



PARK USE PERMIT CONDITIONS

Version 4, 4/2015

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 48,000 acres in 29 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 along the way, please feel free to contact our staff for assistance.

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ADDENDUMS

*Please see Addendums listed below for additional required conditions for permit type requested.
Addendum to Park Use Permit Conditions for Concessionaires
Addendum to Park Use Permit Conditions for Special Events
Addendum to Park Use Permit Conditions for Annual / Special Use Permits

PARK USE PERMIT OVERVIEW:

1. Park Use Permit Categories
 - a. A Park Use 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. Ongoing Activities or Programs with 50+ Participants
 1. Groups planning on conducting an ongoing activity or program must obtain a Park Use Permit if the activity does not significantly impact parking, staff, or reservable areas, and between 50 and 100 participants are expected. 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 Use 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
 - c. Filming sessions by students
 - vi. Specimen Collecting
 - vii. Metal Detecting
2. Basis for Denial or Revocation of Park Use Permits
 - a. Violation of the Santa Clara County Ordinance Codes and/or terms and conditions of the Park Use Permit, Park Use Permit Conditions, or Park Use Permit Addendums shall be cause for immediate suspension or revocation of the permit by the County Parks Department and forfeiture of all fees and deposits paid.
 - b. In the event, after warning by County personnel, Permittee continues to fail to perform any requirement or condition of the Permit, County reserves the right to revoke the Permit by notice to Permittee's Contact, whereupon Permittee shall immediately terminate the activity or event and cause all participants to promptly remove any equipment or other personal property owned by participants.
 - c. The Parks Department reserves the right to cancel or postpone the permitted activity or event if it poses a menace to public health or safety created by calamity, natural disaster or severe weather conditions. The activity or event may be cancelled by the Parks Department if park conditions are such to cause risk of public safety or threat to park's natural resources. The activity or event may also be cancelled due to adverse trail or site conditions. Park staff will make the determination at his/her sole discretion following inspection. Permittee is responsible for advising all participants of the cancellation policy. NOTE: In the event of cancellation by the Department, the Department will reschedule or refund fees paid at Permittee's request.
 - d. If a Permittee fails to comply with the Park Use Permit Conditions, any of the rules, regulations or laws associated with a use permit, or any stipulation terms contained in a permit addendum, for an existing use permit, such a failure may be used as a basis to revoke the existing use permit and/or deny an application for a future use permit.

PARK USE PERMIT CONDITIONS:

- The stipulations and requirements outlined in the following sections apply to all Park Use Permits, including 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 Use Permit is not transferable or assignable.
2. A Park Use 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. Permit Cancellation by Parks Department:
 - a. A Park Use Permit is revocable immediately upon notice of the Parks Department, written or verbal.
4. 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 transfer fee plus any additional reservation fees.
 - b. 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.
5. Insurance: Proof of insurance is required for all Special Event and Annual Permits and may be required for Special Use Permits.
6. 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 Use Permit Conditions, Addendums and Permit. Permittee is responsible to ensure that all participants comply with all local, state and federal laws, regulations and ordinances.
7. Failure to Comply with Permit Conditions: If a Permittee fails to comply with the Park Use Permit Conditions, any of the rules, regulations or laws associated with a use permit, or any stipulation terms contained in a permit addendum, for an existing use permit, such a failure may be used as a basis to revoke the existing use permit and/or deny an application for a future use permit.
8. 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.
9. 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 facility of Santa Clara County Parks ". Permittee must review all promotion with Park Staff prior to distribution.
10. 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.
11. Permit On Site: The Park Use 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.

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 will require the participants to also waive rights against the County of Santa Clara.

SECURITY / PARKING / TRAFFIC CONTROL:

1. Security:

- a. 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.

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.

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. 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: Motorcycle 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 Use Permit fees prior to 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 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 from the Park Use Coordinator. Prepaid vehicle entry passes are nonrefundable / nontransferable.
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 Use Coordinator.
 - 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 Use 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 Use Permit.
7. Waiver of Fees: The Director may waive fees in exchange for public service performed in County Parks or in exchange for donations equal to or greater than the amount of the fee.

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