



PARKS AND RECREATION Policies and Procedures

Policy Manual
General Directive
Rental of Department Managed Property
Effective: October 1, 2009
Review Date: October 2021

I. Purpose

The purpose is to provide effective controls essential for the reservation, use, and protection of department managed property in compliance with all City approved ordinances and fee resolutions. City property, managed lands, facilities, and equipment under the authority of the Parks and Recreation Department are intended primarily for recreational use by the general public.

II. Definitions and References*

- A. *Applicant* shall mean an individual, entity, or organization who applies for a permit
- B. *City* means the City of Tampa, municipal corporation existing under the laws of the State of Florida
- C. *Chapter 16* means the City of Tampa Code of Ordinances for Parks and Recreation
- D. *Chapter 28* means the City of Tampa Code of Ordinances for Special Events
- E. *City Park* means any property owned by the City and designated as a “dedicated City park” pursuant to section 16-91 of this code or other City property owned, operated, leased, maintained, or otherwise administered by the City pursuant to Chapter 16 of this code or by executive order as a City public park or space
- F. *Commercial activity* shall mean the sale, service, or solicitation of any item for a fee or donation, tangible or intangible, including but not limited to food or beverages; the charging of admission; the charging of fees of any service, entertainment, or amusement including marine activities
- G. *Department* shall mean the City of Tampa Parks and Recreation Department
- H. *Director* shall mean the Director of Tampa Parks and Recreation Department or designee
- I. *Department Managed lands* shall mean City parks, dedicated parks, recreation facilities, environmentally endangered lands, sanctuaries and conservation areas owned, operated, or managed by the Department
- J. *Designated area* shall mean that geographical area which has been established by the Department for a specific activity or activities within a department managed land
- K. *Designee* shall mean the person appointed by the Director to perform duties as assigned
- L. *Facility Use Permit* shall mean a written document or certificate provided and/or issued by the department granting permission for use of reserved recreation facility and/or to conduct and/or take part in a specific activity at a specific location and which sets forth terms and conditions applicable thereto
- M. *Fees* shall mean current fees approved by the City of Tampa Council through resolution
- N. *Law enforcement officer* shall mean any certified law enforcement officer of any rank who is a duly sworn officer of the Tampa Police Department, Hillsborough County Sheriff’s Office, Florida Highway Patrol, or an officer of any other State of Florida or federal law enforcement agency
- O. *Non-profit organization (also not-for-profit organization)* shall mean a corporation actively registered through the State Florida Division of Corporations as a non-profit charitable corporation, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held to be tax exempt under the provisions of Section 501(3), (4), (7), (10), or (19) of the Internal Revenue Code of 1954

References:

- *City of Tampa Code of Ordinances
- *Customer Guide to Special Events

- *Facility Use Permit*
- *Picnic Shelter and Greenspace Rules*
- *Revenue Manual with Department Fee Schedule*

III. Policy

The City of Tampa and the Parks and Recreation Department has established guidelines in the Code of Ordinances to provide effective controls essential for the reservation, use, and protection of department managed property in compliance with all City approved ordinances and fee resolutions. City property, managed lands, facilities, and equipment under the authority of the Parks and Recreation Department are intended primarily for recreational use by the general public. Use of these facilities and designated areas shall not be adapted to a use which differs from this purpose; however, managed land, facilities, and equipment when not in use for department sponsored or co-sponsored activities, may be made available to rent for the community or other public use when such use is compatible with other general public use established and approved by the Director and in accordance with the Code of Ordinances for the City of Tampa. The department director shall have the custody, control, and management of all real and personal property heretofore or hereafter designated or acquired by the city for parks, playgrounds, recreation facilities, and other recreational purposes and may:

- A. Plan, lay out, improve, develop, embellish, preserve, and maintain all department managed lands and recreation facilities.
- B. Charge and collect reasonable fees for the use of department managed lands, privileges, and conveniences as may be provided herein.
- C. Operate revenue producing facilities and accommodations in or upon properties owned or controlled by the city for the aforesaid purposes and let out the same upon such terms and conditions as are deemed to be in the public interest.
- D. Develop and administer rules and regulations governing the activities within department managed lands in furtherance of the mandates and provisions of this chapter.
- E. Establish policies and procedures for the reservation and use of department managed lands.

