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## PARK PERMIT CONDITIONS

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### WELCOME TO SANTA CLARA COUNTY PARKS!

Located at the southern end of San Francisco Bay, Santa Clara County is the largest of the San Francisco Bay Area's nine counties. The County's Regional Parks System offers over 52,000 acres in 28 separate parks with a wide diversity of facilities set amongst spectacular scenery.

We welcome the opportunity to work with you to help ensure the success of your event, program or service. The following pages outline the process and guidelines in regards to a Park Use Permit. Should you have any questions, please feel free to contact our staff for assistance.

### TABLE OF CONTENTS

<b>Information</b>	<b>Page Number</b>
Park Permit Overview	2
Park Permit Conditions	3
General	3
Health / Safety	4
Security / Parking / Traffic Control	4
Site Set-Up / Clean-Up	5
Fees and Charges	5
Additional Park Permit Conditions for Special Events	9
Additional Park Permit Conditions for Concessionaires	16

## **PARK PERMIT OVERVIEW:**

### 1. Park Permit Categories

#### a. A Park Permit is required for:

##### i. Special Events

1. A Special Event Permit must be obtained for any activity or event which will be advertised or noticed in any publication, poster or flyer; or requests or requires a fee be paid for participation; or may be attended by 20 or more people.

##### ii. Activities or Programs with 20+ Participants

1. Organized groups planning on conducting an activity or program must obtain a Park Permit if participation is expected to exceed 20 or more people. If the activity or program will impact parking, staffing, reservable areas, and/or more than 100 participants are expected, a Special Event Permit must be obtained.

##### iii. Activities / Programs outside of established County Park standards

1. Any individual, organization, or private party wishing to conduct an activity or program which is outside the County Parks' established standards must obtain a Park Permit.
  - a. Examples: after-hours use of a park facility, off-trail use, camping in a non-designated area, etc.

##### iv. Commercial Use of Park Facilities (Concessionaire)

1. Any organization planning on selling any services or products within the County Parks must obtain a Concessionaire Permit.

##### v. Filming Sessions

1. A permit must be obtained for the following filming categories:
  - a. Single filming session by a for-profit agency, for a movie, or for advertising purposes
  - b. Single filming session by a non-profit agency, or for training purposes
2. Filming sessions by students do not require a filming permit.
  - a. Filming must not be for commercial use or for sale
  - b. If filming in areas that are not open to the public or would impact the day to day activity of any park area, a park use permit will be required.

##### vi. Specimen Collecting

##### vii. Metal Detecting

### 2. **Basis for Denial, Suspension or Revocation of Park Use Permits**

- a. As allowed under County Ordinance Code provisions or other applicable Laws.
- b. Any past or current violation or alleged violation of any provision of a Valid Permit or any terms, conditions or requirements pertaining thereto.
- c. In the event, after warning by County personnel, Permittee continues to fail to perform any term, condition or other requirement of a Valid Permit, the Director may, solely within his discretion, suspended or revoke the Permit, whereupon the permittee shall immediately terminate the activity or event and cause all participants to promptly remove all Equipment or other personal property from the Park.

- d. The Director, within his discretion, may cancel or postpone any or all permitted activities or events as authorized under County Ordinance Code provisions or other applicable Laws. Permittee shall inform all participants of the cancellation or postponement.

### **PARK PERMIT CONDITIONS:**

- The stipulations and requirements outlined in the following sections apply to all Park Permits, including but not limited to: Annual, Concessionaire, Special Event, Special Use, and Filming permits.
- Additional conditions for Annual, Concessionaire, Special Event, and Special Use permits are outlined in the Addendums to the Park Use Conditions.
- Specific stipulations may be added to a Permit as an addendum.

### **GENERAL:**

1. A Park Permit is not transferable or assignable.
2. A Park Permit is for County property only and shall not be construed as authorization for use of adjacent private or other public property, or any other area for which a separate Permit may be required. Permittee shall be responsible for obtaining all necessary Permits, whether federal, state, municipal, or other governmental or private entity.
3. A Park Use Permit is for non-exclusive use of the designated area. The Department retains the right to schedule other Special Event activities by outside groups or individuals. The Department will notify Permittee of any such scheduled activities no less than two weeks prior to activity date.
4. Permittee is not authorized to sublease or approve reservation requests for park use from outside groups or individuals. Any such requests must be directed to the Park Permits Department.
5. Any and all concessions, and/or sales of products, goods or services are not authorized under an Annual or Special Use Permit. A concessionaire permit would be required to provide any but not limited to the above named services.
6. No improvements or modifications shall be made to park property or facilities without the written permission of the Director of Parks. Permittee will remove unauthorized improvement(s) upon County's demand.
7. Permit Cancellation by Parks Department:
  - a. The Director or his/her delegated authority, within his/her discretion, may cancel or postpone any or all permitted activities or events as authorized under County Ordinance Code provisions or other applicable Laws. Permittee shall inform all participants of the cancellation or postponement.
  - b. The Parks Department will issue a written or verbal notice to the permittee prior to cancellation.
8. Permit Cancellation or Transfer by Permittee:
  - a. Activity or event may be transferred to a different location or a different date, if available, with payment of any and all transfer fees, approval from the Permits division and any additional reservation fees.
  - b. Cancellation Policy:
    - Activities or events cancelled more than 30 days prior to scheduled date will receive a refund of 90% of the original transaction fee.
    - Refund requests received between 30 days and 4 business days prior will be

