

Department Policy, Procedures and Rules & Regulations

Private Outdoor Fee-Based Activity (“POFA”)

Effective: 08/01/13 (NEW)

The Department Policy, Procedures and Rules & Regulations are referred to herein as the “Policy”.

Contents:
Policy
1.0 Purpose
2.0 Definitions
3.0 Authority and Applicability of Laws
4.0 General Provisions
5.0 Procedures
6.0 Indemnification, Insurance and Liability
7.0 Rules & Regulations
8.0 Addenda

Policy

It is the policy of Denver Department Parks and Recreation and its Manager (DPR), under circumstances appropriate for Denver parks, to permit citizens and organizations the use of specified areas within Denver parks for the provision of certain private outdoor fee-based activities and services to the public, subject to this Policy.

1.0 Purpose

The Policy outlines the requirements, limitations and conditions under which temporarily permitted uses of Denver parks could be allowed for certain private outdoor fee-based activities or services consistent with the operation and public use of Denver parks. The purpose of the Policy is to establish an effective mechanism for allowing activities or services of this sort while safeguarding the parks and the rights of park patrons to access and use the parks.

2.0 Definitions

2.1 Private Outdoor Fee-Based Activity, referred to in this Policy as **POFA**. A class, clinic, camp, guided activity, program or related service organized and offered by a Permittee for which a payment, fee or other consideration is expected to be made to the Permittee, directly or indirectly, for the right of an individual to participate or attend, whether said POFA is by invitation-only or open to the public in general. POFA must be generally recreational in nature or a common and customary park use.

Exclusions from POFA: Any activities, whether or not commercial in nature, which are authorized and conducted under a concession license, cooperative agreement,

shared facilities agreement with Denver Public Schools, user agreement, lease, temporary vending permit, athletic permit, event permit, event facility permit, race/walk permit, recreation facility permit, film permit or as part of any City-sponsored or City-conducted program or activity, are not regarded as being POFA and shall not be subject to this Policy.

Non-Exclusive List of POFA: POFA may include, but is not limited to: sports camp or clinic, exercise or physical training program, guided class in aerobics, yoga or tai chi chaun, self-defense or martial arts class, dance class, gymnastics training, personal improvement instruction, physical education program, Zumba class, boot camp, circuit training, cross training, snow shoeing and cross country training, guided trail hikes or rides, guided walks or tours, art classes, and guided angling. This list is only applicable to a POFA for which the Permittee is compensated in some manner. Inclusion in this list does not guarantee that a Permit will be issued for a specific type of POFA.

2.2 Permitting Office. The DPR Permitting Office is the entity which reviews and approves Permit applications for POFA and administers the Permits for POFA.

2.3 POFA Park. A POFA permit can be obtained for any Denver Park. POFA permits may contain restrictions such as date and/or time of use, maximum number of participants or attendees, the nature and extent of activities, and other requirements, limitations or conditions prescribed in this Policy or the Permit.

2.4 Permit. A revocable and nontransferable permit issued by the Permitting Office that allows the Permittee a restricted use of a Denver park for a POFA upon payment of the prescribed Permit fee and compliance with this Policy.

2.5 Permittee. An individual, an organization, or a non-profit or for-profit entity who or that makes application to, and obtains a Permit from the Permitting Office, for the holding of a POFA. The term "Permittee" includes employees, contractors and agents retained by or representing the Permittee in obtaining or utilizing the Permit or conducting a POFA. An individual must be a permanent resident of Colorado. A non-profit or for-profit entity must be registered with the Colorado Secretary of State.

3.0 Authority and Applicability of Laws

3.1 General Authority and Applicability. Under section 2.4.4 of the City Charter, the management, operation and control all facilities owned by the City and County of Denver for park and recreational purposes are under the exclusive control of DPR. Fees for the permitted use of such facilities and the enforcement of rules and regulations adopted by DPR for the public's use of such facilities are provided by ordinance. All City ordinances and rules and regulations adopted by DPR restricting or prescribing the public's use of such facilities shall be applicable in addition to the requirements of this Policy and the terms and conditions contained in the issued Permit.

3.2 Sales of Services in Parks. Section 2.4.4(C) of the City Charter provides that DPR may grant or refuse the license or privilege of selling goods and services in all Denver parks and recreational facilities. Section 9.0 of the Park Use Rules and Regulations provides for the regulation and control of sales of goods and services in parks. Sub-sub-section 9.1.5. defines “Sales” as meaning “any offering, soliciting, vending, bartering, bargaining and/or delivery of goods and/or services to or with the public. Sales include food and beverage vending, private recreational, personal training or exercise program services, and solicitation for passage by any type of vehicle, motorized or non-motorized (including horses and other ride animals), for hire or gratis.” Sub-section 9.2 prescribes: “the sales of goods or services are not allowed in a Park Facility (as this capitalized phrase is defined in Part II of the Park Use Rules and Regulations) unless authorized by a Concession License, a Contract or a Permit (as these capitalized words and phrases are defined in Sub-section 9.1). A Permit is defined in Sub-sub-section 9.1.4 as being “a permit issued by the DPR in accordance with adopted rules and regulations and/or policy, which Permit expressly authorizes the permittee to engage in the sales of goods and/or services upon such terms and conditions as specified in the Permit.” Section 9.0 of the Park Use Rules and Regulations are enforced under Sections 39-5 and 39-11(a) of the Denver Revised Municipal Code, subject to and in accordance with Section 39-1 of the Denver Revised Municipal Code. This Policy only authorizes the permitting of sales of services in parks in the nature of a POFA conducted at a Denver park, subject to the requirements of this Policy and the terms and conditions contained in the issued Permit.

4.0 General Provisions

Denver’s parks are intended for a wide array of public uses. To the extent that a POFA is consistent with uses allowed in parks and is properly regulated, the use of Denver’s parks may be extended to allow, by Permit, for a POFA in a Denver park. The following apply to POFA to the extent and manner specified.

- *POFA.* A POFA may only occur upon issuance of a Permit.
- *POFA Standards.* DPR reserves the right, at any time, to withdraw from availability any given Denver park or location(s) within a Denver park that may have previously been available for POFA. POFA permits may restricted as to the days and times, and months or seasons, during which a POFA may occur; the number of POFA’s allowed daily, weekly or seasonally ; the number of participants or attendees allowed at any one time ; the type of POFA allowed at a given POFA park; the extent of exclusivity for use based on the type of POFA allowed; the recurrence of a given POFA at a specific Denver park or other nearby Denver parks; and other requirements, limitations and conditions designed to protect the park and assure that other park patrons have reasonable access to and use of the park. All of the information described above for a specified Denver park and the applicable requirements, limitations and conditions will be regularly posted and updated on DPR’s website on Denvergov.org and will be distributed to the public by such other means as determined by DPR. The above requirements, limitations and conditions as specified by DPR are referred to in this Policy as “**POFA Standards.**”

