and Nevada Division of Wildlife regulations.

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***Firearms, Crossbows, Air Rifles, and Fireworks:*** The discharge of firearms, crossbows, air rifles or fireworks is strictly forbidden.

***Camping:*** Camping is not permitted in Town parks. Exceptions may be granted at the sole discretion of the Board.

***All Other Laws:*** An applicant requesting to use a Town park for an event is responsible for complying with all federal, state, and county laws and ordinances, including the Nevada Revised Statutes, the Nevada Administrative Code, and the County Code for Douglas County, Nevada (“Douglas County Code”). This includes but is not limited to any outdoor festival permits, liquor licenses, etc. required by the U.S. government, the State of Nevada, Douglas County - Nevada, or the Town of Gardnerville.

The Town shall provide a copy of this Policy to the applicant at the time of furnishing an application.