

# Guidelines for Special Use

## Murfreesboro Parks and Recreation Department

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Murfreesboro Parks and Recreation Department welcomes everyone to use our parks and facilities as a resource for social, civic, educational, leisure and recreational purposes. The following guidelines are set to ensure that park space is preserved for its intended goals and purposes and remains accessible for all to enjoy.

### 1. Events Requiring a Special Use Agreement

Small events with few event features, such as family reunions, birthday parties, or other private social gatherings require only a Shelter Reservation. The following events and uses require a Special Use Agreement between the event organizer and the City of Murfreesboro:

- Any event in which the number of people in attendance exceeds the capacity of the individual shelter(s);
- Any event involving the solicitation for goods, services, donations or affiliation from the general public;
- Any exhibit, musical or dramatic performance, fair, concert, play, radio or television broadcast, other than a news transmission;
- Any exhibit or display of a motion picture, television program, light or laser light display or similar event;
- An event involving the erection of a stage, scaffold, platform or other structure;
- Any event involving the erection of tent space (individual or combined) larger than 400 square feet (20' x 20');
- All sports tournaments, league sport events and competitive or fundraising races, fun-runs and walks.
- Any other events interfering with the use of the park or park space outside of the reserved shelter by the general public. (The reserved shelter space includes a 50-foot perimeter of greenspace for use by event participants, but does not include exclusive use of adjacent playgrounds, volleyball, disc golf, restrooms, or other park facilities);
- Any event in which the public at large is invited to attend;
- Any event open to the general public and designed to distribute or serve food; and
- Any other activity that qualifies but not specifically listed above as determined by the Murfreesboro Parks and Recreation Department Director or Director's designee

### 2. Special Use Event Application Requirements

- a. Application: Any person or organization wishing to use Park property for a Special Use Event must complete a Special Use Event Application and submit the application and any required supporting documentation to the Murfreesboro Parks and Recreation Department, P.O. Box 748, 697 Veterans Parkway, Murfreesboro, TN 37133. The application must be received by the Parks and Recreation Department at least 60 days before the proposed date of the event.
- b. Special Use Agreement: If the application is approved, event organizers must enter a "Special Use Agreement" with the City of Murfreesboro consistent with these guidelines and detailing the parties' specific responsibilities in connection with the event. Among other things, the agreement requires the applicant to indemnify the City and its officers, employees, and agents and to hold the City and its officer, employees, and agents harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event caused by the action of the applicant, its officers, employees or agents or any person under their control.

- c. Waiver and Release of Liability: As a condition of approval, some event sponsors may be required to submit for each event participant a Waiver and Release of Liability signed by the event participant or the participant's parent or legal guardian and releasing the City its employees, volunteers, and agents from all legal and financial responsibility for any costs, injuries and/or other damages suffered or incurred by the participant during the event.
- d. Liability Insurance: All applicants shall submit along with their completed application a certificate of liability insurance with a minimum of \$1,000,000 combined single limit. The certificate shall specifically name the City of Murfreesboro as an additional insured on their policy for the event. The City reserves the right to require additional insurance in excess of \$1,000,000 when applicable.
- e. Fundraising Activities: All groups/organizations charging fees or accepting donations associated with an event must be: (i) a not-for-profit corporation under the Internal Revenue Code and/or registered as a charitable organization with the Tennessee Secretary of State; or (ii) conducting a fundraiser, the proceeds from which will benefit a not-for-profit corporation under the Internal Revenue Code and/or registered as a charitable organization with the Tennessee Secretary of State. A not-for-profit corporation or charitable organization must provide proof of their legal status as such an organization along with its Special Use Event Application. An organization that is not itself a not-for-profit corporation or charitable organization must provide a letter of support from the not-for-profit corporation or charity that is the intended beneficiary of the fundraiser indicating the corporation's or charity's willingness to accept donations from the event. Fundraising activities must comply with all state and federal laws pertaining to charitable solicitation and fundraising.
- f. Usage Fee: The group/organization sponsoring the event will pay the Murfreesboro Parks and Recreation Department a usage fee, as detailed in the Fees and Charges manual prescribed by the department. This fee is due two weeks after the approval of the application.
- g. Compliance Assurance Deposit: The group/organization sponsoring the event shall be required to post a compliance assurance deposit of \$200. This deposit will be refunded after the event if it is determined that compliance as described in the agreement was met. Cleaning/damage or other fees will be deducted or charged as determined by the City's Parks and Recreation Director or the Director's designee. This deposit is due at the same time as the usage fee, two weeks after the approval of the application.

### 3. Processing of Special Use Event Applications

- a. Evaluation of Applications: The Parks and Recreation Department will process applications in order of receipt, and the use of a particular park facility for a particular date or dates shall be conditionally reserved upon receipt of a fully executed application accompanied by the application fee and all required supporting documentation pending final approval or denial of the application.
- b. Notice of Decision: The Parks and Recreation Department shall approve or deny an application and communicate its decision to the applicant in writing within twenty-one (21) days of the date on which the Department receives a fully completed application and all required supporting documentation. Notice of the decision will be sent via email or U.S. mail, depending on the preferred form of communication identified by the applicant on the application form. A notice of denial shall clearly state the ground(s) upon which the application was denied and, where feasible, shall propose measures by which the applicant may cure any defects in the application. Where an application is denied because a fully

executed prior application has been approved for the same time and place, the Department shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.

- c. Grounds for Denial: The Parks and Recreation Department may deny an application if the applicant or the person on whose behalf the application was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or use previously approved or has violated the terms of a prior Special Use Event Agreement issued to or on behalf of the application. In addition, the Department may also deny an application on any of the following grounds:
- i. The application for permit (including any required supporting documentation) is not fully completed and executed;
  - ii. Failure of applicant to tender required use fee, compliance assurance deposit, insurance certificate or any supporting documentation required or requested by the Parks and Recreation Director or the Director's designee;
  - iii. The application contains a material falsehood or misrepresentation;
  - iv. The applicant is legally incompetent to contract or to sue or be sued;
  - v. The applicant or the person or organization on whose behalf the application is made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
  - vi. A fully executed prior application has been or will be approved for the same time and place and the nature of the proposed uses or events are such that they do not reasonably permit multiple occupancy of the same park or park facility at the same time;
  - vii. The proposed use or activity would conflict with previously planned programs organized, conducted or sponsored by the Parks and Recreation Department that were previously scheduled for the same time and place proposed in the application;
  - viii. The proposed use or activity would present an unreasonable danger to the health or safety of the applicant, event participants, other persons using the park, City employees, or the public;
  - ix. The proposed use or activity presents an unreasonable risk of damage to City property or is otherwise inconsistent with the intended purposes of the park facility in question;
  - x. The applicant has not complied or cannot comply with applicable licensure requirements, City ordinances or Park Rules and Regulations concerning the sale or offering for sale of any goods (including food) or services; and
  - xi. The proposed use or activity intended by the applicant is prohibited by law, the Park and Recreation Department's rules and regulation, or these guidelines.

In addition, in order to limit interference with regular public use of the park space, the Director or Director's designee may choose to allow only one such event to be scheduled at a given

park per month, with no two events being held on consecutive weekends. Additionally, an individual or group will not be approved for more than one special use agreement per month and cannot exceed more than six total special use agreements per calendar year at any Murfreesboro Parks and Recreation property or facility unless approved by the Director or Director's designee.

- d. Amendment or Revision of Application: Any amendment or revision of an application shall for purposes of determining the priority of the application relate back to the original filing thereof; however, the time in which the Department shall approve or deny the application and serve notice of such decision shall be computed from the date of the amendment or revision.
- e. Waiver of Requirements: Any requirement for a use fee, compliance assurance deposit, or certificate of insurance shall be waived by the Parks and Recreation Director, if after consultation with the City Attorney and City Manager, it is determined that the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using City property for the proposed activity. Application for a waiver of a use fee, compliance assurance deposit, or certificate of insurance shall be made in writing to the Director and must include an affidavit executed by an authorized representative of the applicant and sufficient financial information about the applicant so as to enable the Director to determine whether the requirement(s) whose waiver is sought would be so financially burdensome that it would preclude the applicant from using City property for the proposed activity. The City will respond within 14 days. Denials of requests for such waivers may be appealed pursuant to the procedures set forth in Section 3.f, below.
- f. Review of Denial by Parks and Recreation Director: Any applicant whose application is denied, is denied a request for waiver of the use fee, compliance assurance deposit or insurance certificate requirements, or who has had all or a portion of its compliance assurance deposit retained by the Department because of damage to City property or costs to the Department arising from the applicant's use of City property, may, within seven days of service of notice of such determination, file a written appeal from such determination with the Parks and Recreation Director. The appeal shall succinctly state the grounds upon which it is asserted that the determination should be modified or reversed, and shall be accompanied by copies of the Special Use Event Application, the written notice of determination being appealed, and any other papers material to the determination. The Director shall have fourteen (14) days from the date on which the appeal is received to serve, via First Class U.S. Mail, postage prepaid, upon the applicant a notice of the Director's decision. If such notice is not served upon the applicant within fourteen (14) days of the date upon which the appeal was filed, then the denial or retention of security deposit shall be deemed reversed.

#### 4. General Rules Governing Special Use Events

- a. Compliance with Park and Recreation Policies, Rules and Regulations: All policies, rules and regulations of each park must be followed during the event. Failure to comply with any policy, rule, or regulation may result in the termination or cancellation of the event and may be cause for denial of future rentals. All events held on City of Murfreesboro property must fit within the following guidelines:
  - i. The activity or use must not unreasonably interfere with or detract from the general public's enjoyment of the park.

- ii. The activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - iii. The activity or use will not include violence, crime or disorderly conduct.
  - iv. The activity or use will not entail extraordinarily or burdensome expense or policy operation by the City.
  - v. The user acknowledges that attendees of the activity should be legally allowed to be within the park space and in close vicinity of other park users.
- b. Event Advertisement: No event shall be publicly advertised until the Special Use Event Agreement for the event has been approved and signed by a City representative.
- c. Cancellation: Cancellation of a scheduled event must be made a minimum of 30 days in advance. The usage fee will be refunded in approximately 30 days minus an administration fee of \$20.00. In the event of inclement weather, it is the responsibility of the group/organization to make the decision to cancel. The Murfreesboro Parks and Recreation Department also reserves the right to cancel any and all events due to weather or other unforeseen circumstances. If the group/organization would like to reschedule the event, they may do so as space allows at no additional fee; however, refunds will not be given (unless the event was cancelled by the Parks and Recreation Department for unforeseen circumstances other than weather).
- d. No Discrimination: The group/organization covenants that it will not discriminate against any person on any unlawful basis, including but not limited to sex, race, religion, national origin, or disability and that its programs and services will comply with the Americans with Disabilities Act.
- e. Notification of Law Enforcement and Emergency Medical Agencies: The group/organization is responsible for notifying all county and city agencies necessary to the safe operation of the event, e.g., Murfreesboro Police Department, Rutherford County Sheriff's Office, Rutherford County Emergency Medical Services, and Rutherford County Emergency Management Agency. Additionally, it is suggested that emergency medical personnel be on site during the event. If the event includes pedestrian use of the road, the group/organization is responsible for ensuring safe passage through arrangements with the Murfreesboro Police Department; a parade permit through the City of Murfreesboro may also be required.
- f. Volunteers: The group/organization will provide members and volunteers to adequately supervise the event.
- g. Defective or Unsafe Conditions: Any defective or unsafe conditions of Murfreesboro Parks and Recreation Department property should be reported immediately to park staff.
- h. Food Vendors: Food vendors may be subject to all applicable regulations and fees, as described in the Special Use Event Agreement.
- i. Alcoholic Beverages: Alcoholic beverages are not allowed on Murfreesboro Parks and Recreation Department property. Exceptions to alcoholic beverages may be made at Cannonsburgh Village, Gateway Island, Oaklands Park and Discovery Center & Murfree Spring

Wetlands with an approved written rental agreement in accordance with City Code 4-90 and Resolution 08-R-23.

