

**CITY OF ENCINITAS
ADMINISTRATIVE MANUAL**

Policy Title: **ENCINITAS INDOOR FACILITY RESERVATION AND USE POLICY**

Approved By: <u>City Council</u>	Effective Date: <i>February 1, 2002</i>
Originator: <u>Parks, Recreation and Cultural Arts Recreation Services Division</u>	City Council Approved Date: <i>01-16-02</i>
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I. POLICY STATEMENT

The Parks, Recreation and Cultural Arts Department wishes to allow public use of City owned indoor facilities in conformance with established procedures and policies to ensure proper usage.

The primary purpose of the Community and Senior Center is to provide a broad range of recreational, cultural, and social activities as well as events.

The primary purpose of the Community Room at the Encinitas Library is to provide a facility to conduct programs of a cultural, academic, fine arts and intellectual purpose and public library programming services.

The primary purpose of the Information Literacy Lab at the Encinitas Community Library is to provide a classroom type facility to conduct facilitated instructional activities to improve technology related learning, learning support, and research skills.

The City may allow the use of indoor facilities by organizations, individuals or business interests based on space availability and priority categories established in this policy.

A. Purpose

To establish a procedure for reservations and use of indoor facilities.

B. Background

The Community and Senior Center is owned and operated by the City of Encinitas and the intent is to accommodate a broad range of recreational, cultural, and social activities in addition to City operated programs. Rental use will be permitted on a limited basis.

The Encinitas Library facility is owned by the City of Encinitas. Public library services are provided by the San Diego County Library. The City and County entered into an “Agreement for the Provision of Library Services” (Agreement) dated March 11, 2003. The Agreement defines the roles and responsibilities of each party in the operation of the library facility. The County shall provide a full range of library services as provided system-wide by the San Diego County Library (Agreement §7.1). The Agreement affirms the purpose of the Community Room as, “to support the library and City of Encinitas activities”, and further indicates that, “room reservations, policies, operations and revenues shall be handled by the City” (Agreement §7.1).

This operational policy establishes procedures and priorities for use, and a fee schedule for the City owned facilities. Interpretation of this Policy shall be made by the Parks, Recreation and Cultural Arts Director. Policy modifications, with the exception of fees or group classifications approved by City Council, may be made by the Parks, Recreation and Cultural Arts Director.

C. Definitions

Resident – An individual, group or organization that resides within the boundaries of the City of Encinitas, with a zip code of 92024 or 92007.

Non-resident – An individual, group or organization that resides outside the City of Encinitas boundaries, zip codes 92024 and 92007.

Non-Profit Recreational, Educational (public), Service/Civic Group – A community group, whose primary purpose is service to the community as a whole, where fees are limited to essential expenses and where participation is open to the general public.

A non-profit group must have a current approved non-profit status on file with the IRS. Proof of status is required. Any group without official non-profit status with the IRS will be categorized as a private group for purposes of facility use reservations.

Non-Profit Special Interest Group or Political Group/Candidate – A group or candidate, whose primary purpose is self-serving and where participation and membership is limited to service special interests.

A non-profit group must have a current approved non-profit status on file with the IRS. Proof of non-profit status is required. Any group without official non-profit status with the IRS will be categorized as a private group for purposes of facility use reservations.

Private Group – Group, organization or individual that excludes participation by the general public, or any group without official non-profit status.

Commercial Group – Any commercial business firm, organization, or individual whose primary purpose is a for-profit venture.

II. METHOD

A. Facility User Classification

Indoor facilities have designated rooms available for use by the general public for facility rental upon space availability. Facility users shall be classified into groups for the purpose of assessing fees and determining scheduling priorities.

The facility user classifications are as follows:

GROUP PRIORITY	CLASSIFICATION	EXAMPLE USES
GROUP I	Municipal	Cultural and fine arts programming, public meetings, and educational events sponsored or co-sponsored by the City of Encinitas or the Encinitas Library.
GROUP II	Resident Recreational, Educational (public) and Service/Civic Non-Profit Community Groups, and Public Agencies.	Civic groups, service organizations, public school districts, and other public agencies whose purpose and programs are beneficial to the general public.
GROUP III	**Resident Private Groups, Special Interest Non-Profit Groups and Political Groups or Candidates	Non-Profit - Private educational organizations, sports organization, special interest clubs, political groups or candidates, home-owners associations, religious services, etc. and resident private parties or gatherings.
GROUP IV	Resident Commercial Groups	A for profit business or group located in zip codes 92024 or 92007. Private parties, meetings conferences, instructional programs, business organization functions, trade shows, company trainings and seminars, fairs, and events
GROUP V	Non-Resident Non-Profit Groups, Clubs, Organizations, Individuals, Political Groups and Commercial Groups	A for profit business or group located outside of zip codes 92024 or 92007. Private parties, conferences, meetings, instructional programs, business organization functions, trade shows, company trainings and seminars, fairs, and events

**In the event that there are multiple requests for use, arts events will receive priority in the Library Community Room after City or Library sponsored events, programs, and meetings.

B. Facility User Fees

All fees are charged on a per hour basis. Groups or individuals will be assessed facility use fees and equipment fees in accordance with the established Facility Fee Schedule as described in **Attachment A**.

III. APPLICATION PROCEDURES

A. Application Process

All potential users shall complete a City of Encinitas Facility Reservation Application. Applications for use of indoor facilities may be submitted by email at prca@encinitasca.gov, fax 760-943-2262, mail, or in-person at the following locations:

- Encinitas Community and Senior Center, 1140 Oakcrest Park Drive
- Encinitas Parks, Recreation and Cultural Arts, 505 S. Vulcan Avenue

Applications will be accepted during regular business hours Monday through Friday 8:00 a.m. to 5:00 p.m. or as otherwise designated. Application submission does not constitute acceptance or approval of use.

Applications will be accepted for specific dates and times. The time requested must include all set-up and clean-up times. Applications must be submitted at least fourteen (14) calendar days in advance of the date requested to allow for permit review, permit processing, and final fee payment. **Exception:** Applications for use of the banquet hall, gym or stage must be submitted at least forty (40) calendar days in advance to provide time to process and receive final fee payment.

