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Policies and Guidelines Governing
the Use of the Park System
Customer Service Department
Frequency of Review: Every Five Years

Policies and Guidelines Governing the Use of the Park System

POLICY

The Minneapolis Park and Recreation Board (herein after “MPRB”) is entrusted by the public with the responsibility of managing the Minneapolis park properties for the enjoyment of all persons. The Park System offers opportunities for a broad range of public uses including public and private events.

The MPRB is committed to accommodating and balancing the interests of all users with reasonable access and appropriate use of parks, park facilities and amenities, and MPRB controlled waters in order to sustain the quality, accessibility, and vitality of the Park System now and in the future. The MPRB recognizes that inappropriate and overuse of park resources is against the interest of public because it leads to a depletion of those resources. The Minneapolis park system provides many popular Venues that if left open to unrestricted use would jeopardize the sustainability of those public resources and unreasonably impact adjacent neighborhoods and community. The MPRB also recognizes that the public is best served when the Park System is used to its fullest extent. Therefore, park use and the protection of park resources require policy guidelines that balance these interests. The MPRB is committed to accommodating and balancing the interests of users with reasonable access and appropriate use of parks, park facilities and amenities, and MPRB controlled waters. The following policies and guidelines are adopted to govern the use of MPRB Property.

- A. To protect the use, enjoyment, safety, and convenience of the general public in the parks and on park roads and parkways, the Minneapolis Park System shall be regulated through rules and procedures to balance the interests of the general public and the use of the Park System by permitted groups.
 - B. To protect park resources from overuse and depletion thereof, event permits for popular venues shall be regulated and limited to a specific calendar of dates open to permitted events for said venue.
- 1. To provide access to the Park System, whenever feasible, to groups applying for a permit. If an applicant is denied a permit for a requested specific date and venue, based on capacity, staff will offer alternative venues and/or dates to accommodate the applicant, if feasible.
 - 2. Permits for groups shall be limited for the use of pathways, and permits based on the number of participants, the impact on neighborhoods, reasonable accessibility of the public, the necessity of use by emergency or police services. Permits are limited to two road or parkway closures in any park section per month. Temporary road closures for permitted events will use the following criteria.
 - i. Barricades
 - a. Concrete barriers may be supplemented in circumstances that warrant additional traffic control.

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- ii. Traffic Control
 - a. All parkway and park road closures will be conducted in a manner consistent with the Minnesota Manual on Uniform Traffic Control Devices.”
 - b. All parkway and park road closures will require an approved traffic control plan consistent with the standards outlined in the Minnesota Manual on Uniform Traffic Control Devices (special consideration to Part 6 Temporary Traffic Control). At a minimum, the MPRB will require one Park Police officer to coordinate any parkway or park road closure.
 - c. Personnel authorized to provide traffic control per MPRB ordinance, City ordinance or State law may be required.
 - d. Additional Event Support may be requested to be supplied by permit holder to augment Traffic Control Devices. This may include volunteers or Course Marshals.
- 3. To regulate the use of land to conform to seasonal considerations, permits for use of park Venues may be limited.
- 4. To protect against damage and to secure the Park System for future use, the Superintendent is directed to enforce rules and procedures that prevent venues from being used beyond their reasonable capacity.
- 5. To protect the safety and security of the general public, and to preserve the resources of the Park System, the issuance of permits may be granted or denied depending on the time, place, and manner of the event, the capacity of MPRB resources and the Venue to support the event, and whether the event materially interferes or is in conflict with another permitted event.
- 6. All permitted events, including events serving alcohol, will be subject to review and risk analysis by MPRB staff. The review and risk analysis may determine that Park Police officers or a combination of Park Police personnel, Private Security, or MPRB Staff may be required as a condition of permit issuance. All events requiring Park Police must include a supervising officer, as a condition of permit.
 - i. The MPRB shall dedicate no more than 25% of its available Police Officers to support permitted events, with the following exceptions.
 - a. The MPRB shall permit no more than two event days per month which require more than 25% and less than 50% of its available Police force.
 - b. The MPRB shall permit no more than one event day quarterly which require more than 50% of the available Police.
 - ii. Example of event characteristics subject to analysis include, but are not limited to: Size of the event (both attendance and Venue)
 - a. Hours of the event (time of day and overall length)
 - b. Is the event open to the public or ticketed
 - c. Is the event Venue inside or outside
 - d. Is an outside event Venue fenced or open access



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- e. Are there additional forms of entertainment (i.e. live music)
 - f. If there is added entertainment, how many stages
 - g. Will the event producer be providing any private security, volunteers, # of staff
 - h. How many alcohol service stations and what alcohol will be served (beer, hard liquor, etc.)
7. To recover costs and expenses related, but not limited to, administration, traffic control, loss of access to and depletion of park resources, and event participant use, a permitting fee schedule related to impacts of permitted events on park resources shall be established. All permits will be subjected to a permit review to ensure that permit requirements are consistently applied as compared to previously permitted events with similar event characteristics.

Activities Requiring a Permit on MPRB Property

- A. **Commercial Solicitation:** A person may not engage in the sale of products or services, or the distribution or circulation of literature including but not limited to leaflets, notices, pamphlets, books, documents, surveys, or papers of any kind for the purpose of monetary gain without first acquiring a permit for such activity.
- B. **Fundraising:** No person or group of people may solicit from members of the public donations of money or property, and/or engage in the sale of products or services, including but not limited to the use of literature, pamphlets, surveys, membership applications, or other media, for the purpose of raising funds for an organization or cause without first acquiring a permit for such activity. The Superintendent shall issue a permit for these activities unless the area is not a Public Forum or is not available because of previously scheduled event(s), or is not a designated open date on the Venue Calendar. If the area is not available or not a Public Forum, the Superintendent shall, before denying the permit, suggest alternative areas or times that are available within the Park System's Public Forum areas.

C. General Activities

In order to ensure the protection against overuse and to preserve park resources through managed use, upkeep, and maintenance, and to also ensure the continued enjoyment of MPRB Property for the public, no person shall, without a permit:

- i. conduct a Special Event;
- ii. conduct any exhibit, music or dramatic performance, fair, circus, concert, festival, play radio or television broadcast, other than a news transmission;
- iii. exhibit or display any motion picture, television program, light or laser light display, fireworks display, or similar event;
- iv. operate a vehicle, except upon a publicly dedicated street, park road, alley, watercourse or other thoroughfare which may abut or traverse a MPRB property;

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- v. create or emit any amplified sound that violates MPRB ordinance PB2-34;
- vi. station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure;
- vii. station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- viii. display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter within MPRB property.
- ix. bring, land or cause to ascend or descend or alight within MPRB property, any airplane, helicopter, flying machine including remote controlled aircraft, parachute or other apparatus for aviation;
- x. conduct any organized sporting event (a organized sporting event does not include impromptu activities between non-affiliated members of the general public);
- xi. ride any horse on MPRB property including but not limited to any driveway, roadway, path or trail; or
- xii. bring onto MPRB property a wild or tame non-domestic animal, or a domestic animal for any purpose not allowed under PB2-18 of the MPRB Code of Ordinances.

D. Public Forum Exception: The permit requirements of this section for Special Events do not apply to an individual or group of less than fifty (50) participants exercising their constitutional right of free speech.

A handwritten signature in blue ink, reading "Alfred Benz".

SUPERINTENDENT APPROVAL: _____ Date: 05/05/2021

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DEFINITIONS

The terms and phrases shall have the following meanings, unless the context otherwise requires:

