

Newtown Park Amphitheater Usage Rules and Regulations

I. Background

In 2014, the City opened its premier event facility, the Newtown Park Amphitheater. The 10,600 square-foot, open-air amphitheater offers several hundred seats under cover and another 1,500 on its terraced grass surrounding. In its first event season, the Amphitheater hosted the City's Summer Concert Series and the City's Summer Farmers Market. The primary function for the Amphitheater remains to serve as the premier event facility to host City events and programs.

II. Availability for Rental

At the April 27, 2015 Council Meeting, the Mayor and City Council expanded the use of the Newtown Park Amphitheater to allow for rentals by Johns Creek nonprofits, Johns Creek residents, and other organizations and businesses located in Johns Creek for the use of other public and private events for one year.

At the February 22, 2016 Council Meeting, the Mayor and City Council continued the pilot program allowing for the rental of the Newtown Park Amphitheater for another year. To allow for additional rentals the Council removed the residency restriction for rental but as discussed in the Reservation Process section below, priority and preference will still be given to Johns Creek residents, businesses, and nonprofit organizations.

In order to ensure the Amphitheater is not overused and the neighboring residential community is not overly impacted, high-impact rentals will be limited to one per month. High-impact rentals are defined as events with any of the following characteristics: anticipated attendance of over 500 individuals, hours of operation before 10:00 a.m. or after 6:00 p.m., use of amplified sound through devices or equipment larger or more powerful than the portable rental sound system (including the Amphitheater's in-house installed sound system), or rental of additional Newtown Park facilities (such as field space). Rentals without any of the characteristics used to describe high-impact rentals shall be considered low-impact rentals. Rentals without any of the characteristics used to describe high-impact rentals with fewer than 150 individuals and hours of operation between 10:00 a.m. and 8:00pm shall be considered a small group-low impact rental. There shall be no limitation on the number of allowed low-impact or small group-low impact rentals.

The Amphitheater may not be rented to a person or organization anticipating a crowd larger than 2,000 individuals.

As a City park facility, the Amphitheater may not be rented as a facility from which to sell or offer for sale merchandise for profit without express written permission from the City. Nonprofit groups wishing to utilize the facility for fundraising activities must outline and describe plans for such activities as part of their application for a Special Event Administrative Permit.

Newtown Park Amphitheater Usage Rules and Regulations

III. Reservation Process

Interested individuals and organizations should begin the reservation process by submitting a Special Event Administrative Permit to the City as prescribed in Chapter 38, Article IV of the Code of Ordinances.

Outside of normal and customary use by the City and organizations with existing Facility Usage Agreements fulfilling their regular and customary duties, a separate application must accompany each request for use of the Amphitheater.

The Amphitheater will be reserved on a first come, first served basis but preference and priority will be given to Johns Creek residents and businesses and nonprofit organizations located in Johns Creek. Johns Creek residents, businesses, and nonprofit organizations can submit an application for a Special Event Administrative Permit to reserve the Amphitheater up to one year in advance of their desired rental. Non-residents and organizations not located in Johns Creek can submit an application for a Special Event Administrative Permit to reserve the Amphitheater no more than 90 days in advance of their requested rental date.

All applications to for Special Event Administrative Permits necessary to rent the Amphitheater must be submitted at least 30 days in advance of the requested rental date.

The Amphitheater is not considered reserved until a Special Event Administrative Permit has been approved, all fees have been paid, and an Amphitheater Usage Agreement has been signed.

No promotions, advertising, or announcements shall be made public prior to the issuances of a Special Event Administrative Permit and the execution of an Amphitheater Usage Agreement.

IV. Facility Regulations

In addition to complying with the City's adopted regulations, such as those for noise/sound and lighting, the contextual setting for the Amphitheater requires more stringent regulations of hours and timing for events.