Advanced scheduling may be accepted at the discretion of City staff, up to one (1) year prior to the event. **Exception:** Advanced scheduling may be accepted at the discretion of City staff, up to three (3) months prior to the event for library facilities.

Applications must include a non-refundable deposit of \$20.00 to reserve and hold the facility that applies towards the room-rental charges.

Applications will be approved for specific rooms, dependent on group size, type of activity, and availability. No activity shall be scheduled for more than the maximum room occupancy, which will include review of the event setup. Smaller size groups may be assigned to conference or small meeting rooms for maximum utilization of facilities.

Applications will be reviewed, and facility use will be prioritized based on group classification and priority. Once dates are approved and booked, City staff will assess fees. The applicant will be notified by email or phone to confirm the information on the Use Permit. For larger complex events, a meeting time may be required. 50% of the room rental fees, equipment fees and all other applicable fees will be required at this time.

Once the permit is acceptable to the applicant, the permit must be signed and dated. By signing the permit, the applicant agrees to indemnify and hold

harmless the City of Encinitas and agrees that all balances due stated on the Permit must be paid twenty (20) calendar days prior to use of the banquet hall or gym or stage and ten (10) calendar days prior to use of other rooms. Should payment not be received within this time frame the permit may be null and void. The permit must be signed and approved by the City staff prior to utilization of the facility.

B. Insurance and Indemnification Requirements

The City of Encinitas is not liable for accidents, injuries, or loss of individual property in connection with any of its facilities. Depending upon the risk factor of the facility use activity, the City will require general liability insurance in an amount of one million dollars (\$1,000,000) per occurrence. Insurance requirements are subject to review by the Risk Manager's Office. Insurance coverage is not required for approved sedentary meetings/seminars/programs.

Insurance can be obtained through applicant's own broker or through Special Events Coverage offered through the City of Encinitas.

1. "Certificate of Insurance" must be submitted for all events requiring general liability insurance. The "Certificate of Insurance" must list the City of Encinitas as Additional Insured for a minimum of one million dollars per occurrence (\$1,000,000) for the specific location and date(s) of the event(s). The applicant must also provide a separate Additional Insured Endorsement. See 2 and 3 below if alcohol included.
2. Alcohol Insurance – When alcohol is to be served, sold, or is present at any event, Alcohol Insurance is required. The "Certificate of Insurance" must specifically state "Alcohol Included". Alcohol Insurance may be provided via your own broker or may be purchased through the City, but only in conjunction with the purchase of the City issued \$1,000,000 liability insurance coverage.
3. Alcohol License – If alcohol is being sold or contractually provided (such as by a caterer, beverage vendor or party planner) or admission fees are charged, or donations are solicited, an Alcohol Beverage Control Board (ABC) License will be required. (See "Requirements for Obtaining a Liquor License" information sheet in Facility Use Rental Packet).

Insurance not purchased through the City must be submitted a minimum of fourteen (14) days prior to the event to allow time for review and approval.

Requests that include performers, vendors, sponsors, volunteers, etc. will be required to have such a Waiver of Liability approved by the City.

C. Refusal or Cancellation of Use by City

The City has the right to refuse or cancel an application or permit based on the reasons listed below. The City staff will give written notice of refusal and cancellations with an appropriate explanation. Reasons for denial of applications or canceling of permits include, but are not limited to, the following:

1. Unsatisfactory prior use.
2. Hazardous and/or unsafe conditions exist.
3. Application submitted less than required advance timeline.
4. Non-payment of fees/deposit before due date.
5. Groups that do not give proper cancellation notice.
6. Facility or staff not available
7. Insurance, indemnification, or security requirements not met.
8. User violates conditions of use.
9. City requires use of the facility.

If the City, due to unforeseen circumstances, makes a cancellation because the facility is unusable or unsafe, a full refund shall be made. If the City staff refuses an application or permit, City staff will provide the applicant an opportunity to respond in writing.

D. Cancellation of Use by Permittee and Refund Process

A notice of cancellation and request for refund must be received in writing and submitted to the Center Manager. A refund of remaining fees, if applicable, based on procedures listed below, will be mailed to the applicant, or credited back to the applicant's credit card. Please allow for 3 – 5 business days for processing a refund to a credit card and 14 business days for processing a check refund.

1. Banquet Hall and Gymnasium/Stage

- a. When written cancellation notice is received prior to collection of any rental fees, the \$20 non-refundable application fee will be applied to the cancellation.
- b. When written cancellation notice is received after the use permit review and collection of room rental deposit and additional fees, but at least twenty (20) calendar days before the date of use, a full refund of the room rental fees and additional fees will be processed minus the \$20 non-refundable application fee.
- c. When written cancellation notice is received less than twenty (20) calendar days prior to the date of use, there will be no refund of room rental fees, technology fees and equipment rental fees. A full refund will be given for set-up fees, cleaning/damage deposit fees, and insurance fees obtained through the City (insurance refund requires approval from Risk Management Office based on timing and nature of cancellation notice).

2. Meeting Rooms

- a. When written cancellation notice is received prior to collection of any rental fees, the \$20 non-refundable application fee will be applied to the cancellation.

- b. When written cancellation notice is received after the use permit review and collection of room rental deposit and additional fees, but at least ten (10) calendar days before the date of use, a full refund of the room rental fees and additional fees will be processed minus the \$20 non-refundable application fee.
- c. When written cancellation notice is received less than ten (10) calendar days prior to the date of use, there will be no refund of room rental fees and equipment rental fees. A full refund will be given for set up fees, cleaning/damage deposit fees and insurance fees obtained through the City (insurance refund requires approval from the Risk Management Office based on timing and nature of cancellation notice).

3. Multi-use Permit Dates

- a. Cancellation notice and refund policy per Section D also applies to use permits with multi-use dates.

4. No refunds are given for:

- a. Rental no shows.
- b. Changes in equipment orders after the ten (10) days or seven (7) days prior to use.
- c. Use ending earlier than the time defined in the Use Permit.
- d. Less than the required notice provided by applicant per Section D.
- e. Cleaning/damage deposit is non-refundable if the facility is not left clean or damage to property has occurred.
- f. Unsatisfactory use of facility deemed by City staff.

