

RESOLUTION NO. 3902

WHEREAS, the Timber Linn Park and the Oregon Amphitheater are important to the community of Albany; and

WHEREAS, the City Council wishes to establish a fair, reliable procedure for the reservation and use of the Timber Linn Park and the Oregon Amphitheater facilities and ensure the use of these facilities is compatible with other scheduled uses; and

WHEREAS, the City wishes to ensure that use of these facilities is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the attached Timber Linn Park and Oregon Amphitheater Policies and Procedures be adopted..

DATED THIS 28TH DAY OF JANUARY 1998.



Mayor

ATTEST:



City Recorder





CITY OF ALBANY

Timber Linn Park and Oregon Amphitheater Policies and Procedures

GENERAL INFORMATION

1. **Reservations.** Timber Linn Park facilities shall be rented on a first-come, first-served basis. However, the City reserves the right to cancel or preempt any reservation of the Oregon Amphitheater or Timber Linn Park when it is deemed to be in the best interest of the City. If the City decides to cancel a reservation, a reasonable effort will be made to move the event to an alternative site. Conflicts in scheduling will be resolved by the City of Albany Parks and Recreation Director.

Any rental of the Amphitheater or picnic shelters, despite group size, that prevents the City from renting the other facility, will require the rental of both the Amphitheater and the picnic shelters according to the Fee Schedule.

2. **Scheduling.** Scheduling for rental of the Amphitheater and the Park will be done Monday through Friday from 8:00 a.m. until 5:00 p.m. at the Parks and Recreation Department office at City Hall, 333 Broadalbin Street SW, Albany, Oregon 97321.
3. **Park Hours.** The Park is open to the general public from 7:00 a.m. to 10:00 p.m. Extension of these hours requires City approval.
4. **Age.** Applicants must be at least 18 years of age. Groups of minors must be supervised at all times by at least one adult for every ten minors.
5. **Facility Use Application and Fees.** Applicants must submit a completed Facility Usage Application and pay 50 percent of their total fees, including deposits, before reservation of the Amphitheater or the Park will be confirmed. All reservations require approval of the Parks and Recreation Director before confirmation.

Full payment of all fees must be made a minimum of two weeks before the event. Failure to submit full payment of fees two weeks before the event will result in immediate cancellation of the reservation.

Fees for use of the Park facilities shall be in accordance with the Fee Schedule shown in these Policies and Procedures and will vary depending upon the size of the event. No fees shall be waived except by written approval of the Parks and Recreation Director.

6. **Oregon Amphitheater.** The Amphitheater rental fees shown on the Fee Schedule are for weekends (Friday, Saturday, Sunday) and holidays. Amphitheater rental fees are 25 percent less for weekdays (Monday through Thursday). Rental of the Amphitheater includes access only to the parking lot west of the picnic shelters, which holds approximately 300 vehicles. Additional parking lots and other Park facilities may be rented according to the Fee Schedule.
7. **Fair and Expo Center Parking Lot.** Subject to availability, the parking lot at the Linn County Fair and Expo Center (capacity of 1,600 vehicles) may be rented through the Linn County Fair and Expo Center office.

8. **Parking Fee.** The applicant may charge a parking fee, subject to approval by the City. When a fee is charged for parking, despite the amount, the applicant shall be required to pay the City a fee of \$1.00 per parking space based upon the capacity of the parking lots reserved for the event.
9. **Vehicle Access Fee.** The driving or parking of vehicles in non-designated parking areas is strictly prohibited unless approved by the City. A vehicle access pass must be purchased for each vehicle that enters the improved turf areas within the Amphitheater and/or Park picnic area. All vehicles entering the improved Park turf areas must be actively either loading or unloading or shown on the site plan as part of the event. This includes, but is not limited to the Amphitheater seating area, Park picnic area, and concession area behind the Amphitheater. All vehicle access must conform to the following:
 - a. All vehicles, despite their use, must have an approved vehicle pass issued by the City. The pass must be showing in the front windshield of each vehicle at all times when on Park property. Vehicles without the pass may be cited and towed at owners' expense with no additional warning or may be assessed a parking access penalty fee that will be deducted from the applicant's security deposit.
 - b. Trailers are considered to be vehicles and must have an approved vehicle pass.
 - c. All vehicles or trailers that are part of the event, as shown on the site plan, must have drip pans placed underneath their engines to protect the grass from oil and grease leakage.
10. **Lake Area.** The applicant may rent Timber Linn Lake and the surrounding seating area according to the Fee Schedule. Applicants who rent the lake area shall be responsible for supervision and control of all uses of the lake. The City may require the applicant to provide, at the applicant's expense, a sufficient number of certified lifeguards to ensure the safety of event participants. Applicants shall conform to all State Marine Board water safety regulations.
11. **Picnic Shelters.** One or both picnic shelters, each of which is designed to hold up to 100 people each, may be rented according to the Fee Schedule. Groups of more than 150 people must rent both shelters. Groups of more than 300 people must also rent the Amphitheater. The rental fee for the picnic shelters includes use of only the picnic area parking lot. Larger picnic groups may rent additional parking lots according to these Policies and Procedures.
12. **Softball Complex.** The applicant may rent the three-field softball complex and adjacent parking lot according to the Fee Schedule and subject to availability. An additional fee is required for use of the softball field lighting system. Users of the softball complex must comply with the Policies and Procedures for Softball Tournament Facility Reservations. See *Exhibit A*.
13. **Sound Permit.** Use of an amplified sound system requires a sound permit from the City. Sound levels and excessive noise must be controlled by the applicant.
14. **Park Supervisor.** The applicant shall be required to pay for the services of a Park Supervisor for the full duration (setup period, day of event, and breakdown period) of the event when the total attendance is expected to exceed 500 people, or as determined by the Parks and Recreation Director. The Park Supervisor shall be a City of Albany employee or contract employees. The Park Supervisor will control access to limited use areas, restrooms, power outlets, etc.

