



NEW HANOVER COUNTY PARKS & GARDENS

896 AIRLIE ROAD · WILMINGTON, NC 28403
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Use of Public Parks for Private/Recurring Activity

New Hanover County recognizes that activities are held in public parks by entities separate from the County. In order for our citizens to utilize our parks in a variety of safe and enjoyable manners, the County has developed a policy for the use of public parks for private activities.

New Hanover County requires completion of this application for any activity taking place in public parks that meet the following criteria:

- Activity is commercial in nature, an instructional, exercise, or athletic class, dog training sessions or activity that is held more than once per year and generates a profit for the sponsoring organization, including non-profits.

This permit application is required in order to consider whether the activities proposed are in conformance with applicable laws and regulations; to ensure activities are not a detriment to public health, safety and welfare; and to ensure that the park and its users are not overburdened.

Please review the entire application and complete it as accurately as possible to aid us in expediting your application. Applications should be sent to New Hanover County Parks & Gardens, 896 Airlie Rd., Wilmington, NC 28403. If you have questions regarding the application, please call 910-798-7275.

Use of Public Parks for Private /Recurring Activity Rules and Regulations

1. Activities are not permitted in any area in which an authorized festival or official event is underway unless the owner of the commercial business has made prior arrangements with the organizer or manager of the festival or event and shows this in writing to the Parks management office.
2. Activity locations are not permitted within 50 feet of a structure otherwise in use for park programming or rental.
3. An instructor/operator does not impede or cause any interference with other activities or public use.
4. No activities are permitted between dusk and dawn unless otherwise specified and approved in the application.
5. An activity may not block or obstruct the free movement of pedestrians, traffic, or parking. A law enforcement officer, fire official, or county representative may disperse any portion of a crowd that blocks public passage.
6. An instructor/operator shall pay an application fee payable to New Hanover County.
7. Instructor/operator must provide proof of commercial general liability insurance in the amount of at least \$1 million per occurrence with New Hanover County listed as additional insured. NHC has the discretion to require higher limits if the activity is deemed high risk.
8. Instructor/operator must provide schedule of group activities (exceeding more than 20 persons or 10 parking spaces) to the County Parks & Gardens Office for approval at least 24 hours in advance of said activity.
9. Group exercise programs are not permitted at Smith Creek Park on weekends from May 1st to October 31st.
10. No commercial activities will be permitted at Trails End Park other than the drop off and pick up of individual, non-motorized watercraft on weekends from May 1st to October 31st or Memorial Day, July 4th, or Labor Day.
11. Activity must comply with all County ordinances.
12. Use of County power and water are not included in the permit, other than public drinking fountains and restrooms.
13. Activity may not alter park facilities or vegetation in any way.
14. Exchange of money on public property is prohibited.
15. The selling of goods on park property is prohibited unless otherwise permitted as part of a County-approved event.

16. Activity publicity and scheduling are the sole responsibility of the instructor or commercial business. Publicity signs may not be posted in the park and solicitation may not occur on park property.
17. Instructor/operator is not, and does not expect to become, an employee of New Hanover County nor is a County contractor or agent.
18. Approval of the application is the sole discretion of New Hanover County, and a permit can be revoked, with notice, at any time. Permits may be limited based on demand and capacity.
19. No more than one commercial vehicle may be parked at the site during activity. Permit hanger must be displayed at all times in commercial vehicle.
20. All materials promoting the activity must include a disclaimer stating that the activity is not endorsed or supported in any way by New Hanover County.
21. The applicant, in consideration of the above, agrees to the following during the designated periods of use as follows:
 - A. Provide full organization, administration and supervision of the program listed herein, including scheduling of all activities.
 - B. Make the activity available to the general public, ensuring general access to the public without regard to age, race, color, religion, national origin, sex, disability or socio-economic standing.
 - C. Abide by all municipal and County ordinances, all applicable State laws, all policies of New Hanover County and the New Hanover County Parks and Gardens Department, to include but not limited to enforcement of the ban on smoking on County property and N.C.G.S. 14-415.23 on concealed handguns on County property.
 - D. To not knowingly allow any person to conduct illegal activity on New Hanover County property.
 - E. Monitor and accept responsibility for the conduct of all participants and spectators, including the removal of persons whose activities are a nuisance and a bother to other persons present at the facility.
 - F. Not to erect any signs, poles, tents or any structure without prior approval of the New Hanover County Parks and Gardens Department.
 - G. Instructor/operator is responsible for providing all necessary and appropriate safety instruction to all participants and attendees of activity.
 - H. It shall be unlawful to violate New Hanover Code, Section 11-54, Article III. Noise, hereafter referred to as the "Noise Ordinance". In addition, the New Hanover County Parks & Gardens Department Director or designee may make a determination that an activity or event is in violation of New Hanover County Code, Section 11-57. "Sounds-Generally," Subsection (b)(5), when the volume of such sound causes complaints to be lodged by the general public.