E. Confirmation

A signed copy of a Facility Reservation Use Permit by City staff is confirmation of the approved facility use for the requested date. Any final preparation for a program or event is solely the responsibility of the applicant and should not begin until an approved and signed use permit is issued.

F. Changes to Use Permit

Changes, deletions, or additions to use permit or room set-up charts require seven (7) calendar days advanced notice prior to use date and must be in writing or such requests may not be able to be accommodated. Each permit is allowed up to two (2) changes to the permit or room set up after the application is submitted for no additional fee. A charge of \$10.00 will be assessed for each additional change to the permit or room set up exceeding the initial two (2) changes.

IV. GENERAL RULES AND CONDITIONS OF USE

The Parks, Recreation and Cultural Arts Director or designee has the authority to implement rules and conditions of use that provide for consistent use of facilities but are not limited to the rules and conditions listed below.

Groups using indoor facilities will observe, obey, and comply with all applicable City, County, State and federal laws, rules, and regulations.

A. Rental Hours/Hours of Operation

Library Hours of Operation

Monday and Thursday	10:00 a.m. – 6:00 p.m.
Tuesday and Wednesday	12:00 p.m. – 7:00 p.m.
Friday - Sunday	10:00 a.m. – 5:00 p.m.

Rental of the Community and Senior Center facilities will be during the following regular hours of operation:

Community Center Hours of Operation*

Monday through Saturday	8:00 a.m. to 8:45 p.m. Facility closes at 9:00 p.m.
Sunday	12:00 p.m. to 4:30 p.m. Facility closes at 5:00 p.m.

Senior Center Hours of Operation**

Monday through Friday	8:00 a.m. to 4:00 p.m.
Saturday and Sunday	Closed

Note: Hours of operation are subject to change by authorization of the Parks, Recreation and Cultural Arts Director.

Rooms at the Library are available during the hours the facility is open to the public. The Community Room may be available at other times providing adequate staff or other provisions are made for after-hours facility use. The Information Literacy Lab must be vacated 30 minutes prior to the library closing time. The Information Literacy Lab is for supervised, instructional use.

*The Community Center may be opened for approved rentals before and after normal operating hours as early as 7:00 a.m. and remain open Friday and Saturday nights up to 12:00 a.m. midnight (event including clean-up must end by 11:45 p.m.) and Sundays up to 10:00 p.m. (event including clean-up must end by 9:45 p.m.). These approved hours of operation are subject to staff availability and payment of all associated fees for use.

A late fee will be applied to all events that exceed the approved group's ending time at the current room rate and staff rate, billable in half-hour increments. Groups are also subject to forfeiting the full damage deposit or a portion of the damage fee at the discretion of City staff.

** Room 137 (Billiards Room) within the Senior Center area and Room 119 (Computer Lab) are not available for rentals and other rooms within the Senior Center area are subject to restrictions.

Conditions of After-Hours Facility Use at the Encinitas Library

1. The Community Room may be available for after-hour rentals providing an authorized Facility Attendant, City employee or San Diego County Library employee is present on site.
2. An additional hourly cost recovery charge for the Facility Attendant, beyond the Room Rental Hourly Fee, will be incurred to support the after-hours use.
3. A two-hour minimum charge to applicant is required for a Facility Attendant.
4. After-hour programs must end by 10:00 p.m.
5. All Conditions of Use requirements will be in effect for after-hours programs.
6. All organizations who present after-hours programs will observe, obey, and comply with City, County and State laws, rules, and regulations.

B. Closure Dates

Indoor facilities will not be available for rentals on the following observed City Holidays:

New Year's Day (January 1)
Martin Luther King, Jr. Birthday (Third Monday in January)
Presidents' Day (Third Monday in February)
Easter Sunday
Memorial Day (Last Monday in May)
Juneteenth (June 19)
Independence Day (July 4)
Labor Day (First Monday in September)
Veteran's Day (November 11)
Thanksgiving Day (Fourth Thursday in November)
Day after Thanksgiving
Christmas Eve (December 24)
Christmas Day (December 25)
New Year's Eve (December 31)

It is the responsibility of any user group to notify their participants of facility closure dates, and not schedule programs/meetings/events on observed City Holidays. No exceptions will be made to open the facilities on these dates.

C. Cleaning/Damage Deposit Procedure

A refundable damage deposit shall be required to reserve facilities for events, in order to ensure proper clean up, and to cover repair/replacement costs from breakage, loss, or damage or additional permitting costs. The deposit will be returned if proper general clean-up is completed and the facility is left in satisfactory condition, and if no additional permitting costs were assessed before the rental date.

When not left in satisfactory condition, the applicant shall be liable and will be charged for the full cost of materials, labor, replacement, repairs, or damages (over and above the deposited funds) regardless of the amount. Any deposit amount remaining after satisfactory cleaning and any damage repair are complete shall be refunded within 60 days. Staff will determine the appropriate level of payment required based on the nature of the cleaning or damage. Staff will conduct a pre-event and post-event site inspection, and staff's decision will be final.

All groups are responsible for their event clean-up including but not limited to:

1. Cleaning of all equipment used.
2. Cleaning of any chairs, tables, and counter areas used.
3. The kitchen and rooms must be left clean and in the same condition that they were in before the activity.
4. All litter and trash must be picked up and be moved to the exterior trash receptacles.
5. Removal of all personal property, displays and other similar items without damage to the facility.
6. Return and relocation of all equipment used during an event to its original location.
7. No food, drink or gum is permitted in gymnasium/stage areas including the mezzanine and game room. All balloons and decorations are to be removed/discarded.

D. Food and Beverage/Kitchen Use and Open Flame

The Library Community Room kitchen is not intended for cooking, but to provide a convenient space for preparation and serving of ready-to serve items. The City does not provide supplies for food or beverage service such as cups, paper towels, coffee, or tea.

The Community/Senior Center Kitchen is a catering kitchen only and may be used for the reheating of food. Equipment is available for same day rentals. The dishwasher is available for events that have a professional caterer.

Food is not permitted in the Information Literacy Lab. Covered beverage containers may be allowed.

The use of an open flame is prohibited.