Rental and use of some department managed properties are bound by management plans as approved by Florida Communities Trust and/or ELAPP. Conservation lands purchased through these organizations have tight restrictions on commercial activities.

IV. Procedures

The Director will provide guidelines, rules, and regulations for the general use of City facilities. The Director shall have the authority to designate areas in City parks for specific activities and to prohibit other activities within designated areas. The Director shall be the official custodian of a list of all the areas that have been designated for specific activities. Such list shall contain a description of the property that is designated for a specific activity and the nature of the activities that are permitted. The Director is authorized to post designated areas when such posting is appropriate. The following guidelines have been established for the reservation, use, and protection of department managed land, facilities and equipment when not in use for department sponsored or co-sponsored activities, as specified in the City of Tampa Code of Ordinances:

- A. **Reservation:** An applicant may reserve to rent a park or facility in advance by completing and submitting a Facility Use Permit, required insurance and documentation, and paying the required fees as established by resolution of the city council.
- B. **Review:** The department shall have ten (10) business days to review a complete Facility Use Permit and administratively approve or deny each such application. Staff will ensure that all guidelines, rules,

and regulations are met and in accordance with City of Tampa Code of Ordinances, Chapter 16: Parks and Recreation and Chapter 28: Special Events.

- C. Denial: Upon denial of an application, the applicant shall be notified of such denial and the reasons by U.S. first class mail, postage prepaid, by electronic mail, or by facsimile to the name, address, and/or phone number set forth on the application.
- D. Appeal: The applicant may appeal the denial of an application by filing written notice with the respective department manager within five (5) business days after notification of such denial. The department manager shall consider the appeal and provide a written decision within five (5) business days. If the departmental decision is upheld by the department manager, the applicant may appeal the decision by filing a written notice with the director within five (5) business days after notification of such denial. The director shall consider the appeal and provide a written decision within five (5) business days. The director's decision shall be final.
- E. Revocation: Park officials/personnel shall have the authority to revoke a facility rental authorization upon finding a violation of any of the provisions of any city ordinance, department rule or regulation, any condition or requirement of an approved application, or upon finding that a material misrepresentation was made on the application.
- F. Material misrepresentation: It is unlawful for any person to make a material misrepresentation with the intent to obtain a facility rental. Any applicant who has made a material misrepresentation will be subject to denial of the facility rental application or revocation of authorization for the rental and may be prohibited from obtaining facility rentals for a period of not less than two (2) years. Each misrepresentation shall constitute a separate offense.
- G. Security Plan: The applicant shall provide to the department director or designee for approval a security plan for the recreation facility if such proposed activity involves commercial activity and/or is open to the public and may reasonably be expected to draw twenty-five (25) persons or more to the recreation facility. For the purposes of this section, "security" shall consist of the number of off duty (extra-duty) sworn law enforcement officers based upon projected attendees and participants. Each applicant shall first satisfy this requirement by arranging for security with Tampa Police Department off-duty (extra-duty) personnel. If Tampa Police Department personnel are not available, then the applicant may satisfy this requirement by arranging for security with off-duty (extra-duty) personnel from such law enforcement agencies having concurrent jurisdiction or having a mutual aid agreement with the city. Unless otherwise waived by the director or excused by department rules and regulations, the applicant is responsible for the security services at the applicant's sole cost and expense.
- H. Right of Entry: Authorized staff and law enforcement officers shall have the right at all times to enter the premises of any building, structure, or enclosure of any city park including such grounds, buildings, structures, or enclosures as may be leased, permitted, or set aside for the private or exclusive use of any individual or group.
- I. Alcoholic Beverages: The distribution, consumption, and possession of alcoholic beverages is permitted at or within the Seminole Heights Garden Center, Julian B Lane River Center, and the Ragan Center when specifically authorized in writing by the Director or designee, under such terms as the Director or designee may adopt for the protection of the health, safety, and welfare of the public, and a valid facility use permit has been obtained, and the activity is in compliance with state beverage laws.

