

## **Policy for use of City Open Recreational Space**

This policy is for the use of Open Space owned and maintained by the City of Willcox. Examples would include; the Baseball fields, Soccer fields, Ramada's, Playgrounds, Railroad Park, Basketball Courts, Parking Areas, City Streets, and the Skateboard area. The Golf Course requires separate arrangements; please contact the Golf Course directly. The Open Space has generally unrestricted access to all members of the Public and is primarily for use by the General Public. The City is receptive to permitting groups/organizations,/individuals (Users) the use of the Space for limited times and dates. The purpose of this Policy is to protect the Public's use of this Open Space while allowing the User the ability to reserve the areas for specific events and times. These Open Spaces frequently can support multiple uses by numerous Users during a time period (day, week, Month) and it is not appropriate to reserve the Open Space for the exclusive use of one User. Under most times and conditions there is no need to reserve the use of the Open Space, it is available to the Public on a first come first served basis. On occasion when intense activities are planned the City will provide for the reservation of the Open Space for single occasions (carnivals, car shows), or in the case of group seasonal sport activities (Baseball, Soccer, Football, etc) for extended periods of time.

All types of Users may use the property including but not limited to political, religious, civic, governmental, nonprofit, and for profit. In accordance with Federal law the City is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

This Policy does **NOT** cover Open Space owned by the School District (Tennis Courts & Soccer Field on School property). While the City has Cooperative Agreements in place to allow the Public to use those areas, any reservation of those areas must be addressed directly with the School District.

If a User wishes to reserve the use of Open Space they should contact the City Public Services & Works Department located at 250 N Railroad Avenue, Willcox AZ, Monday through Friday (except Holidays) between the hours of 8AM through 3PM. City Staff will respond within 48 business hours, whether the application is complete, needs additional information, or has been forwarded for City Council action.

In the event the User wishes reserve the use of the Open Space for some extended period of time (such as for the baseball season), the User must enter into an agreement (Agreement) with the City. The City will provide the Open Space under the same conditions the Public may use the land at no charge. If there are additional costs to the City, over what is provided to the Public (such as lime for marking baselines, electricity for operation of field lights after dark, City employees to perform services during use), the User will be required to pay fees to cover those costs. User may provide the additional activities by their own labor and material; this requires the prior approval by the City and should be documented in the Agreement. User may make capital improvements with prior City approval.

Any profit making User which uses City Open Space will be required to pay a rental fee for the use of the facilities; this is in addition to any sales tax collections and other payments.

Users may make arrangements with the City to store their own equipment on the City Open Space with prior written approval (in the Agreement). The City assumes no liability for any equipment or materials stored in or on City Open Space.

The City of Willcox may not “bump” a scheduled event in order to provide a City sponsored event. The City may reserve the Open space for city sponsored events.

Reservations maybe made up to one (1) year in advance. A Reservation is not considered made until the appropriate deposits have made with the appropriate City office. In addition any nonprofit in good standing with the Arizona Corporation Commission, which is based in Willcox Arizona, and has used City Facilities or Open Space to operate event(s) on specific dates or times (such as a specific weekend, specific week of a month, an athletic season) for a consecutive period of seven (7) years, may schedule that same event(s) up to five (5) years in advance. The nonprofit will be required to finalize the reservation and make appropriate deposits not less than ninety (90) days prior to the actual event. Failure to finalize the event will result in the Facilities or Open Space being available for other potential users. If the nonprofit stops reserving the Facilities or Open Space, or does not themselves make use of the Facilities or Open Space (no subletting), for a period of two (2) years this exception will not be available, regardless of the continued existence of the nonprofit. This exception is designed to recognize the long standing community activities that have taken place in the City and allow for their continuation. This exception grants no specific rights to any organization and may be over ridden at any time by the City Council.

All Users, who reserve the Open Space, will be required to provide proof of liability insurance, which names the City as additional insured. Proof of insurance will be accepted from any recognized insurance Company and must be provided two (2) weeks prior to the beginning of the event. The City also participates in an insurance program (TULIP) that Users may use to purchase the Insurance Coverage; if the User wishes to utilize the TULIP program they should contact Public Works Department.

Neither City Staff nor any representative of the City has the authority to waive, defer, forgo, or in any manner relieve requirements for the fees or deposits, or for Insurance. Only the City Council acting in a properly called open meeting may make such a decision.