- *Permit.* A Permit issued for a POFA only allows the Permittee the privilege, not the right, of a conducting a POFA in a specified Denver park. The Permit does not grant any property right or any protected right to operate a business that may be asserted against DPR or the City and County of Denver. Only those services specified for the POFA in the Permit are allowed – the sale of goods or food and beverage are not allowed. A Permit is not assignable. The Permit must be in the possession of the Permittee at all times during a POFA.
- *No Warranties.* DPR and the City make no warranties or guarantees as to the suitability or usability of a Denver park for a particular POFA. The Permittee accepts the condition of a POFA park “as is, where is” without any expectation that DPR or the City will take any action to make the POFA park more suitable or usable for the Permittee’s POFA. DPR reserves the right to eliminate a Denver park from being available for a POFA if DPR determines that circumstances or park conditions warrant such elimination.
- *Priorities.* DPR or City-sponsored or City-conducted events, programs and classes have priority over all other requests for use of Denver parks, including any POFA. Individuals and entities that have contracted with the City for the reservation and use of Denver parks or that have previously scheduled events to be permitted to be held in Denver parks have priority over all Permit applications or Permits for POFA’s.
- *Competition.* Unless expressly authorized by the Permit, a POFA shall not duplicate or directly compete with existing programming provided by DPR or DPR’s agents or contractors in a park where a POFA permit is issued or a Denver recreational facility in or adjacent to the park where the POFA permit is issued.
- *Joint Venture; Contracts.* Under no circumstances shall the City and County of Denver or DPR be regarded or represented as being a partner or in a joint venture with the Permittee. The Permittee has no authority to create contractually or by any other means any responsibility or obligation, financial or otherwise, on the part of the City and County of Denver or DPR.
- *Rules & Regulations.* All Park Use Rules and Regulations and Administrative Citations Rules and Regulations adopted by DPR shall be applicable to a POFA unless otherwise expressly provided in this Policy or the issued Permit.
- *Conduct of POFA.* The Permittee shall be responsible for conducting the POFA in a safe and professional manner and for making certain that participants, attendees and other park patrons are treated in a courteous and respectful manner.
- *Supervision & Control.* The Permittee will be responsible for the conduct and control of the participants and attendees and must take all reasonable measures to assure compliance by participants and attendees with all DPR rules and regulations, this Policy, and the Permit. All children under the age of 18 years of age must be properly

and continuously supervised during a POFA. The Permittee is responsible for assuring the following adult per child ratios are complied with: *Ages 3-5, 1 adult per 3 children; Ages 6-17, 1 adult per 10 children.*

- *Right of Access.* A DPR staff person shall have full access to all activities at the POFA, at any time, in order to ensure that all rules and regulations, the Policy, and the Permit are being complied with.
- *Permittee's Charges.* A Permittee may charge participants and attendees a reasonable registration or participation or attendance fee or charge for the POFA. To the extent applicable Denver sales tax must be collected and tendered to the Denver Department of Finance. If a business or other license is required for the POFA, the Permittee shall obtain, pay for, and keep in effect any such license. If Denver's Facilities Development Admissions Tax (a/k/a "Seat Tax") is applicable, a 10% tax on all such registration or participation fees or charges must be collected and tendered to the Denver Department of Finance.
- *Violations and Enforcement.* Any substantive violation of this Policy, the Permit, applicable POFA Standards, or Park Use Rules and Regulations may result in the Permit being suspended or revoked without refund of fees or charges or, in the alternative and at the discretion of DPR, an administrative citation being issued to the Permittee in accordance with the Administrative Citations Rules and Regulations. If a Permittee is issued four (4) administrative citations during the duration of a Permit or Permits held by the Permittee for a POFA, the Permit or Permits held by the Permittee will be revoked for the season.

5.0 Procedures

5.1 Application.

- *Application Submittal.* Prior to submitting a Permit application, the applicant should closely read this Policy and the POFA Standards. The Permit application, in the form attached as **Addendum A** hereto or as amended, must be fully completed and submitted to the Permit Office and must, among other things, accurately and completely describe the nature and extent of the proposed POFA, anticipated attendance and requested Denver park. Failure to submit a fully completed and accurate Permit application may result in the rejection of the application. Submission of an application indicates the applicant's acceptance of, and willingness to comply with, this Policy, the POFA Standards, and the Permit (if one is issued).
- *Qualifications.* A Permit applicant must be at least 18 years of age and must present a picture identification, preferably a driver's license. At the direction of the Permitting Office, the Permit applicant must demonstrate the ability to comply with this Policy and the POFA Standards.