E. No Smoking or Vaping is permitted inside or outside City or Library facilities.

No smoking or vaping is permitted in all public places and any area within 20 feet of a public place, except private residential property. (City of Encinitas Ordinance No. 2023-02 Chapter 11.09, California Government Code Section 7596-7598).

F. Animals

Animals are not permitted in indoor facilities unless they are service animals used in aiding an individual or when approved by City Staff for a supervised event/presentation/demonstration under the care of a professional animal handler/trainer.

G. Advertising of Event/Facility Use

Applicant shall not promote their event with a city facility name and address location without a signed, approved use permit. Event/meeting/program advertising materials used at the Center or Library (flyers, posters, banners, etc.) shall be submitted to City Staff for approval and posting and will be displayed when deemed appropriate by City Staff and as space permits. Any items posted or distributed, which have not been approved, will be removed, and discarded.

H. General Solicitation, Selling, and Advertising

No individual or group shall set up or maintain any exhibit, show, pantomime, act, concert, lecture, oration, or similar activity on city property without a City issued permit.

No individual or group shall solicit donations or vend, offer for sale, or dispose of any goods or merchandise or similar activities City property unless authorized to do so by City staff.

No individual or group shall distribute, circulate, give away or deposit any flyers, circulars, pamphlets, buttons, and advertisements or similar materials on City property unless authorized by the City or County staff.

Events including promotional signs/banners and other signage items shall not be placed on City facilities or premises without prior written approval from the City and must include a temporary sign/banner permit and site plan.

Applications must be submitted online through the [Customer Self Service portal](#).

Additional information regarding a Temporary Sign Permit is located on the City's website under Planning: [Temporary Sign/Banner Application](#) (CSS) or you may contact the Planning and Building Department at planning@encinitasca.gov or (760) 633-2710.

Notwithstanding the above, any political speech activities or political advertising shall be subject to reasonable time, place and manner restrictions as determined by applicable law.

Encinitas Business License may be required where applicable.

I. Multiple Use

1. The Parks, Recreation and Cultural Arts Department reserves the right to limit the use of facilities and number of uses by any one group so that the entire community may make use of the limited facilities available.
2. Multiple and/or repeat reservations of any given group will be contingent upon their appropriate care of the facility and observance of approved rules and regulations.
3. Due to limited availability, and demand for use by City programs and community events the gymnasium/stage will not serve as a location for home court games, practices and activities for any non-Parks, Recreation and Cultural Arts Department, or non-City conducted sports groups, theatrical groups etc.
4. Groups in Classifications I and II may reserve facilities for monthly or weekly meetings, up to one (1) year. A new application for a Use Permit is required on an annual basis and is to be submitted in November for annual review and approval by City staff for use beginning the following calendar year. An annual Permit does not constitute automatic approval for the following year. Groups must be in good standing and meet all Center rules and guidelines on a consistent basis. **Exception:** Advanced scheduling may be accepted at the discretion of City staff, up to three (3) months prior to the event for library facilities.
5. Should a resident group require facility space during the same time as a non-resident group, the non-resident group's Use Permit (excluding one-time events in banquet hall and gym/auditorium) may be canceled with 30 days written notice by the Center Management.
6. Other than as provided in paragraph 3 and 4, the use of the facility by any organized group or association for operations or activities shall be subject to availability and specific terms and conditions as designated by the City. Due to limited space availability and various community needs, organized groups' or associations' operations or activities on a long-term basis (more than 6 months) shall be prohibited unless authorized by the Center Management.

J. Minors / Supervision of Children

Groups composed of minors, shall be supervised at all times by one adult (21 years of age or older) per each twenty-five (25) juveniles, while using City facilities. The adult who will be responsible for the activity must make the application for use of the facility. Minors are defined as those under the age of

18, except in the case where alcohol is served, when minors are defined as those under the age of 21.

A parent or designated adult must supervise children under the age of 12 at all times, while visiting the City facilities unless they are under the direct supervision of a class instructor or program leader.

Children are not allowed to run free around City facilities or in the Center gymnasium/stage areas.

K. Alcohol Use and Consumption

An individual shall not transport or consume upon City properties, including the parking lot, any intoxicating liquors with alcohol content except as designated and defined in the terms of the permit. **Alcoholic beverages will be allowed in limited spaces by Use Permit only.** There will be no alcohol outside these designated areas. Alcohol will not be stored on site except at time of event.

The sale and consumption of alcoholic beverages, (any drink containing any % of alcohol), shall be permitted under the following circumstances:

1. The distribution or consumption of alcoholic beverages shall be in compliance with all applicable laws, including regulations of the State of California Alcohol Beverage Control Department. Any groups using the facilities will be solely responsible for obtaining all required permits or licenses relating to the distribution and consumption of alcoholic beverages on the premises.
2. Evidence of required permits, licenses and insurance must be provided to City staff prior to the scheduled event date. When alcoholic beverages are being served, the City will require alcohol insurance (See Section III, Item B) and fees (See Attachment A, Section C).
3. Injuries caused to any person as the result of the consumption of alcoholic beverages on City or Library premises, or as the result of alcohol being available on City or Library premises, shall be the sole responsibility of the event sponsor and its representatives.
4. No alcoholic beverages shall be served to any minor person under 21 years of age. Failure of the event sponsor to comply, monitor, and enforce this law is grounds for terminating the activity and forfeiting the refundable cleaning/damage deposit and all room fees which have been paid.
5. Alcoholic beverages will be removed from the premises immediately following the event or function.
6. Any function where alcoholic beverages are consumed will require a cleaning/damage deposit. (See Cleaning/Damage Deposit Fee, Attachment A, Section B)

7. Any function where alcoholic beverages are consumed shall require City contracted professional security services at group's expense (See Section L) to ensure alcohol consumption is confined to the designated areas and consumed only by individuals 21 years or older.

L. Public Health

1. Food Permit - In accordance with the Health and Safety Code, Section 114381.1, an Organizer Permit is required of the person or organization responsible for facilities that are shared by two or more Temporary Food Facilities (TFF).

