



**Commercial Use of Dedicated Parkland
for Personal Training and Other Outdoor Professional Services
6 Month Park Use Application and Permit**

Type of Permit Requesting

Please check predominant use:

- Fitness, Cross Training or Professional Exercise Trainer, Medium to High Impact
- Yoga, Pilates or other Light Impact Trainer
- Dog Trainer or Other Services
Please define: _____

Requested Permit Term:

- January 1 through June 30
- July 1 through December 31

Requested Park Location(s):

Dog Trainer locations are approved areas at Auditorium Shores at Town Lake Metropolitan Park, see rules and regulations for additional information (attached)

Application Date:

Permit Holder Information

Name: _____

Company Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____

E-mail Address: _____

Texas Drivers License or Identification Card Number*: _____

First Aid Certification Expiration Date*: _____

Cardio Pulmonary Resuscitation Certification Expiration Date*: _____

General Liability Insurance Provider*: _____

Policy Number: _____

****Permit holder must provide documents as verifiable proof before the Park Use Permit may be issued.***

This new policy is effective October 1, 2011, and permits will be issued for the initial term beginning January 1, 2012.

Use Allowed

Programs/activities as described in the program activity description section herein are allowed and must adhere to the rules attached as **EXHIBIT A**. To the extent of any conflict between the program activities authorized in this Permit and other existing uses, the City reserves the right to adjust the uses authorized. This Permit may not be assigned.

Conditions of Permit

- (1) Permit holder shall clean the Park Locations at the end of every day of use under this Permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any park location are not covered by this permit and must be approved by the City before the proposed modifications or improvements may be made. Additional agreements may be required for the modifications or improvements.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by rule by the Director of PARD.
- (4) Permit holder shall not use the park location if the area has been closed by the City due to inclement weather or other reason. The City will notify the permit holder point of contact of the closure and will post signage at the site to identify the nature and duration of the closure.
- (5) Permit holder shall advise permit holder's employees of the park use policies to ensure that all activities under this permit comply with the park use policies and procedures as set forth in **EXHIBIT A** and general PARD park rules, which are viewable on line at:

<http://www.austintexas.gov/parks/parkrules.htm>

Reporting

Permit holder shall provide the PARD point of contact with a monthly report and daily use summary by the 10th day of each month indicating the number of clients participating in the provided service per month under this Registration for the previous month using the Monthly Revenue and Activity Report form attached as **EXHIBIT B** and the Daily Use Summary Report form attached as **EXHIBIT C**.



Payment

In exchange for this permit, permit holder has paid a registration fee of \$50.00. In addition, for every month in which permit holder provides personal training or fitness services to more than three (3) clients per session under this permit, permit holder shall make monthly payments in the amount of 45 cents per client per day based on the revenue schedule included in the Monthly Revenue and Activity Report; provided, however, that the monthly payments may not exceed \$1,500 for any six (6) month period.

Term/Termination

This permit shall be effective from and after the date of signature by the permit holder and the Director of PARD or her designee, and shall automatically terminate on the termination of the requested permit term selected above, unless terminated earlier under this provision.

The Director of PARD may terminate this registration upon seven (7) days notice to the permit holder upon determining that the permit holder caused or allowed others under the permit holder's control to cause damage to the park location beyond normal wear and tear.

If the permit is terminated due to property damage, the City may retain payments made by the permit holder to offset the damages, in addition to pursuing other legal remedies available.

Insurance

Registrant has provided insurance as prescribed by rule by the Director of PARD that is Permit Holder's proof of Comprehensive General Liability Insurance with a combined single limit of \$500,000 per occurrence and a Certificate of Insurance naming the City of Austin as an additional insured party.

Compliance with City of Austin Rules and Regulations

In addition to the specific rules and regulations established for this permit and use program, applicant acknowledges that each park and permit is subject to general park rules and regulations as currently exist and as may be adopted administratively or by ordinance by the City of Austin and agrees to abide by these rules and regulations.