The Park Supervisor shall have authority to enforce all Park rules, regulations and facility use agreements. Failure to follow Park regulations and directions of the Park Supervisor may result in immediate cancellation of the reservation. The Fee Schedule contains the fees for the Park Manager's services.

15. **Facilities and Equipment.** Only the facilities and equipment approved on the Park permit may be used for events in the Park or Amphitheater.
16. **Weather.** Depending on weather and ground conditions, the City reserves the right to prohibit use of the Park or the Amphitheater if it is determined that the use would damage the turf or other Park facilities.
17. **Garbage and Litter.** Litter shall be picked up by the applicant during the event to keep the Park and/or the Amphitheater clean. All garbage and litter must be removed from the site by the applicant within 12 hours of the close of the event. The City shall determine the number of required garbage dumpsters for the event. Rental of garbage dumpsters shall be provided by the City at the applicant's expense at cost plus ten percent. The City reserves the right to have the Park cleaned at the expense of the applicant if all garbage and litter is not removed within the time allowed.
18. **Security Deposit.** A security deposit is required for rental of the Park or the Amphitheater. The security deposit shall be equal to 50 percent of the reservation fee (based on a minimum rate or higher as shown on the Fee Schedule). The security deposit shall be in the form of cash or cashier's check and must be submitted no less than two weeks before the event. After the Park has been inspected at the conclusion of the event, the City will return the deposit, less any damages and outstanding fees.
19. **Port-a-Pots.** The applicant shall provide portable toilets according to the State of Oregon requirement of one port-a-pot for each 50 event participants. Maintenance of the restroom and all port-a-pots must be provided by the applicant throughout the event. Port-a-pots shall be placed strategically around the event site.
20. **Food Concessions.** The sale of food and beverages requires a Linn County Health Department food handlers permit. Vendors or concessionaires must be approved by the City. The use of the concession power pedestals and water taps are available upon request according to the rental Fee Schedule.
21. **Termination.** The City has the right to cancel any event reservation with due cause and with notice to the applicant. Immediate cancellation or termination of an event may result from:
 - a. Applicant's failure to observe rules and regulations, ordinances, and laws
 - b. Applicant's failure to pay all rental fees in full, not less than two weeks before the event
 - c. Disorderly conduct or disturbance
 - d. Provision of alcohol to minors, existence of drugs or other controlled substances
 - e. Failure to maintain liability insurance
 - f. Any condition or action poses a threat, danger, or hazard to persons or property, as determined by the City. The City reserves the right to remove individuals from events in the Park when, at the City's sole discretion, the individual/s pose a threat or potential threat to persons or property.
22. **Cancellation.** The applicant must submit written cancellation notice 30 days before the event to received a full refund. If written cancellation is received less than 30 days from the event, the City may retain 25 percent of the full rental fees. For softball tournaments, see *Exhibit A*.

