



## Commercial Park Use Policy

### **Purpose**

The purpose of this Commercial Park Use Policy (Policy) is to establish an effective mechanism for allowing activities or services provided by Commercial Operators (individuals or organizations, including non-profit organizations) who receive a form of payment or other consideration as fee for providing such activities or services, while safeguarding the City of San Marcos' (City) public recreational property and the rights of members of the public who access and use these facilities.

This policy is for designated City park open space areas only and does not include reservable facilities such as picnic tables and shelters, buildings, sports fields or pools.

### **Commercial Activities in Parks**

Commercial use in City parks is regulated by section 9.04.030 of the San Marcos Municipal Code (SMMC). Section 9.04.020 of the SMMC defines commercial activity parks as any activity in which there is an exchange of goods or services for money or something else of value in consideration therefore. This includes, but is not limited to, private lessons, classes, or group activities where the lesson, class, or activity has a fee or other monetary barrier to entry. Commercial use also includes any lesson, class, or commercial activities taking place on park system property that is associated with any trade, occupation, profession, business, or franchise. Commercial use does not include activities conducted on the City's behalf or in conjunction with the City. Examples of commercial activity may include but are not limited to boot camps, on-leash dog obedience courses, recreational group meetings, running clubs, yoga, and workout groups.

Commercial use of City park property requires a permit issued by the City of San Marcos and must adhere to the following guidelines:

- The permit is good for use of designated open space areas only, not sports field use or use of other park features (playgrounds, splash pads, etc.). The permit does not grant exclusive use of a specific open space, but provides the permit holder a license for the activity at a specified park.
- A list of designated open space areas within City parks can be found in Exhibit A.
- The permit holder and participants cannot block public access and must operate within one of the designated commercial use areas for the permitted park.
- Only 1 permit will be issued for each available time slot per park.
- Permits are good for up to 25 participants. Maximum of 2 hours per day per permit.
- Any City-sponsored or conducted events, programs, and activities shall have priority over all other requests for use of City public recreational properties.



## Photography and Filming

Productions using a hand-held camera, camera on a tripod, hand-held props and/or hand-held equipment, not asserting exclusive use of City park property do NOT need a permit. Wedding videography is not considered commercial filming and does NOT need a permit. Photographers and subjects must still adhere to all park rules and not interfere with other scheduled park activities. Commercial filming above and beyond these parameters on any City property requires a [special event permit](#).

## Non-Mobile Attraction (Bounce Houses, Petting Zoo, Pony Rides, etc.)

Inflatable jump houses, petting zoo attractions and pony rides are all permitted at specific parks. These attractions must be in conjunction with a park reservation and are only allowed in designated areas. The City has an approved list of authorized vendors who provide these services available on our [website](#).

Vendors who are not on the approved list will need to apply for a non-mobile attraction vendor permit prior to being used. Vendors will need to provide insurance documentation, a San Marcos business license and a \$30 permit fee with their application. See application for details.

## Mobile Vendors

Mobile food vendors, food trucks and mobile attraction vendors require a permit to operate within parking lots of certain City parks. Per SMMC section 9.04.040(d), small food carts, mobile flat-top grills, ice-cream carts, or any like mobile equipment are not allowed in the parks unless approved via special event permit. If you are planning to have an event that will include a mobile food or mobile attraction vendor, please submit a [special event permit](#).

## Approval and Application Process

Permit approvals will be reviewed and granted by the City P&R Commission on a calendar quarter basis (January – March, April – June, July – September, and October – December) and permit approval for one calendar quarter does not guarantee approval for additional calendar quarters. Applications must be submitted by the 5th calendar day of the month prior to the anticipated start quarter of the permit (Example: a permit application to start April 1st, would need to be submitted by March 5th). Permits can be submitted up to 30 days prior to the due date. Only one application per calendar quarter per activity use for each applicant will be considered for permit approval.

Guidelines have been established with regard to commercial use of City parks and all activities must adhere to the following:

- Must be recreational in nature
- Will not restrict or impede access for the general public
- Must not conflict with current or planned recreational programming offered by the City



- Will not pose a safety risk to persons or property
- Will not create an undue burden on the park system property in use
- Must be conducted within commercial use hours (see application for details)

The following items are required for all commercial use permit applicants:

- Completed and signed application form
- Permit fee – use permit fee calculator to determine total amount
- Copy of current San Marcos business license (can be obtained once permit is approved)
- Certificate of insurance naming the City of San Marcos as additionally insured with General Liability minimum of \$1,000,000 per occurrence for bodily injury, personal injury and property damage.

