

Vehicle Permits for Park Lands Access

The Department shall regulate all non-park related access and construction activity on or across park property and provide conditions to assure preservation of the public's interest and proper restoration of the parks.

All Vehicle Use Access Permits, at the discretion of the Director of Parks and Recreation, may be reviewed by the Parks & Recreation Board prior to approval by the Director of Parks and Recreation. The permit fee and deposit will be refunded if the permit is not approved.

Private citizens, concessionaires, and utilities wishing vehicular access on or thru park lands may apply for a permit under the Vehicle Use Access Permit. Permit requires a fee of \$30 and a damage deposit of \$250; Not all requests will be permitted if damage to property or safety is a concern.

1. Purpose and Objectives.

- a. The City of Polson Parks and Recreation Department (PPR) is responsible for the stewardship of all City of Polson park properties. The Department shall regulate all non-park related access and construction activity on or across park property and provide conditions to assure preservation of the public's interest; protection of public facilities and parkland values and public safety as well as proper restoration of the parks. City of Polson projects shall be subject to internal policies and are specifically exempt from the provisions set forth in this Policy.
- b. No person shall use any park property for access to adjoining or nearby property for any purpose, or to construct or install any facility or improvement upon, over or beneath park property except by permit issued or granted pursuant to the provisions set forth in this policy.

2. Objectives.

- a. This Policy shall apply only to those properties owned and/or maintained by the City of Polson Parks and Recreation Department.
- b. Evaluation of the impact of the proposed project/event requiring a Vehicle Access Permit shall be made in terms of the site and the associated public use to determine the merit of granting a permit for the access and work.
 - i. Work will be allowed only with the approval of PPR for a project that meets all construction and restoration requirements. PPR retains the right to consider obtaining the Parks and Recreation Board's approval prior to issuing a vehicle permit depending on the circumstances of the request.
 - ii. This policy provides for regulation and permitting of non-park related access across, or construction activities on park property, and does not, in itself, provide a public service easement or lease on a park property.
- c. Evaluation of a proposed application shall be made in terms of the property; the associated public uses (existing and planned) and benefits to the community and facility.
 - i. Routine maintenance of improvements located on a park property that are addressed by an established easement and maintenance agreement are not required to pay a fee, however for any disruption, a permit must be obtained

and permit holder must adhere to all provisions of this policy. For purposes of this policy “routine” is defined as maintenance activities which do not require placing undue restrictions on a park road, pathway, or recreation facility; excavation; or damage to park grounds or improvements unless otherwise specified by an established encroachment easement and maintenance agreement or license agreement.

- ii. In the event a public service easement application becomes unduly complex, prolonged, or is litigated the City reserves the right to recover its direct costs for administrative and legal services, title reports, surveys, engineering, GIS services, public hearings, and, if approved, recordation.

3. Definitions.

- a. Vehicle Access Use Permit means authorized use of public park property by a private individual, contractor, utility company, firm or other entity for a specified purpose, activity, location and period of time. Uses include but are not limited to the following: limited vehicular trespass across public park property for purposes of accessing an adjoining private property, above ground utility work, trenching, grading, construction staging, or manipulation of park land or facilities for private purposes, or permitted special event access.

4. Vehicle Access Use Permit.

a. Application:

- i. An application for a Vehicle Access Use Permit is required in any case where an adjoining property owner, business, utility company, or other entity is requesting access through a park site or permission to stage, grade, or modify, in any manner, a public park property. The purpose of the Permit is to provide review of proposed non-park related activity on park property to ensure the contemplated activity does not present a safety hazard to park users or pose an undue burden on park property, and to provide for assurances that the property owner, utility company or their authorized contractor, assumes all responsibility for any resulting damage to the park grounds, sprinkler systems, or other public park facilities that may occur as a result of the licensed activity on park property.

b. Process and Fee Requirement

- i. Applicants shall complete a Vehicle Access Use Permit application to initiate the license process and include the application fee of \$30.00 and a deposit of \$250. The application shall include:
 1. The name, address and phone number of the property owner;
 2. The name, address and phone number of authorized contractor who will perform the work;
 3. A description of access needs, including a description the type and purpose of work to be performed on park property, the location of the proposed activity;
 4. The dates access is being requested;
 5. A park site plan showing the proposed access route relative to locations of park trees, structures, and other improvements and features;

6. A description and the weight of the equipment that is proposed to be used on park property; and,
 7. A description of the length and area of the park to be used or otherwise disturbed;
 8. Proposed mitigation measures that will be employed to address safety concerns and minimize damage to the park, including a description of all work that is anticipated to be required for restoring the park to its original condition including anticipated quantities of materials such as: soil, turf, irrigation system, trees, shrubs, asphalt and curbing.
- ii. The applicant shall be required to sign an approved permit acknowledging responsibility to pay for all costs to repair damages to park property.
 - iii. The Permit shall specify the applicant indemnifies the City for liability.
 - iv. The applicant shall provide a Certificate of Liability which shall state that no coverage shall be amended, altered, canceled, or reduced without giving at least ten (10) days written notice, by the insurance company to the insured and the City of Polson. The limits of liability coverage for the period of this agreement shall be a minimum of \$750,000/claim and \$1.5 million/occurrence and the City of Polson shall be named on the certificate as an additionally insured party.

c. Approval:

- i. The Director, (or the Director's designee) shall make a final determination on all applications for a Vehicle Access Permit within fifteen (15) working days of a complete application. If it is determined that an application should be reviewed by the Polson Parks and Recreation Board, the Director will provide final determination on the application within five (5) working days after the Parks and Recreation Board meeting where application is discussed. The Director's action on applications shall be to deny, approve or approve with conditions. An agreement issued with conditions may be monitored by PPR staff for compliance with requirements to protect the safety of park users and protect park property and improvements from undue damage or loss. Failure to abide by conditions shall result in revocation of the agreement and suspension of any further activity on park property by the applicant.
- ii. If an application is denied without having been reviewed by the Polson Parks and Recreation Board, an appeal of the denial can be made by written request to the Polson Parks and Recreation Board. The appeal must be made within ten (10) working days of written notification of the denial.
- iii. Upon expiration of the Vehicle Use Permit, the PPR will inspect the park property for damage connected to the permitted activity on park property. In the event damage to the park site is found, the applicant shall be contacted by the PPR to effect restoration within ten (10) working days using an approved and bonded contractor or pay the PPR for repairs. The Department shall specify the extent of damages found, the scope of required repair and replacement work, the procedure for performing the work, and any allowances for additional time to complete the work in the event weather or site conditions would warrant

such an allowance.

- iv. The City of Polson reserves the right to file claims for damages against the applicant or the applicant's authorized contractor in the event the applicant fails to affect the required restoration work within the required time frame.

5. VEHICLE ACCESS USE PERMIT CRITERIA

The following shall be considered by the Director prior to approving or denying a Permit application: a)

- a. The proposal is permissible under federal, state, and local laws.
- b. The proposal does not conflict with the location of existing or planned park improvements or other public facilities and improvements or established easements such as, but not limited to sewer and utility lines, flood control, wells, and communications facilities.
- c. The proposed project cannot be reasonably accomplished or accessed by another way or means, other than through park property.
- d. No permanent disruption or damage to an active park use area would occur due to the proposed project or access, nor would a scheduled recreation program be affected.
- e. The site conditions and access route are such that potential damages to park property are avoided or minimized.
- f. The time of year and weather conditions will help minimize potential damage to park property.
- g. The project or access will not result in an excessive number of trips through the park property.
- h. Appropriate provisions for recovery of extraordinary costs to the PPR for temporary use of property, restoration, inspection and monitoring of the proposed project are addressed.
- i. The proposed project is not specifically covered by an existing approved encroachment easement and maintenance agreement.

6. Restoration.

- a. All restoration of park property shall comply with PPR standards and specifications. Each restoration project will have its own list of specific requirements. Requirements for enacting restoration work shall be performed according to the PPR's direction:

- i. PPR Restoration:

The Department may restore an impacted site to ensure park properties are quickly and safely restored and repaired. All costs associated with labor, equipment, and materials to restore property to the PPR's satisfaction shall be paid by Applicant.

- ii. Applicant Restoration:

The PPR may direct that an applicant restore an impacted site through an approved contractor with demonstrated expertise in the repair work required. All contractors must be licensed and bonded for the work to be done. All work

shall be accomplished in accordance with PPR construction standards and materials specifications. The PPR shall impose a time limit for an applicant's restoration requirements to be completed by the approved contractor. PPR staff shall inspect the contractor's work for completeness and quality.

iii. PPR Contractor Restoration:

The Department may hire a contractor who is licensed and bonded for the work to be done to restore and repair an impacted site. All costs associated with this contractor including labor, equipment, and materials to restore property to the PPR's satisfaction shall be paid by Applicant.

iv. Failure to meet restoration requirements in a satisfactory or timely manner shall be subject to a damage claim filed by the City of Polson in violation of the provisions in the vehicle access use agreement.

Vehicle Access Use Permit Application

Applicant Name _____

Address _____

Phone number of the Applicant _____

Authorized contractor who will perform the work or individual who will access PPR property.

Name _____

Address _____

Phone number _____

Please describe the access needs, including a description the type and purpose of access/work to be performed on park property, the location of the proposed activity:

The dates access is being requested _____ to _____

Please attach:

1. A park site plan showing the proposed access route relative to locations of park trees, structures, and other improvements and features;
2. A description and the weight of the equipment that is proposed to be used on park property
3. A description of the length and area of the park to be used or otherwise disturbed;
4. Proposed mitigation measures that will be employed to address safety concerns and minimize damage to the park, including a description of all work that is anticipated to be required for restoring the park to its original condition including anticipated quantities of materials such as: soil, turf, irrigation system, trees, shrubs, asphalt and curbing.
5. Certificate of Liability which shall state that no coverage shall be amended, altered, canceled, or

reduced without giving at least ten (10 days written notice, by the insurance company to the insured and the City of Polson. The limits of liability coverage for the period of this agreement shall be a minimum of \$750,000/claim and \$1.5 million/occurrence and the City of Polson shall be named on the certificate as an additionally insured party.

By signing, applicant is acknowledging responsibility to pay for all costs to repair damages to park property, I have read and understand the criteria and conditions of this permit, and that the applicant indemnifies the City for liability.

Signature of Applicant _____ Printed name of Applicant _____ Date ____/____/____

Signature of City Representative receiving application _____ Date received ____/____/____

Approved _____ Approved with conditions _____
conditions: _____

Denied _____

Pat Nowlen, Director of Parks and Recreation or City Manager
_____/____/____ _____/____/____