Hours

The Special Event Administrative Permit for an Amphitheater Rental shall not be granted unless none of the proposed event activities (including amplified sound) begin prior to 8:00 a.m. and all event activities (including amplified sound) conclude by 10:00 p.m. on Friday and Saturday or by 9:00 p.m. on Sunday through Thursday. No set-up shall begin before 7:00 a.m. on any day. All pack-out/clean-up activities must be completed by 12:00 a.m. on Friday and Saturday or by 11:00 p.m. on Sunday through Thursday.

Noise

During the event hours, the noise level associated with the event shall not exceed 70 decibels measured at the property line of Newtown Park.

Newtown Park Amphitheater Usage Rules and Regulations

Security, Crowd, and Traffic Control

The Special Event Administrative Permit for an Amphitheater Rental shall not be granted until such time the Police Chief, or his or her designee, has deemed the person or organization responsible for the event has prepared an adequate plan for security, crowd, and traffic control. Furthermore, the Police Chief, or his or her designee, may require that the employment of off-duty uniformed and P.O.S.T. (Peace Officer Standards and Training) certified police officers (and/or police vehicles) be verified by the City and obtained by the person or organization responsible for the event. The Amphitheater may not be rented to a person or organization anticipating a crowd larger than 2,000 individuals.

Parking

Parking is available at Newtown Park, however, the number of spaces varies based on the concurrent usage of the park, time of day, and day of the week. Based on anticipated parking availability and anticipated event attendance, the City may require the person or organization responsible for the event provide copies of written agreement(s) from other nearby parking facilities. If required, the person or organization responsible for the event is responsible for receiving any necessary outside approval from other nearby parking facilities.

Park Supervisor

A Park Supervisor, as designated by the City, will meet the person or organization responsible for the event at the scheduled beginning of set-up time for the event. A Park Supervisor is required to be present throughout the duration of the event (including set-up and clean-up) unless waived by the City Manager, or his or her designee. The Park Supervisor will unlock the facility, be available if problems arise with the facility, and monitor the rental to ensure the rules are followed (including monitoring event noise levels).

Park Attendant

A Park Attendant, as designated by the City, is required for the event duration and the clean-up of the event unless waived by the City Manager, or his or her designee. The Park Attendant will ensure the Amphitheater is clean prior to the start of the event, clean the restrooms and keep them stocked with supplies throughout the event, and empty trash and recycling receptacles throughout the event. The person or organization responsible for the event will be accountable for collecting and bagging (or placing in available receptacles) all trash and debris associated with the event.

Containers

No glass containers shall be allowed within the Amphitheater or turf/grass areas surrounding the Amphitheater. No coolers, ice chests, or containers larger than 48-quarts may be brought into the event by participants.

Alcohol

Alcohol, except when allowed for service or sale associated with a permitted event, may not be brought into the Amphitheater or park grounds.

Newtown Park Amphitheater Usage Rules and Regulations

The service or sale of alcohol within the gated area surrounding the Amphitheater is permitted if all of the following provisions are satisfied:

1. The intent for service and/or sale of alcohol is clearly described in the application for the Special Event Administrative Permit.
2. The person or organization responsible for the event has obtained any required alcohol permits as described in the Code of Ordinances.
3. The person or organization responsible for the event has taken any necessary precautions to ensure no alcohol will be furnished to, purchased by, or possessed by any persons under 21 years of age.
4. The person or organization responsible for the event has afforded for any additional security and crowd control associated with the service and/or sale of alcohol to the satisfaction of the Police Chief or his or her designee.

Equipment Rentals

All plans for equipment rental (such as tables, chairs, podium, sound, backstage areas) must be outlined in the Special Event Administrative Permit and delineated in the Amphitheater Usage Agreement. In his or her discretion, the Park Supervisor may afford for the use of additional rental equipment due to extenuating circumstances for the event, however, the associated costs for the additional equipment rented shall be deducted from the damage deposit paid for the event. In the event the damage deposit is exhausted by damages during the rental, the person or organization responsible for the event shall be billed for any additional equipment rentals.