refunded 75% of the original transaction fee.

- There will be no refund for requests received less than 4 business days prior.
- The first request to transfer or change will be free of charge if requested more than 30 days in advance.

c. Special Event Permit Fees are not eligible for a refund.

9. Insurance: Proof of insurance is required for all Park Permits.

a. A comprehensive general liability insurance policy with a minimum limit of \$1,000,000 per occurrence and a \$2,000,000 aggregate is required naming the "County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively." as additional insured. An endorsement is required. Coverage provided by the endorsement shall be primary. Any other insurance maintained by County of Santa Clara, its officers, agents and employees, shall be excess only and not contributing with insurance provided under said policy. Such insurance policies shall not be canceled or materially changed without thirty (30) days advance written notice to the County of Santa Clara at the address shown above. Permittee shall maintain in full force and effect a policy of Worker's Compensation Insurance covering all of its employees. Permittee shall prevent participation in the event by persons who are not covered by the insurance required hereunder.

b. If Permittee is self-insured, Permittee must provide an Affidavit of Self-Insurance to certify that the Permittee is self-insured for General Liability insurance with a minimum of \$1,000,000 per occurrence with a \$2,000,000 aggregate limit. The Affidavit of Self-Insurance shall state that the self-insurance program will apply to any liability in connection with activities to be held in County Parks throughout the term of the permit.

10. Compliance: Permittee is responsible for all those exercising rights under the permit ("participants") and for the participants' compliance with all County Park regulations, ordinances, and all special terms and conditions contained in the Park Permit Conditions, Addendums and Permit. Permittee is responsible to ensure that all participants comply with all local, state and federal laws, regulations and ordinances as well as all Santa Clara County Park Rules.

11. Failure to Comply with Permit Conditions: If a Permittee fails to comply with the Park Permit Conditions, any of the rules, regulations or laws associated with a permit, or any stipulation terms contained in a permit addendum, for an existing permit, such a failure may be used as a basis to revoke the existing permit and/or deny an application for a future permit.

12. Preservation and Protection of Parklands: Unless approved by park staff, the permittee shall not alter or disturb natural, historical or cultural resources. Permittee must comply with any required mitigations as specified in the permit.

13. Activity/Event Promotion: No promotion may occur prior to permit request approval. Permittee agrees that any publicity or promotional materials shall reference or list the site as "A Santa Clara County Parks Facility". Permittee must review all promotion with Park Staff prior to distribution. Santa Clara County Parks is not responsible for loss of revenue or costs for promotional materials or advertisements if the permittee does not agree to the conditions contained in any and all Park Permit Conditions, Addendums and Permits.

14. Activity/Event Contacts: Names and telephone numbers of two (2) responsible persons will be furnished to the County prior to the activity or event. Permittee shall have an easily recognizable supervisory representative available for contact at the activity at all times during the activity.

15. Permit On Site: The Park Permit shall be kept at the activity/event site and must be shown to any

authorized representative of the County of Santa Clara or any law enforcement officer upon demand.

16. Music: Santa Clara County Parks and recreation currently holds a licensing permit with ASCAP, The American Society of Composers, authors and publishers. This license gives you the right to play any of the music from their catalog, in our parks. To check your playlist, you can visit the ASCAP website at: [www.ascap.com](http://www.ascap.com). Should you choose to play music outside of this list, you will need to obtain and provide proof of permit from the other copyrighting agency. Should you fail to do so, any fines incurred by SCC will be passed on to the permit holder.