### **Fees and Refunds:**

All applicants are required to pay the calculated permit fee prior to the quarter they wish to begin use. Permit fee is \$25/hour based on anticipated use. Applicants who wish to operate for 3 or more hours per week will receive a 30% discount on their permit fee.

<b>Anticipated Weekly Hours</b>	<b>Permit Fee (per week)</b>
1	\$25
2	\$50
3	\$52.50
4	\$70
5	\$87.50

The Permittee shall comply with all applicable provisions of this Policy, in addition to all local, state, and federal laws and regulations. It is the responsibility of the Permittee to clear with City staff any special requests not addressed in this Policy as presented. Failure to comply with this Policy may result in the revocation of permit.

No refunds or schedule changes will be issued once permit fee is received.

To subscribe to our weather closure alerts, please text 92069 to 84483. This will ensure you receive text alerts whenever the City fields are closed due to weather.

**By signing below, I acknowledge that I have read and understand, and will abide by, all the above-listed rules and regulations, and all federal, state and local laws, regarding the use of City parks and recreation areas and facilities.**

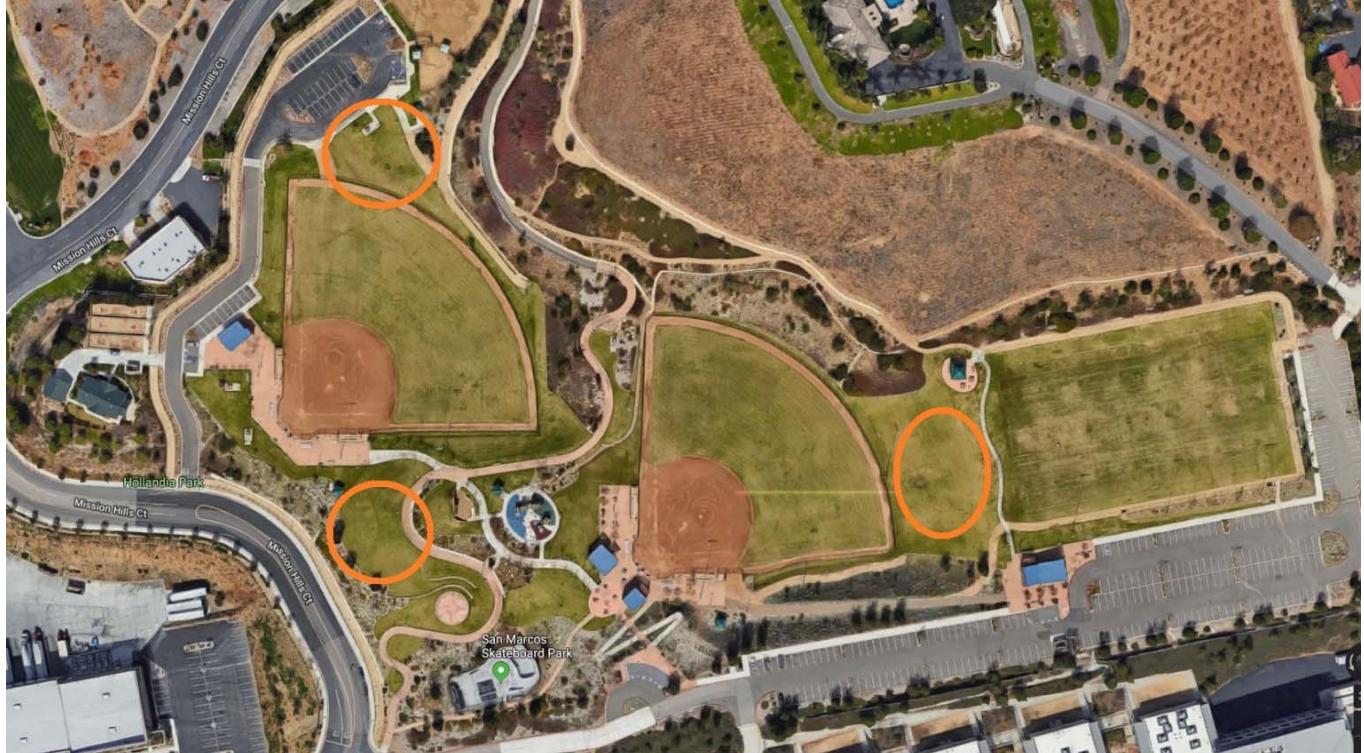
**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_