- J. Commercial Activity: No person shall charge admission for any activity in a department managed land nor sell, keep, or offer for sale any tangible or intangible object, merchandise, or thing nor solicit for any trade, occupation, business, or profession for any consideration within any department managed land without written approval from the Director or designee. Compliance with all recreation facility use criteria must be met and applicant must be a registered non-profit organization in the State of Florida. It is the responsibility of the applicant to notify the local County Health Department of their proposed event. Not less than three (3) days prior to requested event date.
- K. Insurance Requirements: Insurance is required when any of the following conditions apply:
1. Organized athletic activities as defined.
 2. Commercial Activity and open to the public with 50 or more persons expected (non-profits only).
 3. Alcohol consumption is approved (only at the River Center, Ragan Center and Seminole Garden Center with approved caterer).
 4. The applicant desires to discharge fireworks, or explosives of any kind.
 5. The proposed activity includes the use of any entertainment equipment (inflatables or mobile game units).
 6. All other items deemed as necessary by the Parks & Recreation and Risk Management Departments.
- L. Special Events: Some events requesting additional services or permissions must be referred to and managed by the Office of Special Events when any of the following apply:
1. A planned gathering involving, or likely to involve two hundred (200) or more persons at any one given time
 2. Any public or private march, run, cortege, walk, cavalcade, autocade, parade of any kind, or other gathering of persons that occurs upon public rights-of-way, park, or both that is used for vehicular traffic
 3. Stationing or erecting any building, stand, bandstand, stage, tower, or tent (as defined in Chapter 11, Fire Prevention and Protection Code), scaffold, platform, rostrum, bleachers, sign, or other structure, excluding moonwalk/moon-bounce apparatus
 4. Use of any electrical or electronic device or equipment requiring outdoor auxiliary power
 5. Brining, launching or causing to ascend, or descend or alight within a department managed land, any aircraft, glider, or balloon, or parachute
 6. The sale and consumption of alcoholic beverages, if allowed under applicable laws and ordinances
 7. An organized competitive event, excluding City authorized or licensed athletic leagues
 8. The emission of amplified sound, excluding a radio, boom-box, portable audio system or other similar personal device, possessed and used by an individual for their own enjoyment, and operated in such a manner so as not to interfere with the use and enjoyment of the department managed land by another person.
- M. Alcoholic Beverages Sales (Temporary) Permit (Wet-zoning) is required for any event requesting what was formerly referred to as a one-day temporary wet zoning. An applicant may not apply for this on City right-of-way and may only apply for this on certain park properties including: Al Lopez Park, Centennial Park, Cotanchobee/Ft Brook Park, Lowry Park, Lykes Gaslight Square Park, Nations Bank Park Plaza (Kiley Gardens), Plant Park, Rowlett Park, Tampa Waterworks Park, Perry Harvey, Julian B Lane, Greco Softball Complex, new Tampa Community Park, Cypress Point Park, and Curtis Hixon Waterfront Park. Applicant must be a non-profit organization to apply. Anyone requesting this permit must be referred to the Office of Special Events for permit processing.
- N. Noise and Disturbance of the Peace: No person shall use any loudspeaker or other electrical amplifying equipment nor shall any person play upon any electrically amplified musical instrument in any department managed land unless such activity is conducted as an incidental activity to a public meeting or assembly for which a facility use permit is issued. Compliance with all Department rules and regulations and facility use permit requirements or conditions must be met.

O. Miscellaneous Permits:

1. Merchandising, Vending, and Peddling Permits: The Department shall control all merchandising, vending, and peddling rights and activities for recreation facilities and parks. Any individual, group, or organization wishing to operate as such or engage in such activity must have a vending permit approved by the Director or designee. The Director shall provide for administrative procedures.
2. Concessionaire Agreements: The Director shall control all concessionaire rights for recreation facilities and parks. Any individual, group, or organization wishing to operate as such or engage in such activity must have a written agreement approved by the Director or designee. The Director shall provide for administrative procedures.
3. Banner Permits: The Director shall control all banner installation rights within all recreation facilities and parks. Any individual, group, or organization wishing to install banners must have a written permit approved by the Director

V. Directives

In addition to this policy and specified references, all applicants seeking to use department managed land, facilities and equipment must comply with all applicable city ordinances, traffic rules, park rules and regulations, state health laws, fire codes and liquor licensing regulations.

Approved and issued by:

Sherisha Hills

Sherisha Hills, Interim Director

4/26/21

Date