5.2 Criteria for Application Review; Approval or Denial

- The Permitting Office will evaluate the information on the Permit application in terms of the requirements of this Policy and the POFA Standards. In reviewing a Permit application, the Permitting Office shall consider the following criteria with respect to the proposed POFA or aspects of the proposed POFA:
 - It is in violation of federal or state law or is in violation of the City's charter, ordinances, rules and regulations, or an executive order.
 - It is in violation of DPR policies, rules and regulations, this Policy, the POFA Standards, or other applicable DPR criteria or standards.
 - It is either not generally recreational in nature or not a common and customary park use.
 - It presents a substantial risk of having a negative impact on the public health or safety.
 - It presents a substantial risk of having a negative impact on the park, other City-owned property or nearby private property.
 - It presents a substantial risk of having a negative impact on the public's ability to access or use the park.
 - The potential for damage to the park exceeds the value of allowing the POFA.
 - Noise, vibration, or glare from the POFA will likely cause a substantial nuisance to other park patrons, persons travelling on City streets or to residents or occupants of nearby private property.
- The Permitting Office may deny any Permit application based on a finding or findings of likely problems described in the criteria above.

- The Permitting Office may deny any Permit application if the Permitting Office finds that the applicant has made false or misleading statements on the application or failed or refused to provide relevant information as required by this Policy and the POFA Standards.
- The Permitting Office may deny any Permit application if the Permitting Office finds that the applicant has had a Permit for a POFA revoked during the past two (2) years. The applicant may submit an explanation or evidence mitigating the basis for the prior Permit revocation or definitively demonstrating that the Permit was unjustly revoked. The acceptability of such explanation or evidence shall be at the reasonable discretion of the Permitting Office.
- If the Permitting Office approves the Permit, the applicant shall be notified in writing and must satisfy all prescribed conditions for the issuance of the Permit in a timely fashion. Failure to satisfy all conditions for the issuance of the Permit in a timely fashion may result in the Permit approval being withdrawn and a Permit being granted to another applicant for the park.

5.3 Permit Fees & Other Charges

- The appropriate Permit fee and processing fee must be paid prior to the issuance of the Permit. Any required charges (unless said charges are deferred for payment at a later date) must be fully paid prior to approval and issuance of the Permit. A receipt for payment will be provided. Permit fees and charges shall be as set forth in section 39-121()() of the Denver Revised Municipal Code.

5.4 DPR Suspension/Revocation; Permittee Cancellation

- *DPR Reserved Right to Suspend or Revoke.* DPR reserves the right to suspend a POFA during a certain period of time or to revoke a Permit at any time due to unforeseen factors or events, including but not limited to inclement weather, poor conditions in a park, emergency repairs, closure of the park or the portion of the park, or use of the park for a City-sponsored or City-conducted event. The Permitting Office will notify the Permittee of the suspension or revocation as early as possible. An alternative park will be offered the Permittee if possible. A full refund will be made for such a suspension or revocation if an alternative park is not offered. DPR shall have no further liability other than the refund. The conducting of a POFA or entry upon or use of a Denver park despite DPR suspension or revocation shall be grounds for immediate revocation of the Permit and the removal of the Permittee from the POFA program for one year.
- *DPR Suspension or Revocation with Cause.* If a Permittee fails to substantially adhere to Parks Use Rules and Regulations, the POFA Standards, the requirements of this Policy, or any terms or conditions in the Permit, DPR reserves the right to suspend or revoke the Permit at any time, at the discretion of DPR, and not refund the fees or charges paid by the Permittee and/or to impose restrictions or prohibitions on the

Permittee as to any future permitting or use of park property under this Policy, as DPR deems appropriate under the circumstances.

- *Cancellation by Permittee.* All Permit cancellations by the Permittee must be provided in writing to the Permitting Office. A cancellation by the Permittee will result in the payment of a cancellation fee or the forfeiture of the Permit fee and charges as set forth in Section 39-121() () of the Denver Revised Municipal Code.

5.5 Appeal of Denial of Permit Application or Suspension/Revocation of Permit

- A Permit applicant has the right to appeal a denial of a Permit application under sub-section 5.2 of this Policy, and a Permittee has the right to appeal the suspension or revocation of a Permit under sub-section 5.4 of this Policy. Appeal shall be made by submitting a written appeal to the Manager of DPR stating the basis for the appeal and the requested relief. Such appeal must be received by the Manager's office no later than five (5) calendar days after the denial of a Permit application or the suspension or revocation of a Permit. After review of the written appeal and consultation with the Permitting Office and other DPR representatives, the Manager will issue a written decision granting the appeal, granting the appeal with conditions, or denying the appeal. The decision of the Manager of DPR shall be final.

6.0 Indemnification, Insurance and Liability

6.1 Indemnification

- *Third Parties.* As a condition of the issued Permit, the Permittee shall indemnify and hold harmless the City and County of Denver and its officers, employees, contractors and agents from and against any and all causes of action, losses, liability, and costs (including statutory liability under worker's compensation laws) in connection with any claims for damages as a result of injury or death to any person or damage to or loss of any property caused by the Permittee and any invitees, guests, attendees, or participants arising from or associated with the POFA or the use or occupancy of the park and/or other common areas used in connection with the POFA, including but not limited to a recreation center, parking lots, trails and restrooms.
- *Employees & Participants.* In addition, the Permittee shall indemnify and hold harmless the City and County of Denver and its officers, employees, contractors and agents from and against any and all causes of action, losses, liability, and costs (including statutory liability under worker's compensation laws) in connection with any claims for damages as a result of injury or death to any person or damage to or loss of any property sustained or suffered by the Permittee's employees, agents, contractors, invitees, guests, attendees, or participants arising from or associated with the POFA or the use or occupancy of the park and/or other common areas used in connection with the POFA, including but not limited to a recreation center, parking lots, trails and restrooms.

6.2 Insurance.

- General liability coverage of not less than \$1,000,000 is required, with the proof of insurance showing the City and County of Denver as an additional insured.
- Exclusions to the general liability coverage that limit or deny coverage with respect to certain activities that might occur during the POFA or with respect to juveniles who might attend the POFA or be in the area of the park where the POFA is occurring must be expressly identified to the Permitting Office. The City reserves the right to require alternative protection, solely at the cost of the Permittee, in the event of such exclusions, including but not limited to special insurance coverage, the presence of additional Permittee staff or DPR staff, or limitations on uninsured activities occurring during the POFA, as the Permitting Office or DPR deem appropriate.
- General liability coverage required under this section may be obtained by a Permittee, upon a payment of a prescribed fee, through the Tenants User Liability Insurance Program (“TULIP”). The availability or extent of coverage under the TULIP may be terminated or modified at any time, without notice, as directed by the Risk Administrator of Denver’s Office of Risk Management.
- All required insurance coverage must be obtained and paid for, and proof of insurance provided to the Permitting Office, prior to issuance of the Permit. Failure to obtain or provide proof of the required insurance shall be grounds for denial of the Permit. Failure to maintain the required insurance during the duration of the Permit shall be grounds for suspension or revocation of the Permit.

6.3 Permittee’s Liability to City for Damage to City Property.

- The Permittee is financially responsible to the City and County of Denver for any and all damage to and/or theft of City property occurring in or about the Denver park used by the Permittee caused by the Permittee or the Permittee’s participants or attendees. The City and County of Denver reserves the right to pursue any legal remedies available to it to recover any costs or expenses for repairing, replacing, restoring, or cleaning any park or other City facilities or property destroyed, damaged, lost, or improperly cared for as the result of or in connection with the POFA. Nothing in this Policy or the issued Permit shall waive or reduce the liability a Permittee may have for such damage.

6.4 Release and Waiver

- The City and County of Denver will not be held liable for any injuries to the Permittee, participants or attendees, or the public at large caused by or associated with the POFA, nor will the City and County of Denver be held responsible for loss, damage or theft of any equipment or personal articles owned, leased or rented by the Permittee or the participants or attendees used or related in any respect to the POFA.

By accepting a Permit for a POFA, the Permittee agrees to release and waive all claims for injuries, loss, damage or theft against the City and County of Denver for all costs and expense arising from such injuries, loss, damage, or theft.

6.5 Participant/Attendee Waiver of Liability

- The Permittee is required to obtain signed waivers of liability from all participants, the parents or guardians of all participants under the age of eighteen (18) years, and Permittee's employees, agents and contractors, if a POFA involves sporting or physical activity. The waiver must release the City and County of Denver and DPR from all liability with respect to the POFA and the use of the Denver park. The originals of all signed waivers must be provided to the Permitting Office upon request. The Permitting Office shall have the right to confirm that all persons required to sign a waiver have submitted fully and properly executed waivers. The form of the waiver will be similar to the example form contained in **Addendum B**. Failure to obtain and keep the required waivers, or to provide copies of the waivers upon request, during the duration of the Permit shall be grounds for suspension or revocation of the Permit.

7.0 Rules and Regulations

7.1 Regulation of POFA Use and Public Behavior. The Park Use Rules and Regulations shall be applicable for any POFA occurring at any park area. In particular, the following rules and regulations shall be applicable:

- A POFA shall be limited to the Denver park specified in the Permit or at such park specified by an authorized DPR representative. The Permit must be on site during a POFA and available for inspection. If DPR provides the Permittee with other means of identification, that identification must be displayed during the POFA as specified by DPR. The POFA must cease and the park must be vacated promptly upon expiration of the time period specified in the Permit.
- Curfew Hours. A Denver park is typically permitted for a POFA only during normal park hours (5:00 a.m.-11:00 p.m). Park curfews (11:00 pm through 5:00 am) and ordinance curfews for juveniles apply ("Curfew Hours"). Any exceptions to these curfew hours must be expressly stated in the Permit.
- Alcohol beverages (including beer, wine, hard liquor, and mixed drinks containing any quantity of alcohol) and illegal substances are strictly prohibited. Persons appearing to be under the influence of alcohol or illegal substances will be denied access to, or directed to leave the Denver park where the POFA is located.
- Smoking is not allowed during a POFA.

- Gambling of any form is strictly prohibited.
- Weapons of any kind are not allowed; provided, however, this restriction shall not apply to any person in possession of a handgun for which the person holds a valid permit or a temporary emergency permit to carry a concealed handgun issued pursuant to state law and is otherwise carrying the handgun in conformance with applicable state or local law and is not engaging in any unlawful use of the handgun.
- Any substance of an explosive, highly flammable, hazardous, or toxic nature is strictly prohibited in a Denver park, including fireworks.
- Any activities or conduct which results in destruction of, damage to, or removal of any vegetation, amenities or features in the Denver park, or other unauthorized changes to a Denver park, are strictly prohibited. Any authorized changes to a Denver park must be expressly stated in the Permit.
- All structures, amenities, equipment and features which are part of the park where the POFA is located are to be used for their intended purposes and not converted to uses or activities for the POFA.
- A POFA may not be conducted so that it blocks or significantly hinders public access to or through a park or motorized or non-motorized vehicular traffic where such traffic is allowed. This applies to, but is not limited to, park entrances, trails, sidewalks, park roads and parking areas.
- The sale of food and beverages is not allowed. The Permittee may provide, for free, food and beverages for participants and attendees. Participants and attendees may bring their own food and beverages for their own personal consumption to the POFA.
- Machinery, equipment, canopy, tent, furniture or large or heavy materials shall not be brought, installed or constructed on any Denver park, unless expressly authorized in the Permit. No equipment, furniture or other amenities will be provided by DPR.
- Electrical equipment may not be connected to any electrical plug in a park without written permission of the Permitting Office. Water systems in a park, other than the ordinary use of water fountains, may not be utilized as part of a POFA without written permission of the Permitting Office.
- Music and noise must be kept at a reasonable volume level, as determined by the Permitting Office (generally 55db or less) and not directed at adjoining residential property. Section 38-101, DRMC, regarding prohibited noises will be enforced. Amplified sound for a POFA is prohibited before 8:00 AM and amplified sound equipment must be self-contained and easily portable, as authorized in the Permit.
- Signs advertising the POFA are prohibited except for one temporary banner attached to a registration table or equipment, as authorized in the Permit. The dimensions of

any such signage must not exceed four (4) square feet. No third-party advertising or promotional signs are allowed. All allowed signs must be removed immediately following the POFA.

