

CITY of DERBY

Use of J.R Payden Fieldhouse/Payden Park/DeFilippo Field and Its Facilities Policy

Since city properties and grounds are public property, the City of Derby may make them available for community purposes. As such, the City of Derby through the Parks & Recreation Department encourages the use of the J.R. Payden Fieldhouse Great Room, Payden Park Baseball/Softball field, DeFilippo Field/Track and its facilities by responsible community organizations and the public at large.

The Parks & Recreation Department shall grant the use of certain facilities for activities of an educational, cultural, civic and other non-commercial uses consistent with the public interest when such use does not interfere with City of Derby school programs or school sponsored activities as permitted under the law. The use of these facilities for school purposes has precedence over all other uses. ***Persons on City of Derby property must abide by the rules, policies, regulations, procedures and the City of Derby Charter and City of Derby ordinances as pertain to use of public parks and facilities.***

Recognizing, however, that the City of Derby must maintain its properties, it is the policy of the City of Derby to charge for some uses.

Charges, where applicable, will be based on the following:

- The type of organization applying
- The facilities/grounds required
- The length of time facilities are required
- The type of function (whether or not admission is charged)

Such charges cover labor, general maintenance, trash removal, replacement supplies, utility and energy costs. Examples of customary uses and their fee categories are set forth in the administrative regulations accompanying this policy. Fee Schedules will be reviewed annually by the Board of Aldermen/Alderwomen, and the Parks & Recreation Department.

The City of Derby Board of Aldermen/Alderwomen reserves the right to approve any use beyond those described in this policy. The Parks & Recreation Department reserves the right to refuse the use of a facility if an activity is determined to be inappropriate.

The Parks & Recreation Director will be the agent for the City of Derby regarding all requests for use of the facilities. Upon completion of the application to use a facility by an individual or organization, the application is reviewed by the Parks & Recreation Director, and the School's Athletic Director (if applicable) using the following criteria to determine if the proposed activity and organization meet the conditions set forth within. The Parks & Recreation Director's review will specifically determine the following:

- ***The submission of liability insurance required of the applicant organization;***
- The need for police protection and/or traffic control and possible fire watch;
- The need and number of custodians or attendants;
- The fees to be collected for the event or activity;

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Consistent with this policy, the City of Derby Parks & Recreation Director shall approve and schedule the use of facilities by an individual, organization or group, except as outlined in Request for Use Form, Appendix A: Definition of User Groups, Group #5, of these documents, and forward a monthly report to the Board of Aldermen/Alderwomen on the use of any field or facility, which will include the individual or organization ***or group*** utilizing the field or facility, date and times of the event, all fees collected from the event or activity, designation of User Group and any other circumstances with the event or activity that should be noted.

The Fee Schedule for the use of facilities will be set by the Board of Aldermen/Alderwomen and amended as necessary. The Parks & Recreation Director, in collaboration with the Board of Aldermen/Alderwomen, shall review the Fee Schedule items and User Groups individually and determine rental category ***for use*** as well as fees for service from employees; custodial, maintenance and repair, AV, food service, etc. ***as it relates to any such use of the facilities.***

Each applicant will get a copy of the following documents at the time of request for application to utilize any field/facility:

Conditions for the Use of Facilities

Request for Use of Facilities Form

Appendix A – Definition of Groups

Appendix B – Fee Schedule-Requirements and Fee Schedule-Rental Fees

TYPES OF ACTIVITIES WHICH WILL NOT BE PERMITTED INCLUDE, BUT ARE NOT LIMITED TO:

1. Activities which are unlawful in nature;
2. Any activities which are inconsistent with the health and welfare of the public and/or the policies delineated by the Parks & Recreation Department ***and the City of Derby***;
3. Any activity which promotes violence or violent behavior;
4. Fundraising campaigns, except as permitted by the Parks & Recreation Department ***and the City of Derby***;
5. Any activity which may cause damage to the buildings, grounds, or equipment of the ***City of Derby***;
6. Activities advocating the overthrow of the United States, State of Connecticut, or the local governments and their boards, councils or agencies.

A community group will not sponsor another group or relieve an organization of its fee requirement for use of any of the facilities if that organization would not have been eligible under its own application.

Legal Reference: Connecticut General Statutes

10-239 Use of school facilities for other purposes

PA-97-290 An Act Enhancing Educational Choices and Opportunities

Equal Access Act, 20 U.S.C. ss 4071-4074

***Good News Club v. Milford Central School*, Sup. Ct., 6-11-01**

20 U.S.C. 7095 (Boy Scouts of America Equal Access contained in NCLB Action of 2001)

Policy Adopted: