

**DENVER DEPARTMENT OF PARKS AND RECREATION
ATHLETIC FIELD/COURT/TOURNAMENT
PERMIT POLICY**

**CITY AND COUNTY OF DENVER
DEPARTMENT OF PARKS AND RECREATION**

**PERMITTING AND OPERATIONAL PROCEDURES,
REQUIREMENTS, RESTRICTIONS, CONDITIONS,
AND RULES AND REGULATIONS
REGARDING DENVER ATHLETIC FIELDS, COURTS,
AND TOURNAMENTS**

Referred to herein as “Athletic Permit Policy”

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PART I – PURPOSE; AUTHORITY; ENFORCEMENT; and INTERPRETATION

1.1 Purpose: The purpose of the Athletic Permit Policy is to establish an effective mechanism for allowing athletic field, court and tournament use in Denver parks while safeguarding the parks and facilities, as well as the rights and privileges of park patrons to access and use the parks. The Athletic Permit Policy sets forth the procedures, requirements, restrictions, conditions and rules and regulations under which athletic field, court and tournament use may be scheduled and held within Denver parks consistent with the operation and protection of Denver parks, public use of Denver parks, and public health, safety and welfare.

1.2 Authority:

1.2.1 Section 2.4.4(A) of the Denver City Charter (“**Charter**”) delegates to the Department of Parks and Recreation (“**DPR**”) the duty and power to manage, operate and control all facilities located within and without the boundaries of the City and County of Denver and owned by the City for park and recreational purposes. This authority includes the power to permit and regulate athletic field, court, and tournament uses of various sorts in Denver parks, as provided for in this Athletic Permit Policy. The authority of DPR to issue permits and regulate athletic fields, courts, and tournaments as provided in this Athletic Permit Policy is affirmed in Article I (Enforcement of Rules and Regulations) of Chapter 39 (Parks and Recreation), Section 20 (Sport Activities; Sports Facilities); and Article II (Scheduled Events) of Chapter 39 (Parks and Recreation) of the Denver Revised Municipal Code (“**Parks Permitting Ordinance**”).

1.2.2 The fees charged for athletic field, court, and tournament use under this Athletic Permit Policy and the terms and conditions of a permit issued under this Athletic Permit Policy is achieved through ordinances adopted by the Denver City Council and approved by the Mayor, as provided in Charter Section 2.4.4(A). Fees are set forth or otherwise provided for in Article IV of Chapter 39, Denver Revised Municipal Code (“**Fee Ordinance**”).

1.2.3 Charter Section 2.4.4(A) also delegates authority to DPR to establish rules and regulations, such as are set forth in this Athletic Permit Policy, and to enforce such rules and regulations subject to ordinance approval. Enforcement is provided for in the Parks Permitting Ordinance and by other means set forth in Article I of Chapter 39 (Parks and Recreation) of the Denver Revised Municipal Code.

1.2.4 Additional authority is granted in the Parks Permitting Ordinance for DPR to adopt rules and regulations for the use of administrative citations in accordance with Article XII of Chapter 2, DRMC. DPR has exercised this authority by adopting a separate set of rules and regulations for administrative citations and establishing an administrative system for, among other things, issuing citations, collecting civil fines, and conducting appeals. This administrative system is set forth in the Administrative Citations Rules & Regulations adopted 5-11-12 and as subsequently amended.

1.2.5 Nothing in this Athletic Permit Policy is intended to be a limitation or restriction on the duties or powers vested in DPR and the DPR Executive Director under Charter Section 2.4.4(A) or other provisions of the Charter or granted to DPR and the DPR Executive Director under the Denver Revised Municipal Code.

1.3 Effect on other lawful requirements: Nothing in this Athletic Permit Policy is intended to reduce, limit, waive, override or supersede legal requirements for compliance with other City ordinances and rules and regulations, including but not limited to compliance with rules and regulations adopted, any mandated licenses or permits, or other authorizations or approvals required by other City departments

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and agencies such as Public Works, Safety (Police and Fire), Community Planning and Development, Denver Water, Arts & Venues, Excise and Licenses, Finance, and Environmental Health, or by federal and state law. This includes other DPR policies and/or rules and regulations.

1.4 Park Use Rules and Regulations: Parks Use Rules and Regulations, as amended from time to time, apply to Athletic Field and Court Uses and Sporting Activities, and to the Permittee, Permittee's representatives and agents, and Participants. The Permittee is responsible for the conduct and control of Participants and must take all reasonable measures to assure compliance by Participants with the Park Use Rules and Regulations. These include, but are not limited to restrictions and prohibitions on littering, glass bottles, alcohol beverages, marijuana, leash laws, weapons, gambling, fires, fireworks, and destruction of property.

1.5 Permit Compliance: At all times during the Sporting Activity and Load-In and Load-Out, compliance with the issued Permit is required. Compliance shall be in accordance with the terms and conditions of the issued Permit, this Athletic Permit Policy and Section 3.0 of the Park Use Rules and Regulations. Permit compliance may be enforced under Section 39-5(a), DRMC, the Parks Permitting Ordinance, and the Administrative Citation Rules and Regulations, as amended from time to time.

1.6 Enforcement:

1.6.1 Penalties: The Parks Permitting Ordinance makes it unlawful for any person to violate any procedures, requirements, restrictions, conditions or rules and regulations adopted by the DPR Executive Director in this Athletic Permit Policy or the terms and conditions of any permit issued under this Athletic Permit Policy and provides for the enforcement of the Athletic Permit Policy and the Parks Permitting Ordinance through penalties imposed as defined in this Athletic Permit Policy and by the courts and through administrative citations. DPR has exercised its administrative enforcement authority through the Administrative Citations Rules & Regulations adopted 5-11-12 and as subsequently amended and by establishing an administrative system for issuing administrative citations, collecting fines, and conducting appeals.

1.6.2 Suspension, Revocation or Imposition of Additional Requirements: In addition, and as provided in this Athletic Permit Policy, the DPR Executive Director may suspend or revoke any pending approval or issued permit or impose additional requirements, restrictions or conditions on a pending approval or an issued permit commensurate with the nature of a violation of this Athletic Permit Policy or any issued permit.

1.7 Interpretation: If at any time the application or meaning of the Parks Permitting Ordinance or the Fee Ordinance is uncertain or in need of further explanation, this Athletic Permit Policy shall be referred to, and applied, for any interpretation or clarification of the Parks Permitting Ordinance or the Fee Ordinance. This Athletic Permit Policy is to be interpreted and applied in accordance with its specifications and definitions and in accordance with the common and ordinary meaning of words and phrases not otherwise specified or defined in the Athletic Permit Policy.

1.8 Supersession: This Athletic Permit Policy is intended, and shall be construed, to supersede and replace any prior permitting requirements for athletic field and court use in effect, but any permit issued before the effective date of this Athletic Permit Policy shall remain in effect until it expires or is terminated by its own terms.

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PART II – DEFINITIONS and ACRONYMS

Terms, phrases and acronyms more generally used in this Athletic Permit Policy are defined below and other, less frequently used terms and phrases are defined elsewhere in the Athletic Permit Policy.

2.1 *Administrative Citations Rules & Regulations* mean those rules and regulations as described in Section 1.2.4.

2.2 *Applicable Law* means any federal, state or local law, governmental rule, regulation or ordinance, or judicial order or decree, including without limitation the City Charter; Denver Revised Municipal Code; rules, regulations, and policies of the City; and executive orders of the City's Mayor, as any of the same may be amended or supplemented from time to time; along with all applicable liquor laws and licensing requirements (state or local); and as further provided in this Athletic Permit Policy.

2.3 *Applicant* means an Individual Applicant or an Entity Applicant, as defined and further described in Section 4.3., who or which makes an Application for an athletic field, court, or tournament permit under this Athletic Permit Policy.

2.4 *Application* means the form (includes online application) for applying for an athletic field, court, or tournament permit as it may be modified or updated from time to time by the DPR Executive Director consistent with this Athletic Permit Policy, subject to the procedures, requirements and priorities set forth in this Policy. A copy of the current form of the Application (and/or instructions for online application) may be found at the Permit Resource Site.

2.5 *Athletic Permit* means a revocable and nontransferable permit allowing for use of the athletic field, court, or tournament to be conducted within an athletic field, court, or tournament site in a park. See Section 3.1 for more specific information about Athletic Permits.

2.6 *Athletic Permit Approval* means the written approval granted by the Permitting Office upon the Applicant acceding to or satisfying all the terms and conditions of the Pending Permit Approval and the Requirements of Part V of this Athletic Permit Policy which will be made part of the Athletic Permit.

2.7 *Athletic Permit Policy* means the Requirements set forth herein.

2.8 *Athletic Site* means an outdoor area or open space within a Park at which Sporting Activities are authorized under this Athletic Permit Policy to be permitted including athletic fields and courts. See Section 3.6.1 for more specific information about Athletic Sites.

2.9 *Blackout Dates* mean scheduled closures, rest dates, and other periods of time where an athletic field, court, or tournament site is not available for use. See Section 3.8.2 for more specific information about Blackout Dates.

2.10 *Carrying Capacity* means the capacity of the usable space within a Park for an athletic field, court, or tournament to safely and comfortably accommodate the projected peak attendance for use of an athletic field or court. See Section 3.6.2 for more specific information about Carrying Capacity.

2.11 *City* means the City and County of Denver.

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- 2.12** *City Agencies* mean the City departments and agencies with operational jurisdiction over City-owned or controlled property which may be impacted or used by a Sporting Activity or by regulatory jurisdiction over various aspects of the Sporting Activity. See Section 3.11 for more information about City Agencies.
- 2.13** *DPR* means the City's Department of Parks and Recreation.
- 2.14** *DPR Executive Director* means the appointed Executive Director for the City's Department of Parks and Recreation or the Executive Director's designee or authorized representative(s).
- 2.15** *DPR Staff* means any employees of DPR assigned to or responsible for Parks at which athletic field, court, or tournament use will occur, or for reviewing Applications and other information provided by the Applicant and overseeing athletic field, court, and tournament use.
- 2.16** *DRMC* means Denver Revised Municipal Code.
- 2.17** *Electronics* mean any electrical or electronic device, display, screen or projection designed to show movies, films or televised events or activities or to provide multi-media displays or shows, laser or LED light displays or shows, or similar image or light displays or shows.
- 2.18** *Exceptional Activities or Uses* mean any activities or uses that are not customarily considered Sporting Activities held in Denver Parks. See Section 4.2.4 for more specific information about Exceptional Activities or Uses.
- 2.19** *External Use* means youth or adult oriented activities and uses not directly associated with the City and County of Denver
- 2.20** *Extraordinary Event* means a large-scale event of regional, national or international significance which will occur, at least in part, in a Park or Parks. See Section 3.9 for more specific information about Extraordinary Event.
- 2.21** *Fees* mean the fees as set forth in the Fee Ordinance, as well as other fees, charges and costs identified in this Athletic Permit Policy. See Section 3.8.4 for more specific information about Fees.
- 2.22** *Fee Ordinance* means Article IV of Chapter 39, DRMC.
- 2.23** *Historical Priority* means a permitted use that has been held at the same Athletic Site and for the same date/weekend/holiday, and the same times by the same Permittee. See Part 3.5 for more specific information about Historical Priority.
- 2.24** *Internal Use* means activities and uses either programmed directly by the Department of Parks and Recreation, or City-sponsored or City-conducted programs, activities, uses and classes, contractual agreements, or otherwise directly associated with the Department of Parks and Recreation, including Denver Public Schools.
- 2.25** *Load-In and Load-Out* means the process and timeframe prior to the start of a Sporting Activity (including Tournaments) and following the end of the activity when the activity is being set up in a Park (Load-In) and when the activity is being taken down (Load-Out).

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- 2.26** *Multi-Day Use* means use of the Athletic Field or Court Site, including Tournaments, that occurs on multiple days during a single permitting season, whether or not the days are consecutive.
- 2.27** *Park* means a public park under the auspices of DPR containing Sites at which Uses may be scheduled under this Athletic Permit Policy.
- 2.28** *Park Roads* means any roadways, driveways or parking lots entering or located in any Park, hard surfaced or soft surfaced, designed for the passage or parking of motorized vehicles, even if closed at any time to such motorized vehicles.
- 2.29** *Park Use Rules & Regulations* means those rules and regulations adopted by the DPR Executive Director governing public activities, uses and behavior in parks, parkways, mountain parks, recreation facilities, and other public facilities under the auspices of DPR and enforced under Article I of Chapter 39, DRMC.
- 2.30** *Parks Permitting Ordinance* means Article II of Chapter 39, DRMC.
- 2.31** *Pending Permit Approval* means the written conditional approval by the Permitting Office of a submitted Application and related requirements and conditions under Part IV of this Policy.
- 2.32** *Permit Resource Site* means the website which contains documents, lists and other resources identified in this Athletic Permit Policy. See Section 3.10 for additional detail and alternative methods of obtaining this information.
- 2.33** *Permittee* means an individual or a non-profit or for-profit entity who or which makes Application to, and obtains, an Athletic Permit from the Permitting Office. Permittee shall also include, and Permittee shall be responsible for, any employee, worker, volunteer, contractor, subcontractor, service provider, supplier, vendor, exhibitor, performer, entertainer, athlete or similar person authorized or retained by the Permittee with respect to the operation and function of an Athletic Permit.
- 2.34** *Permitting Office* means the DPR Permitting Office, which is the entity that reviews and approves or denies Permit Applications for Uses at Athletic Sites and administers the Athletic Permits.
- 2.35** *Priority* means those matters or occurrences listed in Section 3.4 which have priority over Uses.
- 2.36** *Requirements* mean the policies, procedures, requirements, restrictions, conditions and rules and regulations set forth in this Athletic Permit Policy and the terms and conditions of an issued Athletic Permit.
- 2.37** *Site Diagram* means, if required, a map and drawing of the Site and other nearby property that will be part of the activity, as further described in Section 8.1.1. Site Diagrams are typically required for Tournaments, however, DPR reserves the right to require a Site Diagram for any Athletic Site use.
- 2.38** *Special Rules* mean special requirements imposed by DPR on a permit or on the use of a Park or Athletic Site for an activity beyond those specifically stated in this Athletic Permit Policy. See Section 3.8 for more specific information about Special Rules.
- 2.39** *Sporting Activity* means athletic event (professional or amateur), athletic skills demonstration, sporting or recreational activity which engages participation by the public, and similar attractions involving sports or athletic prowess (this does not include any activities under Race/Walks). Sporting

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Activity shall include practices, games, tournaments, camps, clinics and lessons. See Section 3.7 for more specific information about Sporting Activities and Uses.

2.40 *Support Facilities* mean any structures, furnishings, equipment, and systems brought by Permittee into a Park for a Use, including but not limited to portable sports goals and equipment, toilet and water systems, trash containers, sanitary equipment, power and heat systems, fences, barricades, barriers, booths, tents, canopies, display cases or shelves, tables, seating, trailers, risers, bleachers, podiums, platforms, stages, towers, bandstands, scaffolding, generators, refrigerant units, food and beverage service equipment, sound systems, portable satellite dishes and cell towers, communication or internet connection systems, ATM machines, signage, water and snack stations, and similar and related facilities and appurtenances utilized in support of an Athletic Permit. See Section 6.1.2 for more information about Support Facilities.

2.41 *Use Date* means the date(s) and time(s) on which athletic field and court use, including tournaments and Load-In and Load-Out, is to be held in an Athletic Field, Court, or Tournament Site in a Park.

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PART III – GENERAL PROVISIONS and REVIEW CRITERIA

3.1 Athletic Permit:

3.1.1 An Athletic Permit is required for any Use to be exercised at an Athletic Site in a Park and is subject to the Requirements as set forth in this Athletic Permit Policy.

3.1.2 The issuance of an Athletic Permit is subject to the general provisions and review criteria set forth in this Part III of this Athletic Permit Policy and on the condition that there is compliance with the Requirements in Parts IV, V, and VI of this Athletic Permit Policy.

3.1.3 An approved Athletic Permit may be exercised on the condition that there is compliance with the Requirements of Parts VI, VII, and VIII of this Athletic Permit Policy and the terms and conditions set forth in the Athletic Permit.

3.1.4 An Athletic Permit includes three permit types (the permit type to be issued is ultimately determined by the Permitting Office):

3.1.4.1 Athletic Field Permit

This permit is defined as exclusive use for a scheduled Sporting Activity on a designated athletic field during the athletic field season. Athletic fields available include grass/skinned, major, and synthetic fields.

3.1.4.2 Court Permit

This permit is defined as exclusive use for a scheduled Sporting Activity on a designated court during the court season. Courts available include tennis, pickleball, and futsal.

3.1.4.3 Tournament Permit

This permit is defined as exclusive use for a scheduled athletic/sports competition which meets the criteria listed below. End of league/season tournaments may be considered a tournament, for permitting purposes, and not a continuation of league play. A tournament includes:

- Athletic/sports competition.
- Bracketed or pool play (or other typical tournament formats) designed to determine a winner(s).
- Open to the public to participate/spectators.
- Collection of fees prior to and/or day of the tournament for participants and/or spectators.
- Requires exclusive use of athletic fields/complexes.
- Infrastructure that includes, but is not limited to, tents, tables, chairs, goods and services vending, food and beverage sales/service, vendors and/or sponsors).

3.2 Applicability: The Requirements set forth in this Athletic Permit Policy are applicable to: 1) a Permittee and, prior to the issuance of an Athletic Permit, any Applicant for an Athletic Permit, 2) any agent or representative of the Permittee, and 3) any Attendee (with respect to rules and regulations set forth in Part VII of this Policy).

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3.3 Exclusions: This Athletic Permit Policy shall apply to the athletic fields and courts set forth at the Permit Resource Site.

3.4 Priority: Athletic Permits will be scheduled and issued in the following order prior to the of each athletic season: 1) Internal Users, 2) External Users

3.5 Historical Priority Uses and Activities: Notwithstanding Priority as assigned in accordance with Section 3.4, an External User who has held the Sporting Activity at the same Athletic Site on a particular date or dates and times within a season shall have Historical Priority to use that same Athletic Site on the same date or dates and times in that same season for the following year, provided an Internal User has not secured the Athletic Site. If an External User has Historical Priority for an Athletic Site, but is denied due to an Internal User securing the Athletic Site, the External User will regain Historical Priority for an Athletic Site when an Internal User does not secure the Athletic Site in a future athletic season. If an Internal User has displaced an historical priority External User for three consecutive athletic seasons, Historical Priority will not be assigned back to the External User if an Internal User does not secure the Athletic site in a future athletic season.

Except for those External Users assigned priority under Section 3.4, no other Permittees shall be regarded as having a Priority Sporting Activity as of the effective date of this Athletic Permit Policy.

Historical Priority as set forth in this Section 3.5 applies to Athletic Field permits except those secured during the Winter Season as established by the Permitting Office. Athletic Field permits secured during the last Winter Season prior to the implementation of this Athletic Permit Policy, will retain historical priority.

Historical Priority as set forth in this Section 3.5 shall not apply to Court permits. Historical Priority cannot be earned for Court use.

3.5.1 Historical Priority as set forth in this Section 3.5 applies to Tournament permits except those that obtained Historical Priority by the end of 2015. Those Tournaments will be allowed to reserve Athletic Sites on the Historical Public Event timeline, which is published on the Permit Resource Site. Historical Priority Retained: So long as the External User holding historical priority complies with all of the Requirements of this Athletic Permit Policy, including obtaining an Athletic Permit and conducting the Sporting Activity, the Historical Priority External User shall maintain priority over all other External Users under this Section 3.4 for the same Athletic Site and the same season, date(s) and time(s).

Denial of a Pending Permit Approval or Revocation/Cancellation of an Approved Permit shall result in a termination of Historical Priority unless otherwise determined by the DPR Executive Director.

3.6 Athletic Sites and Carrying Capacities

3.6.1 Athletic Sites: Sporting Activities are allowed at and within Athletic Sites in certain Parks and are prohibited from being held in other parks, or other non-designated areas of parks. An Athletic Site may be an entire Park or a portion of a Park, and more than one Athletic Site may exist within a Park. Available Athletic Sites are identified on an Athletic Site list at the Permit Resource Site, as such list may be established, modified or updated from time to time by the DPR Executive Director consistent with this Athletic Permit Policy. Factors the DPR Executive Director may consider in establishing the Athletic Site list include, but are not limited to:

- Anticipated athletic use demand;
- Acreage of open space in the park;

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- Natural area or other vegetation or turf considerations;
- Availability of parking and public transportation;
- Park classification as a regional, community or neighborhood park; and
- City Council and neighborhood/public input
- Other Passive and Programmed Activity

3.6.2 Carrying Capacity: A Sporting Activity is subject to the Carrying Capacity of the Athletic Site. Carrying Capacity may be set and modified for each Athletic Site based on a best practices methodology determined by DPR Staff. The peak attendance at a Sporting Activity, including participants and spectators, may not exceed the Carrying Capacity(s) established for the Athletic Site. While the Applicant will state a projected peak attendance for the proposed Sporting Activity in the Application, the ultimate determination as to the anticipated peak attendance is to be made by DPR Staff based on prior attendance for the Sporting Activity, prior attendance for a similar Sporting Activity, and/or a reasonable estimate based on the available information for the Sporting Activity. The Carrying Capacity of each Athletic Site is identified on an Athletic Site list at the Permit Resource Site, as such list may be established, modified or updated from time to time by the DPR Executive Director consistent with this Athletic Permit Policy. Factors the DPR Executive Director may consider in establishing the Carrying Capacity of an Athletic Site include, but are not limited to:

- Anticipated athletic use demand;
- Usable open space acreage;
- Protection of natural areas or other vegetation or turf considerations;
- Availability of parking and public transportation;
- The number of playing surfaces allowed on the Athletic Field(s) and Court(s)
- Park classification as a regional, community or neighborhood park;
- Input from the Executive Director or other City officials; and
- City Council and neighborhood/public input

3.7 Sporting Activities and Uses

3.7.1 Sporting Activities and Uses: Except as otherwise provided in this Section 3.7, Sporting Activities allowed in Athletic Sites shall be limited to those Sporting Activities listed and defined in Section 2.3.9. The DPR Executive Director reserves the right to prohibit or restrict certain Sporting Activities at certain Athletic Sites. To the extent that the DPR Executive Director has determined, as a matter of policy, that certain Sporting Activities should be prohibited or restricted at certain Athletic Sites, the prohibitions and restrictions will be identified on a list at the Permit Resource Site. The DPR Executive Director may also, in considering an individual Application, prohibit or restrict certain Sporting Activities at certain Athletic Sites. Factors the DPR Executive Director may consider in deciding whether to prohibit or restrict certain Sporting Activities at certain Athletic Sites include, but are not limited to:

- Significant adverse impacts of the activity or use on the Park and the surrounding neighborhood;
- Significant health and safety concerns arising from the nature or extent of the proposed activity or use or resulting from the use, size, location or security of the Athletic Site;
- Costs and liability associated with the activity or use that may have to be borne by the City;
- Ability or inability to comply with Applicable Law; and
- Ability or inability to develop Special Rules, as provided in Section 3.8, that will effectively eliminate or mitigate adverse impacts associated with the activity or use.
- DPR Executive Director reserves the discretion to add additional requirements.

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3.8 Special Rules

Special Rules, beyond the Requirements specified in this Athletic Permit Policy, may be considered for Uses or Activities depending upon circumstances of the specific Park or Athletic Site or the specific types of Uses or Activities, or as otherwise specified in Section 3.7 and 3.8. The imposition of such Special Rules is not intended to be a basis for denial of an Athletic Permit (unless the Applicant refuses to accede to the Special Rules), but rather to assure that Applicants satisfactorily address issues or circumstances that warrant the imposition of Special Rules. If a determination is made that the Special Rules should be applicable to a Sporting Activity, the Special Rules will be provided by the Permitting Office. Factors that might trigger the imposition of Special Rules include, but are not limited to:

- Exceptional Activities, Uses, or Equipment proposed for a Sporting Activity;
- Activities or Uses which the DPR Executive Director determines should be subject to Special Rules;
- Multi-Day Use or Activity, or a proposed duration of exceptional length in a single day;
- Sporting Activity will occur in more than one Park or more than one Athletic Site in a Park;
- The Sporting Activity involves unusual, numerous or large Support Facilities;
- The nature and extent of the Sporting Activity presents the likely potential for exceptional adverse physical impacts upon the Park for which Special Rules are necessary to assure that the Park will be protected or will readily recover from the Activity;
- The potential adverse impact of the Sporting Activity on other park patrons not participating in the Sporting Activity, including access to and use of various recreational and other facilities located in the Park;
- The potential adverse impact of the Sporting Activity on other operations in a Park, as well as any scheduled or ongoing improvement of the Park;
- The potential adverse impact of the Sporting Activity on nearby residences, schools and businesses;
- The Sporting Activity will require the closing or restricting access or use of right of way or other City-owned property adjoining or near the Park or Athletic Site;
- Reasonable concerns arising from the character of the proposed activities or uses at the Athletic Site;
- Availability of lawful parking for the Sporting Activity within and outside the Park and the impact of off-site parking on surrounding neighborhoods;
- The need to effectively address adverse impacts of amplified sound or noise associated with the Activity that is not otherwise adequately addressed under this Athletic Permit Policy;
- Special security, health, or safety concerns arising from the type of Sporting Activity; and
- Special measures needed to assure compliance with Applicable Law.
- City Council and neighborhood/public input.

3.8.1 Athletic Site Closures (Weather related):

Athletic Site Closures due to inclement weather are determined by Parks Staff. Once an Athletic Site is officially closed, it cannot be used until reopened by Parks Staff. In the case of an emergency Athletic Site maintenance closure, the permittee will be contacted directly. Permittees are notified of any closures due to inclement weather by checking the Weather Hotline which is updated daily. Weather credits will be issued to the permittee for all cancellations due to inclement weather. The process for obtaining weather credits will be viewable online at the Permit Resource Site. Any weather credits issued will be valid for the remainder of the current year, plus one calendar year (ending on December 31).

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3.8.2 Athletic Site Closures (Non-Weather related):

Athletic Site Closures due to construction and maintenance are determined by Parks Staff. Planned Closures are listed and viewable online at the Permit Resource Site. The DPR Executive Director may establish Blackout Dates for Athletic Sites when permitting for Sporting Activities is prohibited. The Blackout Dates for Athletic Sites are identified on a Blackout Dates list at the Permit Resource Site, as such list may be established, modified or updated from time to time by the DPR Executive Director consistent with this Athletic Permit Policy. Other factors that the DPR Executive Director may consider in determining Blackout Dates for Uses and Activities include, but are not limited to:

- Protecting a Park or Athletic Site from potential overuse due to numerous Uses or Activities on an Athletic Site;
- Allowing downtime for a Park or portion thereof to recover from actual overuse, damage or unusual wear and tear or from adverse weather conditions such as drought or heavy rains;
- Performing deferred maintenance or scheduled repair or construction work;
- Preparing a Park or portion thereof for an upcoming use, event, or other scheduled activity;
- Assuring that the surrounding community is not overburdened by excessive Sporting Activities at an Athletic Site or is allowed sufficient recovery time from a prior Sporting Activity at an Athletic Site;
- Avoiding interference with a Sporting Activity occurring in a nearby Athletic Site, or other Activity;
- Closure or use restrictions of a Park or Athletic Site due to pressing health, safety, and welfare considerations.
- The permitting of an Extraordinary Event. See Section 3.9 for details.

If an Historical Priority External User is displaced due to an Athletic Site Closure (non-weather related), Historical Priority will be reinstated once the Athletic Site is re-opened. If the Athletic Site Closure (non-weather related) lasts more than three consecutive athletic seasons, Historical Priority will not be reinstated.

3.8.3 In establishing Special Rules and Athletic Site Closures, the DPR Executive Director may consider input from interested parties, including but not limited to City Staff, professionals retained by the City, City Council members, Athletic Site Users, members of the public and, if the DPR Executive Director deems it appropriate, recommendations from the Parks and Recreation Advisory Board.

3.8.4 Fees: The types and amounts of Fees payable by Applicant under this Athletic Permit Policy are set forth in a Fees list at the Permit Resource Site, as such list may be developed, modified or updated from time to time by the DPR Executive Director consistent with this Policy and the Denver Revised Municipal Code (“D.R.M.C.”). The Fees must be paid in the form and by the deadlines set forth at the Permit Resource Site and communicated by the Permitting Office. Pending Permit Approval and Permit Approval are dependent on the payment of the Fees prescribed for each approval. Fees are not assignable and will only be refundable to the extent specified at the Permit Resource Site.

3.9 Extraordinary Uses: In accordance with the Priorities set forth in Section 3.4, the DPR Executive Director may reserve an Athletic Site for an Extraordinary Use, notwithstanding the Requirements of this Athletic Permit Policy. Any conflict with scheduled Sporting Activities, Priority Uses or other matters listed in Section 3.4, shall be resolved as the DPR Executive Director determines appropriate. In the event of a conflict, the DPR Executive Director reserves the right to decide whether a scheduled Sporting Activity, a Priority Sporting Activity or other matter listed in Section 3.4 should be relocated to another Athletic Site or should be rescheduled to a new date.

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3.10 Permit Resource Site: The website located at denvergov.org/permits which contains documents, lists and other resources identified in this Athletic Permit Policy. Alternative means of obtaining this information are:

3.10.1 A request for electronic copies sent to park.permits@denvergov.org;

3.10.2 Direct pick-up at the Permitting Office located in the Wellington E. Webb Municipal Building, 201 West Colfax Avenue, 1st Floor, Denver, Colorado; and

3.10.3 Any other means selected by the DPR Executive Director to make such documents, lists and resources available to the public.

3.11 City Agencies:

3.11.1 General: As a condition of obtaining and retaining an Athletic Permit under this Athletic Permit Policy, the Applicant must obtain and comply with all permits, licenses, authorizations and other approvals required from City Agencies with regulatory jurisdiction over various aspects of the Sporting Activity and with operational jurisdiction over City-owned or –controlled property which may be impacted or used by a Sporting Activity. If a business license or other permit or approval are required from the Denver Department of Excise & Licenses, the Permittee shall obtain, pay for, and keep in effect any such license.

3.11.2 Regulatory Approvals: An Application and other information submitted by an Applicant seeking an Athletic Permit are subject to review and approval by City Agencies in addition to DPR depending on the nature and extent of the Sporting Activity, and potential Use impacts on the services and resources provided by those City Agencies, City property other than Parks, traffic impacts, the health and safety of citizens, and on neighboring residents and/or businesses to the Athletic Site. Additional information may be required if the Permitting Office or the City Agencies deem it necessary or appropriate to assess impacts and actions needed to avoid or mitigate those impacts. All requested information is to be provided by the Applicant within the time frames prescribed by the Permitting Office or the City Agencies. Such City Agencies' reviews shall be conducted in accordance with City ordinances and established standards, practices, guidelines, requirements and rules and regulations of these City Agencies. Pending Permit Approval and/or Permit Approval may be denied or conditioned based upon the conclusions reached by the Permitting Office and the City Agencies following review of the Applications and the information provided by the Applicant.

3.11.3 Right of Way or other City Property: A Sporting Activity may require the occupancy or use of public right of way or other City-owned property in the vicinity of the Park in which a Sporting Activity will be held. The Permittee must comply with all requirements, procedures and rules and regulations as set forth in this Athletic Permit Policy in addition to established standards, practices, guidelines, requirements, rules and regulations and/or fee requirements of the City Agencies related to right of way or other City property.

3.11.3.1 Public Right of Way: The Applicant for an Athletic Permit shall make application and obtain any street occupancy permit and any other permit or license required by the Denver Department of Public Works (“**Public Works**”) for the closure and use of any right of way under the jurisdiction of Public Works. This closure and use includes parking, traffic control and Load- In and Load-Out. All permit requirements imposed by Public Works shall be complied with and all fees and charges required by Public Works shall be paid for, in addition to the requirements and Fees of DPR under this Athletic Permit

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3.11.3.2 Other City Property: The Applicant for an Athletic Permit shall likewise make application and obtain any permits or licenses required by City Agencies for any City property to be used in conjunction with the Sporting Activity. The City Agencies with jurisdiction over such City property include, but are not limited to, Facilities Management, Arts & Venues, Safety, and the Denver Public Library. This occupancy or use includes those for Load-In and Load-Out. All permit requirements imposed by a City Agency for use of its property shall be complied with and all fees required by said City Agency shall be paid for, in addition to the requirements and Fees of DPR under this Athletic Permit Policy.

3.11.3.3 Differences: It is presumed that any differences in the requirements of this Athletic Permit Policy and the permit or license requirements of City Agencies other than DPR can be reconciled and made compatible. The fact that Fees are charged under this Athletic Permit Policy while fees and charges are also by the City Agencies other than DPR for their permits or licenses shall not be regarded as being any kind of a conflict. To the extent that there are irreconcilable differences between this Athletic Permit Policy and the permits or licenses of City Agencies other than DPR, the requirements of the permits or licenses of City Agencies other than DPR shall control as to right of way and other City-owned property other than Parks.

3.12 Disability Laws: In making an Application and in the exercise of any issued Athletic Permit, the Applicant/Permittee shall not take any action contrary to, and shall comply with, all federal, state and local laws and rules and regulations protecting the disabled and developmentally challenged. This shall include the Americans with Disabilities Act, Article IV of Chapter 28, D.R.M.C., and other laws protecting the right of access for disabled people in wheelchairs and other mobility assisted devices, the use of trained service animals, and other rights of the disabled and developmentally challenged to enjoy parks and to participate in Athletic Uses and Activities held in Parks. If necessary or otherwise required by the Permitting Office, the Applicant/Permittee shall demonstrate how compliance with the requirements of this Section 3.12 will be achieved.

3.13 Non-City Property: Should the Applicant for an Athletic Permit desire to utilize property owned by private individuals or entities, the federal government, the State of Colorado, Denver Public Schools, or special districts for an Athletic Sporting Activity, the Applicant shall be responsible for obtaining such approvals or authorizations from those non-City parties.

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PART IV – APPLICATION AND PENDING PERMIT APPROVAL (FOR ALL ATHLETIC PERMITS)

4.1. Pre-Application: Prior to submitting an Application, the Applicant should become familiar with this Athletic Permit Policy and direct any questions to the Permitting Office as the Application is prepared. The Applicant shall be responsible for familiarizing themselves with the Athletic Permit Policy and the Application requirements of this Part IV of the Athletic Permit Policy.