The California Health and Safety Code, Sec. 114387 requires a Temporary Food Facility (TFF) Permit of any person or organization that is providing food at a public event. All food vendors, including existing restaurants, are required to apply for a Temporary Food Facility Permit when participating in a temporary event. Additional information may be obtained at http://www.co.san-diego.ca.us/deh/doing_business/forms.html. A copy of the TFF permit application must be submitted to the City.

2. Alcohol Sale or Service - If the sale of alcohol or public service of alcohol is included in a special event, authorization from the State of California Department of Alcohol Beverage Control (ABC) is required and a copy of the ABC License must be provided to the PRCAD prior to the issuance of a permit.

City departments may place restrictions on the way in which alcohol is managed at a proposed event. Additional information about Alcohol Beverage Control licensing and permit requirements can be found at <https://www.abc.ca.gov/licensing/license-forms/>.

Encinitas Municipal Code 9.43 requires all alcohol servers to comply with the Responsible Beverage Service and Sales training and carry a R.B.S.S. card the day of the event.

3. Single-Use Plastic Bags - [Encinitas Municipal Code 11.26.020](#) Prohibition on the Distribution of Single-Use Plastic Carryout Bags states:

No person shall distribute a single-use plastic carryout bag at any City facility, City- managed concession, City-sponsored event, or City-permitted event except as otherwise else permitted under [Encinitas Municipal Code 11.26](#).

4. Styrofoam Food Containers - [Encinitas Municipal Code 11.27](#) Prohibition on the use of Polystyrene Disposable Food Service Ware. Food providers are prohibited from providing prepared food in disposable food service ware made of expanded polystyrene.
5. Single use plastic beverage container distribution is prohibited for special events per [Encinitas Municipal Code 11.29](#).
6. Plastic utensils are prohibited per [Encinitas Municipal Code 11.27.050](#).

7. Plastic straws are prohibited from distribution for special events per [Encinitas Municipal Code 11.27.060](#).
8. Any type of balloon inflated with any gas lighter than air is prohibited at any City facility or City-sponsored event [Encinitas Municipal Code 11.30](#).
9. Punch and Beverages

Punch, grape drinks or other red or purple beverages are prohibited because of the difficulty of removing stains from carpets, tiles, and furniture caused by these drinks (Exception: Red Wine).

10. Security Service Requirements

City contracted professional security services will be required at activities or events where alcoholic beverages are served and for other events where deemed necessary by City staff. The cost of such service shall be borne by the event applicant and payment must be made when rental fees are due prior to the event. A (4) four-hour minimum charge for fees is required for security services. The number of security personnel to be on-site during rentals is to be determined by the Community Center Manager or designee.

Any extra law enforcement personnel (Sheriff) needed as a result of this event will be charged to Applicant and full cost recovery for these services will be initiated. The need for additional staffing shall be at the sole discretion of the Sheriff's Department based on calls for service.

Zero Tolerance Rule: Any use of drugs, weapons, or any fighting, or use of profane language or gambling (except approved Bingo) are prohibited and will not be tolerated. If such occurs, it will result in immediate shut down of activity rental and will eliminate any opportunity for future use of facility by the applicant/user group.

11. Damage Responsibility

The City is not responsible for damage or theft to any equipment or property of caterers, bands, DJs, vendors, or other facility user groups. All facility user groups are solely responsible for the care, safety, and security of their own, leased, or contracted equipment and supplies.

12. Storage

Due to limited space, there shall be no overnight storage of equipment and supplies for facility user groups.

13. Decorations and Signage

All decorations and signage are the responsibility of facility user groups. Staff reserves the right to request the removal of any decorations that may be considered a fire hazard, or which may be damaging to equipment or facility.

Center Management has final approval of all interior and exterior decorations and signage of facility users. The design and location shall be presented to Center Management as part of the proposed facility reservation application.

Decorating Guidelines

- a) All decorating is to be done by patron or hired service.
- b) Decorations may consist of floral arrangements, freestanding arches, table-top displays, or balloons with no helium.
- c) Decorations or signs are not to be tacked, screwed, stapled, or nailed to any non-tackable walls, windows, ceilings, or fixtures. Only blue painter's tape is allowed for posting or adhering items to non-tackable walls.
- d) Birdseed, confetti, glitter, straw, hay, rice, sand, helium filled balloons, and silly string are prohibited both inside and outside the buildings.
- e) Clean up of decorations, must be done by Applicant following the event during allotted rental time stated on permit. Any time that exceeds the regularly scheduled contract time will be charged to the Applicant, including staff overtime charges and hourly room rental fee.
- f) Please note that use of open flame is prohibited. Battery operated candles are permitted. (See Section D on pages 10 and 11)
- g) At no time shall Fire Exits be covered or obstructed.
- h) Balloons inflated with any gas lighter than air are prohibited. Balloons inflated with air (allowed only indoors) must be secured when utilized in the banquet hall and gymnasium/auditorium. The Applicant must remove balloons immediately following the activity. Failure to remove balloons may result in additional fees charged to the applicant.

14. Noise Control

All user groups are responsible for controlling noise that is disturbing to other activities in the building or the surrounding neighborhood. The City's Noise Ordinance Chapter 30.40.10 must be followed at all times.

Staff has the right to require groups to reduce their sound/noise level of music or P.A. systems. Doors are to remain closed when loud music is being played. Groups that do not comply with this request will have the activity shut down and may forfeit any future use of facility.

Bands and loud musical instruments such as drums, trumpets, etc. may only be used in banquet hall or gymnasium/stage areas unless otherwise approved by City staff.

15. City Right to Enter

Designated City staff and officials shall have the right to enter all portions of the facilities at all times.

16. Code of Conduct

The San Diego County Library's "Customer Conduct" and City of Encinitas "Code of Conduct" shall be adopted by reference applicable to the facility that is being rented.

Parks, Recreation and Cultural Arts Department Code of Conduct:

6.11.220 Code of Conduct - The City of Encinitas encourages a safe and healthy atmosphere by supporting an environment free from: drugs, intimidation or harassment, gambling or solicitation, profanity or abusive language, vandalism or property damage. This code of conduct applies to all event organizers, participants, spectators, visitors, vendors, exhibitors, facility users, organizations, or groups, staff and volunteers in any and all events held on City of Encinitas property or permitted by the City of Encinitas. The event organizer bears the sole responsibility of ensuring the code of conduct is upheld during the event.

