

**DEPARTMENT OF RECREATION AND PARKS  
AVON, CONNECTICUT**

**PUBLIC PLACE REGULATIONS**

**I. INTENT**

The regulations are promulgated pursuant to the provisions of the Town of Avon Ordinance #41 to provide for the preservation and the orderly utilization of public places.

**II. DEFINITIONS**

- A. Permit Application – the application to be submitted to the Director of Recreation and Parks on the form appended to these regulations (Appendix A-1).
- B. Hold Harmless Agreement – The Agreement by which user agrees that it shall not hold the Town of Avon responsible for any claims, injuries that may arise out of the use of the property, in the form set forth in Appendix A-2.
- C. Public Place Fee Schedule with User Classification Codes – Note that The Town of Avon and Board of Education are priority users (Appendix B).
  - 1. Local – any group of persons of which 75% of the membership are residents or full-time (not less than 32 hours per week, 52 weeks per year) employees of a commercial enterprise located in Avon.
    - a. Code #1 – Town of Avon; Avon Board of Education; civic and social organizations primarily serving residents of or commercial enterprises within the Town of Avon; athletic and youth organizations; Avon Old Farms School (outdoor facilities only).
    - b. Code #2 – residents; Avon churches or other religious organizations; commercial enterprises; Avon Old Farms School (indoor facilities); and the Talcott Mountain Science Center.
  - 2. Non-Local – any group which does not meet the local criteria under C.1.
    - a. Code #3 – non-local, non-profit organizations.
    - b. Code #4 – all others.
- D. Ordinance #41 – Parks and Recreation (Attached as Appendix C).
- E. Conforming Use – those uses authorized in these Regulations for which a public place may be used (Appendix D).
- F. Non-conforming Use – any use which is not a conforming use (Appendix D).

### III. APPLICATIONS PROCEDURE

- A. Applications for permits shall be obtained from the Department of Recreation and Parks, Building #6, Avon Town Hall, 60 West Main Street, Avon, CT 06001, or at [www.avonct.gov](http://www.avonct.gov).
- B. All applications shall be completed and submitted to the Director of Recreation and Parks, 60 West Main Street, Avon, CT 06001, or emailed to [avonrec@avonct.gov](mailto:avonrec@avonct.gov) not less than seven (7) business days prior to the requested date(s). Generally, permit applications for the upcoming calendar year shall be accepted beginning on January 1<sup>st</sup>. In the case of special events for which advanced planning and scheduling is necessary (i.e., weddings, conference events, etc.), or events occurring fewer than seven (7) business days after January 1<sup>st</sup>, requests for earlier reservations may be made in writing to the Director of Recreation and Parks.

Applications made by athletic leagues for the fall season shall be made by August 1<sup>st</sup>. Applications made by athletic leagues for the spring season shall be made by February 1<sup>st</sup>. Applications made by athletic leagues for the summer season shall be made by April 15<sup>th</sup>.

- C. Each applicant shall be assigned a User Classification Code as defined in Section II C.
- D. The Town reserves, in its sole discretion the right to solicit formal Requests for Proposals in accordance with Town Purchasing Regulations or conduct a lottery to distribute permits, in lieu of the permitting process outlined in Chapter 41 and in these regulations.
- E. The Director of Recreation and Parks shall determine priorities in the event of any conflict.

### IV. UNSUITABLE CONDITIONS

- A. The Director of Recreation and Parks at any time may decline, cancel, terminate, or suspend the reservation, or permitted activity, due to unsuitable conditions where and when it appears to be in the best interest of the Town of Avon. Permitted events which are canceled or postponed due to unsuitable conditions may be rescheduled to the next available date with the approval of the Director of Recreation and Parks.

### V. USER FEE AND BOND

#### A. Fee

- 1. Each completed application shall be accompanied by a fee, if required, payable to the Town of Avon. Failure to submit the appropriate fee with the completed application will delay the processing of the application. The user fee shall be determined by the User Classification Code and requested facility, as outlined in Appendix B, Line (a).
- 2. Areas or facilities not indicated on Appendix B are not subject to a user fee but may be subject to other charges, including but not limited to charges for other services as stated in Section V. D.

#### B. Cash Bond

- 1. Each completed and approved application shall be accompanied by a cash bond, or check, if required, payable to the "Town of Avon, Collector of Revenue" in the amount indicated

in Appendix B, Line (c), seven (7) working days prior to the first date of the scheduled activity(s).

2. If the public place for which the permit has been issued is clean and free of damage at the conclusion of the scheduled activity, as determined by the Department of Public Works, the bond shall be returned to the applicant in full, within three (3) business days after the scheduled activity, otherwise it shall be forfeited to the Town of Avon.

C. Makeup Date Reservation Fee

This fee is a non-refundable fee in the amount indicated in Appendix B, Line (d) payable to the Town of Avon at the time of submission of the application which guarantees the reservation of a specific date for rescheduling of the applicant's activity in the event the activity cannot be concluded on the originally scheduled date(s).

D. Other Fees

Any applicant for a permit under these regulations may be required to provide additional services in connection with the scheduled activity. If these services are required by any law or regulation or by the Director of Recreation and Parks due to the nature of the scheduled activity, the applicant shall be responsible for the procurement and payment for such services directly with the furnishing agency.

1. Police Services – application shall be made to the Chief of Police of the Town of Avon on forms provided by the Police Department.
2. Fire Services – application shall be made to the Chief of the Avon Volunteer Fire Department in the manner required.
3. Facility Attendant – minimum of one (1) – may be required and assigned by the Town of Avon if the activity warrants in the sole opinion of the Director of Recreation and Parks. The applicant, as a condition of the granting of a permit under these regulations, shall be responsible for the payment of the assigned attendant(s) based on the assigned employee's current hourly rate of pay plus Medicare and FICA - per hour, per person, for a minimum of three hours. Time beyond three hours will be computed at the next full hour (example: three hours, 10 minutes computed at four hours).
4. Lifeguards – minimum of two (2) – shall be assigned by the Town of Avon for all approved swim activities. The applicant, as a condition of the granting of a permit under these regulations, shall be responsible for the payment of all lifeguards as required by the Department of Recreation and Parks based on the assigned employees' current rate of pay plus Medicare and FICA per hour, per person, for a minimum of three hours. Time beyond three hours shall be computed to the next full hour (see previous example).

The failure of the applicant to have any required service personnel present at the public place at the commencement of, or during the continuance of, permitted activity will be cause for the immediate suspension or termination of the permit.

## VI. PAYMENTS AND REFUNDS

### A. Payments

1. Full payment of the user fee, insurance certificates and all other necessary application materials and fees shall be received by the Recreation and Parks Department office at least seven (7) business days prior to the requested date and time of use. Failure to make timely delivery of each of the foregoing shall be cause for cancellation of the permit. A permit so canceled may be reinstated, in the sole discretion of the Director of Recreation and Parks.
2. All user fees shall be in the form of cash, credit or debit card, check or money order payable to "Town of Avon, Collector of Revenue".
3. The cash bond shall be payable in cash, or check.

### B. User Fee Refunds

1. In the event that any permitted activity is postponed or suspended by the Town of Avon and the applicant chooses not to use the next available date, one hundred percent (100%) of the user fee shall be refunded.
2. A full refund shall be made if the applicant cancels the permitted activity not less than five (5) business days prior to the date of the permitted activity. Failure to do so will result in forfeiting a refund.

## VII. INSURANCE AND HOLD HARMLESS AGREEMENT

### A. Insurance

1. All applicants falling within User Classification Codes #3 and #4 shall provide a Certificate of Insurance, in a form acceptable to the Town, naming the Town of Avon as an additional insured, evidencing Bodily Injury and Property Damage Insurance in an amount not less than \$1,000,000.00. Said certificate shall include the in force date(s) of the scheduled activity, and a 30 day cancellation notice.
2. The Town of Avon reserves the right to require any applicant, regardless of classification code, to provide a Certificate of Insurance as described in VII (A)(1).

### B. Hold Harmless Agreement

A Hold Harmless Agreement shall be required of each applicant except for Town or Board of Education sponsored events.

## VIII. PUBLIC PLACE RULES

- A. All persons using a public place shall comply with the following rules and provisions of the Town of Avon Ordinance #41.
- B. The holder of a public place permit issued by the Town of Avon under these regulations shall have exclusive use during the date(s) and time(s) stated in the permit. Any person(s) without such a

permit must relinquish the use of any area or facility specified by a public place permit during the time or times stated in the permit.

- C. The use of each public place must conform to the type of activity stated in Appendix D. No non-conforming uses shall be conducted in a public place unless approved by the Recreation and Parks Committee.
- D. All activities must begin and cease by the scheduled hours indicated on the permit.
- E. Any user granted a permit shall be directly responsible for the control and supervision of all people in attendance at the permitted activity and for any damage to equipment, furnishings, buildings, field areas or surroundings not attributable to normal wear and tear.
- F. The preparation and restoration of any area or facility for a permitted activity is the responsibility of the user. Failure to do so will result in forfeiture of any cash bond furnished pursuant to the aforementioned Section V. B. "Cash Bond."
- G. Fires for the purpose of cooking shall be permitted in grills provided by the Town, or supplied by the user(s).
- H. The sale of any item for any reason is prohibited unless requested on the application and stated in the permit and may require additional permits.
- I. Only Service Animals are permitted within the pool enclosure or tennis court enclosures – or any public building within a park. Other pets are not permitted in these areas, unless approved, in writing, by the Director of Recreation and Parks.
- J. All activities shall be operated and supervised to the satisfaction of the Town of Avon.
  - 1. If the operation and supervision of any scheduled activity are determined to be unsatisfactory by the Director of Recreation and Parks, the user may be denied any further permits for the use of a public place. Any such determination shall be placed on file and attached to the original application, with the user to receive a copy.
  - 2. The Town of Avon retains the right to deny any application for the use of a public place or to cancel any permit issued under these regulations prior to the date of the scheduled activity where and when it appears to be in the best interest of the Town of Avon for the preserving of public places or other persons likely to be therein.

## IX. APPEALS

- A. If the Town Manager or his designated representative (Director of Recreation and Parks) refuses to issue a permit or revokes or suspends the permit of any person or group, the applicant or permit holder, may appeal in writing within ten (10) days of notice of such refusal to the Town Council, which shall hear said appeal and render a decision within twenty-one (21) days from the filing of such appeal.

X. AREAS, FACILITIES AND AVAILABILITY

A. See Appendix D.

NOTICE OF PUBLIC HEARING	10/15/84
PUBLIC HEARING	11/15/84
ADOPTED	01/03/85
AMENDED	06/02/88
AMENDED	03/03/94
AMENDED	01/03/19
AMENDED	9/01/22