4.2 Application:

4.2.1 Basic Requirements: An Application for an Athletic Permit must be submitted by following the instructions listed at the Permit Resource Site and must be completed, signed, dated and submitted to the Permitting Office by the deadlines prescribed in this Part IV of the Athletic Policy.

4.2.2 Legal Effect of an Application: Submittal of an Application creates no entitlement to the issuance of an Athletic Permit and does not result in a reservation of a date for a Sporting Activity, or an Athletic Site.

4.2.3 Permit Process and Timing: The Permit Resource Site establishes the details and information regarding the application process, application deadlines, and timelines for the three types of Athletic Permits (Athletic Field Permit, Court Permit, and Tournament Permit). For seasonal reservations, the reservation calendar will be organized into three seasons: Spring/Summer; Fall; and Winter. Each season will have its own schedule timelines, deadlines, restrictions and requirements.

4.2.4 Uses and Activities: Athletic Sites are restricted to organized Sporting Activities (unless an exception is approved by the DPR Executive Director). The permittee must follow all Park Rules, Athletic Site designations, and special requirements and/or restrictions that apply. The Applicant must identify and describe in the Application all proposed Uses and Activities, and any proposed Exceptional Uses or Activities on the Application. The Permitting Office may require additional information from the Applicant in order to evaluate these proposed uses and activities in light of the requirements of Section 3.7, the Special Rules of Section 3.8, and other parts of this Athletic Permit Policy. Information regarding Athletic site inventory, field/court types, dimensions, allowable use, special rules and restrictions is available on the Permit Resource Site and/or communicated by the Permitting Office.

Completion and Signatures: An Application shall not be deemed complete and ready for acceptance by the Permitting Office until correct and complete information required in the Application form and under this Part IV of the Athletic Permit Policy has been provided to the Permitting Office. The Application must be signed, either electronically or manually, and dated. Electronic signatures shall be in the form specified at the Permit Resource Site.

Acceptance: An Application will be accepted by the Permitting Office unless it is rejected as provided in Section 4.2.5. The Permitting Office shall have a reasonable period of time, as specified at the Permit Resource Site, for reviewing the Application for acceptability. Acceptance means that the Application will be processed as provided in this Part IV of the Athletic Permit Policy and does not constitute Pending Permit Approval of the Application.

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4.2.5 Rejection: An Application may be rejected for any of the following reasons:

- The Application is incomplete or inaccurate in any aspect material to the review of the Application.
- The Application is not signed by the Applicant.
- The Applicant does not meet the qualifications or does not have the authority required under Section 4.3
- The Entity Applicant, as identified under Section 4.3.2, is not registered with the Secretary of State, if applicable.
- Any Fees required at the time of Application submittal or acceptance were not paid.
- The Athletic Site at which the Applicant proposes Sporting Activity is unavailable for the date/time requested.
- The proposed Sporting Activity listed on the Application is prohibited or does not otherwise comply with this Athletic Permit Policy.
- A proposed Exceptional Sporting Activity which is the primary or predominant activity does not qualify as an Exceptional Sporting Activity, as defined in Section 2.23 (any proposed Exceptional Activity or Use which is a secondary or subsidiary activity or use identified on the Application that does not qualify as an Exceptional Activity or Use may be rejected without rejecting the Application).
- The dates requested for the proposed Sporting Activity in a specified Athletic Site are not available due to a Priority under Section 3.4 or 3.5.
- The dates requested for the proposed Sporting Activity in a specified Athletic Site are not available due to the Athletic Site already being reserved for another Athletic Sporting Activity, or is in the process of being reserved for another Athletic Sporting Activity.
- The Applicant is not eligible to obtain a permit per the Violations and Enforcement Sections of this Athletic Permit Policy.

Upon rejection and subject to such deadlines prescribed in this Part IV, the Applicant may correct or update and re-submit a revised Application that satisfactorily resolves the stated grounds for rejection. Any date or Athletic Site requested in the original Application will not be withheld from other applicants during the interim.

4.2.6 Amendments: Any substantive amendments to an Application (meaning any amendment related to the Permitting Office acceptance or denial decision) after acceptance by the Permitting Office and prior to Pending Permit Approval or denial must be provided in writing to the Permitting Office by the given deadline. The Permitting Office shall determine whether the proposed amendments can be timely reviewed or are otherwise acceptable under the Athletic Permit Policy. Amendments may result in a fee charged to the Applicant for changes.

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4.3 Applicant Qualifications and Authority: An Applicant may be an unincorporated association represented by an individual person or an individual person acting on his or her own behalf (“**Individual Applicant**”) or a non-profit or for-profit corporate entity (“**Entity Applicant**”).

4.3.1 Individual Applicant: An Individual Applicant must be at least 18 years of age. The Individual Applicant must be competent, under the law, to commit to perform any obligations set forth in this Athletic Permit Policy. The Applicant may be required to present a government issued picture identification, preferably a driver’s license. The Individual Applicant may be represented by an agent in preparing and submitting an Application, but the Individual Applicant in whose name the Athletic Permit will be issued must be named as the Applicant on the Application.

4.3.2 Entity Applicant/Entity Representative: An Entity Applicant which seeks to obtain any non-profit discount on Fees must be qualified, or in the process of qualifying, as a Section 501(c)(3) entity under the Internal Revenue Code or have registered with the City as a Registered Neighborhood Organization under Section 12-94, D.R.M.C. The Entity Applicant must have an identified representative, at least 18 years of age, who will be responsible for performing and complying with the Application process as set forth in this Athletic Permit Policy (“**Entity Representative**”). The Entity Representative must be an employee, a board member, or an agent of the Entity Applicant and may be required to provide documented evidence in the form of a letter on the Entity Applicant’s letterhead and signed by an authorized employee or officer of the Entity Applicant to the Permitting Office that the Entity Representative has the authority to act on behalf of the Entity Applicant and may be replaced or substituted only upon written authorization by the Entity Applicant presented to the Permitting Office. The Entity Representative must be competent, under the law, to commit the Entity Applicant to perform any obligations set forth in this Athletic Permit Policy. The Entity Representative may be required to present a government issued picture identification, preferably a driver’s license. The Entity Applicant, in which name the Athletic Permit will be issued, must be named and fully and correctly identified as the Applicant on the Application.

4.4 Pending Permit Approval:

4.4.1 General Provisions: Upon acceptance of the submitted Application, the Permitting Office will complete an evaluation of the Application to determine if Pending Permit Approval is warranted. The evaluation shall be based on the criteria contained in Part III of this Athletic Permit Policy and the Requirements set forth in Part IV of this Athletic Permit Policy. Pending Permit Approval will be granted by the Permitting Office unless Pending Permit Approval is denied as provided in Section 4.4.3.

4.4.2 Fees: Any Fees, as specified under Section 3.8.4, which are due upon Pending Permit Approval must be submitted to the Permitting Office as specified at the Permit Resource Site. Failure to pay the required Fees shall result in the denial of the Pending Permit Approval, or if the Fees are due after Pending Permit Approval, in the rescission of the Pending Permit Approval.

4.4.3 Denial of Pending Permit Approval: Pending Permit Approval for an Application may be denied due to any of the following reasons:

- A reason for rejecting an Application under Section 4.2.5 has been subsequently discovered after acceptance of the Application, and the reason for rejecting has not rectified or resolved by the Applicant.
- The Application or other information or documentation provided by the Applicant contains materially incorrect, false or misleading information.

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- The Applicant has not provided required or requested, material information or documentation.
- A City Agency, in its review of the Application and other information or documentation provided by the Applicant, has recommended denial of the Pending Permit Approval based on the inability or failure of the Applicant to satisfy Applicable Law or established standards, practices, guidelines, requirements or rules and regulations of the City Agency which are applicable to, and a substantive part of regulating, the conduct of the proposed Athletic Sporting Activity or which are applicable to the use of other City property needed for the Sporting Activity.
- A City Agency has recommended denial of the Pending Permit Approval based on the lack or unavailability of City resources needed to assure public safety.
- The Applicant has been cited, ticketed, fined or arrested for a violation of Applicable Law related to a prior Sporting Activity and cannot demonstrate that the violation can be and will be rectified or resolved, including the payment of any fine or penalty.
- The Applicant owes money to the City for prior damage to an Athletic Site or any portion of a Park or other City property resulting from or related to a prior Sporting Activity.
- An amendment proposed by the Applicant under Section 4.2.6 is determined to have been submitted too late or is not acceptable under the Athletic Permit Policy, and the amendment is an essential or important component of the Application (if the amendment is not an essential or important component of the Application, it may be rejected without denying the Pending Permit Approval).
- The Applicant is not eligible to obtain a permit per the Violations and Enforcement Sections of this Athletic Permit Policy.

4.4.4 Notification: The Applicant will be notified as to whether Pending Permit Approval has been granted or denied and, if denied, the reasons therefore. Pending Permit Approval is evidenced by a Pending Permit Approval invoice and associated requirements document sent to the mail or email address that the Applicant designates on the Application.

4.4.5 Special Rules and Other Requirements: The Permitting Office may include in the Pending Permit Approval such Special Rules or other Requirements that are determined to be appropriate based on Parts III and IV of the Athletic Permit Policy or any Requirements that are likely to be applicable to the proposed Activity under Parts V and VI of the Athletic Permit Policy. The failure to include such Special Rules or other Requirements in the Pending Permit Approval shall not foreclose the right of the Permitting Office to require the Applicant to take such actions as deemed appropriate to address the Special Rules and other Requirements and to include such in the Athletic Permit Approval.

4.4.6 Legal Effect of Pending Permit Approval: The Pending Permit Approval creates no entitlement to the issuance of an Athletic Permit and only results in a tentative reservation of a date and an Athletic Site until the Permit Approval is granted or denied. Nothing contained in the Pending Permit Approval limits the right of the Permitting Office to add, delete or change terms and conditions in the Athletic Permit Approval in accordance with this Athletic Policy.

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4.5 Indemnification, Affirmation & Effect:

4.5.1 Indemnification & Affirmation: Every Application shall contain the following provision to which the Applicant indicates agreement and assent by signing the Application and, if eventually approved for an Athletic Permit, by accepting an Athletic Permit:

“With respect to Uses and Activities permitted on Athletic Sites, applicant/permittee will indemnify and defend the City and County of Denver, its appointed and elected officials, employees, volunteers, and agents (the “**Indemnitees**”) against any losses, damages, liabilities, claims, suits, actions, causes of action, costs and expenses that any or all Indemnitees may suffer, incur, or sustain or for which any or all Indemnitees may become liable resulting from, arising out of, or relating to any negligence or intentional misconduct by the applicant/permittee or the applicant/permittee’s officers, employees, workers, volunteers, suppliers, service providers, contractors, vendors, agents or other persons or entities under the direction or control of the applicant/permittee.

“I do solemnly swear (or affirm) that all answers given and statements made on this application are complete and accurate to the best of my knowledge and that I have read and understood, and hereby acknowledge my voluntary consent to, the Athletic Permit Policy.”

Such indemnification shall include any third party losses, damages, liabilities, claims, subrogation claims, suits and actions, causes of action, costs and expenses asserted against the City or its appointed and elected officials, employees, volunteers, and agents and resulting from the negligence or intentional misconduct of the Permittee, Permittee’s representatives or agents, or Attendees arising from or associated with the sale, service or consumption of Alcohol Beverages whether authorized or unauthorized under this Athletic Permit Policy and the Athletic Permit, or arising from or associated with the sale, service or consumption of marijuana, even though the sale, service or consumption of marijuana is illegal.

4.5.2 Effect: Submission of a signed Application shall be deemed as proof of the Applicant’s acceptance of, and willingness to comply with, the Athletic Permit Policy and the Athletic Permit (if one is issued).

THE PERMITTEE SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART XII OF THIS ATHLETIC PERMIT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF APPLICATIONS AND PENDING PERMIT APPROVAL.

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PART V – PERMIT APPROVAL (ATHLETIC FIELD AND COURT PERMITS)

5.1 General Provisions: Upon receiving Pending Permit Approval from the Permitting Office, the Applicant must faithfully and fully complete, at the Applicant’s own expense, the following Requirements prior to Permit Approval:

5.1.1 Satisfaction of Requirements: All of the Requirements itemized in the Pending Permit Approval invoice and associated requirements document and set forth in this Part V and in Part VI (to the extent applicable) must be fully satisfied by the Applicant prior to Permit Approval. This must occur by the deadline established by the Permitting Office.

5.1.2 Deadline: All information, documentation, and proof, showing that the Applicant has satisfied the applicable Requirements of this Section 5.1 must be provided in complete and accurate form by the deadline established the Permitting Office. Failure to meet this deadline may result in the denial of the Permit Approval.

5.2 Financial and Loss Protections for the City: The Applicant is obligated, at the Applicant’s own expense, to arrange for the required insurance coverage for the Sporting Activity. It is a prerequisite for the issuance of the Permit that the Applicant provide, to the extent and in the manner acceptable to the Permitting Office, the insurance coverage required in Section 5.2.1 and in the Permit Approval by the deadline set forth on the Permit Resource Site and/or provided by the Permitting Office. Upon the issuance of the Permit, the Applicant shall become the Permittee, and the Permittee is responsible for the obligations set forth in this Section 5.2 and the Permit. The insurance coverage requirements set forth in this Section shall not lessen, modify or eliminate the Permittee’s obligations or liabilities under this Athletic Permit Policy. Failure to obtain or maintain the prescribed insurance coverages for a Sporting Activity shall be grounds for the denial of the Permit Approval or immediate revocation of the Permit,

5.2.1 Insurance:

5.2.1.1 General Conditions: As a condition of the Permit, the Permittee shall secure and maintain, in advance of and during the entire Sporting Activity the following insurance covering all operations, activities, uses and services contemplated under the Permit. Insurance must be in the name of the Permittee. The required insurance shall be underwritten by an insurer licensed or authorized to do business in Colorado and rated by A.M. Best Company as “A-VIII” or better. Each policy shall contain a valid provision or endorsement requiring notification to the City in the event any of the required policies is to be canceled or non-renewed before the expiration date thereof. Such written notice shall be sent to the Permitting Office. Said notice shall be sent thirty (30) days prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior. If such written notice is unavailable from the insurer, the Permittee shall provide written notice of cancellation, non-renewal and any reduction in coverage to the Permitting Office as specified at the Permit Resource Site. If any policy is in excess of a deductible or self-insured retention, the City must be notified by the Permittee. The Permittee shall be responsible for the payment of any deductible or self-insured retention. The insurance coverages specified herein are the minimum requirements, and these requirements do not lessen or limit the liability of the Permittee. The Permittee shall maintain, at its own expense, any additional kinds or amounts of insurance that it may deem necessary to cover its obligations and liabilities under the Permit.

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5.2.1.2 Proof of Insurance: The Permittee shall provide a copy of these insurance requirements to its insurance agent or broker. The Permittee may not commence any operations at the Athletic Site prior to placement of coverage as required herein. The Permittee certifies that a current certificate of insurance, in compliance with this Section 5.3.1, shall be provided to the City in final form no later than the deadline established by the Permitting Office. The City's acceptance of a certificate of insurance or other proof of insurance that does not comply with all insurance requirements of this Section 5.3.1 shall not act as a waiver of the Permittee's violation of the Permit or the Athletic Permit Policy or of any of the City's rights or remedies under the Permit or the Athletic Permit Policy. Denver Risk Management may require additional proof of insurance, including but not limited to policies and endorsements.

5.2.1.3 Additional Insureds: For Commercial General Liability and Business Auto Liability, the insurer(s) for the Permittee shall include the City and County of Denver, its elected and appointed officials, employees and volunteers as additional insureds.

5.2.1.4 Waiver of Subrogation. For all coverages required under this Section 5.2, the insurer(s) shall waive subrogation rights against the City.

5.2.1.5 Commercial General Liability. The Permittee shall maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate.

5.2.1.6 Workers' Compensation/Employer's Liability Insurance. The Permittee shall maintain the coverage as required by statute for each work location and shall maintain Employer's Liability insurance with limits of \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims.

5.2.1.7 Business Automobile Liability. The Permittee shall maintain Business Automobile Liability with limits of \$1,000,000 combined single limit applicable to all owned, hired and non-owned vehicles used for the Sporting Activity.

5.2.1.8 Additional Insurance: Additional insurance coverage may be required for an Exceptional Sporting Activity. Such additional coverage shall be determined by the City's Risk Management Office.

5.2.1.9 Additional Provisions. For Commercial General Liability, the policy must provide the following:

- That the Permit is an Insured Contract under the policy;
- Defense costs are outside the limits of liability;
- A severability of interests or separation of insureds provision (no insured vs. insured exclusion);
- A provision that coverage is primary and non-contributory with other coverage or self-insurance maintained by the City; and
- Any exclusion for sexual abuse, molestation or misconduct has been removed or deleted.

For claims-made coverage, the retroactive date must be on or before the contract date or the first date when any goods or services were provided, whichever is earlier. The Permittee shall advise the City in

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the event any general aggregate or other aggregate limits are reduced below the required per occurrence limits. At the Permittee's own expense, where such general aggregate or other aggregate limits have been reduced below the required per occurrence limit, the Permittee shall procure such per occurrence limits and furnish a new certificate of insurance showing such coverage is in force.

