



Dear Prospective Concessionaire:

Thank you for your interest in providing an Outdoor Fee Based Program in UP parks. Please review the enclosed requirements and permit information. Outdoor fee-based program permits are offered for terms of less than one (1) year and for parks that have sufficient space and parking for organized activities. **_packets must be complete prior to processing, which includes Section 3.**

Requests for Outdoor Programs must be submitted in writing, noting the park site program, day, and time requested. Outdoor Program permits will be issued on a first come, first serve basis and in accordance with PARD priority rankings.

Upon receipt of your completed permit packet, PARD staff will process the permit request/application and complete the background check. This process should be completed within a few weeks. However, upon completion, you will then be notified, and an appointment will be scheduled to obtain your permit and sign the Concession Permit Agreement.

We look forward to working with you in providing great outdoor programs to our park patrons.

UP PARK AND RECREATION DEPARTMENT OUTDOOR FEE-BASED PROGRAM REQUIREMENTS

Thank you for your interest in providing an Outdoor Fee Based Program in UP parks. Please review the enclosed requirements, guidelines and permit information. Requests for Outdoor Programs must be submitted in writing, noting the park site program, day, and time requested. Outdoor Program permits will be issued on a first come, first serve basis and in accordance with PARD priority rankings. **packets must be completed prior to processing.**

Upon receipt of your permit packet, adequate time will be required to process the permit request/application and complete the background check. Upon completion, you will be contacted to schedule an appointment to obtain your permit and sign an Outdoor Program Agreement.

SECTION 1 - DEFINITIONS OF TERMS

The following terms as used throughout this policy are defined as follows:

- A. Applicant – Synonymous with the term “Provider” which is used to mean the person(s) who are submitting a written request to conduct fee-based classes/activities or training programs for the purpose of fund raising outdoors on park property.
- B. Department – The City of University Park - Park and Recreation Department PARD.
- C. Director – The Director of the Park and Recreation Department and/or his designated representative.
- D. Outdoor Program Permit: - Written authorization from the Parks and Recreation Department to the applicant to conduct organized educational/leisure classes at designated park sites and to charge a fee of participants who desire to attend the class or provide training classes for the purpose of fundraising.
- E. Outdoor Fee-Based Activities – An organized program or series of classes that takes place at the same time daily or weekly over a consecutive number of weeks and for attendance at which the participants pay an enrollment fee to the organizer or instructor.
- F. Outdoor Revenue Generating Program – Activities/events that are held three or more times a month.
- G. Program – Generic inclusive term referring to Nonprofit Training/Fundraising Activity and Outdoor Fee-based activity.

SECTION 2 - PROCEDURES FOR APPLICATION AND APPROVAL

- A. Outdoor Program Permit applications are available by written request to:
- B. City reserves the right to deny any or all requests.
- C. The Director or the Director's designee will evaluate requests for compliance with the terms and conditions of the policy and will initiate the process to secure approval of the Program/ Agreement.
- D. Permits will be issued to an individual who will have sole responsibility for compliance with the terms of the agreement.
- E. Permits will be issued on a program basis. A separate permit must be issued for each program period offered at each location.
- F. Upon verification of all requirements, an Outdoor Program Agreement will be signed by the City and the applicant.

SECTION 3 – OUTDOOR CONCESSION PERMIT REQUIREMENTS

The applicant must provide the following:

- Outdoor Program Application (attached)
- A detailed description of the program content specifying:
 - a) Specific program activity (including basic layout and routine).
 - b) Park location(s) where program is to be conducted, including parking.
 - c) Day(s) and time(s) the program will be conducted including beginning and ending times.
 - d) Estimated attendance.
 - e) Fee schedule including how fees are structured (by month, by session, etc.) and if fees will be pro-rated).
- Confirmation from an insurance agency of the applicant's ability to secure the required General Liability insurance coverage with an Occurrence Limit as determined by The City of University Park's Risk Management. The policy must include the City of University Park, its officers, and employees as an Additional Insured. Before the permit is issued, the applicant must provide proof of such active insurance coverage to begin operating.
- A list of equipment (if used as part of the program) including photographs and/or descriptive literature that illustrate the exact equipment to be used to provide the program.
- A resume of detailed experience in the subject for which applicant is applying. Please include a listing on all certifications and training received in this particular field. This information is needed for all trainers/instructors.

_____ A completed background check will be made on each applicant. An email will be sent to the operator applying for the permit. Information disclosed is confidential and will be taken into consideration before a permit is issued.

Upon receipt of the completed application, the Department's staff shall review the application and determine if the request meets the requirements for approval.

- a) Staff may, at its discretion, recommend restrictions or special considerations to be observed in accordance with public safety, the environment and/or administrative procedures. The recommendations can include, but are not limited to, requiring one or more police officers be present for the duration of the program; requiring one or more Department staff be present and/or relocating the program to a different area.
- b) Costs for police officers, other security measures, Department staff and other additional expenses will be the responsibility of the applicant.