- No machinery, equipment, canopy, tent, sign or sound amplification equipment shall be attached or secured to any tree, facility or structure, including handrails and park sign posts.
- Parking, Access, Restrooms and Playgrounds. Parking areas and points and paths of access to the permitted park may be specified or restricted as stated in the Permit or as otherwise provided by DPR. Rest room facilities to be used by participants and attendees may be specified or restricted as stated in the Permit or otherwise provided by DPR. Playgrounds may not be used as part of a POFA. It is the responsibility of the Permittee to make certain that participants and attendees comply with any specifications or restrictions on parking, access, restrooms, and playgrounds.

Trails, Paths and Park Roads. Certain types of POFA's may utilize trails, paths and park roads in or connecting to a park. DPR reserves the right to specifically identify segments of trails, paths and park roads in the Permit that may be utilized for the POFA and only to the extent authorized in the Permit. No more than fifty percent (50%) of the width of a trail, path or park road, excluding dedicated bicycle lanes, is to be utilized for a POFA, unless expressly authorized in the Permit. A POFA does not have exclusive or even dominant use of a trail, path or park road. Any exercises or activities conducted in periodic stops along the trail, path or park road must be performed off of the trail, path or park road but within ten feet (10') of the trail, path or park road. The participants and attendees engaged in a POFA must yield to public's right to access and use the trail, path or park road.

- Public access on and use of the park, trails, paths and park roads may not be denied for a POFA or restricted to the point of hampering the public's enjoyment of the park or the park, trail, path or park road.
- Motor vehicles must be parked in designated parking spaces. All traffic laws and Park Use Rules and Regulations regarding the movement and location of motor vehicles shall be observed. Motor vehicle access to a location within a Denver park is not allowed, unless such access is expressly authorized in the Permit and only to the extent so authorized.
- Storage of any items on site is strictly prohibited. Unattended items will be regarded as being abandoned.
- Trash and debris associated with the POFA must be bagged and promptly removed from the park. The location of the POFA and surrounding park area must be left in the same condition in which it was found.
- Any filming or videotaping of the POFA is not allowed unless written permission is obtained from the Permitting Office.

7.0 Addenda

The attached Addenda A and B are incorporated into this Policy by this reference.

Addendum A is the application form for a POFA Permit.

Addendum B is a form waiver of liability.

These Addenda may be modified or replaced, as determined appropriate by DPR (provided any modifications or replacements are in keeping with this Policy) without undergoing any amendment process to this Policy.

This Private Outdoor Fee-Based Activity (“POFA”) Policy has been duly adopted and amended in accordance with the rule-making requirements of section 39-2 of the Denver Revised Municipal Code and is in accordance with the authority of the Manager of the Denver Department of Parks and Recreation under section 2.4.4 of the Denver City Charter.

This POFA Policy is adopted effective this ____ day of _____, 2013.

In accordance with section 39-2(e), D.R.M.C., copies of this POFA Policy was filed with the Denver Clerk and Recorder and the Denver City Attorney within seven (7) days of the effective date set out above, and a notice of the adoption of this POFA Policy was published in _____ on the ____ day of _____, 2013. The notice included a statement that a copy of the POFA Policy is on file with the Manager of Parks and Recreation and is available for public inspection.

APPROVED AND ADOPTED:

Lauri Dannemiller
Manager of Parks and Recreation

APPROVED FOR LEGALITY:

City Attorney for the City and County of Denver

Assistant City Attorney