5.2.1.10 Indemnification: In addition to the insurance coverage required above, the Permittee is required, as a condition of the issuance of the Permit, to indemnify the City, its elected and appointed officials, employees, volunteers and agents as provided in Section 4.5 of this Policy. Insurance coverage requirements specified above shall in no way lessen or limit the liability of the Permittee under the terms of the indemnification obligations. Such indemnification shall include any third party losses, damages, liabilities, claims, subrogation claims, suits and actions, causes of action, costs and expenses asserted against the City or its appointed and elected officials, employees, volunteers, and agents and resulting from the negligence or intentional misconduct of the Permittee, Permittee's representatives or agents, or Attendees arising from or associated with the sale, service or consumption of Alcohol Beverages whether authorized or unauthorized under this Athletic Permit Policy and the Athletic Permit, or arising from or associated with the sale, service or consumption of marijuana, even though the sale, service or consumption of marijuana is illegal.

5.2.2 Deadline: All information, documentation, or proof specified in this Section 5.2 showing that the Applicant has satisfied the Requirements of this Section 5.2 must be provided by the date established by the Permitting Office. Failure to meet this deadline may result in the denial of the Permit Approval.

5.3 Permit Approval:

5.3.1 General Provisions: Upon receipt from the Applicant of all the information and documentation required under the Pending Permit Approval and in this Part V of the Athletic Permit Policy, the Permitting Office will complete an evaluation of said information and documentation, in light of the requirements, restrictions and conditions of this Athletic Permit Policy and Applicable Law, to determine if Permit Approval is warranted. Athletic Permit Approval will be granted by the Permitting Office unless such Approval is denied as provided in Section 5.3.3. The Permitting Office will include in the Permit Approval such Special Rules or other requirements, restrictions or conditions as have been deemed necessary or appropriate.

5.3.2 Fees: Any Fees, as specified under Section 3.8.4, are due no later than the date established by the Permitting Office and prior to the Sporting Activity. Failure to pay the required Fees shall result in the denial of the Permit Approval.

5.3.3 Denial of Permit Approval: An approval of a Permit may be denied for any of the following reasons:

- The Requirements set forth in Section 5.1 material to the Permit Approval have not been, or cannot be, substantially satisfied by the Applicant.
- The Pending Permit Approval was granted in material reliance on information or documentation that has been shown to be incorrect, false, or misleading and that, after written notice, has not been, or cannot be, corrected or made true to the reasonable satisfaction of the Permitting Office.
- The Applicant has provided information, documentation, plans or proof required or requested under this Part V of the Athletic Permit Policy that contains incorrect, false or misleading information

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material to the Permit Approval and that, after written notice, has not been, or cannot be, corrected or made true to the reasonable satisfaction of the Permitting Office.

- The Applicant has failed to submit complete and accurate information, documentation, or proof, by the deadline specified in Sections 5.1.2, 5.2.2 and 5.3.2.
- A proposed Exceptional Sporting Activity, even if initially approved in the Pending Permit Approval, has been subsequently denied under Section 3.9, and the Exceptional Sporting Activity is the primary or overriding purpose of the use or activity (any proposed Exceptional Sporting Activity which is a secondary or subsidiary use or activity proposed) may be rejected without denying the Permit Approval).
- The revised attendance for the proposed Sporting Activity, based on best available information, is likely to exceed the Carrying Capacity for the Athletic Site.
- Any required Fees have not been paid.
- The Applicant has been cited, ticketed, fined or arrested for a violation of Applicable Law related to a prior Sporting Activity and cannot demonstrate that the violation can be and will be rectified or resolved, including the payment of any fine or penalty, prior to the date of the Sporting Activity.
- The Applicant owes money to the City for prior damage to the Athletic Site or Park or other City property resulting from or related to a Sporting Activity.
- The Applicant is unable or will be unable, or refuses, to satisfy any material general requirements, restrictions or conditions set forth in Section 5.3, including any terms or conditions or Special Rules imposed.
- The Applicant is unable or will be unable, or refuses, to satisfy the insurance coverage requirements under Section 5.2.
- The Applicant is not eligible to obtain a permit per the Violations and Enforcement Sections of this Athletic Permit Policy.

5.3.4 Notification: The Applicant will be notified as to whether the Permit Approval has been granted or denied and, if denied, the reasons therefore. Permit Approval is subject to the Applicant's satisfaction of any remaining terms and conditions prior to issuance of the Permit and is ultimately evidenced by issuance of the Permit, which will not be issued if all Requirements of this Part V of the Athletic Permit Policy are not satisfied by the deadline established by the Permitting Office. Notice of the Permit Approval will be sent to the mail or email address that the Applicant designates on the Application.

5.3.5 Applicant's Acceptance of the Permit Approval: Upon receipt of the Permit Approval, the Applicant should closely review it. If the Permit Approval is acceptable, no further action is needed. If the Applicant finds the terms and conditions of the Permit Approval to be unacceptable or incorrect, the Applicant shall promptly notify the Permitting Office as to what terms and conditions are unacceptable or incorrect. If concurrence on the terms and conditions cannot be reached, then the Permit Approval shall be deemed rescinded and no longer valid. The Permitting Office is under no legal obligation to negotiate the terms and conditions of the Permit Approval.

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5.3.6 Issuance of Permit: Upon satisfactory completion of the applicable Requirements of this Athletic Permit Policy, the Permit will be issued with the Permit Approval attached. Upon this occurrence, the Applicant shall become a Permittee under this Athletic Permit Policy.

5.3.7 Legal Effect of Permit: Upon issuance of the Permit, the Permittee shall have the exclusive use of the Athletic Site for the date and time specified in the Permit, subject to the Permittee complying with the Permit and the Requirements set forth in Part VI of this Athletic Permit Policy.

THE APPLICANT SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART XII OF THIS ATHLETIC PERMIT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF PERMIT APPROVAL.

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PART VI – PERMIT APPROVAL (TOURNAMENTS)

6.1 General Provisions: Upon receiving Pending Permit Approval from the Permitting Office, the Applicant must faithfully and fully complete, at the Applicant’s own expense, the following Requirements prior to Permit Approval:

6.1.1 Satisfaction of Requirements: All of the Requirements itemized in the Pending Permit Approval invoice and associated requirements document and set forth in this Part V and in Part VI (to the extent applicable) must be fully satisfied by the Applicant prior to Permit Approval. This must occur by the deadlines set forth on the Permit Resource Site and/or communicated by the Permitting Office.

6.1.2 Support Facilities:

6.1.2.1 General: The Applicant is responsible, at its own expense, for supplying, arranging for the transportation, installation, operation, maintenance, dismantling, and removal of all Support Facilities as defined in Section 2.40 and as further provided in this Section 6.1.2 and elsewhere in this Athletic Permit Policy. The Applicant is also responsible, at its own expense, for the retention and supervision of the Permittee’s own employees or other agents or workforce to perform this work and to staff the Support Facilities. Support Facilities must be approved by DPR.

6.1.2.2 City Support Facilities: Any Support Facilities owned or managed by DPR or City Agencies that are located within the Athletic Site or elsewhere in the Park or other City-owned property may not be used for the Sporting Activity unless advance written approval is granted by DPR and the City Agencies.

6.1.2.3 Compliance: All Support Facilities must be safe, serviceable, and of adequate numbers and functionality to appropriately support the Sporting Activity. The Applicant must comply with any requirements for Support Facilities specified in the Pending Permit Approval and/or set forth at the Permit Resource Site. If requirements are not specified there or if the Permitting Office requires a Support Facilities Plan, then the Applicant must prepare such a Plan and submit it for approval. The installation, operation and removal of Support Facilities must be in accordance with the Permitting Offices requirements and directions, and the approved Site Diagram. Requirements for the safety, stabilization or securing of certain Support Facilities may be provided to the Applicant separately.

6.1.2.4 Rentals: To the extent that the Applicant rents or leases Support Facilities for use at a Sporting Activity, the Applicant shall be responsible for arranging and paying for such rentals or leases. Copies of the executed rental or lease contract, or other document acceptable to the Permitting Office, for any rented or leased Support Facilities must be delivered, upon request, to the Permitting Office by the deadline specified in Section 6.1.5.

6.1.3 Power & Heat:

6.1.3.1 Basic Service: The Applicant may have access to any electrical system in the Park where the Sporting Activity is located for power and heating systems, connections and service, provided that the electrical system in the Park is adequate for the need of the Sporting Activity. The cost and payment requirements for the electrical service will be as stated at the Permit Resource Site and must be paid to the Permitting Office prior to Permit Approval.

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6.1.3.2 Other Service: If the electrical service in the Park is not adequate for the Sporting Activity, then all or some portion of the required electrical needs must be provided through generators or other electrical connections arranged by the Applicant at the Applicant's expense. Any such electrical service facility will be regarded as a Support Facility under this Section 6.1.3.2. The Applicant shall obtain and pay for any permits, licenses, or approvals for the installation and operation of generators and other electrical connections, which must be installed and operated in accordance with this Athletic Permitting Policy and Applicable Law. Proof of adequate arrangements for such electrical service must be submitted, upon request, to the Permitting Office by the deadline specified in Section 6.1.5.

6.1.4 Special Rules: Special Rules, may be imposed in a Permit Approval as specified in Section 3.8. The DPR Executive Director may consider any mitigation measures that are reasonably available to reduce or eliminate adverse impacts and other negative factors that may arise as part of the evaluation of the criteria set forth in Section 3.8. As a result of this evaluation, the DPR Executive Director may impose such terms and conditions or Special Rules as the DPR Executive Director deems appropriate under the circumstances. The Applicant shall be responsible for paying all costs associated with implementation of, or compliance with, the terms and conditions or Special Rules.

6.1.5 Deadline: All information, documentation, plans, proof, and walk-throughs specified in this Section 6.1 showing that the Applicant has satisfied the applicable Requirements of this Section 6.1 must be provided in complete and accurate form by the deadline established the Permitting Office. Approvals for changes to plans (if any are required) must also be obtained by this deadline. Failure to meet this deadline may result in the denial of the Permit Approval.

6.2 Financial and Loss Protections for the City: The Applicant is obligated, at the Applicant's own expense, to arrange for the required insurance coverage and to provide the required security deposit and other financial assurance for a Sporting Activity. It is a prerequisite for the issuance of the Permit that the Applicant provide, to the extent and in the manner acceptable to the Permitting Office, the insurance coverage and security deposit/financial assurances required in this Section 6.2 and in the Permit Approval by the deadline set forth in Section 6.3.2. Upon the issuance of the Permit, the Applicant shall become the Permittee, and the Permittee is responsible for the obligations set forth in this Section 6.2 and the Permit. The insurance coverage and security deposit requirements set forth in this section shall not lessen, modify or eliminate the Permittee's obligations or liabilities under this Athletic Permit Policy. Failure to obtain or maintain the prescribed insurance coverages or to provide the required security deposit and/or financial assurances for a Sporting Activity shall be grounds for the denial of the Permit Approval or immediate revocation of the Permit,

6.2.1 Insurance/General Conditions: As a condition of the Permit, the Permittee shall secure and maintain, in advance of and during the entire Sporting Activity and during Load-In and Load-Out, the following insurance covering all operations, activities, uses and services contemplated under the Permit. Insurance must be in the name of the Permittee. The required insurance shall be underwritten by an insurer licensed or authorized to do business in Colorado and rated by A.M. Best Company as "A-VIII" or better. Each policy shall contain a valid provision or endorsement requiring notification to the City in the event any of the required policies is to be canceled or non-renewed before the expiration date thereof. Such written notice shall be sent to the Permitting Office. Said notice shall be sent thirty (30) days prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior. If such written notice is unavailable from the insurer, the Permittee shall provide written notice of cancellation, non-renewal and any reduction in coverage to the Permitting Office as specified at the Permit Resource Site. If any policy is in excess of a deductible or self-insured retention, the City must be notified by the Permittee. The Permittee shall be responsible for the payment of any deductible or self-insured retention. The insurance coverages specified herein are the minimum requirements, and these

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requirements do not lessen or limit the liability of the Permittee. The Permittee shall maintain, at its own expense, any additional kinds or amounts of insurance that it may deem necessary to cover its obligations and liabilities under the Permit.

6.2.2 Proof of Insurance: The Permittee shall provide a copy of these insurance requirements to its insurance agent or broker. The Permittee may not commence any work or operations at the Athletic Site or any Load-In and Load-Out areas prior to placement of coverage as required herein. The Permittee certifies that a current certificate of insurance, in compliance with this Section 6.2.1, shall be provided to the City in final form no later than the deadline established by the Permitting Office. The City's acceptance of a certificate of insurance or other proof of insurance that does not comply with all insurance requirements of this Section 6.2.1 shall not act as a waiver of the Permittee's violation of the Permit or the Athletic Permit Policy or of any of the City's rights or remedies under the Permit or the Athletic Permit Policy. Denver Risk Management may require additional proof of insurance, including but not limited to policies and endorsements.

6.2.3 Additional Insureds: For Commercial General Liability, Business Auto Liability, and Liquor Legal Liability (if applicable), the insurer(s) for the Permittee and the Permittee's Vendors and Contractors shall include the City and County of Denver, its elected and appointed officials, employees and volunteers as additional insureds.

6.2.4 Waiver of Subrogation. For all coverages required under this Section 6.2.1, the insurer(s) shall waive subrogation rights against the City.

6.2.5 Vendors and Contractors: All Vendors or Contractors which provide services or goods for the Sporting Activity or is involved in the installation, operation or removal of Support Facilities for the Sporting Activity (including but not limited to contractors, subcontractors, installers, consultants, suppliers, vendors, purveyors of any goods and services, food and beverage sales, alcohol beverage sales and service, entertainment, sporting activities, security, etc.) shall be subject to all of the requirements herein and shall procure and maintain the appropriate levels of coverages required by the Permittee. The Permittee shall include all such Vendors and Contractors as additional insureds under its policies (with the exception of Workers' Compensation) or shall ensure that all such Vendors and Contractors maintain the required coverages. The Permittee shall provide proof of insurance for all such Vendors and Contractors upon request by the City.

6.2.6 Workers' Compensation/Employer's Liability Insurance. The Permittee shall maintain the coverage as required by statute for each work location and shall maintain Employer's Liability insurance with limits of \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims.

6.2.7 Commercial General Liability. The Permittee shall maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate.

6.2.8 Business Automobile Liability. The Permittee shall maintain Business Automobile Liability with limits of \$1,000,000 combined single limit applicable to all owned, hired and non-owned vehicles used for the Sporting Activity.

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6.2.9 Liquor Legal Liability: If the sale or service of Alcohol Beverages is authorized for the Sporting Activity in the Permit, then liquor legal liability coverage of not less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit is required.

6.2.10 Additional Insurance: Additional insurance coverage may be required for an Exceptional Sporting Activity. Such additional coverage shall be determined by the City's Risk Management Office.

6.2.11 Additional Provisions. For Commercial General Liability, the policy must provide the following:

- That the Permit is an Insured Contract under the policy;
- Defense costs are outside the limits of liability;
- A severability of interests or separation of insureds provision (no insured vs. insured exclusion);
- A provision that coverage is primary and non-contributory with other coverage or self-insurance maintained by the City; and
- Any exclusion for sexual abuse, molestation or misconduct has been removed or deleted.

For claims-made coverage, the retroactive date must be on or before the contract date or the first date when any goods or services were provided, whichever is earlier. The Permittee shall advise the City in the event any general aggregate or other aggregate limits are reduced below the required per occurrence limits. At the Permittee's own expense, where such general aggregate or other aggregate limits have been reduced below the required per occurrence limit, the Permittee shall procure such per occurrence limits and furnish a new certificate of insurance showing such coverage is in force.

6.2.12 Indemnification: In addition to the insurance coverage required above, the Permittee is required, as a condition of the issuance of the Permit, to indemnify the City, its elected and appointed officials, employees, volunteers and agents as provided in Section 4.5 of this Athletic Permit Policy. Insurance coverage requirements specified above shall in no way lessen or limit the liability of the Permittee under the terms of this indemnification obligation. Such indemnification shall include any third party losses, damages, liabilities, claims, subrogation claims, suits and actions, causes of action, costs and expenses asserted against the City or its appointed and elected officials, employees, volunteers, and agents and resulting from the negligence or intentional misconduct of the Permittee, Permittee's representatives or agents, or Attendees arising from or associated with the sale, service or consumption of Alcohol Beverages whether authorized or unauthorized under this Athletic Permit Policy and the Permit, or arising from or associated with the sale, service or consumption of marijuana, even though the sale, service or consumption of marijuana is illegal.

6.2.13 Deadline: All information, documentation, or proof specified in this Section 6.3 showing that the Applicant has satisfied the Requirements of this Section 6.3 must be provided by the date established by the Permitting Office. Failure to meet this deadline may result in the denial of the Permit Approval.

6.3 Permit Approval:

6.3.1 General Provisions: Upon receipt from the Applicant of all the information and documentation required under the Pending Permit Approval and in this Part V of the Athletic Permit Policy, the Permitting Office will complete an evaluation of said information and documentation, in consultation with DPR Staff and City Agencies and in light of the requirements, restrictions and conditions of this Athletic Permit Policy and Applicable Law, to determine if Permit Approval is warranted. Permit Approval will be granted by the Permitting Office unless such Approval is denied as provided in Section 6.3.3.