23. Liability and Regulations.

- a. The applicant shall hold harmless the City of Albany, its officers, agents, and employees from all liability for accidents, illness, or injury to persons or loss of group or individual property as a result of their activities and shall pay all costs incurred in defending against said claims.
- b. All groups and individuals using the Park facilities shall take appropriate measures to protect and indemnify the City of Albany against any and all claims for such occurrences.
- c. The applicant shall be required to pay such amounts as may be determined by the City for extraordinary services and equipment that may be required or damaged during the event. All groups or individuals shall be liable for any damages to equipment or property or creating a condition that is hazardous to others.
- d. The City may, at its discretion, require an applicant to post a bond, deposit, or special insurance policy sufficient to protect the City against damages or expenses to the City resulting from the applicant's use of the Amphitheater and related facilities.
- e. As an independent contractor, the applicant shall be solely responsible for all costs and fees associated with the event and shall hold the City free from any liability for nonpayment due to cancellation, poor attendance, weather, etc.
- f. Courts of the State of Oregon shall have jurisdiction in any litigation between the City and the applicant arising out of an agreement generated from the rental of this facility. The venue shall lie in Linn County.

OREGON AMPHITHEATER REQUIREMENTS

1. **General Requirements.** The applicant shall provide all services and funding necessary for the booking, promotion, marketing, production, and coordination of events in the Oregon Amphitheater. The applicant shall be responsible for the payment of all goods, services, and supplies used in conjunction with their event. The applicant is responsible for any federal, state, or local requirements; taxes; or insurance. A certificate of workers' compensation insurance for their employees as required by Oregon Revised Statutes 279 shall be submitted to the City.
2. **Site Plan.** The applicant must submit three copies of a site plan 60 days before the event. Two copies of the site plan will be forwarded to the Fire Department for their evaluation. Applicants who propose any type of contest, tournament, race, or walk must show the court layout and route on the site plan. The applicant must schedule an on-site conference with City representatives at least 30 days before the event to review the site plan. The site plan must be approved by the City before the event may be set up.
3. **Sales Plan.** Before implementation, the applicant must receive approval from the City of the applicant's sales plan, that shall include proposed advertising, ticket prices, and outlets; souvenirs, including but not limited to, program, posters, and T-shirts; donation solicitation; and charges for programs or services.
4. **Security Plan.** A security plan must be submitted to the City a minimum of 30 days before the event and meet City approval before the setup of the event. The plan shall include the following:
 - a. Who will provide security for event
 - b. Number of security guards hired for event
 - c. Hours the security guards will be on duty
 - d. Location of security stations/postings
5. **Parking/Traffic Control Plan.** The applicant shall be responsible for the parking of all vehicles and will provide a parking plan that addresses the following:
 - a. **General Parking.** Attendants to maintain traffic flow, help alleviate bottlenecks, prevent parking in restricted areas, etc.
 - b. **Special Parking.** Designated spots for short-term parking (five minutes), VIP, reserved, and disabled parking will be shown on the site plan and shall be monitored by the attendants.
 - c. **Emergency Vehicles.** Space must be reserved near the entrance to the Jaycees building for emergency vehicles, and this area must be barricaded before the event.
 - d. **Traffic Control.** The applicant shall provide a sufficient number of State-certified flaggers to ensure steady movement of traffic. Specific attention should be given to the intersections of Price Road/Highway 20, Dogwood Street/Goldfish Farm Road, and Timber Street/Knox Butte Road. Certified flaggers or local police shall be contracted to provide needed support. The City may require the applicant
6. **Crowd Control.** Security personnel shall observe the audience for signs of unacceptable behavior (e.g., excessive drinking, rowdiness, bikes or skateboarders causing problems, dogs, etc.) and shall remove any persons who are breaking the law or disrupting the event. All security personnel shall wear conspicuous, professional attire that readily identifies them as authorized security personnel.

7. **Alcohol and Smoking.** Alcohol consumption is prohibited in the Oregon Amphitheater except by permit. The City may issue a blanket alcohol permit to allow the consumption of beer and wine (not to exceed 12 percent by volume of alcohol) in the Amphitheater and approved areas of Timber Linn Park during the event.
 - a. When the sale of alcohol is proposed or when alcohol is included in the sale of food, or the sale of tickets, the applicant shall conform to the Albany City Council Policy A-24 (Sale of Alcohol on City Owned Property). Council Policy A-24 requires the applicant to provide proof of liquor liability insurance and name the City as an additional insured party. The policy also requires the applicant to obtain an appropriate permit from the Oregon Liquor Control Commission (OLCC).
 - b. The applicant is required to pay an alcohol permit fee of \$100 and submit a \$500 refundable security deposit in the form of cash or certified check if alcohol is served. The alcohol security deposit is in addition to the required Park/Amphitheater security deposit. The applicant shall obtain all alcohol-related permits, pay the alcohol fee and deposit, and provide proof of insurance according to Council Policy A-24 not less than 48 hours before the event.
 - c. The City may require the applicant to provide alcohol monitors to ensure the safety of each participant and City property.
 - d. The dumping of alcoholic beverages anywhere in the Amphitheater or on Timber Linn Park property is prohibited.
 - e. The applicant shall be responsible for the removal of participants who drink to excess and engage in disorderly conduct.
 - f. Smoking is prohibited in the seating area in the Amphitheater. However, smoking is allowed on the outside perimeter of the seating area.
8. **Skateboards, Bicycles, and In-line Skates.** Riding skateboards, bicycles, or in-line skates is prohibited in the Park during events in the Amphitheater. These prohibitions shall be posted by the applicant along the bike path and sidewalks.
9. **Dogs and Other Animals.** City ordinance allows dogs only on sidewalks or in designated parking areas and must be kept on a leash. The applicant shall be responsible for informing the public of Domestic Animal Ordinance 7.28.120.
10. **Artist Protection.** Security personnel shall be responsible for the protection of the artists and their equipment.
11. **Fire Protection.** The applicant must abide by all fire regulations as specified by the City of Albany Fire Department, and Fire Department personnel may inspect the event grounds anytime. The applicant must obtain the Fire Department's approval of the site plan before event setups.
12. **Sound and Lighting.** Plans shall be submitted showing lighting and sound equipment setup adequate to ensure quality production for audience enjoyment.
13. **Production/Stage Manager.** The applicant shall be responsible for all production and staging functions, and the City recommends that the applicant secure the services of an experienced, qualified production/stage manager.

14. **Security of Park Property.** The applicant and all employees and subcontractors must maintain the condition of the park property and return it to its original condition at the conclusion of the event. After the Park has been inspected at the conclusion of the event, the City will return the deposit, less any damages and outstanding fees.

15. **Fencing.** The applicant shall be responsible for the rental and placement of all fencing. Fencing must follow the approved site plan. No fencing shall be set up across a sidewalk or other public right-of-way without the approval of the City. Any fee for the marking of underground utilities is the responsibility of the applicant.

Timber Linn Park and Oregon Amphitheater

Fee Schedule

PARK COMPONENT	COST	SIZE/NUMBER									
<p>Oregon Amphitheater</p> <p>(Includes the lake area, stage, power, and picnic area parking lot)</p>	<p>Weekends (Friday, Saturday, Sunday) and Holidays:</p> <p>\$400 for the first 1,000 people \$500 for 1,000 to 3,000 people \$600 for 3,000 to 6,000 people \$700 for 6,000 to 9,000 people \$800 for 9,000 to 12,000 people</p> <p style="text-align: center;"><i>or</i></p> <p>10 percent of gross ticket sales, whichever is greater; not to exceed \$5,000</p> <p>Note: Weekdays (Monday -Thursday) are 25 percent less than the weekend rate.</p>	<p>Maximum of 12,000 people</p>									
<p>Lake Area Only (No stage or power)</p>	<p>\$200</p>	<p>Maximum of 12,000 people</p>									
<p>Picnic Shelters</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"></td> <td style="text-align: center; border-bottom: 1px solid black;"><u>One Shelter</u></td> <td style="text-align: center; border-bottom: 1px solid black;"><u>Two Shelters</u></td> </tr> <tr> <td>Weekdays (Monday—Thursday)</td> <td style="text-align: center;">\$45</td> <td style="text-align: center;">\$75</td> </tr> <tr> <td>Weekends & Holidays (Friday, Saturday, Sunday).</td> <td style="text-align: center;">\$150</td> <td style="text-align: center;">\$280</td> </tr> </table>		<u>One Shelter</u>	<u>Two Shelters</u>	Weekdays (Monday—Thursday)	\$45	\$75	Weekends & Holidays (Friday, Saturday, Sunday).	\$150	\$280	<p>Maximum of 100 people per shelter</p>
	<u>One Shelter</u>	<u>Two Shelters</u>									
Weekdays (Monday—Thursday)	\$45	\$75									
Weekends & Holidays (Friday, Saturday, Sunday).	\$150	\$280									
<p>Softball Complex (Includes adjacent parking lot)</p>	<p>\$125 per day with lights \$75 per day without lights (Note: These fees do not apply to City-sponsored league play.)</p>	<p>Maximum Parking: 300 spaces</p>									
<p>Softball Parking Lot (No fields or lights)</p>	<p>\$75 or \$1.00 per vehicle space if parking fee is charged</p>	<p>Maximum Parking: 300 spaces</p>									
<p>South End Turf Area (Overflow Parking)</p>	<p>\$300 or \$1.00 per vehicle space if parking fee is charged</p>	<p>Maximum Parking: 700 spaces</p>									
<p>North End Turf Area (Overflow Parking)</p>	<p>\$100 or \$1.00 per vehicle space if parking fee is charged</p>	<p>Maximum Parking: 300 spaces</p>									
<p>West Side Turf Areas (Overflow Parking)</p>	<p>\$75 or \$1.00 per vehicle space if parking fee is charged</p>	<p>Maximum Parking: 200 spaces</p>									
<p>Linn County Fair and Expo Center Parking Lot</p>	<p>Application through Linn County Fair and Expo Center office</p>	<p>Maximum Parking: 1,600 Spaces</p>									
<p>Vehicle Access (Amphitheater and Picnic Area Turf)</p>	<p>\$30 for first vehicle, plus \$10 per each additional vehicle Penalty Fee: A penalty fee of \$30 will be accessed for each unauthorized vehicle found in a limited access area.</p>										
<p>Concession Pedestals (Power and water)</p>	<p>\$20 per pedestal</p>	<p>25 Pedestals</p>									

PARK COMPONENT	COST	SIZE/NUMBER
Bleachers	\$150 per unit, with \$50 refundable deposit	Seats 75 people
Dumpsters	Cost plus ten percent	Number required by group size
Security Deposit	50 percent of total rental fees	
Alcohol	Permit: \$100, plus \$500 refundable security deposit	
Amusement Rides	\$500 base plus ten percent of gross sales, whichever is greater	
Jaycee Building	Contact the Albany Jaycees.	
Move-in/out (Day before/day after event)	\$300 per eight-hour day	
Park Supervisor	\$20 per hour	Required for groups of 500 or more or as determined by City
Ticket Booth	\$50 per booth	
Shuttle Service	Provided by applicant	
Sound/Lighting	Provided by applicant	

DUMPSTER RENTALS

(Cost Plus Ten Percent Overhead)

GROUP SIZE	NUMBER/SIZE OF DUMPSTERS	COST (9/97)
150—250	1 three-yard	\$ 36
250—500	2 three-yard	\$ 72
500—750	3 three-yard	\$ 108
750—1,000	4 three-yard	\$ 144
1,000—1,500	6 three-yard	\$ 216
1,500—3,000	10 three-yard	\$ 360
3,000—5,000	15 three-yard	\$ 540
5,000—7,500	20 three-yard	\$ 720
7,500—10,000	30 three-yard	\$ 1,080

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EXHIBIT A

CITY OF ALBANY

**Policies and Procedures for
Softball Tournament Facility Reservations
at Bryant and Timber Linn Parks**

1. The following is the priority order in which complexes may be reserved for Park usage between May 15 and September 30:
 - a. Tournament directors may register for the same weekend as the year prior if done by March 1.
 - b. The Albany Parks and Recreation Department may allow a state tournament to register for an available weekend tournament between January 15 and March 1.
 - c. Beginning March 1, local Albany Parks and Recreation registered teams may sign up for one complex on an available weekend. Teams may register for an additional weekend tournament on April 1.
 - d. Teams not in the Albany Softball Leagues will be allowed to register for a weekend tournament on May 1.
2. Tournament directors may reserve both complexes on same weekend only under the following conditions:
 - a. When past successful tournament response has indicated the need for a second complex and with the approval of the Sports Program Supervisor.
 - b. When tournament format dictates the need for a second complex and with the approval of the Sports Program Supervisor.
3. The following is required at the time of tournament reservation:
 - a. Completion of a Softball Tournament Permit and a Facility/Park Shelter Usage Application.
 - b. Full payment of applicable facility rental fee (nonrefundable except for cancellation due to inclement weather).
4. Private concessions are not allowed at Bryant Park or Timber Linn Softball complexes.
5. Consumption of alcoholic beverages by team members participating in softball tournaments is prohibited.
6. All weekend tournaments must end by 4:00 p.m. on Sundays so that coed games may be played.
7. The City requires that tournament directors use a person approved by the City to maintain fields for tournaments.
8. The following are the guidelines for use of softball officials for tournaments at either complex:
 - a. Paid officials will be approved by the Sports Program Supervisor.

- b. Volunteer (unpaid) officials may be used.
 - c. State tournaments may assign umpires for their tournament through State official's organizations.
9. Camping is prohibited in all City parks.
10. If a tournament is scheduled when the restrooms are not open, the applicant will be required to provide the appropriate number of portable toilets for the group size.

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