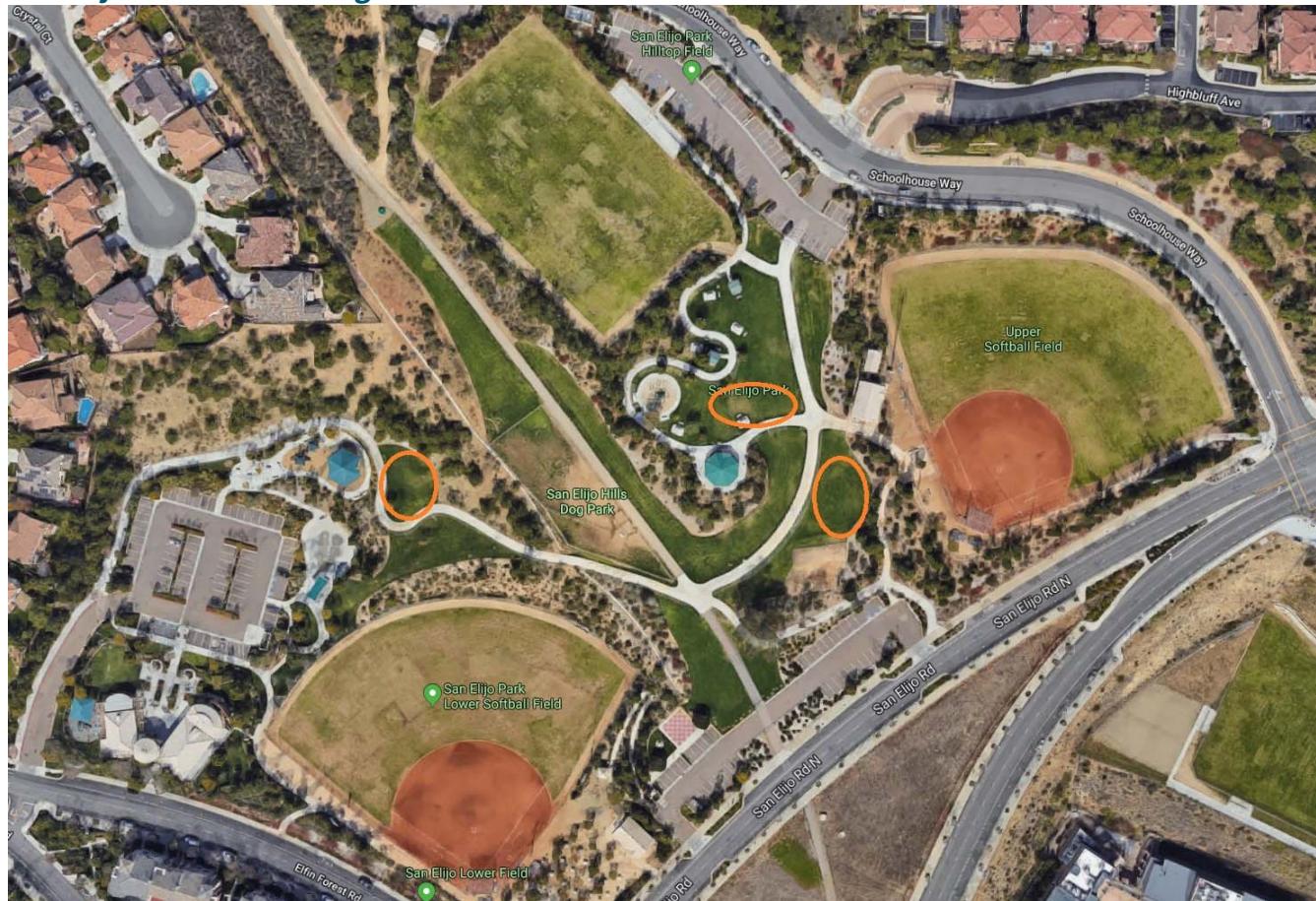
## Designated Commercial Use Areas – Exhibit A

### Hollandia Park – Designated Commercial Use Areas





## San Elijo Hills Park – Designated Commercial Use Areas



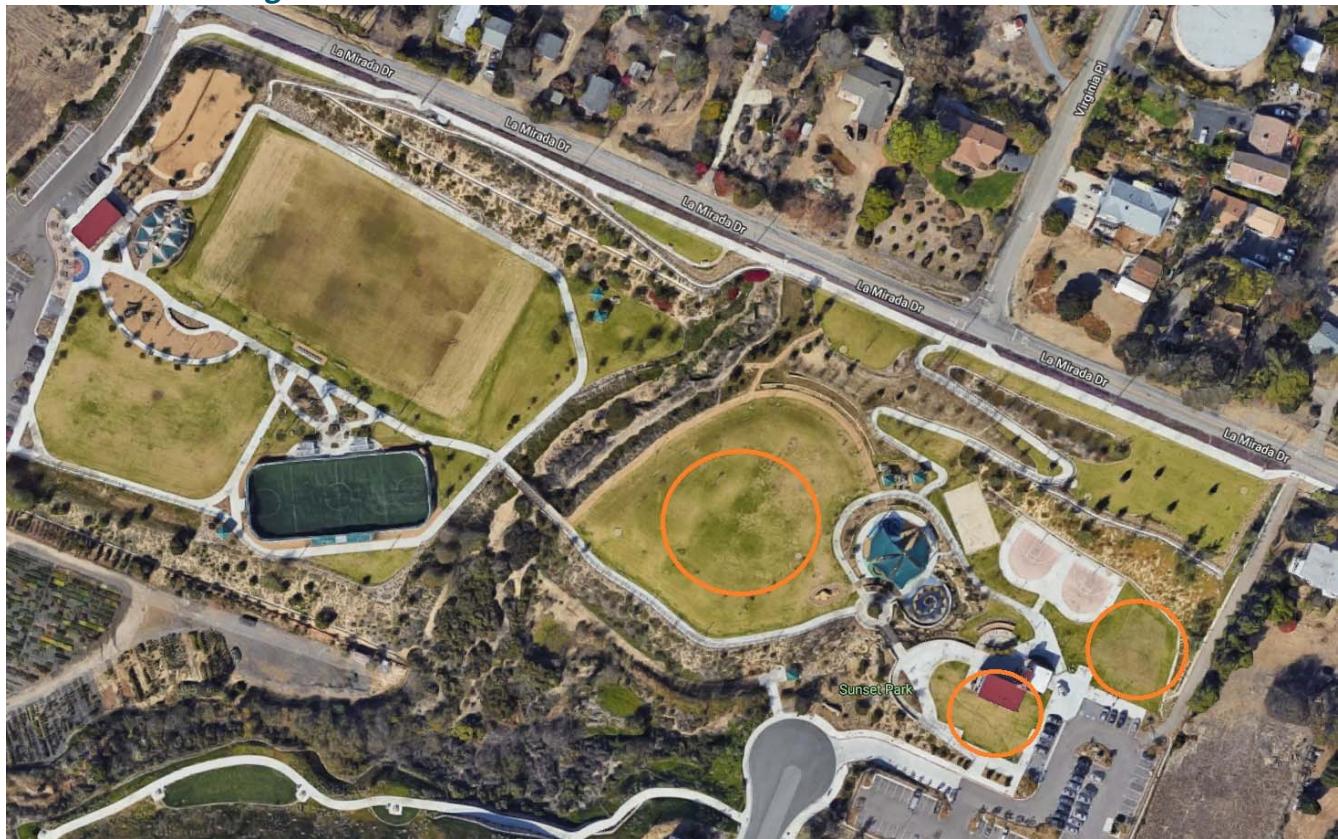


## Simmons Family Park – Designated Commercial Use Areas





## Sunset Park – Designated Commercial Use Areas





## Richmar Park - Designated Commercial Use Areas