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The Permitting Office will include in the Permit Approval such Special Rules or other requirements, restrictions or conditions as have been deemed necessary or appropriate.

6.3.2 Fees: Any Fees, as specified under Section 3.8.4, are due no later than the date established by the Permitting Office and prior to the Sporting Activity. Failure to pay the required Fees shall result in the denial of the Permit Approval.

6.3.3 Denial of Permit Approval: An approval of a Permit may be denied for any of the following reasons:

- The Requirements set forth in Section 6.1.1 material to the Permit Approval have not been, or cannot be, substantially satisfied by the Applicant.
- The Pending Permit Approval was granted in material reliance on information or documentation that has been shown to be incorrect, false, or misleading and that, after written notice, has not been, or cannot be, corrected or made true to the reasonable satisfaction of the Permitting Office.
- The Applicant has provided information, documentation, plans or proof required or requested under this Part V of the Athletic Permit Policy that contains incorrect, false or misleading information material to the Permit Approval and that, after written notice, has not been, or cannot be, corrected or made true to the reasonable satisfaction of the Permitting Office.
- The Applicant has failed to submit complete and accurate information, documentation, or proof, by the deadline specified in Sections 5.1.2, 5.2.2 and 5.3.2.
- A proposed Exceptional Sporting Activity, even if initially approved in the Pending Permit Approval, has been subsequently denied under Section 3.8, and the Exceptional Sporting Activity is the primary or overriding purpose of the use or activity (any proposed Exceptional Sporting Activity which is a secondary or subsidiary use or activity proposed) may be rejected without denying the Permit Approval).
- The revised attendance for the proposed Sporting Activity, based on best available information, is likely to exceed the Carrying Capacity for the Athletic Site.
- Any required Fees have not been paid.
- The Applicant has been cited, ticketed, fined or arrested for a violation of Applicable Law related to a prior Sporting Activity and cannot demonstrate that the violation can be and will be rectified or resolved, including the payment of any fine or penalty, prior to the date of the Sporting Activity.
- The Applicant owes money to the City for prior damage to the Athletic Site or Park or other City property resulting from or related to a Sporting Activity.
- The Applicant is unable or will be unable, or refuses, to satisfy any material general requirements, restrictions or conditions set forth in Section 6.1, including any terms or conditions or Special Rules imposed under Section 6.1.4.
- The Applicant is unable or will be unable, or refuses, to satisfy the insurance coverage requirements under Section 6.2.1.

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- The Applicant is not eligible to obtain a permit per the Violations and Enforcement Sections of this Athletic Permit Policy.

6.3.4 Notification: The Applicant will be notified as to whether the Permit Approval has been granted or denied and, if denied, the reasons therefore. Permit Approval is subject to the Applicant's satisfaction of any remaining terms and conditions prior to issuance of the Permit and is ultimately evidenced by issuance of the Permit, which will not be issued if all Requirements of this Part VI of the Athletic Permit Policy are not satisfied by the deadline established by the Permitting Office. Notice of the Permit Approval will be sent to the mail or email address that the Applicant designates on the Application.

6.3.5 Applicant's Acceptance of the Permit Approval: Upon receipt of the Permit Approval, the Applicant should closely review it. If the Permit Approval is acceptable, no further action is needed. If the Applicant finds the terms and conditions of the Permit Approval to be unacceptable or incorrect, the Applicant shall promptly notify the Permitting Office as to what terms and conditions are unacceptable or incorrect. If concurrence on the terms and conditions cannot be reached, then the Permit Approval shall be deemed rescinded and no longer valid. The Permitting Office is under no legal obligation to negotiate the terms and conditions of the Permit Approval.

6.3.6 Issuance of Permit: Upon satisfactory completion of the applicable Requirements of this Athletic Permit Policy, the Permit will be issued with the Permit Approval attached. Upon this occurrence, the Applicant shall become a Permittee under this Athletic Permit Policy.

6.3.7 Legal Effect of Permit: Upon issuance of the Permit, the Permittee shall have the exclusive use of the Athletic Site for the date/time specified in the Permit, subject to the Permittee complying with the Permit and the Requirements set forth in Part VI of this Athletic Permit Policy. The right to engage in the approved Sporting Activity, as allowed under the Permit, shall be contingent on obtaining and complying with all required permits and licenses from City Agencies as specified in this Athletic Permit Policy, including any Liquor License.

THE APPLICANT SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART XII OF THIS ATHLETIC PERMIT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF PERMIT APPROVAL AND PERMITS.

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PART VII – SPORTING ACTIVITY REQUIREMENTS (ATHLETIC FIELDS AND COURTS)

7.1 General Requirements: Along with other requirements under this Policy, an Applicant shall be responsible, at the Applicant’s own expense, for satisfying the following, if required by the Permitting Office or a City Agency by any deadlines set by the Permitting Office, as well as the terms and conditions of the Permit and the Requirements of this Part VII of the Athletic Permit Policy. The Permittee may be subject to enforcement actions per the Violations and Enforcement (Athletic Fields and Courts) Section of this Athletic Permit Policy.

7.1.1 Contact and Coordination:

7.1.1.1 Permittee’s Representative: The Permittee must assign an individual who will be the main point of contact for all aspects of the Sporting Activity preparation and management. The Permittee must notify the Permitting Office, in writing, as to the identity of the individual who has the authority to act on behalf of the Permittee. This individual may be replaced or substituted only upon written notice from the Permittee presented to the Permitting Office. Contact information, including telephone number and email address, for this individual must be provided. The individual must be reachable during the Sporting Activity and must be at the Athletic Site, or their representative, during such times or occurrences as specified in the Permit, and must be prepared to present a copy of the permit upon request. All references to “Permittee” in this Part VI of the Athletic Permit Policy shall include this authorized individual who will represent the Permittee.

7.1.1.2 DPR Staff: The Permittee shall fully and timely coordinate and collaborate with DPR Staff, including the Permitting Office, with respect to the Sporting Activity preparation and management and in the fulfillment of the requirements and restrictions of this Part VI of the Athletic Permit Policy. DPR Staff responsible for overseeing the Sporting Activity and directing the Permittee with respect to the requirements and restrictions of the Permit and the Athletic Permit Policy will be identified to the Permittee, along with their contact information.

7.1.2 Maintenance, Field Preparation and Equipment: Athletic Sites shall be maintained and prepared by Parks Staff. Baseball, softball, and mixed-use fields will be dragged, lined/painted upon request for permitted game locations only. Permittees must provide a game schedule to have fields prepared. Permittees are not permitted to drag, line/paint or mark their own fields. Permittees are not permitted to alter or modify any courts. DPR does not guarantee to provide any equipment for permittees. Sports goals are assigned to various Parks and can be used for both scheduled Sporting Activities or public drop-in use.

7.1.2.1 Cleaning: The Permittee is responsible, during the Sporting Activity for the timely and effective cleaning and sanitizing of all areas of the Athletic Site and, if required, any other City-owned property used or impacted by the Sporting Activity. This obligation shall include the proper disposal of trash and waste in the appropriate park trash receptacles.

7.1.2.2 Repairs & Replacements: The Permittee is responsible for the cost of repair and/or replacement of any real or personal property of the City damaged during the Sporting Activity, to the extent such damage was the result of or associated with the acts or omissions of the Permittee, Permittee’s representatives or agents, or the conduct of participants or spectators of the Sporting Activity. However, all damage repairs and replacement work will be performed by the City or its

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contractors unless repairs or replacement work by the Permittee is authorized, in writing, by the DPR Executive Director. The insurance coverage as required under Section 5.2.1 does not in any way eliminate, lessen or limit the responsibility or liability of the Permittee under this Section 7.

7.1.2.3 Costs: The Permittee shall be liable for paying all costs and expenses for the performance of all obligations of the Permittee, including all damage caused by Permittee.

7.2 Signs, Banners and Posters:

7.2.1 Basic Restrictions: Only temporary signs, banners, posters and similar items (“Signs”) related to the Sporting Activity are allowed. Signs may be erected only within the Athletic Site and for the duration of the Sporting Activity.

7.2.2 Commercial Signs: Any commercial Sign must: 1) market or advertise only services provided at the Sporting Activity or 2) promote the services of a sponsor of the Sporting Activity. Proof of such sponsorship may be required by the Permitting Office. The advertising or marketing of adult or pornographic materials, marijuana, marijuana products, tobacco, tobacco products (including “vaping” products), fireworks, firearms, and other inherently dangerous or hazardous items during the Sporting Activity in a Park is strictly prohibited. Signs displaying the name of medical or recreational marijuana dispensaries are prohibited.

7.2.3 Sign Placement: The following are not allowed: 1) attachment of Signs to structures or vegetation located within the Athletic Site; 2) staking of Signs into pavement, concrete, or turf/ground; and 3) blocking of access, including Park Paths or Park Roads, and other passages for pedestrians and motor vehicles, by Signs. The Permittee is required to remove or relocate any Signs at the direction of DPR Staff.

7.2.4 Removal: It shall be the responsibility of the Permittee to promptly remove any Sign at a Sporting Activity not in compliance with this Section 7.2 and at the end of the permitted time.

7.3 Motorized Vehicle Parking, Movement and Access:

7.3.1 Parking: Motorized vehicles, except for utility vehicles such as light duty “golf cart” type vehicles, must be parked in designated parking spaces in parking lots or along Park Roads within Parks or other legal parking areas outside of the Park. Motorized vehicles may not be parked so that sidewalks or public access ways are wholly or partially blocked. Motorized vehicle parking, except for utility vehicles such as light duty “golf cart” type vehicles, is prohibited on lawns, turf, planting areas, Park Paths, restricted Park Roads, playgrounds, and recreational facilities.

7.3.2 Traffic laws: All City traffic laws and Park Use Rules and Regulations regarding the movement and location of motorized vehicles must be obeyed.

7.3.3 Access: Motorized vehicle access, except for utility vehicles such as light duty “golf cart” type vehicles, through a Park to an Athletic Site is not allowed, unless such access is expressly approved by an authorized DPR representative and only to the extent so authorized. If such access is so authorized, motorized vehicles servicing the Sporting Activity may access through a Park only on paved or hard surfaces approved by an authorized DPR representative. Driving motorized vehicles beyond the designated boundaries for access is prohibited.

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7.3.4 Enforcement: Violations of this Section 7.3 may result in the issuance of a ticket by Denver Police or a citation by a Park Ranger under the Administrative Citations Rules and Regulations, as amended from time to time. Unattended motorized vehicles parking or standing in a Park will be ticketed or cited and may be towed at the vehicle owner's expense.

7.4 Amplified Sound:

7.4.1 Basic Restrictions: The Permittee shall provide for the proper operation of any Amplified Sound system and the control of the sound and vibration levels produced by such system in order to avoid the Sporting Activity becoming a public nuisance or an unreasonable disturbance to the residences, businesses and schools in the surrounding neighborhood as well as to park patrons not attending the Sporting Activity and to other operations in a Park, including but not limited to a zoo, museum, botanic garden, golf course, recreation center, or concession. The Permittee is required to notify the Permitting Office of any locations and sound directional information for all Amplified Sound equipment and work with the Permitting Office and City Agencies in order to achieve the level and quality of Amplified Sound necessary to reach listeners at a Sporting Activity while attenuating or mitigating any adverse impacts of the Amplified Sound. A sound check prior to the start of the Sporting Activity may be required if requested by the Permitting Office or other City Agency.

7.4.2 Compliance: The Permittee is responsible for assuring that any Amplified Sound for a Sporting Activity is in compliance with Applicable Law, this Section 7.4, and any required plans. In particular, the use of Amplified Sound must comply with Chapter 36, DRMC, on noise control and any rules and regulations adopted by the Denver Department of Public Health and Environment implementing and enforcing this ordinance and comply with Section 38-101, DRMC, on prohibited noises.

7.4.3 Specific Restrictions: The DPR Executive Director may prohibit Amplified Sound at certain Parks or Athletic Sites in a Park; require that Amplified Sound volume or vibration levels be lower than those specified in the ordinances identified in Section 7.4.2; establish times of day when Amplified Sound is not allowed or more restricted than those specified in the ordinances identified in Section 7.4.2; and require speakers to be placed and/or directed in a specified manner, but in no case shall they be directed at adjoining residential property or any school which is in session.

7.5 City Agencies Requirements: The Permittee is required to comply with all rules and regulations, requirements, restrictions, permits, licenses, approvals required or imposed by any other City Agency.

7.6 Special Requirements for Specific Parks: Special requirements and/or restrictions may be established for Athletic Sites within specific Parks. If applicable, all such special requirements or restrictions for specific Parks will be provided to the Permittee on or before issuance of the Permit. Permittee is responsible for compliance with all Special Requirements and is subject to enforcement actions per this Athletic Permit Policy.

7.7 Promotion of the Sporting Activity: Public notices, media communications, advertising, and sponsorships are solely the responsibility of the Permittee; provided that such promotion involving on-site signage shall be subject to the applicable signage requirements in accordance with City policy, guidelines or restrictions.

7.8 Hours of Use: Sporting Activities shall be subject to the hours established by the Permitting Office. Any exceptions will be expressly authorized in the Permit.

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PART VIII – SPORTING ACTIVITY REQUIREMENTS (TOURNAMENTS)

8.1 General Requirements: Along with other requirements under this Policy, an Applicant for a Tournament shall be responsible, at the Applicant's own expense, for satisfying the following, if required by the Permitting Office or a City Agency by any deadlines set by the Permitting Office. Support Facilities and any other equipment for Tournament Use must be set up and operated by the Permittee in accordance with the approved Site Diagram, as specified in Section 8.1.1, the approved type and location of Support Facilities, as directed by the Permitting Office; the approved plans (if any are required); and any Special Rules, as required under Section 3.8, 4.4.5, and/or 6.1.4; as well as the terms and conditions of the Permit and the Requirements of this Part VIII of the Athletic Permit Policy. The Permittee may be subject to enforcement actions per the Violations and Enforcement (Tournaments) Section of this Athletic Permit Policy.

8.1.1 Site Diagram for Tournament: The Applicant must prepare a Site Diagram which must be presented to DPR and other City Agencies designated on the Pending Permit Approval by the deadline specified on the Pending Permit Approval. A map of the location where the proposed Tournament Use will be held shall show or depict: a) boundaries of the entire footprint of the Tournament including the Athletic Site, other park property, public right of way or other City-owned property, and private property, if all of these are proposed to be occupied or used for the Sporting Activity; b) the geographical layout and labeling of Support Facilities for the Tournament; c) the location(s) of access points for the purpose of Load-In and Load-Out; d) the location(s) of public access to the Athletic Site; e) the location(s) of fencing or other barricades to be installed for the Sporting Activity; and f) the location and layout of any other facilities and items specified in any plans that may be required by the Permitting Office, if physically located within the area depicted by the Site Diagram. Plans may be specified by the Permitting Office depending on the size, scope and scale of the Tournament. The Applicant must comply with any technical requirements for a Site Diagram specified in the Pending Permit Approval and/or as set forth at the Permit Resource Site.

8.1.2 Corrections: The Applicant shall make such corrections to the Site Diagram as required by the Permitting Office and City Agencies and resubmit the corrected Site Diagram to the Permitting Office and City Agencies by the deadline established by the Permitting Office.

8.1.3 Requested Changes: It is the responsibility of the Applicant to promptly and accurately inform the Permitting Office and other City Agencies of any proposed changes to the Site Diagram by the submittal of a revised Site Diagram by the deadline established by the Permitting Office.

8.1.4 Required Revisions: The Permitting Office and other City Agencies may require revisions to the submitted Site Diagram and to any proposed changes of a Site Diagram in order to assure compliance with the Requirements of this Policy and the Pending Permit Approval. These required revisions must be submitted by the deadline established by the Permitting Office.

8.1.5 Approval: All Site Diagrams, including corrections, changes and revisions, are subject to the review and approval of the Permitting Office and the City Agencies. A Site Diagram may be rejected if it is inaccurate, incomplete or does not conform to applicable requirements.

8.1.6 Amendments: Any substantive amendments to an Application (meaning any amendment relevant the Permitting Office's decision to accept or deny) after acceptance by the Permitting Office and prior to Pending Permit Approval or denial must be provided in writing to by the deadline established by the Permitting Office.

8.1.7 The Permitting Office shall determine whether the proposed amendments can be timely reviewed or are otherwise acceptable under the Athletic Permit Policy. Amendments may result in a fee charged to the Applicant for changes.

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8.1.8 An Application or Pending Permit may be canceled or denied if the Permitting Office or other City Agency, in review of the Application and other information or documentation provided by the Applicant, recommends denial of the Pending Permit Approval based on the inability or failure of the Applicant to satisfy Applicable Law or established standards, practices, guidelines, requirements and rules and regulations of the City Agency which are applicable to, and a substantive part of regulating, the conduct of the proposed Tournament or which are applicable to the use of other City property needed for the Tournament.

8.1.9 Coordination with City Agencies: The Applicant shall be responsible for fully and timely coordinating and collaborating with the Permitting Office, any DPR Staff, and/or other City Agencies. A meeting with other City Agencies may be required prior to or following Pending Permit Approval to review all requirements applicable under Part VI of this Athletic Permit Policy. The Applicant is recommended to be prepared to address these requirements.