## **HEALTH/SAFETY:**

### 1. Emergency Response:

- a. In order to ensure the appropriate emergency and medical service, the Permittee is responsible to ensure that an emergency response plan is implemented. Permittee shall have total responsibility for designing the activity/event site plan and layout, and installing all necessary equipment, and shall take all necessary steps to ensure that the activity/event is properly supervised and staffed to prevent injury to participants, spectators and park users.
- b. The Permittee will advise Park Ranger(s) of any and all incidents/accidents requiring medical attention (major and/or minor injuries over and above basic first aid) immediately by best means available. The Permittee will also advise Park Ranger(s) of any and all incidents/accidents (minor injuries requiring basic first aid or property damage) within 24 hours of occurrence. Permittee will provide name, address, age and phone number of all injured parties and witnesses, nature of injury, location of accident and disposition of victims(s).
- c. Permittee is responsible to pay all costs associated with emergency response and medical services.
- d. Permittee may be required to provide emergency medical services on site. Park staff will make the determination of the type and extent of services required.

### 2. Safety:

- a. Permittee will limit the number of users during an activity or event to insure a safe condition.
- b. Permittee will be responsible for safety and maintenance checks of the facility prior to use, to ensure that the activity may be safely conducted.

3. Waiver: If Permittee requires participants to execute a waiver, Permittee must require the participants to also waive rights against the County of Santa Clara.

### 4. Restrooms:

- a. If the total event attendance exceeds site sanitary capacity of the event location, Permittee, at own expense, will provide adequate number of portable restrooms.
  - Park staff will make the determination of the number and location(s) of portable restrooms and wash stations required.
  - General formula for portable restroom requirement is 1:100 people over site capacity for a 5 hour event. At least one portable restroom must accommodate persons with disabilities.
  - Alcoholic events require an additional 15% capacity. On-site portable toilets will not be counted when calculating number.
- b. Permittee will coordinate delivery, pumping and pick-up arrangements with Park staff in advance. Permittee may be required to meet the delivery truck on delivery.
- c. Permittee is required to maintain portable toilets during the event. Permittee will have all portable toilets pumped, including existing toilets, at the completion of the event. The County

Parks will not provide assistance in the maintenance of portable toilets.

- d. Permanent park restrooms may be closed during the event. Park staff will make the determination.
5. Alcohol Restriction: Volunteers working with children are to be restricted from possessing and/or consuming alcohol during the event.

## **SECURITY / PARKING / TRAFFIC CONTROL:**

1. Security:
  - a. Permittee will provide, at own expense, any necessary security at the event to ensure a safe environment for event participants and the general public. Park personnel will offer security only in terms of that which is necessary to secure the Park and in the event of a Park emergency.
  - b. Permittee is responsible to provide security for their activity and to coordinate any necessary arrangements with appropriate law enforcement agencies.
  - c. With advance authorization from Park staff, Permittee may have a set number of people stay in an RV for overnight security. Overnight camping fee shall apply, and a cellular phone must be available if in a serviceable area. If no cell phone service is available, Permittee must be aware of nearest location with reception or nearest call box or available phone.
2. Parking:
  - a. Parking for all participants and spectators is restricted to areas designated as parking areas. Permittee will be responsible to enforce this permit condition.
  - b. Park staff must approve, in advance, any vehicles loading, unloading, or parking in any non-designated parking area.
  - c. Parking control will be provided by Permittee with sufficient personnel to control and manage parking in the designated parking lots. All parking control personnel within the Park must wear safety vests. Parking control at a minimum will include a monitor at Park entrance for public relations and event information, and at other locations as stipulated by Park staff.
  - d. Off-site parking must be provided if stipulated by Park staff. If the ratio of attendance to available parking spaces exceeds 3.5 persons per parking space, the Permittee will be required to provide off-site parking and shuttle service arrangements. A list of off-site parking areas and vehicles to be used will be provided to County and applicable City Police Department. Coordinating events with light rail and bus operations is recommended.
3. Vehicle Access:
  - a. No vehicles may be driven or parked "off-road", on turf, or in areas not designated for such use. If motor vehicles will be on trails, prior approval must be obtained from park staff to accommodate the use of motor vehicles on the trails before, during, or after the activity/event.
  - b. All vehicles (including vendors and shuttle buses) must pay applicable vehicle entrance fees. In/out privileges are allowed upon display of receipt and only as space allows.
4. Traffic Control: Permittee is responsible to coordinate any necessary traffic control arrangements with appropriate law enforcement agencies. (CHP for all highway and road traffic control, County Sheriffs for crowd and incident control, or local police agency.)
5. Event Communication: Permittee may be required to provide an adequate number of radios to provide effective communication during the event. This communication will allow Permittee to address difficulties as they arise and to reallocate volunteer resources accordingly. One radio shall

be provided to the Park Ranger assigned to the event. Park staff will make the determination if radios are to be required.