- A. **“Facility”** means any structure or building including but not limited to recreation centers, water parks and pools, band shells, golf course and clubhouse, and learning centers, historical buildings/houses, gardens, field houses, museums, concession or refectories, or vending structures or buildings, maintenance or storage buildings, offices, and the main MPRB administrative offices and headquarters (hereinafter “MPRB HQ offices”).
- B. **“Member of the Public”** means any natural person or persons, group, association, foundation, society, organization, nonprofit charitable organizations, or any other entity or enterprises.
- C. **“MPRB”** means the Minneapolis Park and Recreation Board.
- D. **“MPRB property”** means property as defined in Park Board Code PB1-1.
- E. **“Park System”** means the entire collective property of the MPRB intended for the use and enjoyment of members of the public.
- F. **“Participant”** means any individual who is identified by the event organizer, including but not limited to, a competitor, contestant, performer, exhibitor, invited guest, ticket holder, registrant, sponsor, and a participant entity’s employees, agents, and volunteers who are present at the event, and the event organizer and his/her/its employees, agents, and volunteers present at the event.
- G. **“Permittee”** means any member of the public who has been issued a permit pursuant to the Regulations, or any person authorized by such permit to conduct permitted activities.
- H. **“Permit Review”** means an evaluation of a permit to ensure its requirements are not assessed arbitrarily or capriciously and are consistent with the requirements applied to previously permitted events with similar characteristics, such as size, duration, type of access, and etc. May also include setting a new standard for requirements based off the following:
 - i. The event type is new and has never been permitted before.
 - ii. Documented safety and security concerns at a previously permitted event with similar event characteristics to the permit being evaluated.
 - iii. New safety criteria set by a unit of Government suggests it.
- I. **“Primary Closed Intersection”** means an intersection where a street crosses a parkway or merges onto a parkway.
- J. **“Secondary Closed Intersection”** means an intersection where a street T’s into a parkway forcing the driver to take a left or a right only.
- K. **“Sections of Parkway”** are defined by MPRB Customer Service Department – Use and Event Permitting Unit within the Schedule of Fees.
- L. **“Regulated Activities”** means any activity which is authorized under a permit issued pursuant to these policies.
- M. **“Returning Event”** means any event that has been issued a permit for the same Venue and date for the previous year.
- N. **“Special Event”** means any group activity including but not limited to a performance, contest, ceremony, athletic event or competition, promotion, or festival that:
 - i. Generates revenue or promotes a pecuniary interest for the event organizer or its sponsor,

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- ii. Does not generate revenue for the event organizer but involves 50 or more participants, and/or
- iii. Requires a dedicated use of a Venue(s) and/or street(s) during the event limiting access of the general public.
- O. **"Superintendent"** means the Superintendent of the MPRB and their designated staff.
- P. **"Venue"** means any MPRB property available for use by a Member of the Public through a permit issued by the MPRB including pathways and park roads.
- Q. **"Venue Calendar"** means the calendar of open dates for Venues for any given year.

Classification of Park Property

- A. Limited Use Areas: Limited use areas include playgrounds, playlots, athletic fields or courts, golf courses or practice areas, archery ranges, pathways, field houses, concession or vending facilities, rest rooms, waterways, bathhouses, pools or swimming beaches, boat docks, fishing piers or docks, picnic areas, museums, gardens, park roads, parking lots, recreation centers, reception areas, meeting rooms, leased facilities, and all other areas or structures created or maintained as a site for a specific and/or limited intended use, and a reasonable buffer area surrounding all of the above specified areas.
- B. Areas or Facilities Not Designated for Public Access: Areas or facilities not designated for public access include maintenance facilities, garages, storage facilities, offices, construction or maintenance sites, and any other areas or facilities for which public access is restricted or forbidden by posted notice.
- C. Special Areas: Conservation/Preserve Areas are special areas designated in the master plan of the Park System as restricted to allow the existing flora and fauna to remain undisturbed.
- D. Public Forums: Shall include any traditional Public Forum and any open area not classified as a Limited Use Area, Areas or Facilities Not Designated for Public Access, or Special Areas.

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PROCEDURES

1. Consistency of Rules and Procedures

Any rules and procedures instituted for the use of Venues in the Park System and for the obtaining permits shall be consistent with these policies and especially with due regard for:

- A. The purpose for which the Venue is established;
- B. The safety of members of the public using the Venue;
- C. The safety of MPRB employees;
- D. The security, protection, and maintenance of MPRB property;
- E. The need for supervisory or law enforcement personnel;
- F. The maximum number of people who can safely use the Venue at one time;
- G. The preservation of MPRB resources and property; and
- H. The cost to the general public for the loss of access to a Venue due to a permitted event.
- I. Impact to neighborhoods including but not limited to accessibility to and from neighborhoods.

Subject to the foregoing, and except as hereinafter provided, all Park Venues may be used by members of the public, without permit, for purposes consistent with the nature, policies, rules, and regulations of the MPRB, the safety and security of the public and MPRB staff, and the reasonable protection and maintenance MPRB property.

The granting of permits shall be subject to a Venue Calendar indicating what dates are open for events. The Venue Calendar shall be prepared prior to the start of the year for which it applies.