Behavior that violates this code of conduct, as determined by the City Manager or designee, is a violation of the terms of the special event permit and permit process and will result in cancellation of the special event and denial of future special event permits. (Ord. 2020-01)

San Diego County Library Code of Conduct: See Attachment B

17. Conditions of Use Specific to the Library Information Literacy Lab

The Information Literacy Lab is for supervised, instructional use, rentals, and meetings.

- a) No food is permitted inside the Information Literacy Lab. Covered beverage containers, to prevent spillage, may be allowed.
- b) No technical support is available on-site.
- c) .
- d) Users should be aware that Internet sites may contain materials that may be considered controversial, offensive, obscene, inaccurate, or illegal. The City cannot monitor Internet use nor does the City control the content of materials users find on the Internet.
- e) The Applicant is responsible for leaving the room in good condition.
- f) No smoking or vaping is permitted in all public places and any area within 20 feet of a public place, except private residential property. (City of Encinitas Ordinance No. 2023-02 Chapter 11.09, California Government Code Section 7596-7598).

- g) Animals are not permitted in the Encinitas Community Library unless they are identified as service animals used in aiding an individual.
- h) Advertising of Event/Facility Use -Applicant shall not promote their event with the Library name, address, or location without a signed, approved Use Permit. Requests for advertising materials used at the Library (flyers, posters, banners, etc.) shall be submitted to the library or the City for approval and posting and will be displayed when deemed appropriate by the City or San Diego County Library as space permits. Any items posted or distributed that has not been approved, will be removed, and discarded.
- i) General Solicitation, Selling, Advertising at Library - No individual or group shall set up or maintain any exhibit, show, screening event, act, concert, lecture, or similar activity on Library property without written approval by the City of Encinitas.
- j) Multiple Use - The City of Encinitas reserves the right to limit the use of the Information Literacy Lab and number of uses by any one group so that a broad range of community members may have opportunity to make use of the limited facilities availability.
- k) All groups must be under the direction and supervision of their own leadership. There must be at least one adult present and responsible for each 10 minors at all times.
- l) Damage Responsibility - The City and library are not responsible for damage or theft to any equipment or property of facility user groups. All facility user groups are solely responsible for the care, safety, and security of their own, leased, or contracted equipment and supplies.
- m) Storage - Due to limited space, there shall be no overnight storage of equipment and supplies for facility user groups.
- n) Noise Control - Noise levels should not interfere with ongoing library activities or violate local ordinances. User groups are responsible for controlling noise that could be disturbing to other activities in the Library.
- o) City Right to Enter - Designated Library staff and City officials shall have the right to enter all portions of the Community Meeting Room at all times.

**ENCINITAS LIBRARY, COMMUNITY AND SENIOR CENTER FACILITY USE
RESERVATION AND FEE POLICY**

ATTACHMENT A

FACILITY FEE SCHEDULE

A. HOURLY ROOM RENTAL FEE SCHEDULE

Room	Group I	Group II	Group III	Group IV	Group V
**Gym/Auditorium	N/C	\$75	\$125	\$140	\$165
**Gym/Auditorium, A or B	N/C	\$40	\$65	\$70	\$85
**Banquet Hall	N/C	\$85	\$175	\$225	\$275
**Banquet Hall, A or B	N/C	\$45	\$90	\$115	\$140
**Kitchen	N/C	\$25	\$35	\$50	\$60
*Conference	N/C	\$15	\$35	\$45	\$55
*Activity/Meeting	N/C	\$25-\$30	\$65-\$70	\$75-\$80	\$85-\$90
*Activity/Meeting A or B	N/C	\$15	\$35	\$40	\$45
*Dance/Exercise	N/C	\$25	\$65	\$75	\$85
Community Center Patio	N/C	\$30	\$50	\$80	\$90
**Library Community Room	N/C	\$50	\$75	\$105	\$125
*Library Information Literacy Lab	N/C	\$15	\$30	\$45	\$55

Note: Fees adopted by City Council on 06/28/23.
Room details located on the facility application.

Room Rental Deposit/Application Fee – A \$20 non-refundable deposit is due with the rental application. The \$20 deposit is applied to the room rental fee. Additionally, 50% of the rental fees must be paid at the time of permit review.

All fees must be paid in full prior to using the facility. Specifically, at least ten (10) calendar days prior to use for all conference, community room, meeting, activity, dance, arts and craft rooms, and at least twenty (20) calendar days prior to use for the banquet hall and gym/auditorium unless otherwise authorized by City staff.

* One-hour minimum charge and payment is required for use of library information literacy lab, conference, meeting, activity, dance/exercise, and arts/crafts rooms.

** Two-hour minimum charge is required for use of library community room, banquet hall, kitchen, and gym/stage.

B. CLEANING/DAMAGE DEPOSIT FEES

Cleaning/Damage deposit fees must be paid in full prior to using facility. Fees are assessed as follows per issued permit:

Meeting/Conference/Dance/Library Rooms (No Food)	\$100
Meeting/Conference/Kitchen/Library Community Room (With Food) & ECC Patio	\$200
Banquet Hall or Gym	\$200
Alcohol Use	\$300

The cleaning/damage deposit fees are refundable upon satisfactory completion of the cleaning approval checklist and after all other applicable fees are assessed including change orders to the permit. Additional fees may apply in the event that damages exceed the deposit amount.

C. ALCOHOL “LICENSE “FEE and Temporary Food Facilities (TFF)

Applicant is required to pay any ABC licensing fees directly to the Alcohol Beverage Control (ABC) office. A caterer who is serving alcohol probably has paid this fee and received a license. It is the responsibility of the Applicant to confirm compliance of this requirement and provide proof of the ABC License to staff prior to use of the facility. Information on alcohol beverage licensing requirements can be found on the ABC’s website at www.abc.ca.gov, or by contacting the local Alcohol Beverage Control office at (760) 471-4237.

In accordance with the Health and Safety Code, Section 114381.1, an Organizer Permit is required of the person or organization responsible for facilities that are shared by two or more Temporary Food Facilities (TFF).

The California Health and Safety Code, Sec. 114387 requires a Temporary Food Facility (TFF) Permit of any person or organization that is providing food at a public event. All food vendors, including existing restaurants, are required to apply for a Temporary Food Facility Permit when participating in a temporary event. Additional information may be obtained at http://www.co.san-diego.ca.us/deh/doing_business/forms.html. A copy of the TFF permit application must be submitted to the City.

D. LIABILITY AND ALCOHOL “INSURANCE” FEE

All users are required to have liability insurance and alcohol insurance as applicable, except for approved sedentary meetings/seminars/programs. Permittee may provide own Certificate of Insurance with the City listed as an “Additional Insured” by endorsement, or the facility users have the ability to purchase liability insurance and alcohol insurance via the City per the Risk Manager’s Special Event Insurance Premium Policy. FEES MUST BE PAID PRIOR TO USE. Fees vary depending on type of activity and number of participants. The fee structure is on file in the Risk Manager’s Office and Center Manager’s Office and is determined on a case by case basis.

E. FINANCE FEE

There will be a fee charged for returned checks or any insufficient funds payment. These fees are established by the City's Finance Department.

F. STAFF FEE

When Facility Attendants are required or requested to supervise activities above and beyond normal hours of operation (upon staff availability and approval by the Center Manager) the applicant will be charged a cost recovery rate per staff/person utilized for supervision. Note: A minimum of one (1) staff person is required for the duration of an event for library rentals. Staffing fees are based off the current pay scale for temporary staffing.

G. LATE FEE

When a group is late in leaving the facility above and beyond its listed permit ending time, a late fee will be charged based on the hourly rate per room and the hourly rate for staff. Permittee will be mailed or emailed an invoice for late fees, which will be deducted from the damage deposit. Payment is required prior to any future use. Failure to pay this fee or repetitive late usage may result in discontinuation of future facility use.

H. CANCELLATION FEE

When a Permittee cancels a Facility Use Permit (as outlined in Section III, Item C), prior to using the facility, the City will retain the non-refundable deposit of \$20.

I. NO SHOW FEE

When a user does not show up for use of the facility without prior notice of cancellation (per Section III, Item C) the user will forfeit all rental fees. No refunds will be issued.

J. ADDITIONAL FEES

The Parks, Recreation and Cultural Arts Director or designee as deemed necessary may set other operational fees. These fees can include but are not limited to:

1. Cost recovery for room set-up fees (when applicant's event requires set-up for tables, chairs, and dance floor etc.)
2. Equipment rental fees. The Parks, Recreation and Cultural Arts Department will keep on file a list of equipment available to rent in the facility per use per day. Center and Library equipment will not be rented or loaned for off-site use.
3. Carpet cleaning fees. As determined by the Center Management, a non-refundable cleaning fee for carpet may be charged per event utilizing the Banquet Hall or carpeted rooms when food and/or drink is served.

FEE PAYMENT

ALL FEES MUST BE PAID IN FULL PRIOR TO USING THE FACILITY. At the authorization of Center Management, a payment plan may be established for specified multi-date Contract/Permits.

ALL FEES SHALL BE PAID BY CASH, CHECK, CREDIT CARD (VISA OR MASTER CARD), or MONEY ORDER.

**ENCINITAS LIBRARY, COMMUNITY AND SENIOR CENTER FACILITY USE
RESERVATION AND FEE POLICY**

ATTACHMENT B

County Library Policy

COUNTY LIBRARY
POLICY AND PROCEDURE MANUAL

O.45

SUBJECT: CUSTOMER CONDUCT

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BACKGROUND

As public facilities, County Library branches are open to everyone who wishes to use the library or its collection. All people, in fact, are encouraged and welcome to use the library, regardless of race, creed, economic circumstance or age.

If, however, a customer through unruly or disruptive behavior interferes with another's rights to conduct library business, that customer may need to be asked to leave the library until such behavior can be corrected. Examples of unacceptable behavior include hostility, disorderliness, foul or abusive language, offensive body odor, exhibitionism, violence, harassment, and illegal activities.

California Penal Code, Section 602.1(b) states, "Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine."

O.45.1 PURPOSE

To define problem and inappropriate customer behavior and provide guidelines for staff to deal with them, in order to protect library users' rights to a non-disruptive library environment and to give guidance to staff dealing with problem customers.

O.45.2 POLICY

The San Diego County Library will promulgate and enforce customer behavior guidelines to ensure that members of the public conduct themselves at all times in a manner that does not interfere with others and that is in keeping with the nature of the County Library's programs and services. Customers who do not conduct themselves appropriately may be asked to leave the library until their behavior improves. Customers who do not leave may be charged with a misdemeanor per California Penal Code, Section 602.1(b).

O.45.3 GUIDELINES

The purpose of the library is to provide a welcome environment for all people. Therefore, staff shall always treat customers courteously and professionally, regardless of the customer's perceived problem or inappropriate behavior. If, however, a customer interferes with others using the library, then she/he may be asked to leave. Staff are to use common sense in all situations.

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For the safety of staff and customers, key branch personnel should acquaint themselves with local security or law enforcement officials so that they may feel more comfortable calling them in an emergency. Getting to know counselors or administrators from nearby mental institutions or homeless shelters may also help staff refer customers to appropriate agencies.

Under no circumstances are staff to place themselves or others in danger. If they suspect that a customer is potentially violent or if a customer threatens staff or other customers, then staff shall call 911 immediately and ask for police assistance.

All incidents shall be logged into the daily branch log for historical reference, and when appropriate, Security Incident Report forms (FS779) shall be filled out.

INAPPROPRIATE CUSTOMER BEHAVIOR

The following behaviors are inappropriate and may result in the customer being required to leave the library and/or losing library privileges:

- Loud, disruptive, or attention-getting behavior that disturbs library activities;
- Use of foul or abusive language;
- Tampering or playing with library equipment, such as computer terminals, public typewriters, photocopiers;
- Smoking on library premises or within 20 feet of an entrance or exit;
- Any activity resulting in possible damage or harm to oneself, others or library property;
- Strong alcoholic or body odor to the point of disturbing others or deterring others from coming near;
- Possession of weapons;
- Any activity suspected of being illegal;
- Harassing, threatening or intimidating customers or staff;
- Unauthorized entry into areas indicated as EMPLOYEES ONLY;
- Soliciting for any cause or organization or panhandling;
- No shoes or shirts;
- Cell phones must be on the vibrate mode, with conversations conducted either in the library lobby or outside the library;
- Using library restrooms for inappropriate purposes including bathing and washing clothes;
- Using library materials, equipment, fixtures, furniture, buildings or grounds in any manner that may cause damage or excessive or unreasonable wear, e.g. lying down, putting feet on the chairs/walls, using more than one seat per person;
- Any behavior that unreasonably interferes with others' use and enjoyment of the library, including but not limited to sleeping, camping or monopolizing library facilities and grounds. "Camping" refers to the use of library property for lying down, sleeping in a reclined position, living or accommodation purposes.
- Bringing shopping carts, large bundles, or wheeled conveyances into the building, with the exception of wheelchairs and baby strollers/carriages used for the actual transport of a person or child. Bundles, carts, wheeled backpacks and book carriers not exceeding 30 inches tall, 18 inches wide and 18 inches deep are permitted.

All applicable federal, state, and local laws will be enforced.

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DEALING WITH INDIVIDUAL CHALLENGES

EXCESSIVE TALKERS

Staff time is often monopolized by customers who talk incessantly. If staff encounters an excessive talker, she/he shall treat the customer courteously but non-encouragingly. Staff may explain how busy she/he is and gracefully resume working. If necessary, another staff member may need to intervene either on the phone or in person.

DISGRUNTLED CUSTOMERS

Almost daily, staff have to deal with customers who are unhappy with library policy or procedures. These customers may argue with staff about overdue fines, community room booking procedures, the content of the library's collection or any number of things.

Staff shall listen to these customers sympathetically and try to solve their problems by presenting several options. In the case of customers who are clearly trying to abuse County Library policy, staff shall be polite but firm in handling the situation. Staff may also refer the customer to a supervisor if the customer insists and/or is unreasonable.

DISRUPTIVE CUSTOMERS

Any behavior that keeps customers from using the library in the manner in which it is supposed to be used is disruptive and shall be attended to immediately.

Depending on the situation, staff may approach the disruptive customer, either alone or in a pair, and identify the behavior that has to stop. Staff may temporarily remove any library property that may be contributing to the behavior (e.g. move chairs so that only two people can sit at a table; put library-owned toys away; etc.)

If the behavior continues, staff may ask the customer to leave. If the customer refuses to leave, staff may call local law enforcement.

In the case of disruptive children, staff may contact school officials and/or parents. If a parent becomes incensed that staff have approached his/her disruptive child, staff shall explain the safety, etc. issues involved and ask that the parent take responsibility for the child.

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ABUSIVE LANGUAGE

Foul and/or abusive language spoken to staff or customers shall not be tolerated. This behavior is disruptive and shall be treated as such.

If a customer becomes abusive because she/he is angry with staff or a County Library policy, staff may ask the customer to leave until the situation can be handled calmly and appropriately. If the customer refuses to leave, then staff may leave or bring in other staff if necessary. In any event, the situation shall not be handled until the customer's abusive language has stopped.

If a customer is abusive over the telephone, staff may explain that because this language is inappropriate, she/he will be happy to handle the situation at a later time/date and hang up if necessary.

Staff shall hang up immediately when receiving any obscene phone calls.

DESTRUCTIVE BEHAVIOR

Staff shall act immediately if they see a customer destroying library or other customers' property. If possible, staff shall assess the damage firsthand and promptly note a description of the customer and his/her actions. If safe to do so, staff may approach the customer and ask to see either a library card or identification. The damage shall be assessed to the customer's record. Depending on the severity of the damage, staff may also want to call law enforcement and file a report.

If the incident involves a child, staff may wish to speak to the parent.

ACTS OF VIOLENCE

Staff shall immediately call 911 when threatened by or witnessing any acts of violence. Staff shall allow law enforcement officials to handle the situation. If necessary, the Branch Librarian/Manager may evacuate the building to prevent any harm coming to staff or customers.

When witnessing children fighting, staff shall refrain from physically intervening. Law enforcement officers may be called if necessary. If they overhear one child threaten another, staff may offer the child the use of the phone to call a parent or ride home.

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PUBLIC DISPLAY OF DRUNKENNESS OR OTHER SUBSTANCE ABUSE

Law enforcement officers may be called if a customer displays public drunkenness or other signs of substance abuse. Officers shall be called immediately if the customer appears self-destructive or about to harm him/herself or others.

SOLICITATION AND PANHANDLING

People are not allowed to solicit goods or money on library property. If someone approaches staff or customers selling merchandise or asking for money, staff shall immediately explain to the person that such behavior is not allowed on library premises. If the behavior continues, staff shall ask the person to leave the library. If the person refuses, law enforcement officers may be called.

FOOD AND DRINK IN THE LIBRARY

- Covered, non-alcoholic beverages are allowed in the library.
- Food is allowed in the library in designated locations only, as determined by the individual branch library.

Customers who do not comply with this policy may be asked to leave the library until they discard their food and/or beverages.

ANIMALS IN THE LIBRARY

Service animals shall be allowed in library facilities, subject to local municipal codes and good judgment by library staff, under the general protocol that no pets can or will obstruct the business of the library and its users.

SHOES

For the protection of all customers and staff, everyone using or working in the library must wear shoes.

CUSTOMER BELONGINGS

The County Library is not responsible for any loss incurred by customers while they are in the library. Belongings should be stored away from traffic patterns and should never be left unattended. Bicycles shall be left outside where they do not present obstacles.

REV 12/15

CITY OF ENCINITAS
PARKS AND RECREATION DEPARTMENT
POLICY AND PROCEDURES APPROVAL

Policy Title: Encinitas Indoor Facility Use
Reservation and Fee Policy

Policy Number: CSC 001

Approved By: City Council

Originator: Parks, Recreation and Cultural Arts
Recreation Services Division

The attached policy is approved for implementation. Any amendment necessary to this policy must be re-submitted for review prior to policy modifications.



Pamela Antil, City Manager

Revised Approval Date