6. Park Access: Unless otherwise requested and approved, or per park staff determination, park staff will open the park at 8 am and close the park at sunset (exception: Metcalf Motorcycle Park and Field Sports Park – posted closure times).
  - a. Permittee will be charged \$80 per hour per required staff member for any park entry before 8 am or exit after regular park closure.

### **SITE SET-UP / CLEAN-UP:**

1. Permittee agrees to have the activity/event site returned to pre-activity/pre-event condition by the conclusion of the permitted use, or as determined by park staff.
2. Trash/Refuse: Permittee is to monitor litter in the activity/event area, and to place all trash and event refuse in dumpsters by activity/event conclusion.
3. Electricity: Electricity is generally not provided in the County Parks. The use of a generator must be requested and approved by park staff.
  - a. If a generator is approved it must be properly muffled, equipped with an approved spark arrestor, and manned at all times. A fire extinguisher must be readily available at the site.
  - b. Any power cords must be covered appropriately or secured to the ground with tape in such a manner to prevent a tripping hazard.
4. Maintenance: County Parks will provide its normal maintenance of the site in accordance with the same standards applied to other County sites.

### **FEES AND CHARGES:**

1. Permittee shall submit payment of applicable Park Permit fees prior to final approval of permit.
2. Permittee shall submit payment of applicable reservation fees for any use of or impact to any reservable sites, including group picnic areas and campsites, prior to final approval of permit.
3. Vehicle Entry Fee: Any participants, volunteers or spectators entering the park by vehicle will be subject to the current vehicle entrance fee. Permittee will notify all participants of the vehicle entrance fee if applicable.
  - a. Daily vehicle entry fee is \$6 per vehicle.
  - b. Daily charter bus fee is \$30 per vehicle.
  - c. Prepaid vehicle entry passes are available for \$6 per vehicle plus a \$12 transaction fee. Prepaid vehicle entry passes must be requested to the Park Permits and Reservation office. Prepaid vehicle entry passes are non-refundable and non-transferable.
4. Additional Services / Fees:
  - a. The County must be reimbursed for all County services provided in an amount not to exceed the actual costs of said services. This may include, but is not limited to, electricity, fire marshal services, CEQA determination and review, and coordination of event day activities
  - b. Any special services required of park staff, including but not limited to maintenance, traffic control, clean-up, and/or before or after hours work shall be paid to County at a rate of \$80 per hour, per person (or current rate listed in the Parks Fee Schedule) as determined by the Park Permits Supervisor.
    - i. A ½ hour minimum will be charged for any special services required.

- ii. If applicable, parks staff will give Permittee a courtesy call to allow Permittee 48 hours to correct deficiency. If deficiency is not corrected within 48 hours, the special services fee will be charged.
5. Damages: In the event County property, real or personal, is damaged as a result of Permittee's activities under the Permit, including participants' activities, Permittee will, at the County's election, reimburse County in full for the restoration of the damage, compensate County for the damage that cannot be repaired or restored, or both where the damage can be mitigated but not completely repaired/restored.
6. Possessory Interest Tax: Permittee acknowledges that a Park Permit may create a possessory interest subject to property taxation. Permittee will pay and discharge, before delinquency, all taxes (including, without limitation, possessory interest taxes under the Permit) which are or may be at any time or from time to time levied, charged, assessed or imposed upon or against the Permitted Use, Permit Area or any interest or activity arising under the Park Permit.

*\*Specific fees mentioned in this document are subject to change at any time.*

## PERMIT CONDITIONS FOR SPECIAL EVENTS

### Special Event Permit Process:

In order to obtain a Park Use Permit for a special event, the event organizer is responsible for completing each of the Event Organizer's Responsibilities by the set due dates as listed below and provided on the Special Event Permit Checklist.

EVENT ORGANIZER'S RESPONSIBILITIES	DUE DATE / REQUIREMENTS
1. Check Reservation Event Venue Availability (Contact Park Permits Department for Park availability)	Up to one year in advance of event date
2. Submit Park Permit Application	Sites will not be held until a valid application is received
3. Upon approval of Park Permit Request, proceed with permit requirements as stated on checklist	Staff will notify applicant of permit approval and provide checklist a within 2 weeks of Park Permit Request approval.
4. Schedule and attend Pre-Event Meeting	<ul style="list-style-type: none"> <li>• 30 to 60 days before event for any event with 500+ people <u>or</u> any new event of any size</li> <li>• 14 to 30 days before event for any recurring event with less than 500 people</li> </ul>
5. Submit final version of event map/diagram and/or timeline if different from those submitted with permit request	<ul style="list-style-type: none"> <li>• 30 to 60 days before event for any event with 500+ people <u>or</u> any new event of any size</li> <li>• 14 to 30 days before event for any recurring event with less than 500 people</li> </ul>
6. Submit signed Permit	No less than 14 days before event
7. Submit payment in full of Pre-Event Fees	
8. Submit signed permit addendum if applicable	
9. Secure and submit Certificate of Insurance and Additional Insured Endorsement	
10. Submit additional required permits (Environmental Health, Roads and Airports, ABC License, etc.)	
11. Post Event Notices / Notify Neighbors	No Less than 14 days before event. *Advance signing should include announcement of date and time of event and offer contact information. *Signs must be approved prior to placement
12. Submit payment of Post-Event Fees	Within 30 days after event