- A. Music shall cease by 10:00pm on Friday and Saturday and 9:00pm Sunday through Thursday. It is the event operator's responsibility to see that noise levels are not violated. The event operator should consider the surrounding residential area when planning a musical entertainment.
- B. Instructor/operator is to take responsibility for events and participants. No obscene gestures or language shall be used which causes a disturbance to any person(s). In the event of such a cause, violators can be removed from New Hanover County property.
- C. Allow only those activities approved in this Agreement.

22. INDEMNIFICATION AND INSURANCE:

- A. Instructor/operator agrees to indemnify, defend, and hold harmless the County, its agents, officers, and employees from and against any and all liability and expense, including attorney's fees and claims for damages including, but not limited to, bodily injury, death, personal injury or property damages arising from or in connection with Operator's operations or its activities carried on under this Agreement. The operator's duty to indemnify the County shall survive the expiration or other termination of this agreement.
- B. The instructor/operator shall provide and maintain, at its own expense, during the term of this agreement, the following programs of insurance covering its operations. Such insurance shall be provided by the insurer(s) satisfactory to the County as approved by the Risk Manager. Evidence of such insurance satisfactory to the County shall be delivered to New Hanover County Parks & Gardens one week before the effective date of this agreement. Such evidence shall specifically identify this agreement and contain the express condition that the County is to be given written notice of at least thirty (30) days in advance of any modification or termination of any program insurance.
- C. Instructor/operator shall obtain insurance of the types and in the amounts described herein.
 - 1. Commercial General Liability and Umbrella Liability Insurance.
Instructor/operator shall maintain commercial general liability insurance with a limit of not less than \$1,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this location(s).
 - 2. CGL insurance shall be written on ISO occurrence form CG 00 01 12 07 (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contracts, products-completed operations, personal and advertising injury, and liability assumed under an insured contract.
 - 3. New Hanover County shall be included as an insured under the CGL, using ISO additional insured endorsement CG 20 11 or a substitute providing equivalent coverage, and under the commercial umbrella, if any. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to County. There shall be no endorsement or modification of the CGL to make it excess over other available insurance; alternatively, if the CGL states that it is excess or pro rata, the policy shall be endorsed to the

primary with respect to the additional insured.

4. There shall be no endorsement or modification of the CGL limiting the scope of coverage for liability assumed under a contract.

D. Waiver of Subrogation. Instructor/operator waives all rights against County and its agents, directors or employees for recovery of damages to the extent these damages are covered by the commercial general liability or commercial umbrella liability insurance maintained pursuant to this agreement

To County:

New Hanover County Parks & Gardens Dept.
Attention: Andy Johnson
896 Airlie Road
Wilmington, North Carolina 28403

A. Amendments. This Contract shall not be modified or otherwise amended except in writing signed by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year first above written and by authority duly given.

New Hanover County representative

Instructor/Operator representative

Private/Recurring Program Permit Application

Business name: _____

Contact name: _____

Address: _____

Phone: _____ Alternate phone: _____

E-mail: _____

Name of program and description: _____

Park & location you are requesting use: _____

Program dates: _____

Days of the week: _____

Times: _____

Anticipated # of participants: _____ Anticipated parking use: _____

Adults: _____ Children: _____

I have read, understand, and will abide by New Hanover County's *Use of Public Parks for Recurring Activity Rules and Regulations*.

Signature: _____ Date: _____

Permit issued by: _____ Date: _____

Annual fee: \$100 for non-profit, \$200 for profit activities

Permit will expire one year from date of signature