



# Beaufort County Passive Parks Department

## Business Use Policy, Application and Fee Schedule

### Applicability

This business use policy applies to all **Passive Park properties, buildings and structures** (collectively referred to as “property”), owned by Beaufort County. All requests for business use on Passive Park properties are subject to this policy. Any questions can be directed to the County’s Passive Parks Director at (843) 255-2152.

Any nonprofit organization and/or association, educational institution, or for-profit individual, limited liability corporation, and/or incorporated corporation desiring to utilize Passive Park property is required to obtain a permit for such activity. This includes those who invite the general public to attend the activity, those who charge attendees admission/fees to participate in the activity, and/or any recreational activity including, but not limited to, a run/walk, educational class, ecotour, or fitness class. Proof of applicable business license(s) and insurance is required, as detailed in the Insurance, Licenses and Liability section of this document.

Depending on the desired use details and the property requested for use, certain restrictions may apply and will be discussed with the applicant upon application submittal. The requested use may require the completion of a Facility Rental Application depending upon the details provided by the applicant. Applicants will be held responsible for all costs associated with replacement, repair, and/or cleaning of the property if damage occurs during the applicant’s use of said property.

Applicants desiring to use a Passive Park property on a reoccurring basis may be denied use on certain dates by the Passive Parks Department Director due to availability because of other scheduled events or uses, or other factors as detailed in the Property Use section of this document. Applicants requesting a reoccurring use will be required to provide a detailed schedule with their permit application.

Nonprofit organizations/associations and educational institutions may request a waiver of any fees. Proof of their status will be required to be submitted with any fee waiver request.

### Application Process

The Passive Park business use permit process begins with the submittal of a completed application (Exhibit A) to the County Passive Parks Director. Receipt of an application should not be construed as final approval. The Passive Parks Director, or their representative, will contact the applicant upon receipt of the application and thereafter will serve as the primary point of contact. Applicants are responsible to contact any other affected County departments and/or public agencies with regard to related permits or licenses that may be required to conduct business in Beaufort County and/or its local municipalities.

Applications will be reviewed and approved on a first-come, first-serve basis. All required documents (i.e. certificate of insurance, business license(s), nonprofit status, etc.) **must** be provided with the application in order for it to be considered a complete application.

Applicants must complete the entire application, Exhibit A, and submit it **at least ten (10) business days** prior to the requested date of requested use. The application may be submitted via mail, hand delivery, or email to the Beaufort County Passive Parks Director at:

Passive Parks Department  
c/o Passive Parks Director  
124 Lady's Island Drive  
Beaufort, SC 29907  
[snagid@bcgov.net](mailto:snagid@bcgov.net)

### **Payment and Cancellation**

Upon receipt of an application, the Passive Parks Director, or their representative, will provide a notice to the applicant to inform them if the application for use has been approved or denied. This will normally occur **at least seven (7) business days prior** to the date of the requested use of the property. If approved, the applicant will be notified of the use fee due to the County for the use of the property in the approval notification. The entire fee must be received by the County **at least three (3) business days prior** to the date the applicant is to use the property. Payment shall be by check or money order made out to "Beaufort County" (cash is not accepted). If payment is not received by the due date, the permit will be revoked and the applicant will not be permitted to use the property.

Any cancellation or change to the application must be submitted in writing by the applicant to the Passive Parks Director **no less than two (2) business days prior** to the requested use date. Refund of the use fee, less a 25% service charge, will be made to the applicant if notice is provided within the allocated time frame. Refunds will be made by the Beaufort County Finance Department and will be mailed within thirty (30) days of cancellation. **No refunds will be issued for any cancellation within two (2) business days of the requested use date.** Any cancellation made within two (2) business days of the requested use date may be rescheduled by the applicant, at no additional cost, through written notification to the Passive Parks Director.

The County reserves the right to deny any application for use of a Passive Park property for any reason. Any permit issued for use of a property may be revoked by the Passive Parks Director in the case of property abuse by an applicant or their guests. The Passive Parks Director may deny future applications for a permit to use property if an applicant or any of their guests does not abide by the terms of their permit or abuses the property during their use.

### **Property Conditions**

All Passive Park properties and facilities are available on an "as is" basis. Beaufort County does not provide any additional services, equipment, or amenities than what are currently existing on the

property. Applicants are responsible for providing all additional amenities desired for their requested use. All anchoring and signage must be accomplished with weights (i.e. sandbags, concrete/water filled barrels, etc.). Ground disturbance, soil disturbance, digging, fastening, or attaching to any tree, shrub, or park feature is strictly prohibited. Any settings or structures must be self-supporting, temporary and portable. If the applicant is going to provide, sell, or serve any food or beverages, then that will be considered an “Event”, and the applicant must submit a Facility Rental Application. The approved fee schedule will then be required for this event.

