



# PARKS FACILITY USE RULES AND POLICIES

This Exhibit includes insurance, indemnification and Park Rules requirements for use of County parks. A Permit is required for events that will include special activities or equipment, such as serving and consuming alcohol, or a bounce house, rock climbing wall, etc. The following sections describe some of the major requirements the Applicant must meet to receive a Permit.

## 1. INCORPORATION INTO AGREEMENT

In addition to any other indemnification, assurances and hold harmless agreements made by Applicant in connections with an event, the Applicant agrees to the terms and conditions set forth in this County Parks Rules and Policies (Exhibit)

## 2. DEFINITIONS AND ELIGIBILITY

The following definitions are used throughout this Exhibit:

- **Applicant:** The persons, firm or corporation applying for a Permit.
- **Application:** The form(s) the Applicant submits to obtain a Permit for an event at a County of Monterey Parks facility. Once complete and approved by the County, the Application becomes the binding agreement in support of the Permit.
- **County:** The County of Monterey
- **Event:** The time(s), place(s) and persons, firms or corporations associated with this Application.
- **Permit:** The final authorization to use a County Park facility, including reservations and special permits or agreements. The specific permit may vary depending on the type of event or location.

Special activities and equipment that require review and approval of a Permit by the County include, but are not limited to:

- Air Bungee Jumpers
- Alcohol Use
- Inflatables (Bounce Houses)
- Rock Climbing Walls
- Professional Photography
- Music
- Other activities and equipment as designated by the County.

## 3. INSURANCE REQUIREMENTS FOR USE OF PARKS FACILITIES

The County may require the Applicant to provide proof of insurance for special activities or equipment. Before final approval of the Application, the following insurance documents must be provided to the County:

- Certificate of Insurance
- Additional Insured Endorsement
- Primary/Non-Contributory Endorsement.

All insurance must be submitted to the County no less than ten (10) business days prior to the start of the event. The following are minimum requirements for all Permits. Applications are reviewed on a case by case basis. Additional insurance may be required based on the determination of the County Risk Division.



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## 3.1 INSURANCE CERTIFICATE

Without limiting Applicant's duty to indemnify the County, the Applicant must maintain in effect throughout the term of the event a policy or policies of insurance with the following minimum limits of liability:

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### POLICY LIMITS

- Commercial general liability insurance, including but not limited to premises and operations, including coverage for Bodily Injury and Property Damage, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.
  - Homeowners insurance policies generally cannot provide the required endorsements, and are not accepted as coverage.
  - There are many companies that provide standalone special event insurance policies.
- Business Automobile Liability Insurance, covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services for this Event, with a combined single limit for Bodily Injury and Property Damage of not less than \$500,000 per occurrence.
- Worker's Compensation Insurance if Applicant employs others in the performance of this Event, in accordance with California Labor Code section 3700 and with Employer's Liability limits not less than \$1,000,000 each person, \$1,000,000 each accident and \$1,000,000 each disease.

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### CERTIFICATE REQUIREMENTS

The Insurance Certificate must include the following elements:

(Please note that the descriptions of certificate sections (*insured, certificate holder, etc.*) are based on the sections of an ACORD 25 form, commonly used as an insurance certificate. If your insurance policy uses a different form, the section names may vary slightly.)

- The applicant must be named as the *Insured*.
  - Must list the Applicant's first and last legal name, and mailing address.
- The policy effective date must cover the term of the event, including setup and cleanup/takedown days.
- The *Certificate Holder* must be named as:

County of Monterey  
Public Work, Facilities & Parks  
1441 Schilling Place-South 2nd Floor  
Salinas, CA 93901

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### CANCELLATION

Insurance shall not be cancelled or reduced without prior notice to the County. Cancellation of the required insurance without a substitute policy in effect and approved by the County will void the Permit.



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## 3.2 INSURANCE ENDORSEMENTS

All insurance required by the County must be with a company acceptable to the County and issued and executed by an admitted insurer authorized to transact Insurance business in the State of California. Each insurance certificate must also have attached the following separate endorsement sheets:

### ADDITIONAL INSURED

- The Additional Insured endorsement must name “**The County of Monterey, its officers, agents and employees**” as additional insured.
- The endorsement must include the associated policy number, or the ACORD certificate must list the endorsement form number in the *Description of Operations*.