No equipment, including that rented by the person or organization responsible for the event, (such as tables, speakers, lights, or chairs) may be placed on the turf/lawn areas surrounding the Amphitheater without stated approval in the Amphitheater Usage Agreement and approved placement is verified during event set-up by the Park Supervisor.

Decorations

All plans for decorations must be approved by the City as part of the Amphitheater Usage Agreement. Decoration plans shall adhere to the following guidelines:

1. No decorations may be affixed using nails, tacks, staples, putty substances, or duct tape.
2. Decorations may be affixed utilizing painters tape, masking tape, or transparent/clear tape only if the tape and tape residue are both completely removed after the event.
3. No stakes, fence posts, or flags are permitted to be driven into the turf/lawn areas surrounding the Amphitheater due to the presence of an underground irrigation/sprinkler system.
4. The use of helium balloons is allowed as long as they are disposed of properly after the event. Disposal of balloons includes removal from the ceiling, signs in the park, fences, etc. Balloons are not to be “released” into the air due to the hazard to the environment.
5. Only battery-operated or drip-less candles are allowed and must be contained in acrylic hurricane globes or other non-glass containers.
6. No confetti or loose glitter is allowed as part of the decorations unless glued or otherwise affixed to decorated objects.

Newtown Park Amphitheater Usage Rules and Regulations

Damage Deposit

Prior to the issuance of a Special Event Administrative Permit for an Amphitheater Rental, the person or organization responsible for the event shall pay a damage deposit in an amount set by Resolution of the Mayor and City Council. The person or organization responsible for the event shall be liable for all damages that occur during the rental period (inclusive of set-up and clean-up hours). Damages incurred in excess of the damage deposit shall be billed to the person or organization responsible for the event and may bar the person or organization responsible for the event from further rentals of the Amphitheater.

The deposit will be refunded following the event except under the following circumstances:

1. The City finds damage to the facility, furnishings, or grounds of the Amphitheater.
2. The City finds the Amphitheater is not left in a clean condition at the conclusion of the rental period.
3. The Park Supervisor or other City staff witness any guest or invitee of the person or organization responsible for the event displaying improper conduct including, but not be limited to, apparent intoxication, abusive or threatening language, physical violence, and/or lewd behavior.
4. The Park Supervisor witnesses or the City is notified of any violation of any city, county, state, or federal law while using the Amphitheater.
5. The City finds any part of the Special Event Administrative Permit or Amphitheater Usage Agreement is falsified or misrepresented. In example, misrepresentations would include but not be limited to an event extending past the scheduled rental time, having a larger group than stated on the contract, arriving earlier and setting up the event prior to the start time on the contract, leaving items (including any decorations) at the conclusion of the clean-up period.

The person or organization responsible for the event shall agree to abide by all facility regulations as part of the Amphitheater Usage Agreement and will be the party responsible for ensuring all participants in their event comply with said regulations.

Trash Deposit

Prior to the issuance of a Special Event Administrative Permit for an Amphitheater Rental, the person or organization responsible for the event shall pay a trash deposit in an amount set by Resolution of the Mayor and City Council. The person or organization responsible for the event shall be liable for costs incurred by the city to remove of all trash that is produced during the rental period (inclusive of set-up and clean-up hours) and such costs will be deducted from the trash deposit. Removal fees for trash produced in excess of the trash deposit shall be billed to the person or organization responsible for the event and may bar the person or organization responsible for the event from further rentals of the Amphitheater.

The balance of the trash deposit (less any costs the city incurs to remove all of the trash produced) will be refunded following the event.

Newtown Park Amphitheater Usage Rules and Regulations

V. Fees

The Mayor and City Council may establish the Amphitheater equipment and facility rental fees by Resolution. Outside of normal and customary use by the City and organizations with existing Facility Usage Agreements fulfilling their regular and customary duties, the facility rental fees shall be required for all individuals and organizations utilizing the facility.

I have read and agree to the terms and conditions set forth in the Newtown Park Amphitheater Usage Rules and Regulations.

Print Name

Signature

Date