8.1.10 Other Permits or Licenses: All permits or licenses required by City Agencies, including DPR, for the Tournament must be obtained and complied with. The Applicant may be required to provide copies of any or all permits and licenses to the Permitting Office, DPR Staff and specific City Agencies within deadlines as required by the Permitting Office and the City Agencies. Permits and licenses include, but are not limited to street occupancy permits, permits or approvals allowing the use of other City-owned or City-controlled property, Liquor License, permits issued by the Fire Department, and permits to sell food and beverages.

8.1.11 Amendments to the Pending Permit Approval: Any substantive amendments the Applicant wishes to make to the Pending Permit Approval must be provided in writing to the Permitting Office prior to Permit Approval. The Permitting Office shall determine whether the proposed amendments can be timely reviewed or are otherwise acceptable under the Athletic Permit Policy. If the Permitting Office determines there is not adequate time to review the amendments or the amendments are otherwise unacceptable under the Athletic Permit Policy, the Permitting Office may reject the amendments. If the Permitting Office determines there is adequate time and that the amendments are acceptable under the Athletic Permit Policy, the Permitting Office may proceed to review the amendments, subject to the timely payment by the Applicant of any Fee required for such an amendment set forth at the Permit Resource Site and the Requirements of this Part V of the Athletic Permit Policy.

8.2 Security:

8.2.1 After-Hours Security: Security may be required any time that the Applicant's staff is not at the Athletic Site, or Support Facilities during the permit duration are unattended or facilities are not secured. After-hours security must be provided by private security companies that are merchant guard licensed and bonded and insured, or by off-duty law enforcement officers. An exception to this after-hours security requirement may be granted by the Permitting Office if only portable toilets and fencing are on site during after-hours and/or if the Tournament Site is secured and locked. The Applicant shall be responsible for arranging and paying for after-hours security and meeting the requirements for after-hours security specified in this Policy and under Applicable Law. No bailment or other duty to protect items left in a Park at any time is created or exists on the part of the City or DPR. After-hours security arrangements, if required, must be demonstrated to the Permitting Office by the deadline established by the Permitting Office.

8.2.2 Alcohol Security: Alcohol security is required for all Permits at which the sale or service of Alcohol Beverages, as defined in Section 8.13, is authorized. Alcohol security must be provided by off-duty officers of the Denver Police Department and must be in place during all hours the Sporting Activity is open to the public. An exception to the requirement that off-duty officers of the Denver Police Department

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provide alcohol security may be granted by the DPR Executive Director upon the Applicant demonstrating, to the satisfaction of the DPR Executive Director, that an adequate alternative system of alcohol security will be provided. The Applicant shall be responsible for arranging and paying for alcohol security and meeting the requirements for alcohol security specified in this Athletic Permit Policy and under Applicable Law. Any alcohol security arrangements must be demonstrated to the Permitting Office by the deadline established by the Permitting Office. Please reference the Alcohol Policy for more information and requirements

8.2.3 Other Required Security: In addition to any other security requirements, the DPR Executive Director may require that Park Rangers be retained for a Sporting Activity if the DPR Executive Director determines that the nature, size, duration, or activities of the proposed Sporting Activity will necessitate extra efforts in order to assure public safety, protection of park property, mitigating adverse impacts to park property, and compliance with, and enforcement of, Parts X and XI of this Policy, the Parks Permitting Ordinance, the Park Use Rules & Regulations, and/or the ordinances set forth in Article I of Chapter 39, DRMC (“Enforcement of [Park Use] Rules and Regulations”). The Park Rangers will have full enforcement authority under the above-listed ordinances and rules and regulations for the Sporting Activity; however, because Park Rangers are not police officers and are not armed, they will defer to the Denver Police Department for enforcement of criminal laws. The Applicant will be responsible for paying DPR by the date established by the Permitting Office for the services of the Park Rangers, as required and at the established rates and prior to Permit Approval.

8.2.4 Recommended Security: The Applicant is urged to consider retaining security by private security companies that are merchant guard licensed and bonded and insured or by off-duty law enforcement officers even when not required by this Part VIII. Applicants and Permittees should contact the Department of Excise and Licenses for specific requirements. The fact that security may not be required by this Policy shall not lessen, modify or eliminate the responsibilities and liabilities of the Applicant under this Policy and the Permit for the Tournament.

8.3 Walkthroughs and Inspection: If required by the Permitting Office or other City Agency, the Permittee shall participate in the following walkthroughs of the Athletic Site.

8.3.1 Initial Walkthrough: If required, the Permittee shall participate in an initial walkthrough of the Athletic Site with DPR Staff and other City Agencies, if applicable, to review the specific layout of the Athletic Site and other City-owned property, including the location of the Support Facilities, as depicted on the approved Site Diagram, as well as Load-In/Load-Out logistics that are proposed for the Sporting Activity. DPR Staff and/or other City Agencies may require revisions to the Site Diagram, Load-In/Load-Out, and other DPR direction or plans in accordance with Sections 8.1, 8.9 and 8.10 in order to avoid or mitigate adverse impacts to the Park, surrounding property, right of way, patrons of the Park, and Attendees. The Permittee shall comply with such approved revisions of the Site Diagram and plans.

8.3.2 Pre Walkthrough: The Permittee shall participate in a pre-walkthrough just prior to Load-In with DPR Staff and representatives of other City Agencies to determine the condition of the Athletic Site, the Park, and any other City-owned property authorized to be used as part of the Sporting Activity or for Load-In and Load-Out. An inspection report of existing conditions and a listing of authorized on-site changes needed shall be prepared and signed by the Permittee and DPR Staff and representatives of other City Agencies if applicable. In addition, the physical implementation of the Permit may be further evaluated to confirm that the Permittee will conform to the terms and conditions of the Permit.

8.3.3 Post Walkthrough: After completion of Load-Out, the Permittee shall participate in a post-walkthrough of the Athletic Site and any other City-owned property used as part of the Sporting Activity with DPR Staff and representatives of other City Agencies, if applicable, to evaluate whether the Permittee

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has satisfactorily cleaned and restored the Athletic Site, the Park, and other City-owned property used to original condition and satisfactorily completed all other performance requirements under the Permit and this Athletic Policy. The findings of the walk-through will be documented by DPR Staff and representatives of other City Agencies, if applicable, and must be signed by the Permittee.

8.4 Security Deposit:

8.4.1 Requirement: A security deposit may be required for a Tournament Permit as specified at the Permit Resource Site. The security deposit is intended to assure that secured reimbursement is available to the City for covering any costs or losses the City incurs or may incur should the Permittee fail to perform in accordance with the Requirements of this Policy or the terms and conditions of the Permit. The security deposit does not constitute a substitute for, Other Financial Assurances (Section 8.4.4, below) required by this policy to pay for costs and expenditures resulting from the Permittee's obligations or liabilities under the Policy and the Permit.

8.4.2 Process: If required, a security deposit, in the amount specified at the Permit Resource Site, must be submitted to the Permitting Office in the form and subject to such conditions as specified at the Permit Resource Site. The security deposit is due by the date established by the Permitting Office. Failure to submit the required security deposit shall result in the denial of the Permit Approval.

8.4.3 Refund and Retention: Upon full and faithful completion of the Permittee's obligations under the Policy and the Permit and following conclusion of the Sporting Activity and Load-Out by the Permittee, the security deposit submitted by the Permittee will be refunded as specified at the Permit Resource Site. Should the Permittee fail to fully and faithfully complete all of the Permittee's obligations resulting in costs or losses incurred or that may be incurred by the City, the Permittee will be advised of any such deficiencies in writing. If directed by the Permitting Office, the Permittee shall take all immediate measures necessary and appropriate to rectify the deficiencies and to report the measures taken to the Permitting Office. If the Permitting Office finds that measures are not feasible or that no or inadequate measures are taken by the Permittee, the Permitting Office shall, in consultation with DPR Staff and City Agencies, determine the amount of the security deposit necessary to cover such costs and losses and shall retain that amount to cover such costs and losses. Any remaining amount of the security deposit shall be refunded to the Permittee as specified at the Permit Resource Site.

8.4.4 Other Financial Assurances: For Tournaments or other approved Exceptional Activities or Uses, the amount of the security deposit may be increased or substituted by other forms of financial assurances, as specified by the DPR Executive Director, in order to assure adequate funds are available for the restoration of the Park. The financial assurances may also be covered by means of a property damage bond or a letter of credit, approved by the Denver City Attorney's Office. The additional security deposit and/or approved form of the bond or letter of credit, fully executed by the surety, shall be delivered to the Permitting Office as specified at the Permit Resource Site. The City shall have full rights to call upon any property damage bond or letter of credit, in whole or part, for any costs or losses the City incurs or may incur resulting from the Permittee's failure to perform in accordance with the Policy and the Permit.

8.4.5 Legal Recourse: If the actual costs or losses incurred by the City exceed the amount of the security deposit, the bond or the letter of credit, the City shall not be limited by the amount of the security deposit, the bond or the letter of credit in its claim against the Permittee for actual damages. The Permittee will be invoiced for any such costs or losses, with payment due thirty (30) calendar days from the invoice date. If the invoice is not promptly paid, the DPR Executive Director reserves the right to seek such recourse and recovery of such costs and losses from the Permittee by any means available under law.

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8.5 Promotion of the Sporting Activity: Public notices, media communications, advertising, and sponsorships are solely the responsibility of the Permittee; provided that such promotion involving on-site signage shall be subject to the applicable signage requirements in accordance with City requirements, guidelines or restrictions.

8.6 Hours of Use: Sporting Activities for Tournaments shall be subject curfew and the hours established by the Permitting Office. Any exceptions will be expressly authorized in the Athletic Permit. Load-In and Load-Out shall be conducted only during such dates and hours specified in the Permit.

8.7 Permittee's Agents, Employees, Etc.: The Permittee is responsible for contracting with and supervising all its own employees, contractors, agents and other workforce and assuring complete faithful performance of the contracted duties and obligations of the Permittee.

8.8 Load-In and Load-Out: The Permittee is responsible for staging, supervising, and adequately controlling Load-In and Load-Out.

8.8.1 Location: The location of Load-In and Load-Out must be as identified on the approved Site Diagram. Depending on the circumstances of the Sporting Activity and the Park and the impact of Load-In and Load-Out on surrounding neighborhoods, DPR reserves the right to require modifications to, or impose restrictions and/or supplemental requirements as to the location and logistics of Load-In and Load-Out.

8.8.2 Load-In/Load-Out for Support Facilities: The size and location of all Support Facilities used in relation to Load-In and Load-Out, including any special equipment necessary for Load-In and Load-Out, must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities and special equipment.

8.9 Support Facilities: The Permittee is responsible for obtaining, installing, maintaining, cleaning and removing all Support Facilities so that they are safe, serviceable and of adequate numbers, including the installation of portable toilets that provide access to and use in accordance with the Americans with Disabilities Act (5 square feet per Public Works requirements).

8.10 Safety: The Permittee is responsible for providing security, public safety, crowd control, fire protection, and emergency services. If plans are required, the Permittee must comply with any plan submitted and approved in accordance with directions and requirements provided by the Permitting Office.

8.11 Public Outreach and Notification: As circumstances warrant and as directed by DPR or other City Agencies, the Permittee shall provide such notification of the scheduled Tournament to the surrounding businesses, schools, and residents and shall engage in such public outreach to address impacts of the Sporting Activity that may be of concern to surrounding businesses, schools, and residents.

8.12 Cleaning: The Permittee is responsible, during the course for the Tournament and all Load-In and Load-Out activities, for the timely and effective cleaning and sanitizing of all areas of the Athletic Field Site and, if required, any other City-owned property used or impacted by the Tournament. This obligation shall include the timely removal and proper disposal of trash and waste and the removal of any markings or any graffiti on property that occurred during or related to the Tournament. Graffiti may only be removed with assistance and approval of DPR.

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8.13 Alcohol Beverages Requirements & Restrictions: For Alcohol Beverages, as defined as 8.13.1 in accordance with state law, the Permittee shall be responsible, at the Permittee's own expense, for the following:

8.13.1 Alcohol Policy: The sale, service and consumption of Alcohol Beverages in a Park shall be permitted only if it is allowed under the DPR Alcohol Policy, as it may be amended from time to time. All terms or conditions applicable under the DPR Alcohol Policy must be complied with by the Permittee and the Permittee's representatives and agents. The DPR Executive Director has the authority to add requirements and/or restrictions beyond those contained in the DPR Alcohol Policy. The sampling or free distribution of Alcohol Beverages is not allowed unless expressly authorized in the Permit.

8.13.2 Liquor License: The right of Permittee or others to engage in the sale and/or service of Alcohol Beverages to the public in a Park shall be strictly subject to the Permittee obtaining, maintaining and complying with the Liquor License issued or authorized for the Sporting Activity and in accordance with Applicable Law. Otherwise, the sale and/or service of Alcohol Beverages in a Park is prohibited.

8.13.3 Alcohol Vendor: If Permittee is authorized to serve and/or sell Alcohol Beverages in the Park as a part of an Athletic Permit, Permittee may enter into a separate agreement with a properly qualified contractor, vendor or agent ("Alcohol Vendor") to manage and operate the sale and/or service of Alcohol Beverages in the Park. Upon request, copies of all separate agreements shall be provided to the Permitting Office or other City Agencies. Permittee shall be responsible for monitoring the activities of its Alcohol Vendor with respect to the sale and/or service of Alcohol Beverages and assuring compliance by the Alcohol Vendor with this Athletic Permit Policy, the Alcohol Policy, the Liquor License, and Applicable Law. An Alcohol Vendor shall be regarded as Permittee's contractor or agent under this Athletic Permit Policy regardless of whether Permittee has a formal contract with the vendor.

8.13.4 Location Restrictions: No sale and/or service of Alcohol Beverages shall be allowed outside of the designated area of the Park where sale and/or service of Alcohol Beverages is authorized by the Liquor License or the Athletic Permit, whichever is more restrictive. If any other regulation or licensing restriction should further limit the location for the sale, service and/or consumption of Alcohol Beverages in a Park, the Permittee and any Alcohol Vendor shall comply with said regulation or licensing restriction. Any fencing, barricades or other barriers required for controlling the sale, service and public consumption of Alcohol Beverages are to be supplied by the Permittee at the Permittee's expense, and the location of such fencing, barricades or other barriers must be indicated on the site plan and are subject to the prior approval of DPR Staff and other City Agencies.

8.13.5 Enforcement: The requirements and restrictions set forth for Alcohol Beverages may be enforced in any manner allowed under the Liquor License and Applicable Law. Failure to comply with this Section 8.14 may result in the suspension of the right to sell or serve Alcohol Beverages during the Sporting Activity and other enforcement actions as provided in Parts X and XI.

8.13.6 Liquor Legal Liability Insurance: The Permittee shall obtain and maintain liquor legal liability insurance for the sale and service of Alcohol Beverages during the Tournament as specified in Section 6.2.9.

8.13.7 Alcohol Security: The Permittee shall provide security for the sale and service of Alcohol Beverages as specified in Section 8.2.2 and the Athletic Permit.

8.14 Food and Beverage Sales Requirements & Restrictions: For Food and Beverage Sales, the Permittee shall be responsible, at the Permittee's own expense, for the following:

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8.14.1 Quality: Only good quality, fresh food and beverage products shall be served, with any cooked foods being prepared by an approved commissary or other food preparation center authorized to cook and dispense foods for public consumption (no home-cooked foods). Prepackaged food products must be provided in individual servings, labeled as to ingredients, dated for expiration of product, transported in individual servings, and stored under proper conditions.

8.14.2 Regulations: The Permittee shall comply with all state and local laws, regulations, and orders regarding food handling and service, and all required food service permits shall be obtained, kept current, and provided to the Permitting Office or other City Agency upon request. The Permittee shall comply with all safety and sanitation laws and regulations including, but not limited to, regulations and orders of the Denver Fire Department, the Denver Department of Environmental Health and the Denver Department of Public Works.

8.14.3 Park Regulations: The Permittee shall comply with all DPR rules and regulations applicable to Food and Beverage Sales. No glass food or beverage containers are allowed to be served to the public.

8.14.4 Food trucks: Food trucks may only be allowed if located on hard surfaces in locations indicated on the approved Site Diagram and as otherwise approved by DPR Staff. Food trucks shall be operated so as to control odors and to minimize engine and generator noise and exhaust sufficiently to avoid becoming a public nuisance or an unreasonable disturbance to the residences, businesses and schools in the surrounding neighborhood as well as to park patrons not a part of the Sporting Activity and to other operations in a Park, including but not limited to a zoo, museum, botanic garden, golf course, recreation center, or concession.

8.14.5 Vending Machines: No food or beverage vending machines are permitted during a Sporting Activity unless authorized by the Permitting Office.

8.14.6 Trash and waste: All trash and waste, including but not limited to grease, sewage, plates, cups, utensils, and food waste shall be disposed of in dumpsters, trash receptacles, and recycling containers supplied by the Permittee. Permittee is responsible for providing the proper and prompt removal and disposal of trash and waste products. Existing trash containers in a Park may not be used to supplement or replace the trash containers and trash removal service required for the Sporting Activity.

8.15.7 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the Food and Beverage Sales and comply with the electrical service requirements under Sections 6.1.3.1, and 6.1.3.2 as specified by DPR Staff or other City Agency.

8.15 Goods and Services Vending Requirements & Restrictions: For Goods and Service Sales, the Permittee shall be responsible, at the Permittee's own expense, for the following:

8.15.1 Prohibited Goods: The sales, service, distribution, or marketing of adult or pornographic materials, marijuana, marijuana products, tobacco, tobacco products, fireworks, firearms and other inherently dangerous or hazardous items in the Park during the Tournament are strictly prohibited. Failure to comply with this absolute prohibition may result in the immediate suspension or revocation of the Permit or the banning of the vendor engaged in such activity from the Tournament, as the DPR Executive Director deems appropriate.

8.16 Electronics Requirements & Restrictions: For Electronics, the Permittee shall be responsible, at the Permittee's own expense, for the following:

8.16.1 Location: The location of any Electronics must be as identified on the approved Site

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Diagram. Depending on the circumstances of the Sporting Activity and the Park and the impact of such Electronic systems on surrounding neighborhoods, DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of Electronics.

8.16.2 Support Facilities: The size and location of all Support Facilities used in relation to Electronics must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

8.16.3 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the Electronics and comply with the electrical service requirements under Section 6.1.3.1 and 6.1.3.2 as specified by DPR Staff or other City Agency.

8.17 Exceptional Uses or Activities: For Exceptional Uses and Activities, as defined in Section 4.2.4, and the Permittee shall be responsible, at the Permittee's own expense, for the following:

8.17.1 Special Rules: The right to have Exceptional Uses and Activities shall be contingent on compliance by the Permittee, the Permittee's representatives and agents with all Special Rules and other terms and conditions imposed on the Exceptional Uses and Activities under the Athletic Permit.

8.17.2 Location: The location of any approved Exceptional Uses and Activities must be identified on the approved Site Diagram. Depending on the circumstances of the Sporting Activity and the Park and the impact of the Exceptional Uses or Activities on surrounding neighborhoods, DPR reserves the right to require modifications to, or impose restrictions and/or supplemental requirements as to the location and operation of the Exceptional Uses and Activities.

8.17.3 Support Facilities: The size and location of all Support Facilities used in relation to approved Tournaments must be accurately represented in the approved Site Diagram. DPR reserves the right to approve, disapprove, require modifications to, or impose restrictions and/or supplemental requirements for such Support Facilities.

8.17.4 Electrical Demand: The Permittee shall provide to DPR Staff or other City Agency, upon request, information about the electrical requirements for the approved Exceptional Uses and Activities and comply with the electrical service requirements under Sections 6.1.3.1 and 6.1.3.2 as specified by DPR Staff or other City Agency.

8.18 Amplified Sound:

8.18.1 Basic Restrictions: The Permittee shall provide for the proper operation of any Amplified Sound system and the control of the sound and vibration levels produced by such system in order to avoid the Tournament becoming a public nuisance or an unreasonable disturbance to the residences, businesses and schools in the surrounding neighborhood as well as to park patrons not attending the Tournament and to other operations in a Park, including but not limited to a zoo, museum, botanic garden, golf course, recreation center, or concession. The Permittee is required to show on the approved Site Diagram the locations and sound directional information for all Amplified Sound equipment and work with the Permitting Office and City Agencies in order to achieve the level and quality of Amplified Sound necessary to reach listeners at a Tournament while attenuating or mitigating any adverse impacts of the Amplified Sound. A sound check prior to the start of the Sporting Activity may be required if requested by the Permitting Office or other City Agency.

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8.18.2 Compliance: The Permittee is responsible for assuring that any Amplified Sound for a Tournament is in compliance with Applicable Law, this 8.18, and any required plans. In particular, the use of Amplified Sound must comply with Chapter 36, DRMC, on noise control and any rules and regulations adopted by the Denver Department of Public Health and Environment implementing and enforcing this ordinance and comply with Section 38-101, DRMC, on prohibited noises.

8.18.3 Specific Restrictions: The DPR Executive Director may prohibit Amplified Sound at certain Parks or Athletic Sites in a Park; require that Amplified Sound volume or vibration levels be lower than those specified in the ordinances identified in Section 8.18.2; establish times of day when Amplified Sound is not allowed or more restricted than those specified in the ordinances identified in Section 8.18.2; and require speakers to be placed and/or directed in a specified manner, but in no case shall they be directed at adjoining residential property or any school which is in session.

THE PERMITTEE SHOULD REFER TO THE MISCELLANEOUS LEGAL PROVISIONS OF PART VIII OF THIS ATHLETIC PERMIT POLICY WITH RESPECT TO OTHER LEGAL ASPECTS OF APPLICATIONS AND PENDING PERMIT APPROVAL.

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IX – VIOLATIONS; ENFORCEMENT; APPEALS (ATHLETIC FIELDS AND COURTS)

9.1 If there is evidence to suggest the Permittee has violated the Permit, the Permittee will have three (3) business days from notification to provide relevant evidence of compliance for the Permit in question. Failure to do so will result in automatic Permit revocation and escalating penalties. The Permitting Office reserves the right to request any documentation including, but not limited to, entire season schedules for the issue in question at any time.

Violations:

9.1.2 A sport is being played on an athletic field/court which is prohibited by permit restriction

Consequences: Administrative Citation (if applicable)

Immediate eviction athletic field or court and permit revocation

9.1.3 Adult play is occurring on the athletic field/court when the permit states youth play or the reverse

Consequences: Administrative Citation (if applicable)

Immediate eviction from athletic field or court and permit revocation

9.1.4 Athletic field/court use occurring while fields/courts are closed (during the season)

Consequences: Administrative Citation (if applicable)

Immediate eviction from athletic field or court and permit revocation

9.1.5 Failure to utilize the athletic field or court after obtaining permit

Consequences: Permit revocation

(by hour/by day/by field or court)

**Permittees have three (3) business days prior to scheduled use to return unneeded fields/courts to the Permitting Office (no refund will be given and historical priority for the returned fields/courts will be forfeited). Permittees will avoid an escalation of penalties for repeated non-use by returning fields/courts*

**Exceptions: Weather Cancellations, Break between seasons, Coach No-show, Team Forfeiture, Holidays*

9.1.6 Unauthorized modification of a designated athletic field or court

Violations shall include creating fields or courts outside of designated area, any type of painting/markings, and snow removal

Consequences: Administrative Citation (if applicable)

Immediate eviction from athletic field or court and permit revocation

9.1.7 Abuse of Online Reservation System (including but not limited to repeatedly submitting online requests and not making payment by payment deadline)

Consequence: one warning will be issued; next violation will result in loss of online permitting privilege for remainder of current season

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9.2 In addition to the consequences listed above, the Permittee may incur penalty charges and be placed on probation according to the following schedule:

9.2.1 If the Permittee has five (5) or more violations listed above during the current season of use, the permittee will incur a \$500.00 penalty charge and will be placed on probation for the following season in which they wish to permit. Those placed on probation must meet with the Permitting Office prior to the next season to discuss plans to ensure Permit compliance.

9.2.2 If the Permittee incurs five (5) or more violations while on their first probation, the Permittee will incur a \$1,000.00 penalty charge and will remain on probation for the next season the Permittee wishes to permit any field or court. The Permittee will again need to meet with the Permitting Office prior to the next season to discuss plans to ensure Permit compliance.

9.2.3 If the Permittee incurs five (5) or more violations while on their second probation, the Permittee will incur a \$1,500.00 penalty charge and will remain on probation for the next season the Permittee wishes to permit any field or court. The Permittee will again need to meet with the Permitting Office prior to the next season to discuss plans to ensure Permit compliance.

9.2.4 If the Permittee incurs five (5) or more violations while on their third probation, the Permittee will be prohibited from permitting any athletic fields/courts for the next season in which any historical priority permits exist. The Permittee will automatically lose all historical priority for that season.

9.2.5 The probationary periods may or may not be consecutive seasons

9.2.6 Financial penalties must be paid by the first permitted date of the next season the Permittee wishes to permit any field or court. Failure to pay will result in the cancellation of any current permits and automatic loss of historical priority for those permits

9.2.7 Permittees will pass probation upon having five (5) or less violations in the next season which is substantially similar (determined by the Permitting Office) to the season which placed the permittee on probation. If there are violations in a future season, the associated consequences as listed in 9.1 and 9.2 will resume

9.2.8 Employees, members, contractors, volunteers, and others associated with Permittee entity may not permit in place of the entity to avoid any permitting penalties, violations or bans. The Permitting Office reserves the right to determine the banned entities and/or individuals as appropriate.

9.3 Additional Violations and Consequences: If a Permittee is found to be subletting fields or courts, this will result in an Administrative Citation (if applicable), immediate eviction, and a three (3) year ban during which time the Permittee will not be allowed to permit any athletic fields/courts during that time.

9.4 Sporting Activity Without a Permit: If an individual or group is found to be utilizing an athletic field or court without a permit, this will result in an Administrative Citation (if applicable) and immediate eviction.

9.5 Appeals

9.5.1 Permittee's Responsibilities and Liabilities: The Permittee holding any Athletic Permit shall be responsible and liable for failure to perform in accordance with the Permit, this Policy and Applicable Law. The City reserves the right to hold the Permittee fully accountable for any violation of the Permit, this Policy and Applicable Law.

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9.5.2 Right of Appeals: An Applicant/Permittee has the right to appeal the revocation of an approved Athletic (Field/Court) Permit.

9.5.3 How Made: An appeal shall be made by submitting a written appeal to the DPR Executive Director stating the basis for the appeal and the requested relief. Such written appeal must be received by the DPR Executive Director's Office no later than five (5) business days after the date written notice is issued by the Permitting Office of the action which is appealable under Section 9.5.2. Appeals should be submitted to:

**Executive Director of Parks & Recreation
City & County of Denver
101 W Colfax Ave. Suite 900
Denver, CO 80202**

Or email to: **ParksRec-Manager@denvergov.org**

Additional information about submitting an appeal may be found at the Permit Resource Site.

9.5.4 Decision and Notice: After review of the written appeal and consultation with the Permitting Office, DPR Staff, and other City Agencies, as deemed appropriate, the DPR Executive Director will issue a written decision granting the appeal, granting the appeal with conditions, or denying the appeal. The decision of the DPR Executive Director shall be a final administrative decision.

9.5.5 Judicial Appeal: The decision of the DPR Executive Director is subject to judicial appeal in accordance with C.R.C.P. 106(a)(4).

9.6 Administrative Citation Appeal Process

9.6.1 Rights of Appeal: A Permittee, individual or group issued an Administrative Citation under this Part IX may appeal and request a hearing to challenge the Administrative Citation by filing a Petition for Review with the Executive Director of Parks & Recreation, along with the payment to the "Manager of Finance" of a nonrefundable \$25.00 filing fee as specified in the Denver Department of Parks and Recreation Administrative Citations Rules and Regulations ("Administrative Citations Rules"). A Petition for Review must be received by the Director of Parks & Recreation within (15) business days after service of the Citation at the following address:

**Executive Director of Parks & Recreation
City & County of Denver
101 W Colfax Ave. Suite 900
Denver, CO 80202**

The Petition must contain the information required as provided in the Administrative Citation Rules. For information concerning appeals, citation related questions or to obtain a copy of any Rules and Regulations visit the Department of Parks and Recreation website <http://www.denvergov.org/parkscitation> or email **ParksRec-Manager@denvergov.org**

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PART X – VIOLATIONS AND ENFORCEMENT (TOURNAMENTS)

10.1 General: If Permittee fails to adhere to or violate the requirements of this Athletic Permit Policy, the terms or conditions in the Permit, the terms and conditions of any permit or license issued by a City Agency, or Applicable Law, the DPR Executive Director reserves the right and discretion:

- to suspend or revoke the Permit at any time and not to refund Fees paid by Permittee or the security deposit submitted under Section 8.4; or, in the alternative,
- to impose restrictions or conditions on the current Permit, commensurate with the nature and extent of any violation and appropriate to rectify the violation or to assure no repeat violation, as the DPR Executive Director deems appropriate under the circumstances; and/or
- to have DPR Park Rangers issue Administrative Citation(s) to the Permittee under the D.R.M.C., the Park Use Rules & Regulations, and/or this Athletic Permit Policy and in accordance with the Administrative Citations Rules & Regulations adopted by the DPR Executive Director.

10.2 Prior to Permit Approval: If the Applicant should fail or refuse to fulfill the Requirements in the Pending Permit Approval, as specified in Section 4.4, in a timely, complete and accurate manner and provided that the Pending Permit Approval is not rescinded, the Applicant shall be subject to the following penalties, as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus ten percent (10%) of the Fee applicable to the Sporting Activity under the Fee Ordinance. The Applicant will be notified of the deficiency or deficiencies and given four (4) calendar days from the date of notice to rectify the deficiency or deficiencies and to pay the penalty amount specified above. If the Applicant should fail or refuse to comply, the Pending Permit Approval will be rescinded and be deemed denied.
- For the second violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus twenty percent (20%) of the Fee applicable to the Sporting Activity under the Fee Ordinance. The Applicant will be notified of the deficiency or deficiencies and given four (4) calendar days from the date of notice to rectify the deficiency or deficiencies and to pay the penalty amount specified above. If the Applicant should fail or refuse to comply, the Pending Permit Approval will be rescinded and be deemed denied. In addition, if the Sporting Activity has historical priority or is in the process of qualifying for historical priority, all claims to such status shall be deemed lost.
- For the third violation within three consecutive years: The Pending Permit Approval will be rescinded and deemed denied. In addition, if the Sporting Activity has historical priority or is in the process of qualifying for historical priority, all claims to such status shall be deemed lost.

10.3 Other Administrative Violations: Upon issuance of the Permit, if the Permittee should do any of the following:

- Deliberately provides false or misleading information or documentation or deliberately misinforms through other communications with the Permitting Office, DPR Staff, or other City Agencies;
- Fails or refuses to arrange for or keep in place during the Sporting Activity any required security;
- Fails or refuses to timely or satisfactorily renew or replace required insurance coverage or required financial assurances, should they expire or be terminated by insurer;

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- Substantively violates any Liquor License issued for the Sporting Activity or any law regulating the sale, service or public consumption of Alcohol Beverages (this is in addition to the actions that may be taken for violations under Section 10.5);
- Fails or refuses to obtain or keep in effect required permits or licenses from other City Agencies; the Permittee shall be subject to the following penalties, as directed by the DPR Executive Director.

The Permittee shall be subject to the following penalties as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus ten percent (10%) of the Fee applicable to the Sporting Activity under the Fee Ordinance plus forfeiture of twenty-five (25%) of any required security deposit. In addition, if the Sporting Activity has historical priority, all claims to such status shall be deemed lost.
- For the second violation within three consecutive years: A one hundred dollar (\$100) penalty charge plus twenty percent (20%) of the Fee applicable to the Sporting Activity under the Fee Ordinance plus forfeiture of fifty (50%) of any required security deposit. In addition, if the Sporting Activity has historical priority, all claims to such status shall be deemed lost.
- For the third violation within three consecutive years: the Permit will be revoked, any required security deposit will be forfeited, and any existing or pending Priority Use status shall be deemed lost.

10.4 Use Enforcement for Violations Caused by the Permittee: Upon issuance of the Athletic Permit and during the Sporting Activity and Load-In and Load-Out, if the Permittee or any employees of the Permittee should do any of the following:

- Fails or refuses to substantially comply with approved plans;
- Fails or refuses to substantially comply with any Special Rules or other terms and conditions contained in the Permit (not otherwise addressed in Sections 3.8, 4.4.5, or 6.1.4);
- Fails or refuses to substantially comply with required permits or licenses from other City Agencies; or
- Fails or refuses to substantially comply with any applicable Requirements set forth in Part VIII of this Policy.

The Permittee shall be subject to the following penalties, as directed by the DPR Executive Director:

- For the first violation within three consecutive years: A written warning
- For the second violation within three consecutive years: A fine of one hundred dollars (\$100) plus ten percent (10%) of the Fee applicable to the Sporting Activity under the Fee Ordinance.
- For the third violation within three consecutive years: a penalty charge of one hundred dollars (\$100) plus twenty percent (20%) of the Fee applicable to the Sporting Activity under the Fee Ordinance.
- For the fourth violation within three consecutive years: A penalty charge of one hundred dollars (\$100) plus thirty percent (30%) of the Fee applicable to the Sporting Activity under the Fee Ordinance. In addition, if the Sporting Activity has historical priority, all claims to such status shall be deemed lost.

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- For the fifth violation within three consecutive years: The Permittee shall be barred from being granted any Tournament Permit for three (3) years. In addition, if the Sporting Activity has historical priority, all claims to such status shall be deemed lost.

In addition, the penalties set forth in this Section 10.4 the Permittee may be subject to administrative citations as provided in Section IX.

10.5 Alcohol Beverage Suspension: DPR and other City Agencies reserve the right to suspend the sale or service of Alcohol Beverages due to the failure or refusal by the Permittee, the Permittee's agents or representatives, or any Alcohol Vendor (as defined in Section 8.13.3) authorized by the Permittee to sell and/or serve Alcohol Beverages at an Sporting Activity to materially comply with the Alcohol Policy, the Liquor License issued for the Sporting Activity, Section 8.0 of the Park Use Rules and Regulation, or Section 39-10, DRMC, and Applicable Law.