- j. Live Music and/or Sound Amplification: Live music and/or sound amplification approved by the Department must at all times comply with the City of Murfreesboro Sound Ordinance so as not to interfere unreasonably with other park users or neighboring residents or businesses. The City of Murfreesboro Sound Ordinance is available for review at [www.murfreesborotn.gov](http://www.murfreesborotn.gov).
- k. Cleaning of Event Location: The renter is responsible for arriving/leaving at the established times and is responsible for returning the facility to the same condition as it was before the rental. The renter should pick up any waste and place in the proper receptacles.
- l. Damage to City Property: If the Park facility is damaged or left in an unacceptable condition, the renter may be subject to additional charges and legal action. In addition, damage by event participants to City property or the failure to return the facility to the same condition as it was before the rental constitute grounds for denying a future Special Use Event Application made by the renter .
- m. Inflatables and Other Amusements: Inflatables and other amusements are not allowed without a permit. An Amusement Permit may be issued for inflatable “bounce houses” or similar at no additional charge; however, the renter is required to provide a certificate of liability insurance with a minimum of \$1,000,000 combined single limit. “The City of Murfreesboro” (at 111 Vine Street, Murfreesboro, TN 37130) shall be named as an additional insured on the policy. Other amusements require the approval of the Director or the Director’s designee and may also require liability insurance as stated above. Mechanical amusements (such as carnival rides) will not be permitted. Inflatable and other amusements must be monitored at all times by an individual who is at least 18 years of age. At no times shall amusements be left unattended.

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MURFREESBORO PARKS AND RECREATION DEPARTMENT

**SPECIAL USE: EVENT APPLICATION**

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UNDER STATE LAW, THIS DOCUMENT IS A PUBLIC RECORD

Application is due 60 days prior to the scheduled event. Filing this application does not guarantee that your request will be granted. After review by the Murfreesboro Parks and Recreation Director or designee, you will be notified of the status of your request. Organizers of approved events will then enter a "Special Use Agreement" with the City of Murfreesboro.

**PLEASE PRINT ALL INFORMATION**

Person Filling Out Request:		Today's Date:	
Name of Organization:			
Location requested:			
<input type="checkbox"/> Barfield Crescent Park			
<input type="checkbox"/> Gateway Trail and Island Only <i>*requires additional Gateway Island reservation form</i>			
<input type="checkbox"/> Gateway Trail and Island plus Reception Center <i>*requires additional Gateway Island reservation form</i>			
<input type="checkbox"/> Other Park: _____			
Requested Date(s) of Event:			
Hours: Start (including set-up):		End (including clean-up):	Actual event time:
Name of Event:			
Primary Contact Name:			
Mailing Address:			
City:		State:	Zip:
Day Phone:	Evening Phone:		Cell Phone:
Email:			
Secondary Contact Name:			
Phone:	Cell Phone:	Email:	
Event Description (attach additional pages if needed):			
Estimated Number of People Attending:		Number of Staff/Volunteers:	
Will fees, charity, gratuity, or offers be solicited or accepted? If yes, describe:			

Will any tents, structures, stages, and/or amusement attractions or rides be erected? If yes, describe. Please note that some amusement attractions require additional insurance coverage.
Will signs or banners be posted? Signage may be posted only on the day of the event, and compliance with the City of Murfreesboro Sign Ordinance is required. Please describe any signs/banners:
Will food, beverages, or merchandise be sold or given away? Please note that you are responsible for complying with all applicable local, state, and federal laws, including the collection of sales tax. Please describe:
Will propane or open flames be present? If yes, describe:
Will live music and/or sound amplification be used? Compliance with City of Murfreesboro Sound Ordinance is required. Please describe any live music or sound amplification:
Please describe any other relevant information or requests:

I have read the Guidelines for Special Use and agree to abide by these guidelines as well as all ordinances and regulations of the City of Murfreesboro and by all the conditions placed on the event by the Murfreesboro Parks and Recreation Department. I do swear and affirm that all of the information given is true and complete. I understand that the submittal of this application does not guarantee approval.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submit application to:**  
 Murfreesboro Parks and Recreation Department  
 P.O. Box 748 or 697 Veterans Parkway  
 Murfreesboro, TN 37133  
 (615) 890-5333

**FOR OFFICE USE ONLY**

\_\_\_\_\_received  
 \_\_\_\_\_site approved  
 \_\_\_\_\_proof of insurance  
 \_\_\_\_\_site map  
 \_\_\_\_\_paid  
 CUA: \_\_\_Adm. \_\_\_Lgl. \_\_\_Org. \_\_\_Dir.  
 Notes: