

MORAGA COMMONS BANDSHELL

GROUP PICNIC AREA PARK USE PERMIT APPLICATION



TOWN OF MORAGA, Parks and Recreation Department
2100 Donald Drive, Moraga, CA 94556
PHONE: (925) 888-7045 EMAIL: recdesk@moraga.ca.us

MORAGA COMMONS PARK
1425 St. Mary's Road, Moraga, CA 94556

Circle "Day of week" requested **M T W Th F Sa Su** Date Requested _____

Proposed Use _____ Estimated Attendance _____

Applicant/Organization _____

Address _____ City, ZIP _____

Phone _____ Cell Phone _____ Email _____

Person in Charge _____

Email Address _____

Is this a public or community event?

Yes or No (circle one)

If this is a public or community event, will food or beverage be served (given away or sold)?

Yes or No (circle one)

If yes to **both** of these questions, a Temporary Food Facility permit from Contra Costa County Environmental Health is required and proof of this must be supplied before final approval of the rental application.

See cchealth.org/EH

BANDSHELL USE HOURS ARE 9:00 AM TO DUSK—YEAR ROUND

Estimate number of hours of use as accurately as possible, including setup and cleanup time.

Setup begins _____ Event hours _____ Cleanup ends _____ Total hours _____

IF AMPLIFIED SOUND: (See additional information on reverse side)

Sound Technician is responsible for contacting the Recreation Coordinator at (925) 888-7045 for information regarding regulations for amplified use of the Band shell at least 45 days prior to the event. **ONLY ONE PERMIT PER MONTH WILL BE ISSUED TO RENTERS WITH AMPLIFIED SOUND.**

BANDSHELL HOURLY RATE SCHEDULE		
<u>Non Profit</u>	<u>Private</u>	<u>Commercial</u>
\$43	\$97	\$119

***All reservations are subject to a non-refundable electronic processing fee of 2.9% + 30 cents per transaction.**

FEES:

REFUNDABLE USE DEPOSIT	\$350.00
FACILITY MAINTENANCE FEE for Groups over 100 people	\$173.00
FACILITY ATTENDANT (2 HR. MIN.)	\$45.00/HR
AMPLIFICATION SURCHARGE	\$379.00

RULES AND REGULATIONS

- 1. All rentals require a certificate of insurance listing the *Town of Moraga, Town Employees, Volunteers and Elected Officials* as additionally insured. (Please see Indemnification & Liability Insurance section below)**
2. Minors/youth groups must be sponsored by a recognized organization (such as the Moraga Youth Involvement Committee, Scouts, etc.) and under the supervision of their own adult leadership at all times while on the premises. Groups under 18 years of age require one (1) adult per ten (10) minors. Names, addresses and cell phone numbers of chaperones must be submitted at least two weeks prior to the event.
3. Pets must be on a leash and under the direct control of the owner at all time.
4. **Within the reserved time, groups are expected to complete all preparations and clean-up associated with the activity being conducted. Bag and remove all trash from park. Leave area clean.**
5. Violation of any of the rules/regulations will result in eviction, loss of deposits and possible denial of future use permits.
6. Payment of deposit and minimum use fee reserves the Bandshell. Date is not guaranteed until payment is received. The deposits are refunded within 60 days if there are no damages.

INDEMNIFICATION & LIABILITY INSURANCE

1. INDEMNIFICATION: Lessee shall hold harmless, defend and indemnify Town of Moraga and its officials, officers, employees and volunteers from and against any and all liability, claims, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with Lessee/Renter's use of the subject facility hereunder or its failure to comply with any of its obligations contained in the Agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the Town.
2. LIABILITY INSURANCE: LESSEE AGREES THAT THE TOWN OF MORAGA WILL APPLY FOR A SPECIAL EVENT GENERAL LIABILITY CERTIFICATE OF INSURANCE INCLUDING LIQUOR LIABILITY THAT LISTS THE LESSEE AS THE INSURED AND "TOWN OF MORAGA AND ITS OFFICIALS, OFFICERS, EMPLOYEES AND VOLUNTEERS" AS THE ADDITIONAL INSURED, AND THAT THE TOWN HAS PROVIDED OR WILL PROVIDE INSURANCE WITH THE FOLLOWING COVERAGE:
 - a. Coverage shall be at least as broad as Insurance Services Form CG 00 01 covering Commercial General Liability on an "occurrence" basis, including property damage and bodily injury with limits of no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit. This liability coverage shall be primary and any commercial or self-insurance of the Town will not contribute with the primary coverage.
 - b. Town of Moraga and its officials, officers, employees and volunteers shall be named as an Additional Insured on the general liability coverage by a separate written endorsement form acceptable to the Town. Merely providing a Certificate of Liability Insurance is not sufficient.
 - c. If Lessee will be supplying alcoholic beverages, the general liability insurance shall include host liquor liability coverage. If Lessee is using a caterer or other vendor to supply alcohol that vendor must have liquor liability coverage. If Lessee intends to sell alcohol either the Lessee or vendor providing the alcohol for sale must have a valid liquor sales license and liquor liability insurance covering the sale of alcohol.

ADDITIONAL REGULATIONS FOR EVENTS REQUESTING AMPLIFICATION

1. The applicant is responsible for providing a sound technician to monitor the amplified sound levels which will not exceed 100 dBA Leq. Sound readings are measured at the mixing station located approximately 50 feet from the band shell stage. Sound readings for Town authorized or sponsored community events will be monitored by Town staff.
2. Applicants exceeding 100 dBA Leq more than once will not be refunded the amplification surcharge of \$550 and amplification will be discontinued immediately.
3. NO USE PERMIT WILL BE ISSUED UNLESS THE APPLICANT SUBMITS A FLYER TO THE RENTAL OFFICE
Forty-five (45) DAYS PRIOR TO THE EVENT LISTING:
 - (a) Name of the event
 - (b) Date and hours of the event
 - (c) Sound technician name and cell/day phone number
 - (d) Name and cell/day phone number of the person in charge and on site the day of event
4. Following approval, (1) the applicant must take a letter with a detailed description of the event to the Police Department, (2) obtain a list of addresses from the Parks & Recreation Dept. and/ or Planning Dept. of homeowners to be notified, and (3) prepare copies of the letter to be mailed to those addresses. Once the letters are stamped and ready to mail, bring to the Parks & Recreation Dept. for mailing. **The letters must be received by residents via mail delivery thirty (30) days in advance of the event.**
5. **Each year, Town authorized or sponsored community events with amplified sound are limited to up to ten (10) summer concerts, the July 4th celebration, the Pear Festival, and two (2) MYIC events. Bands are required to adhere to sound regulations. Bands not adhering to the sound regulations may not be booked for future events.**

As Sound Technician, I have read, understand and agree to comply with the rules and regulations as stated above.

Sound Technician's Signature

Date

*My signature certifies that I will take full responsibility for seeing that use of this facility/area by the organization/group is in full adherence and compliance with all applicable rules and regulations, that I will hold harmless the Town of Moraga and its employees from any damage, claim for damage for personal injury or death, damage to or loss of property incurred in the use of this facility/area. I will accept full responsibility for any minors in the group throughout the period covered by this application/permit.

*Signature of Applicant

Date