The suspension of the right to sell or serve Alcohol Beverages may occur prior to the start of a Sporting Activity, during the Sporting Activity, or the next time the Sporting Activity or another Sporting Activity by the Permittee is held. Such suspension can be imposed by Excise and Licenses during the permitted Sporting Activity. Suspension may also occur with notice of the suspension being provided in writing by the Permitting Office or DPR Staff. Upon suspension, all permissions granted by the Permitting Office allowing for the sale or service of Alcohol Beverages shall be deemed withdrawn. In addition, for any violation of Section 8.0 of the Park Use Rules and Regulations and Section 39-10, DRMC, a Park Ranger may issue an administrative citation in accordance with the Administrative Citations Rules & Regulations adopted by the DPR Executive Director.

10.6 Admission Based Sporting Activities: Sporting Activities wherein the Permittee intends to charge admission to attendees ("Admission Based") shall be treated as Admission Based Events if applicable and in accordance with the Denver Parks and Recreation Admission Based Event Policy and Section 8.6 of the Public Events Policy. DPR reserves the right to suspend the collection or receipt of admission charges for Admission Based Sporting Activities if DPR Staff should determine that the Permittee or the Permittee's agents or representatives have substantively violated the Admission Based Events Policy or Section 10.6 of this Policy. The suspension of admission charges for Admission Based Sporting Activities may occur prior to the start of a Sporting Activity, during the Sporting Activity, or the next time the Sporting Activity or another Sporting Activity by the Permittee is held. Suspension may also occur with notice of the suspension being provided in writing by the Permitting Office or other DPR Staff. In addition, for any violation of Section 3.0 of the Park Use Rules and Regulations and Section 39-5(a), DRMC, a Park Ranger may issue an administrative citation in accordance with the Administrative Citations Rules & Regulations adopted by the DPR Executive Director.

10.7 Right of the Public: Once granted, a Permit gives the Permittee the right to the Sporting Activity exclusive of another's use or activity, including other Sporting Activities, that could have been scheduled in the Athletic Site, subject to requirements, restrictions and conditions of this Athletic Permit Policy. The Permit does not grant the Permittee the right to exclude the public from other portions of the Park that are not within the Permit. The Permittee may exclude the public from secured or restricted access to Support Facilities and from designated areas being used for Load-In and Load-Out, for safety or security reasons. If the Sporting Activity is approved as an Admission-Based Sporting Activity, then the Permittee may charge the public for the right of admission to all or a part of the Sporting Activity as approved in the Permit.

10.8 Seat Tax: If Denver's Facilities Development Admissions Tax (a/k/a "Seat Tax") is applicable, a 10% tax on all such registration or participation fees or charges must be collected and tendered to the Denver Department of Finance.

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10.9 Appeals.

10.9.1 Permittee's Responsibilities and Liabilities: The Permittee holding any Athletic Permit shall be responsible and liable for failure to perform in accordance with the Permit, this Athletic Permit Policy and Applicable Law. The City reserves the right to hold the Permittee fully accountable for any violation of the Permit, this Policy and Applicable Law.

10.9.2 Rights of Appeal: An Applicant/Permittee has the right to appeal the denial of Athletic (Tournament) Permit Approval, and the revocation of an approved Athletic (Tournament) permit.

10.9.3 How made: An appeal shall be made by submitting a written appeal to the Executive Director of Parks & Recreation stating the basis for the appeal and the requested relief. Such appeal must be received by the office of the Executive Director of Parks and Recreation no later than (5) business days after the date written notice is issued by the Permitting Office of an action which is appealable under this Policy. Please send written appeals to:

**Executive Director of Parks & Recreation
City & County of Denver
101 W Colfax Ave. Suite 900
Denver, CO 80202**

Or email to: **ParksRec-Manager@denvergov.org**

10.9.4 Decision and Notice: After review of the written appeal and consultation with the Permitting Office, other Department representatives, and other City Agencies as appropriate, the Executive Director will issue a written decision granting the appeal, granting the appeal with conditions, or denying the appeal. The decision of the Executive Director shall be the final administrative decision.

10.9.5 Judicial Appeal: **The decision of the DPR Executive Director is subject to judicial appeal in accordance with C.R.C.P. 106(a)(4).**

10.10 Administrative Citation Appeal Process:

10.10.1 Rights of Appeal: A Permittee, individual or group issued a violation under this Part X may appeal and request a hearing to challenge the Administrative Citation by filing a Petition for Review with the Executive Director of Parks & Recreation, along with the payment to the "Manager of Finance" of a nonrefundable \$25.00 filing fee as specified in the Rules and Regulations Governing Hearings. A Petition for Review must be received by the Director of Parks & Recreation within (15) business days after service of the Citation at the following address:

**Executive Director of Parks & Recreation
City & County of Denver
101 W Colfax Ave. Suite 900
Denver, CO 80202**

The Petition must contain the information required as provided in the Rules and Regulation Governing the Use of Administrative Citations for the Enforcement of Article 1 Chapter 39 of the DRMC. For information concerning appeals, citation related questions or to obtain a copy of Rules and Regulations visit the Department of Parks and Recreation website <http://www.denvergov.org/parkscitation> or email: **ParksRec-Manager@denvergov.org**

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PART XI – PARK USE RULES AND REGULATIONS – COMPLIANCE AND ENFORCEMENT

11.1 Curfew: Park curfews (11:00 pm through 5:00 am every day) and ordinance curfews for juveniles (“Curfew Hours”) are applicable for Participants and Spectators. Any exceptions to Curfew Hours must be either expressly stated in the Athletic Permit or granted by prior written permission of the DPR Executive Director. Subject to such exceptions, Curfew Hours may be enforced under Section 39-3(a), DRMC, and the Administrative Citation Rules and Regulations, as amended from time to time.

11.2 Closed or Restricted Areas of a Park: Sporting Activities associated with Athletic Sites must not extend beyond the permitted Athletic Site, and in any case must not carry over into any areas in a Park and any Park Roads or Park Paths that are closed or restricted as to access or use by the DPR Executive Director under Section 1.4 of the Park Use Rules and Regulations. No closed gates may be opened or access-control barriers moved unless approved in advance by DPR Staff. A closed or restricted area of a Park may be enforced under Section 39-3(c), DRMC, and the Administrative Citations Rules and Regulations, as amended from time to time.

11.3 Restriction or Prohibition on Uses and Activities: Unless the Permit expressly creates an exception for a Sporting Activity, no uses or activities will be allowed in violation of a Directive issued by the DPR Executive Director under Section 2.0 of the Park Use Rules and Regulations which restricts or prohibits such uses or activities. Restrictions or prohibitions on uses and activities, including Directives, may be enforced under Section 39-4, DRMC, and the Administrative Citations Rules and Regulations, as amended from time to time.

11.4 Enforcement. Violations by the Permittee may be enforced by the authority specified under the Park Rules and Regulations, by tickets issued by the Denver Police; by administrative citations issued by Park Rangers under Article I of Chapter 39 of the Denver Revised Municipal Code and the Administrative Citations Rules and Regulations, as amended from time to time; and in accordance with Part IX or Part XII of this Athletic Permit Policy, including all specified fines and penalties.

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PART XII – MISCELLANEOUS LEGAL PROVISIONS

12.1 Cancellation of Tournament Permit by Permittee and Permit Suspension or Revocation due to Force Majeure:

12.1.1 Force Majeure: Cancellation of an Tournament Permit may occur for any of the following reasons:

- inclement weather or other factors which presents potential danger to Attendees;
- temporary poor conditions of the Park which will result in significant damage to the Park if the Tournament were held;
- damage to the Athletic Site or Park requiring closure of the Athletic Site or Park and/or immediate emergency repairs;
- a national, regional or local state of emergency;
- closure of the Park; or
- any reason found to be justifiable by the DPR Executive Director as *Force Majeure*.

12.1.2 Cancellation of Tournament Permit by Permittee Due to Force Majeure: A Permittee may request that the date of the Tournament be cancelled for reasons of *Force Majeure*. Any Tournament Permit cancellation due to *Force Majeure* by a Permittee must be promptly provided to the authorized DPR Staff by following the proper procedure on the Permit Resource Site and established by the Permitting Office. If cancellation requested by a Permittee is due to *Force Majeure* as described herein and is approved by DPR, the Permitting Office will offer available dates for a rescheduled Tournament. If the Permittee selects a date from the available dates, the paid Fees and security deposit (if applicable) will be transferred to the newly selected date.

If such cancellation is not due to *Force Majeure*, or due to any other cause not accepted or excused by DPR, then the Permitting Office may retain the Fees, or some portion thereof, already paid or (if required) the security deposit, or some portion thereof, submitted by the Applicant under Section 8.4, as a charge for cancellation is specified at the Permit Resource Site.

12.1.3 Cancellation of Tournament Permit by DPR due to Force Majeure. The DPR Executive Director reserves the right to suspend a Tournament during a certain period of time or to revoke a Tournament Permit due to *Force Majeure*. The Permitting Office or DPR Staff will notify the Permittee of the suspension or revocation as early as possible and will identify the reason for the suspension or revocation. An alternative Athletic Site, including a Site in an alternative Park, and/or alternate date will be offered to the Permittee if available. A refund of Fees will be made for such a suspension or revocation if an Athletic Site or date is not offered or not found to be acceptable. The refund will be pro-rated based upon the number of dates suspended or revoked. DPR shall have no further liability other than the refund.

12.2 No Property Interest: An issued Permit only allows the Permittee the privilege, not the right, in the Sporting Activity. The Permit does not grant any property right, possessory interest or any vested right, or an interest to operate a business, that may be asserted against DPR or the City. A Permit is revocable as provided in this Athletic Permit Policy.

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12.3 Not Transferable: An issued Permit is not assignable and is non-transferable. Any assignment or transfer of a Permit shall automatically void the Permit. The Permit will be issued in the name of the Applicant named and identified on the Application for the Sporting Activity. Any effort to delegate or assign this responsibility and liability by the Permittee shall not be binding on the City, the DPR Executive Director, or the Permitting Office, even if so informed of the delegation.

12.4 Right of Access and Maintenance: DPR Staff and representatives of other City Agencies shall have full access, at any time, to the Park, the Athletic Site in a Park, and other City-owned property being used for the Sporting Activity, including all Load-In and Load-Out areas, and to all activities and Support Facilities at the Activity, Sporting Activity, in order to provide emergency services or ensure that all Applicable Law, this Athletic Permit Policy, and the Permit are being complied with. DPR Staff and representatives of other City Agencies shall have the right to maintain and protect the Park or the Athletic Site in the Park and other City-owned property being used for the Sporting Activity during its duration and Load-In and Load-Out, provided that this activity and work does not unduly interfere with the conduct of the Sporting Activity or Load-In and Load-Out.

12.5 Logos and Trademarked Items: Logos of the City, including those for DPR, and items trademarked by the City may not be used on any promotional material or signs without the express written consent of the DPR Executive Director or other City Agency with authority over the logos and trademarked items.

12.6 No Discrimination: In connection with the exercise of its Permit, the Permittee must comply with all applicable laws concerning non-discrimination against persons because of their race, color, religion, national origin, gender, gender expression or gender identity, age, military status, sexual orientation, gender variance, marital status, or physical or mental disability.

12.7 No Warranties: DPR and the City make no warranties or guarantees as to the suitability or usability of a Park or an Athletic Site in a Park for a particular Activity or Use. The Permittee accepts the condition of a Park or the Athletic Site in “as is, where is” without any expectation that DPR or the City will take any action to make the Park more suitable or usable for the Permittee’s Sporting Activity.

12.8 Joint Venture; Contracts: Under no circumstances shall DPR or the City be regarded or represented as being a partner or in a joint venture with the Permittee. The Permittee has no authority to create contractually or by any other means any responsibility or obligation, financial or otherwise, on the part of DPR or the City.

12.9 Effect on Other Lawful Requirements: Nothing in this Athletic Permit Policy is intended to reduce, limit, waive, override or supersede legal requirements under federal and state law and under City Charter, ordinances and rules and regulations, including but not limited to compliance with rules and regulations adopted, any licenses or permits issued, or other authorizations or approvals required by other City Agencies such as Public Works, Safety (Police and Fire), Excise and Licenses, Environmental Health, Denver Water, Community Planning and Development, Arts & Venues, and Finance. This includes other DPR policies and/or rules and regulations applicable to the Park or the Athletic Site at which the Sporting Activity is held, unless this Policy or the Permit expressly provides otherwise.

12.10 Liability: By accepting the Permit, the Permittee acknowledges, agrees and assents to the following and waives or releases any rights to act contrary to the following:

12.10.1 Acts or Omissions: Permittee is liable for all acts and omissions of Permittee, Permittee’s representatives and agents that result in injury, damage, loss or death.

12.10.2 City Property Damage or Loss: Notwithstanding any insurance coverage or security deposit or other financial assurance provided by the Permittee under this Athletic Permit Policy, the Permittee is financially responsible to the City for any and all damage to and/or theft of City property occurring in or about the Park,

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Athletic Site, or other City-owned property used by the Permittee for the Sporting Activity and caused by or resulting from the negligence or willful acts of Permittee, Permittee's representatives or agents. The City reserves the right to pursue any legal remedies available to it to recover any costs or expenses for repairing, replacing, restoring, or cleaning the Athletic Site where the Sporting Activity was held or other City facilities or property destroyed, damaged, lost, or improperly cared for as the result of or in connection with the Sporting Activity. Other than amounts retained from the security deposit provided for the Sporting Activity or actually received upon the City making a demand on financial assurances provided for the Sporting Activity, nothing in this Athletic Permit Policy or the Permit shall waive or reduce the liability Permittee may have for such damage or loss.

12.10.3 Permittee Injuries, Damage or Loss: DPR and the City will not be held liable (including statutory liability under worker's compensation laws) for any injuries (including death) by Permittee, Permittee's representatives or agents or Participants resulting from or associated with the Sporting Activity or the use or occupancy of the Athletic Site or portion of the Park and/or other City facilities or property used in connection with the Sporting Activity, nor will the City be held responsible for loss, damage or theft of any equipment or personal articles owned, leased or rented by the Permittee, Permittee's representatives or agents, or Participants used or related in any respect to the Sporting Activity or the use or occupancy of the Park and/or other City facilities or property used in conjunction with the Sporting Activity. Permittee releases and waives all claims for injuries, loss, damage or theft against DPR and the City and for all costs and expense arising from such injuries, loss, damage, or theft.

12.11 Taxes and Liens:

12.11.1 Taxes: The Permittee shall collect and promptly pay to the Denver Department of Finance and to the State of Colorado all taxes, excise, or license fees of whatever nature applicable to its activities, uses, and sales associated with the Sporting Activity as required under Applicable Law, and further shall furnish the Permitting Office, upon request, duplicate receipts or other satisfactory evidence showing the prompt payment of all taxes and fees referred to above. Appropriate records of payments shall be maintained and made available in accordance with Applicable Law.

12.11.2 Liens: The Permittee shall not permit any mechanic's or materialman's liens or any other liens to be imposed upon any City-owned property, or any part thereof, by reason of any work or labor performed or materials furnished by any person or legal entity to or on behalf of the Permittee, either pursuant to C.R.S. § 38-26-107 or by any other authority. The Permittee shall promptly pay when due all bills, debts and obligations incurred in connection with the Sporting Activity and shall not permit the same to become delinquent. The User shall not permit any lien, judgment, execution or adjudication of bankruptcy which will in any way impair the rights of the City under this Agreement or to the City's property. The Permittee shall timely obtain and submit all documentation or other certifications necessary to demonstrate, to the satisfaction of DPR, that all liens and claims for labor, materials, equipment, or other services or goods have been released and waived or released upon the Permittee posting an appropriate and sufficient bond or other surety, and that all City-owned property is free of any liens or claims associated with work performed by or on behalf of the Permittee.

12.12 Governmental Immunity: Nothing in the Requirements of this Athletic Permit Policy or a Permit shall constitute a waiver, implied or expressed, of the monetary limitations and all other rights, immunities and protection provided to the City by the Colorado Governmental Immunity Act, Sections 24-10-101 et seq., C.R.S. and other law. All notice requirements provided by such laws shall be strictly complied with.

**DENVER DEPARTMENT OF PARKS AND RECREATION
ATHLETIC FIELD/COURT/TOURNAMENT
PERMIT POLICY**

This Athletic Permit Policy has been duly adopted in accordance with the rule-making requirements of Section 39-2, DRMC, and is in accordance with the authority of the Executive Director of the Denver Department of Parks and Recreation under Section 2.4.4 of the City Charter.

This Athletic Permit Policy is adopted effective this 20 day of Dec, 2018.

In accordance with Section 39-2, D.R.M.C., copies of this Athletic Permit Policy was filed with the Denver Clerk and Recorder and the Denver City Attorney within seven (7) days of the effective date set out above, and a notice of the adoption of this Athletic Permit Policy was published in The Denver Daily Journal on the 20 day of Dec, 2018. The notice included a statement that a copy of the Athletic Permit Policy is on file with the Executive Director of Parks and Recreation and is available for public inspection.

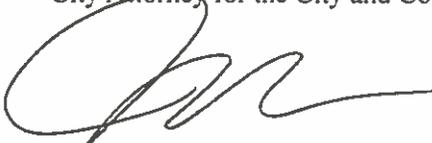
APPROVED AND ADOPTED:



Executive Director of Parks and Recreation APPROVED

FOR LEGALITY:

City Attorney for the City and County of Denver



Assistant City Attorney