SECTION 4 – GENERAL CONSIDERATIONS FOR APPROVING OUTDOOR PROGRAM LOCATIONS:

- A) The program location relative to the surrounding community.
- B) The estimated attendance of the program.
- C) Program content is compatible with the location.
- D) Adequate space is available at the designated park to accommodate the organized outdoor program. The number of organized outdoor programs scheduled in parks cannot exceed the number of approved locations at each site. A one-hour minimum buffer is required between programs on the same day at the same location, but the requirement may be waived or shortened by the Director if requested.
- E) The program content/equipment adheres to the City's Noise Ordinance (Code § 8.01.001). Amplification systems including bullhorns are prohibited.
- F) The approved parking areas are adequate for the program attendance (see section 4 on Parking Considerations).
- G) The program content, activities, and parking will not negatively impact adjacent communities. Set up for the event will not begin before 7 a.m. and any noise created as a result of setting up may not be audible beyond the boundaries of the park.
- H) All signage must follow the City of University Park Sign Ordinance (Code § 3.09.002).
- I) No permanent markings are permitted on roads, trails, or trees.

SECTION 5 - FEES AND CHARGES

Outdoor Fee Based Guidelines

- A. The program provider will pay for any cleanup and/or damage to park property because of operating the outdoor program.
- B. As a fee for use of the City's parks, the program provider will pay:
 - a) 30% of all gross revenues collected from program participants.

OR

- b) Commercial Fitness / Instructor permit fees will be according to the fee schedule below:

<u># of Class Participants</u>	<u>Permit Fee (+)</u>	<u>Hourly Rate</u>
1 – 10	\$ 50.00	\$25 per hour
11 – 25	\$100.00	\$25 per hour
26 – 40	\$500.00	\$25 per hour

- c) Tennis/ Pickleball Instructors will be required to pay an annual fee of \$500 and a security deposit (\$250)

SECTION 6 – OUTDOOR PROGRAM REQUIREMENTS AND SPECIFICATIONS

The Park and Recreation Department is committed to provide quality services to the public. The applicant/permit holder is required to follow the requirements and specifications set out below. Failure to follow the requirements and specifications may result in revocation of the permit:

1. The applicant will be required to enter a written contract, the Outdoor Program Agreement, which will embody the content of the guidelines specified below granting him the privilege and right to provide outdoor programs.
2. The term of the Outdoor Program Agreement will be for the specified period of the Outdoor Program. Permit fees are non-refundable and permits are not transferable. The agreement is subject to conditions hereinafter stated, the violation of any one of which will be sufficient cause for cancellation of the agreement by the Parks and Recreation Department designated representative(s).
3. Equipment - All equipment and fixtures required for this program shall be of modern design, quality material, sufficient in number to adequately serve the public, and provided by the concessionaire at his expense and subject to approval by the Parks and Recreation Department or its authorized representative. The concessionaire shall maintain equipment.
4. Personnel - Concessionaire agrees to provide supervision of this program to insure satisfactory operation to the Parks and Recreation Department and efficient service to the public. The Parks and Recreation Director shall have the right to supervise the manner of exercising the privilege granted and the conduct of the concessionaire and his employees.

5. Hours - The Parks Director reserves the right to regulate the hours the concessionaire may be in the park.
6. Concession Location - The Director reserves the right to designate and/or restrict locations and/or areas of the park where concessionaires may set up/conduct a concession business.
7. Before submitting a request, applicant will be held responsible for having examined the park site and satisfied himself as to the existing conditions under which he will be obligated to operate or that will in any manner affect his services under the contract to include electrical service availability. No allowances shall be made in this connection on behalf of the applicant for any error or negligence on his part.
8. Revenue Reporting/ Class Participation - An authorized plan of accounting shall be established to fully reflect gross revenue and revenues paid to the City. By the 31st day of operation, contractor will submit a program report to the Parks and Recreation Office detailing revenue for that month with an attestation of the accuracy of the information reported.
9. Cleanliness -The program shall be conducted in a clean, orderly, and legitimate manner and in accordance with existing ordinances and laws.
10. Sublet of Concession - The contractor hereunder shall not sell, sublet, or assign this contract or any portion thereof to any other person or persons, except upon the written approval of the Parks and Recreation Department. Any assign or lease under this provision shall be subject to all the provisions of this contract.
11. Violation of Contract Law and/or Ordinances - If any sublease, assignee, or employee of the contractor is found willfully violating any law or ordinance or condition of this contract or becomes objectionable and offensive to the good order and use of said grounds, the said contractor shall be required to remove any such person from said grounds at once. The Parks and Recreation Department may, in addition thereto, terminate and cancel this agreement at its option, and have the equipment removed from the area.
12. Program Compliance – Failure on the part of the program provider to comply with the provisions as set forth in this policy will result in the immediate cancellation of the program and the revoking of privileges to conduct future classes for a minimum of one year.

Outdoor Program Instructor Permit Application

Program Name: _____ Adult _____ Youth _____

Requested by _____ Sport _____

Mailing Address _____ TX DL# _____

City _____ Zip Code _____

Phone – Home _____ Work _____

Phone – Cell _____ Fax _____

Additional Contact Person: _____ Position _____

Phone – Home _____ Work _____

Phone – Cell _____ Fax _____

Please identify program participants: M – Men W – Women B – Boys G – Girls,
A – Adult Coed C – Children Coed

Program start date: _____

Program end date: _____

Park Location	Location in Park	Begin Time	Ending Time	Day of Week	# of Program Participants	Exclusion Dates

Signed By: _____

Date Submitted: _____

Return application with Permit Packet to: University Park – Park and Recreation Department
4420 Worcola St.
Dallas, Tx 75206
214-987-5488

Or Email to: parks@uptexas.org

Outdoor Fee Based Guidelines