**Special Event Fees:**

The permittee is responsible for payment of the following fees, if applicable, for a Special Event Permit:

FEE	AMOUNT	COMMENTS
<b>Special Event Permit Fees</b>	Permit fees will vary based on number of participants and attendees and Non-Profit or For-Profit status	<ul style="list-style-type: none"> <li>• Permit Application Fee</li> <li>• Charged once per event, no matter how many days/duration (multiple days must be consecutive)</li> </ul>
<b>10% Gross Receipts</b>	<ul style="list-style-type: none"> <li>• Non-Profit Organization: Not applicable</li> <li>• For-Profit Organization: 10% of total Gross Income.</li> </ul>	Due within 30 days after event
<b>Reservation Fee for Group Areas</b>	Reservable site fees are available online at Parkhere.org and vary depending on the site, site type and location.	<ul style="list-style-type: none"> <li>• Number of group areas required to be reserved based on actual event impact (parking, activity)</li> <li>• Areas reserved for each day of the event</li> </ul>
<b>Event Staging Site</b>	\$55	Exclusive use of a non-reservable area as a staging site for an event or activity
<b>Parking</b>	\$6 per vehicle (at most locations)	<ul style="list-style-type: none"> <li>• Pre-paid parking is available (\$6 per vehicle + \$12 processing fee)</li> </ul>
<b>Exclusive Use of Parking Lot</b>	\$6 per parking slot charged when blocking off an entire or part of a parking lot	Required for pay per use lots and free lots
<b>Camping</b>	<ul style="list-style-type: none"> <li>• \$34/26 site for car campsites</li> <li>• \$44/33 site for RV campsites</li> <li>• \$18 site for hike in (Sanborn Park, On Season only)</li> <li>• \$15 per vehicle per night for undeveloped sites</li> </ul>	<ul style="list-style-type: none"> <li>• Developed and Undeveloped sites reserved must be paid for in advance</li> </ul>
<b>Staff Fee</b>	\$80 per hour per staff	For early opening, late closure, maintenance, cleanup, etc.
<b>Photography</b>	<ul style="list-style-type: none"> <li>• \$250 for an annual permit</li> <li>• \$50 per hour</li> </ul>	For a professional photographer taking photographs of event or event participants

\*\*Additional fees may apply depending on the logistics of the event.

\*\*Specific fees mentioned in this document are subject to change at any time.

**SPECIAL EVENT SITE SET-UP / CLEAN-UP:**

1. Courtesy Notices / Promotional Flyers:

- a. No event promotion may occur prior to permit request approval. Permittee agrees that any publicity or promotional materials shall reference or list the site as "a facility of Santa Clara County Parks ". Permittee must review all promotion with Park staff prior to distribution.
- b. Permittee will provide, post and maintain signs advising park users of the impacts of the event at least two weeks in advance of the event. A copy of the proposed sign shall be

provided to Park staff for approval prior to posting. The sign must be weatherproof.

- c. It is the Permittee's responsibility to notify all adjacent property owners (residents and/or businesses) of the time and date of the event at least two weeks prior to the event, if applicable. Permittee may consider using flyers or leafleting as a public relation tool to advise of the event and welcome their participation, etc.
  - d. All posted event notices, flyers, directional signs, trail markers, etc. must be removed within 24 hours of conclusion of event.
2. Park Access:
- a. Any event set-up occurring before the event date is not authorized unless otherwise requested and approved. Additional fees may apply.
  - b. Permittee shall be responsible to monitor any gates or bollards unlocked or opened for the event. The gates or bollards shall be monitored for the entire duration of time that they are unlocked or opened. This shall include cattle gates.
3. Trash/Refuse:
- a. Permittee is to monitor litter in the event area, and to place all trash and event refuse in park dumpsters by event conclusion. Permittee agrees to have the area returned to pre-event condition by ending cleanup time noted on permit. Additional clean-up or damages attributed to your event will be billed at actual County cost.
  - b. Permittee, at own expense, may be required to bring in one or more dumpsters. The dumpsters are required to be picked up by the next business day following the event. Park staff will make the determination of the number and location(s) of dumpsters required.
4. Fire Marshal Standards: Permittee is responsible for complying with the "Standards for Tents, Canopies and Temporary Membrane Structures" as required by the Santa Clara County Office of the Fire Marshal.