2. Application for Permits

A. Filing Written Application

- i. The MPRB reserves the right to give priority to Returning Events for a particular time and Venue over new applications for the same time and Venue. Returning Events have thirty (30) days from the date of their last event to submit a written application for the following year to retain priority for the same time and Venue the event has been granted a permit in prior year(s). (To transition into this policy, Returning Events shall have until December 31st of the year these policies are enacted to submit a written application for the following year to retain priority for the same time and Venue that the event has previously been granted a permit).
- ii. If the MPRB receives more than one application for the same Venue and date, priority shall be given to the Returning Event that has been granted a permit for the most number of years. In the event that the above priority fails to determine which applicant will be granted the permit, then the permit shall be granted to the applicant who submitted their application first. If this

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fails to determine the Permittee, the granting of the permit shall be decided by a flip of a coin where the applicants are invited to be present.

- iii. The MPRB reserves the right to cancel or not issue permits due to construction and/or maintenance of MPRB Property.

B. Required Information

- i. The application shall contain, but is not limited to, the following information:
 - a. the name, address, e-mail address if available, and telephone number of the applicant;
 - b. a disclosure of what equipment or other materials are to be brought on MPRB property, and what, if any, preparations the MPRB is expected to provide for the activity;
 - c. the preferred and an alternative date, time, and Venue desired for the proposed activity;
 - d. the expected duration of the permitted event; and
 - e. the number of persons expected to participate and/or attend the permitted event.
- ii. If the applicant is an organization, the application shall also include the following information:
 - a. the name, address, e-mail address, and telephone number of the organization and the name, address and telephone number of the contact person who will coordinate arrangements for the proposed activity;
 - b. the name of the chief officer and secretary of such organization, and the state of incorporation (if any), and, if applicable, some evidence of the non-profit status of the organization; and
 - c. the name, address, e-mail address, and telephone number of each person who will be facilitating activities on behalf of the organization.

C. Schedule of Fees and Required Services

Based on the size, the Venue, and time of the event, as provided for in the Schedule of Fees and Required Services, an applicant may be required to provide a Security Deposit and Certificate of Insurance naming the MPRB as an insured, and/or agree to reimburse the MPRB for any damage to its property that results from the actions of the permittee and their participants at the permitted event. The Security Deposit shall be assessed by the MPRB if it is necessary due to damage caused by the actions of the permittee and/or the permittee's participants, to provide for the clean up and restoration of the park upon conclusion of the permitted event.

If it is found that there has been no damage to Park property or equipment beyond reasonable wear and tear, the security deposit shall be refunded in full within thirty days of the conclusion of the permitted event.

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All permits for events on MPRB property shall require permittees to recycle. The Superintendent shall establish rules, guidelines, and procedures for recycling based on the Venue, size, and projections of recycling volume at the event. The rules, guidelines, and procedures shall be incorporated into the Event Rules and Regulations under its Garbage/Trash/Recycling Clean-Up Section.

D. Permits Non-Transferable

No permit or approved application may be assigned or transferred by the permittee or applicant.

3. Processing of Permit Applications

A. Processing of Application

As soon as is practicable, the Superintendent shall determine whether the permit may be issued or denied. The determination shall be based on the objective factors stated herein. The determination shall not be based on the content or nature of the proposed permitted event. Upon completing such review, the Superintendent shall issue a written notice of approval or a notice of denial of the application for permit to the applicant by mailing or e-mailing the notice to the address listed on the application. The Superintendent may notify the applicant by telephone or other means of communication prior to sending the written notice. A notice of denial shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall identify measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit.

B. Permitted Fees

No permit shall be issued unless and until the applicant shall have paid the fee specified in accordance with the schedule of fees set by the MPRB. Permit fees are non-refundable unless the MPRB determines otherwise.

C. Written Denials

A written denial or approval must be issued within fourteen days of the date on which a permit application is fully completed, executed and submitted to the Superintendent. Provided, however, the Superintendent may extend the period of review for an additional fourteen days by issuance of a written notice of such extension.

D. Spontaneous Use Exception.



If the application is submitted within fourteen days of the date of the proposed event, the Superintendent shall within 36 hours of receipt of the application, approve or deny the permit. Such approval or denial may be subject to specific conditions that the applicant must perform or cure, as the case may be, prior to the issuance of the permit for the event and/or activity. A denial under this provision shall be as if the Superintendent affirmed the denial after review.

E. Notices

Notices shall be served on the applicant by personal delivery, or by deposit in the United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

F. Grounds for Denial

Written notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain an explanation of how the applicant may cure any defects in the application for permit and reapply. If the application was denied on the ground that the requested Venue is unavailable due to a prior application, a Returning Event, or is otherwise inappropriate for the proposed event for one or more of the grounds set forth below, the notice shall propose a suitable alternative Venue, if available for the same time, or an alternative time, if available for the same Venue, or both.

The Superintendent may deny an application for permit on any of the following grounds:

- i. the application for permit is not fully completed and executed;
- ii. the applicant has not timely submitted the application, permit fee, indemnification agreement, or security deposit;
- iii. the application for permit contains a material falsehood or misrepresentation;
- iv. the applicant, or the person on whose behalf the application for permit was made, has on prior occasions damaged MPRB property and has not paid in full for such damage, or has other outstanding and unpaid debts to the MPRB or has violated permit conditions on previous permits;
- v. the applicant is legally incompetent to contract or to sue and be sued;
- vi. a fully executed application for permit for the same time and Venue has been granted to a prior applicant, or will be granted to a Returning Event and the authorized uses or activities do not reasonably permit multiple occupancy of the particular Venue thereof;
- vii. the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the MPRB that are scheduled for the same Venue and time, or for a time and Venue that is not open based on the Venue Calendar;
- viii. the number of persons to be engaged in the activity exceeds the number that can safely be accommodated in the particular proposed Venue;

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- ix. the use or activity intended by the applicant is prohibited by law, applicable local ordinances, by these policies, rules or regulations of the MPRB; or
- x. the applicant has not complied or cannot comply with the applicable licensure, laws, ordinances, or regulations of the MPRB concerning the sale or offering or sale of any goods or services.

G. Amendment or Revision of Applications

Any amendment or revision of an application or permit shall, for purposes of determining the priority of the application for permit, relate back to the original date of submission thereof; but the time in which the MPRB shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of its receipt of the amendment or revision.

4. Procedures for Review; Waivers

A. Review by Superintendent

- i. Any applicant who is denied a permit and any permittee who is assessed damages and who has had all or a portion of a security deposit retained because of assessed damages or fine, pursuant to these policies, or any ordinances, may, within seven business days of the service of a notice of such determination, file a written appeal of such determination with the Superintendent.
 - a. Any appeals filed pursuant to these policies shall state succinctly the grounds upon which it is asserted that the denial or assessment should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Superintendent, and any other papers material to the determination.
- ii. The Superintendent shall have seven business days from the date on which the appeal was received in which to serve upon the applicant a notice that he/she has affirmed, modified, reversed the denial, or reversed retention of a security deposit;
- iii. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.
- iv. If such notice is not served upon the applicant or permittee within seven business days of the date upon which the appeal was filed, then the denial or retention of security deposit shall be deemed reversed.
- v. The Superintendent's affirmation of a denial is final.

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B. Waiver of Requirements

Where the applicant is The United States of America, the State of Minnesota, County of Hennepin, the City of Minneapolis, or the Special School District No. 1, other local government unit, or is an organization that is a party to a shared use agreement with the MPRB, the Superintendent may, without written request, waive any or all requirements or limitations of the application.

5. Violations by Permittee

The violation by a permittee of the terms of their permit, any applicable law or ordinance and/or regulations, rules, or policies of the MPRB shall subject the permittee to the immediate revocation of their permit. Nothing herein shall prevent or limit the imposition of any applicable civil remedy or criminal penalty.

6. Severability

If any provision of these policies or the application thereof to any person or circumstances be held invalid, the remainder of these policies and the application of such provisions to other persons or circumstances shall not be affected thereby. The MPRB reserves the power to amend or repeal these policies at any time; and all rights, privileges and immunities conferred by these policies or by acts done pursuant hereto shall exist subject to such power.

7. Possessory Interest in MPRB Property

The granting of a permit to use MPRB property under these policies does not bestow upon the permittee any possessory interest in MPRB Property unless explicitly provided for in the written permit for a particular purpose.