### PRIMARY/NON-CONTRIBUTORY

- The Primary/Non-Contributory endorsement must name “The County of Monterey, its officers, agents and employees” as additional insured.
- The endorsement must include the associated policy number, or the certificate of insurance must list the endorsement form number in the *Description of Operations*.
- The endorsement must state that the Applicant’s insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy (specific wording may vary slightly).

### LIQUOR LIABILITY ENDORSEMENT (SERVING AND CONSUMPTION OF ALCOHOL PERMIT ONLY)

A Liquor Liability insurance endorsement or policy is required for a Consumption of Alcohol Permit.

- The Certificate of Insurance must include “Host Liquor Liability” either listed under *Type of Insurance* or *Description of Operations* if the applicant is applying for a Consumption of Alcohol Permit. This language will act as the endorsement.

### SEPARATE ENDORSEMENT PAGES

The language for these endorsements must be provided as separate endorsement pages from the Certificate of Insurance. Including the endorsement language on the Certificate of Insurance, such as the ACORD Certificate *Description of Operations*, does not meet the requirements.

## 4. INDEMNIFICATION

The following indemnification clauses apply to their respective Application. The Application type will be indicated on the first page of the Application form.

### 4.1 GENERAL APPLICATION INDEMNIFICATION: APPLIES TO ALL APPLICATIONS

Applicant shall indemnify and hold harmless the County of Monterey, its officers, agents and employees from any and all claims, liability, loss, injury or damage arising out of, or in connection with, performance



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of this Event by Applicant and/or its agents, employees, or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County.

## 4.2 SERVING AND CONSUMPTION OF ALCOHOL PERMIT INDEMNIFICATION

In addition to any other indemnification, assurances and hold harmless language or agreements made by Applicant in connection with this Event, the Applicant hereby agrees to indemnify and hold harmless the County of Monterey, its officers, agents and employees from any and all claims, liability, loss, injury or damage arising out of the Applicant's service of alcohol whether the service of alcohol is the only alleged cause of claimant's damages or one of several alleged causes and shall extend to claims against the County of Monterey arising out of the County of Monterey's agreement to permit the service of alcohol.

## 4.3 FILM AND PHOTOGRAPHY PERMIT INDEMNIFICATION

In addition to any other indemnification, assurances and hold harmless language or agreements made by Applicant in connection with this Event, the Applicant hereby agrees to indemnify and hold harmless the County of Monterey, its officers, agents and employees from any and all claims, liability, loss, injury or damage resulting to any and all persons, firms or corporations furnishing or supplying work, services or materials, or supplies in connection with the performance of this Event.

## 5. PARK RULES

All park visitors are responsible for knowing the Park Rules and following them at all times.

Park Rules and Regulations are available at the County website:

<https://www.co.monterey.ca.us/home/showdocument?id=57546> and are incorporated herein by reference.

### 5.1 SERVING AND CONSUMPTION OF ALCOHOL

Section 5.1 applies to events that will involve the serving or consumption of alcohol. Service will not be allowed unless the following policies are observed and conditions met. The Applicant is responsible for ensuring that the following are enforced.

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#### SERVING AND CONSUMPTION OF ALCOHOL

- The Applicant will:
  - Submit with the Application a valid, unexpired Photo I.D. issued by a governmental agency for the Applicant that includes the Applicant's name, date of birth and description.
  - Prevent over-consumption, underage drinking, and other alcohol-related issues.
  - Agree to check the identification of all guests and make certain that those without acceptable ID, or are underage do not consume alcoholic beverages.
  - Agree to serve meals or snacks along with alcoholic beverages.
  - Agree to provide non-alcoholic beverages.
  - Agree to have alcohol in the area permitted for the event only and not allow it to be taken out of the designated area.



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- The Applicant also attests that they understand that:
  - The Applicant is personally responsible for the actions of event guests, for enforcing the above, and must physically be present during the period(s) in which alcoholic beverages are present.
  - Any members of the Applicant's group found possessing alcoholic beverages outside of the permitted area may receive a citation and/or may be asked to leave the park.
  - Any violation of these terms and conditions may result in the revocation of this Permit and that the group may be asked to leave the park.
  - The Applicant will be responsible for payment to cover any damages that occur to the facility and additional clean-up.

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## SECURITY FOR SERVING AND CONSUMPTION OF ALCOHOL

- The Applicant must pay for security at any event where there is a Permit for serving and consumption of alcohol. Security services are required for Events with over 30 attendees, and must be coordinated and approved by the County prior to the event.
  - One (1) Security Guard for every fifty (50) attendees, including the first thirty (30) attendees (1-50, 51-100, 101-150...).
  - One (1) Supervisor for every - one hundred (100) attendees.

## 5.2 RULES AND REGULATIONS FOR FILM & PHOTOGRAPHY PERMIT

Section 5.2 applies to Film & Photography Permits.

- The permittee, its contractors, agents and employees shall abide by all applicable federal, state and County laws, including Monterey County Code Chapters 14.12, 14.18, and 14.20. All photographic activities within the Park(s) are to be under the general supervision of the Director of Public Works, Facilities & Parks or designee, and all arrangements for advanced preparations shall be made with him/her, including coordination of park operation schedule.
- During the Permit, restrictions of public access to the work areas shall be kept to a minimum.
- No structures or sets are to be built. No trees or shrubbery are to be cut, trimmed or injured. No disturbance is to be made to the ground surface or cover without the express written permission of the Director of Public Works, Facilities & Parks, or designee.
- The use of fires by the permittee shall not be permitted except under unusual circumstances and with the specific written approval and supervision of the Director of Public Works, Facilities & Parks, or designee. Permittee is required to obtain any necessary fire permits.
- The permittee shall maintain a clean working area and upon completion of work, shall restore the premises to the same condition in which it was found.
- The permittee shall repair any and all damage to the County park system resources, facilities or property caused by the permittee's activities. The Director of Public Works, Facilities & Parks, or designee shall be the sole judge of the extent of such damage and the adequacy of the repairs and restoration.



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- The Director of Public Works, Facilities & Parks, or designee, may terminate any photography activity when it is necessary for the safety and enjoyment of the public, for the protection of the county park system resources, or for the violation of any rules and regulations of Monterey County.

### 5.3 AMPLIFIED MUSIC/SOUND

Section 5.3 applies to any Event that includes amplified music or sound. Applicant must list on the Application, all amplified music and sound that will be present at the Event.

- The Board of Supervisors of Monterey County has adopted Ordinance No. 2753 which regulates noise in county parks. The noise level, as ordered in this ordinance, shall not exceed 50 dBa at 50 feet utilizing an “A” weighted network. This ordinance covers all forms of sound, including music, and will be enforced throughout the park system, including group area PA systems, live music bands, as well as individual automobile stereo systems.
- The use of fuel-operated generators and portable bandstands (such as those used on flat-bed trucks) are not allowed without prior approval of the Director Public Works, Facilities & Parks of designee.
  - Generators must be “whisper” generators and meet all County sound level requirements.
- The Parks Department will supply electricity to each individual group picnic area that is reserved. The electrical outlets are to be used only by the group who has reserved that area for the day. The Parks Department does not guarantee electrical power to these group areas if a power failure occurs or if the equipment being used draws an excessive amount of AMPS.
- Bands and stereo equipment shall cease play one (1) hour before the posted closing hours of the park. Electricity at your reserved group area shall be turned off at that time.
- No vehicles shall be allowed to drive off the paved road or designated vehicle parking area to load or unload any equipment without prior permission from the Director Public Works, Facilities & Parks or designee.
- Approval for amplified music/sound must be applied for at least one (1) week before the event takes place.
- The Applicant is responsible for his/her group’s actions while visiting any Monterey County Park and must physically be present the day of the event. The applicant understands that they may receive a criminal citation, have the electricity turned off to the group area, and/or be asked to leave the park due to violation of these terms and conditions.

### 5.4 INFLATABLES (BOUNCE HOUSES)

Section 5.4 applies to the use of inflatables in County Parks.

- Inflatable may not exceed fifteen feet by fifteen feet (15ft x 15ft) in size.



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- Inflatable structure will not include any feature designed to use golf balls or other projectiles (exception: basketball hoops that are part of the inflatable structure).
- Only one (1) Inflatable is allowed per reserved area. Applicant may not use other areas or open spaces it has not reserved, regardless if it is occupied or not.
- Applicant must always maintain supervision of the Inflatable.
- Generators must be “whisper” generators and meet all County sound level requirements including Ordinance No. 2753 which regulates noise in county parks. The noise level, as ordered in this ordinance, shall not exceed 50 dBa at 50 feet utilizing an “A” weighted network.
- Applicant must be present at the Park for any delivery and pickup of the inflatable.