## **FEES AND CHARGES:**

1. Doing Business and/or Fundraising:
  - a. For-profit organizations shall pay the County 10% of the gross receipts for their event. These amounts must be paid within 30 days after the event. Non-profit organizations with Federal or State tax exempt status will not be charged a percentage of their gross receipts. Not for profit organizations whose sole purpose for charging an entry fee is to pay for the cost of the specific event shall also be exempt. This fee does not apply to pledges or agency donations.
  - b. The term "gross receipts" shall mean the total of all money, cash receipts or other things of value, including but not limited to: gross charges, sales, rentals, admission, entry or other fees and commissions made or earned by Permittee (including non-refundable deposits), whether collected or accrued from any business use or occupation, or any combination thereof, originating, transacted, or performed in whole or in part, on the Park site. Gross receipts shall exclude sales and use taxes, consumers' excise taxes, and other similar taxes currently imposed on the sale of goods and services paid directly to the imposing agency by the Permittee.
  - c. Non-profit organizations must provide a "Status Print Out" to evidence Federal or State tax exempt status. This may be obtained by writing the Secretary of State.
  - d. The Department has the right to audit any or all such books, records, and accounts for the

purpose of verifying the payments required to be paid to the County. If any underpayment is demonstrated by such audit, the Permittee shall pay to the county the full amount of underpayment with interest at the rate of ten percent (10%) per annum.

- e. Any and all sales, cash transactions of any type, or acceptance of contributions are not authorized unless otherwise noted. If authorized, permittee agrees to pay the Department the specified percentage of gross sales. Vendor/sponsor "give-away" of products is authorized.
2. Overnight Security Charges: If overnight security is authorized, it will be provided at sole expense of Permittee, and the Permittee agrees to pay the Department \$15/vehicle for overnight camping fee.

### **ADDITIONAL REQUIRED PERMITS / DOCUMENTS:**

1. Applicable Permits and Licenses: Permittee shall be required to provide copies of any and all applicable permits and licenses (ie: Health, Business, Fire Marshall, ABC, etc.) and/or proof of certified services (ie: security, emergency response, etc.).
  - a. The Special Event Permit is for County property only and shall not be construed as authorization for use of adjacent private or other public property, or any other area for which a separate Permit may be required. Permittee shall be responsible for obtaining all necessary Permits, whether federal, state, municipal, or other governmental or private entity.
  - b. If food and/or beverages are sold or offered to the general public, a food permit may be required from the Santa Clara County Environmental Health Department (408-918-3400, ehinfo.org). Please call and discuss your event with a Health Department representative. When food is sold in the park, Permittee must pay County the applicable percentage of gross receipts. Permittee shall charge prices comparable to prevailing market prices.
  - c. Permittee will provide the Parks Department with names and copies of business licenses or tax-exempt status of all concessionaires and vendors. All food and beverage concessionaires shall attach current copies of Special Event Health Permit.
  - d. Alcohol is allowed in the Park. No sale of alcohol is allowed without first obtaining the appropriate permits from the appropriate County and State agencies. If alcohol will be sold, a copy of your liquor license from the Alcoholic and Beverage Control Department, State Of California (408-277-1200, abc.ca.gov) must be submitted, together with a letter of authorization from the applicable City Police Department, and Permittee must pay County the applicable percentage of gross receipts. Permittee must post Proposition 65 signs regarding the potential health risks associated with alcoholic beverages. No person under the age of 21 may purchase or consume alcohol at the event in violation of Section 25658 of the California Business and Professions Code. Non-alcoholic and alcoholic beverages shall be served in distinctly different cups. The event shall not encourage the over-consumption of alcohol as the main focus of activity such as self-service or open bars, drink contests, or multiple drinks for one price. The event, if longer than two hours, shall stop serving alcoholic beverages a minimum of thirty (30) minutes before the close of the event.
  - e. If merchandise will be sold, a copy of your Temporary Sellers Permit from the State Board of Equalization (408-277-1231) must be submitted and Permittee must pay County the applicable percentage of gross receipts.
  - f. If the event will use public streets, a copy of your Encroachment Permit must be provided. Encroachment Permits must be obtained from the Santa Clara County Roads & Airports Department (408-299-2198, countyroads.org) for unincorporated areas or the appropriate local law enforcement jurisdiction for all other areas.

- g. If the event will involve fueling, a copy of your Permit must be provided. Fueling Permits may be obtained from the Santa Clara County Office of the Fire Marshall (408-299-5760, firemarshal.sccgov.org) or other appropriate City, County or State agency.

### **ADDITIONAL REQUIREMENTS BY EVENT TYPE:**

#### 1. ALL TRAIL EVENTS:

- a. Traffic control for a competitive event at minimum will include one person at any Park road intersection and at any entrance(s) and exit(s) of parking lots where the racecourse will pass.
- b. Permittee will provide Course Marshals with radio communication devices or cell phones at key points to be coordinated with Park staff.
- c. Trail marking will be by ribbons, cones, sprinkler flags and/or staked signage only. All trail markers (ribbon, cones, flags, or clothespins when allowed) must be readily identifiable with special event information. Gypsum may be used on dirt trails. All markings must be removed within 24 hours of the end of race. Permittee is to coordinate with the Park staff hours of park entry to mark and cleanup trails.
- d. Any aid station locations set up within park boundaries are to be approved by Park staff prior to race day.
- e. Permittee will provide a sweep to provide support to the last participant on the course and ensure completion of the event.
- f. Permittee shall provide an aggressive barrier for spectators in any transition areas.

#### 2. EQUESTRIAN EVENTS:

- a. A plan for clean-up and disposal of animal waste must be submitted. Clean-up and offsite disposal of animal waste is required.
- b. A plan for disposal of veterinary supplies (in particular needles and medication vials) must be submitted.
- c. An emergency plan for both humans and equines must be implemented.
- d. A vet or vet tech is required for competitive equestrian events.
- e. An EMT, paramedic, or an ambulance must be at the start/finish if the event is competitive.

#### 3. MOUNTAIN BIKE AND MOTORCYCLE EVENTS:

- a. An EMT, paramedic, or an ambulance must be at the start/finish if the event is competitive.

#### 4. RUNNING / WALKING EVENTS:

- a. Staffed aid stations are required at the start/finish and at least every 5 kilometers / 3.1 miles.
  - i. Aid stations must have water and a person present with either a functioning cell phone or radio.
  - ii. If the race is 5 kilometers / 3.1 miles or shorter there must be water and aid available at the start/finish.
- b. Emergency medical services must be provided as follows:
  - i. Runs 10 kilometers / 6.2 miles or less in length must provide someone currently certified in Basic First Aid and CPR.
  - ii. An EMT, paramedic, or an ambulance must be at the start/finish if the race is longer than 10 kilometers / 6.2 miles.

5. EVENTS WITH OBSTACLES:

- a. A detailed proposal including the route of the race with locations and descriptions of each obstacle must be submitted for approval.
- b. Event obstacles are to be set up along the sides of the trails. Obstacles are not to block any trail. The permittee will not have exclusive use of any trail. The public must still be able to use the trails without being impeded by the obstacles.
- c. All trails must be returned to their original condition after the removal of the obstacles.
- d. Course marshals shall be located at each obstacle site.

6. RESERVOIR EVENTS

- a. Permittee must secure a permit from the Santa Clara Valley Water District for permission to hold an event in the reservoir.
- b. All participants, staff, vessels and buoys must be off the water by ½ hour before sunset.
- c. Boating Events:
  - i. Permittee is responsible to ensure compliance with all California Boating Laws.
  - ii. All boats shall be currently registered and meet all California State Department of Boating and Waterways requirements.
- d. Swimming Events:
  - i. Permittee is responsible for complying with any applicable water quality standards adopted by the Santa Clara Valley Water District, Regional Water Quality Control Board, State Water Resources Control Board, or other jurisdictional or properly empowered regulatory agency.
  - ii. Permittee shall provide certified lifeguards (with life boards) to oversee the swim portion of the event. Lifeguards will be in place and observing at any and all times a person is in the water. This includes any warm up time.
  - iii. Permittee shall provide one motorized boat to ensure the safety of any and all swimmers during the event. All boats are to be launched prior to the swim event.
  - iv. Permittee will notify swimmers of water quality and that persons swimming in County lakes, creeks and reservoirs do so at their own risk.
  - v. All swimmers are to wear bright, fluorescent swim caps while in the water.
- e. Vessel Inspections:
  - i. Boat Inspections for Quagga/Zebra mussel infestations are required for all vessels using the waters of Santa Clara County. All vessels used for an event must be inspected prior to launch at the permittee's expense.
    1. Inspection fees will apply to all vessels.
    2. Proof of current vessel registration is required for vessel inspection.
    3. Arrangements will have to be made with the Park Permits Department and/or Park Staff to have boats inspected the day before the event if used for set-up.
    4. All motorized boats must adhere to the following criteria before inspection and all rescue boards must be clean and dry:
      - a. Inspect all exposed surfaces – small mussels feel like sandpaper to the touch.