Program/Activity Description

Describe the program/activity, including number of participants expected:

Describe in detail how the park land, park equipment, and park improvements will be used:

Indemnity/Waiver

Permit holder agrees to indemnify and hold harmless the City of Austin, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder’s employees, volunteers, and clients waive any right they may have had to sue the City, its officers, employees, and assigns due to conduct under this permit. Permit holder shall communicate the terms of this indemnity and waiver to all permit holder’s employees, volunteers, and clients.

Applicant’s Verification:

I verify that all of the above information is true. I have also read, understand, and am willing to comply with the park use policies and procedures as set forth by the City of Austin Parks and Recreation Department. I agree to the terms of this six (6) Month Commercial Use of Park Use Permit and am authorized to sign on behalf of the Permit holder.

Signature of Applicant / Printed Name / Date



Please complete this application and return to the address below:

Mailing Address:

City of Austin
Parks and Recreation Department
Attention: Concessions Unit
200 S. Lamar Blvd.
Austin, Texas 78704-1046

Contact: Enjolé Armstrong

Concessions Specialist

Phone: (512) 974-6718

Fax: (512) 974-6729

E-mail: Enjole.Armstrong@austintexas.gov

City of Austin Parks and Recreation Department Approvals: (office use only)

Verified by:

Concession Unit - Signature

Printed Name

Date

Approved by:

City of Austin
Parks and Recreation Department
Director or Designee

Printed Name

Date

Exhibit A
City of Austin
Rules Regarding Commercial Use of Dedicated Parkland

A fee and use policy has been approved and rules developed to establish commercial use and location trends that continues to encourage fitness programs and is equitable to all trainers and recreation service providers. This program includes revisions that protects the public’s use and provides fitness and health consultants, dog trainers’, and other outdoor professional service providers reasonable access, use-based fee, and equipment limits to minimize damage to Austin parks.

Section	Description	Proposed Rule or Fee
1	Approved Commercial Uses	Fitness Groups, Dog Trainers, Yoga Instruction, and other professional fitness services as approved by the Director of Parks and Recreation
2	Approved Locations	22 inner city and urban area parks, as listed below, excluding off-leash areas, public walkways, and pre-defined use areas: <ul style="list-style-type: none"> – Auditorium Shores at Town Lake Metropolitan Park (approved for dog training) – Balcones District Park – Bartholomew District Park – Beverly S. Sheffield Northwest District Park – Bull Creek District Park – Circle C. Ranch Metropolitan Park on Slaughter Creek – Commons Ford Metropolitan Park – Davis-White Northeast District Park – Dick Nichols District Park – Dove Springs District Park – Garrison District Park – Givens District Park – John Trevino Jr. at Morrison Ranch Metropolitan Park – Mabel Davis District Park – Mary Moore Searight Metropolitan Park – Onion Creek Metropolitan Park – Sir Svante Palm Park – Town Lake Metropolitan Park - E.R. Senior at Festival Beach – Town Lake Metropolitan Park - Lakeshore – Town Lake Metropolitan Park - Longhorn Shores – Walnut Creek Metropolitan Park – Zilker Metropolitan Park
3	Excluded Areas	Any area specifically dedicated to a use that would reasonably conflict with any approved use is excluded. For example, holding fitness classes in an area dedicated as a children’s play area or basketball court is not appropriate.
4	Approved Equipment	Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public. These items include but are not limited to: <ul style="list-style-type: none"> – Tractor tires – Vehicles on park property – Cables or railroad ties

Section	Description	Proposed Rule or Fee
		<ul style="list-style-type: none"> Attaching equipment to trees, hand rails or other fixed items.
		<p>Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands.</p>
5	Impact on public use and priority of the permit	<p>Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited.</p> <p>Alternatively if a fitness camp, or training session has already begun and is in process, the general public may not interrupt an ongoing fitness class.</p>
6	Fee for Professional Services, intended to include fitness trainers, boot camp leaders and other exercise professionals	<p>Fee per Trainer, Instructor: \$50 Base Permit Fee (6 Months) Clients 0-3 per session, No Monthly Use Fee or Report is required Clients 4+ per session, Monthly Use Fee of \$.45/Per Client/Per Day Capped at \$1,500 per trainer, each 6 month permit period</p>
7	Fitness Zones	<p>Not applicable. Approved list of parks includes areas not allowed for commercial use, i.e. off-leash area at Auditorium Shores, public walkways and pre-defined use areas.</p>
8	Permit Credential	<p>ID Card with Photo for each permit holder. Permit Holders are required to wear or have with them the permit credential when conducting business on City property. City retains the right to request proof of permit by requesting permit credential by any City of Austin employee.</p>
9	Reporting Requirements	<p>Each trainer is required to remit payment and file revenue and use reports by the 10th day of the following month. Each report shall identify the total number of attendees per month, location and fee calculation:</p> <p>Total number of attendees per month X 0.45¢ = Monthly Fee</p> <p>All permit holders must have monthly financial reports that tie to the remitted fee reports. PARD shall have the right to audit and compare and any discrepancy may result in permit revocation.</p>
10	Enforcement	<p>PARD Park Rangers and PARD Staff. Violations of this permit or PARD rules may result in the revocation of permit. Three (3) or more violations by any permit holder shall result in permanent removal from the program.</p>
11	Parking Lots	<p>Dedicated parking lots may not be used for any fitness, training or professional services or purpose at any time.</p>
12	Addition or Removal of Approved Park Locations	<p>PARD Staff will review the addition and/or deletion of approved locations at each 6 month review of the permitting program.</p>

Exhibit B
Commercial Use of Dedicated Parkland
for Personal Training and Other Outdoor Professional Services
Monthly Revenue and Activity Report
Due no later than the 10th day of the following reporting month*

Permit Holder Information

Name: _____
Company Name: _____
Permit Number: _____

Reporting Month:

- | | |
|-----------------------------------|------------------------------------|
| <input type="checkbox"/> January | <input type="checkbox"/> July |
| <input type="checkbox"/> February | <input type="checkbox"/> August |
| <input type="checkbox"/> March | <input type="checkbox"/> September |
| <input type="checkbox"/> April | <input type="checkbox"/> October |
| <input type="checkbox"/> May | <input type="checkbox"/> November |
| <input type="checkbox"/> June | <input type="checkbox"/> December |

Monthly Fee Calculation

Personal Training or Other Outdoor Professional Services Use and Revenue Report
<p>Total Clients for the Month (x): _____</p> <p>Rate per client per day: 0.45¢</p> <p>Monthly Fee= Total Clients (x) X 0.45¢</p> <p>Monthly Fee = _____ X 0.45¢</p> <p>Monthly Fee = _____</p> <p align="center">Location of Classes:</p> <p>Primary Location(s) of permit holder:</p> <p>_____</p> <p>_____</p> <p>Other Location(s) used by permit holder:</p> <p>_____</p> <p>_____</p>

Applicant's Verification:

I verify that all of the above information is true. I have also read, understand, and will comply with the park use policies and procedures as set forth by the City of Austin Parks and Recreation Department.

Signature of Applicant / Printed Name / Date

****If the 10th falls on a City of Austin recognized holiday or weekend (Saturday or Sunday), report will be due the following business day.***

Exhibit C



**City of Austin
Parks and Recreation Department
Commercial Use of Dedicated Parkland
Daily Use Summary**

Complete the Daily Use Summary **Exhibit C** by submitting the cumulative number of clients served per day and calculating the daily use fee. At the end of the month, sum up each column. Those figures should be equivalent to the totals submitted in the monthly revenue and activity report **Exhibit B**. Submit **Exhibit B** and **Exhibit C** to the Parks and Recreation Department's point of contact no later than the 10th day of the following reporting month.

Month Reported: _____

Day of Month	Number of clients per day (x)	= (x) * \$0.45
1		
2		
3		
4		
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31		
Monthly Totals	=Monthly Clients Served	=Monthly Use Fee

Submitted by: _____

Signature: _____