- b. Wash the hull of each watercraft thoroughly.
- c. Remove all plant and animal material.
- d. Drain all water and dry all areas.
- e. Drain and dry the lower outboard unit.
- f. Clean and dry all live-wells.
- g. Empty and dry any buckets
- h. Dispose of all bait in the trash.
- i. Wait 5 days and keep watercraft dry between launches into different fresh waters.

NOTE: Vessels must be completely dry at the time of inspection. Wet bilge areas or compartments will be grounds for refusal to allow the vessel to be launched.

## **PERMIT CONDITIONS FOR CONCESSIONAIRES**

### **OPERATIONS:**

1. Concessionaire activities are restricted to only facilities authorized by permit. Park Staff must approve specific concession site location. The location shall not be changed unless approved by Park Staff.
2. Concessionaire will notify Park Permits Department of business hours and will maintain such hours as agreed upon. Hours may be increased to better serve park users.
  - a. Unless otherwise requested and approved, or per park staff determination, Concessionaire must operate during normal park hours (8 am to sunset). Concessionaire will be charged \$80 per hour per required staff member for any unauthorized park entry before 8 am or exit after regular park closure.
3. Any changes in merchandise, services provided, menu selections, or prices must be submitted to the Park Permits Department for approval prior to implementation.
4. Concessionaire is required to have one staff member on site that is at least 18 years of age.
5. Concessionaire must have safety equipment available at the activity site. This is to consist of, at a minimum, a first aid kit and cellular phone. A cell phone may not work at all locations in the park. Permittee shall familiarize themselves with the park and the location of emergency phones if needed.
6. Storage of equipment and/or vehicles is not available unless otherwise approved by Park Staff.
7. No improvements or modifications shall be made to park property or facilities without the written permission of the Director of Parks. Permittee will remove unauthorized improvement(s) upon County's demand.
8. Concessionaire is responsible for maintaining the area surrounding the concession site, including monitoring litter in the activity/event area.

### **FEES AND CHARGES:**

1. Annual Concessionaire Park Use Permit Fee shall be \$105.
2. Concessionaire agrees to submit payment in the amount of 10% of gross income to the County monthly, along with the Concessionaire Accounts and Records Statement, no later than the 15<sup>th</sup> day of each month.
  - a. The term "gross receipts" shall mean the total of all money, cash receipts or other things of value, including but not limited to: gross charges, sales, rentals, admission, entry or other fees and commissions made or earned by Permittee (including non-refundable deposits), whether collected or accrued from any business use or occupation, or any combination thereof, originating, transacted, or performed in whole or in part, on the Park site. Gross receipts shall exclude sales and use taxes, consumers' excise taxes and other similar taxes currently imposed on the sale of goods and services paid directly to the imposing agency by the Permittee.
  - b. Concessionaire covenants and agrees to deliver to County a true and correct certified statement of all gross income for the preceding calendar month, showing separately the amounts from each food, beverage, merchandise or service, on the Concessionaire Accounts and Records Statement.
    - i. Monthly Accounts and Records Statements should be submitted to the County even if there is "no activity" and no amount due.

- c. Payment and Accounts and Records Statement must be sent to:
- County of Santa Clara  
Parks and Recreation Department  
Attn: Parks Permits  
298 Garden Hill Drive  
Los Gatos, CA 95032-7669
- d. A Late Fee of \$25 will be charged for any payment received after the 15<sup>th</sup> day of each month.
- e. Any check returned by the bank will be charged a \$50 fee in addition to the face value of the dishonored check per County policy.
- f. The Department has the right to audit any or all such books, records, and accounts for the purpose of verifying the payments required to be paid to the County. If any underpayment is demonstrated by such audit, the Permittee shall pay to the county the full amount of underpayment with interest at the rate of 10% per annum.
- g. Concessionaire shall maintain and safeguard all books, records, and accounts of every kind or nature kept by the concessionaire relating to the operation under this Permit for three (3) years. The Department has the right to audit any or all such books, records, and accounts for the purpose of verifying payments required to be paid to the County. If any underpayment is demonstrated by such audit, the concessionaire shall pay to the County the full amount of the underpayment with interest at the rate of 10% per annum.