Applicants are responsible for the set-up, clean up, off-site trash disposal and reset of the property within their requested use time frame. The start time designated on the application is when the applicant will arrive on the property to begin set-up and use of the property. The end time designated on the application is when the applicant will have all items cleaned up and vacate the property.

Applicants must remove all self-generated trash from the site themselves and reconfigure the property to its original condition before leaving the property. The cost of any employee time incurred because of an applicant’s failure to clean and/or reset the property following the use will be borne by the applicant.

The County’s Passive Park facilities are smoke-free environments, and the use of illegal substances is strictly prohibited at any Passive Park property or facility.

### **Property Use and Fee Schedule**

Beaufort County may impose restrictions on the month, day, time and/or location of use of a Passive Park property or facility. Restrictions may be due, but not limited, to presence of threatened or endangered species, public enjoyment of the property, overuse of the property, and/or other scheduled events or programming. Any restrictions will be discussed with the applicant during the application review process.

All business use of County Passive Park properties or facilities are subject to the following fee schedule and requirements:

- If requesting the use of Passive Park property on an hourly basis:
  - \$50.00 for each four (4) hours of use
  
- If requesting the use of Passive Park property on a reoccurring basis:
  - \$200.00 for every twelve (12) months of use (annual fee), **and**
  - A requested monthly schedule shall be provided with application (if known), or
  - Written notification of requested date for use (to be provided by the 1<sup>st</sup> of any given month for use during that month and no less than ten (10) business days prior to the date of use)

Hourly use of Passive Park property is defined as use that occurs on an occasional basis for a limited period of time.

Reoccurring use of a Passive Park property is defined as use that occurs on a regular basis. Reoccurring use may only be scheduled one time per month on each allowable property. If site conditions, scheduling and availability allow, then additional reoccurring use requests may be permitted more than once a month at the same allowable property at the standard hourly use rate. Businesses that fail to comply with the notification requirement for reoccurring use will be charged a \$50.00 penalty fee in addition to the required rate for each unscheduled use.

Business use may not exceed 8 hours of time on any given day during property open hours (dawn to dusk). Business use will not be approved during property closed hours (dusk to dawn). The total use fee amount will be determined at the time of the application submittal and will be required to be paid by check or money order at least three (3) business days prior to the date of requested use (see the Payment section).

### **Insurance, Licenses and Liability**

Applicants are required to provide proof of insurance coverage. The applicant must submit a copy of their Certificate of Insurance verifying current and valid coverage and specifically identifying “Beaufort County” as an Additional Insured. Beaufort County does not sell insurance. This type of insurance policy can be acquired from most private insurance carriers.

Applicants are required to provide proof of applicable business license(s). The applicant must submit a copy of their Beaufort County business license, as well as a copy of any other business license required to operate in the city and/or town the applicant conducts business.

Applicants requesting fee waivers due to nonprofit or educational institution status are required to provide proof of such status.

The County accepts no responsibility for the personal safety of any person, either inside or outside a Passive Park property and/or facility. The County is not responsible for damage, loss, or theft of personal property.

### **Ethical Standards**

The County presumes that all applicants conducting business on County Passive Park properties will uphold high ethical standards without regard to race, color, religion, sex, sexual orientation, age, national origin, and/or disability. Passive Park properties will not be approved for use by any group that advocates unconstitutional or illegal acts, or whose activities may be contrary to the best interests of the County or its citizens. No use shall be allowed that presents obvious danger to the safety of persons and property.

### **Hold Harmless/Indemnification Clause**

Applicants assume all risks incident to or in connection with the permitted use and shall be solely responsible for damage or injury of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the permitted use or the conduct of applicant’s operation.

Applicants must expressly agree to defend, indemnify and to save the County harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages, or injuries directly or indirectly arising out of or in connection with the permitted use or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees.



**Exhibit A**

**Beaufort County Passive Parks Department**

**Business Use Application**

<b>APPLICANT INFORMATION</b>		
Applicant/Contact Name:		
Business Name:		
Street Address:		
City/State/Zip:		
Phone Number:		
Email Address:		
Website Address:		
<b>USE INFORMATION</b>		
Type of Use:		
Use Activities (attach advertisement as separate sheet, if applicable):		
Number of Attendees:	Per Person Fee:	
Requested Date(s) of Use (include schedule on separate sheet if needed):		
Start Time:	End Time:	Total Time:
Property and/or Facility Requested (include schedule on separate sheet if needed):		

Non-profit/Educational Institution Fee Waiver Requested: \_\_\_\_\_

*If checked, proof of status documentation is required with application.*

On a separate sheet, provide a site plan map sketch of the area requesting to be used, including all property amenities requesting to be used (i.e. restrooms, picnic tables, benches, etc.) and any items requesting to be placed on the property (i.e. tents, signs, banners, sets, etc.).

I hereby stipulate that I have read and understand all the rules and regulations as set forth by the Business Use Policy and Application, its instructions, its associated Exhibit and the governing body of Beaufort County for the use of the property and/or facility. I agree to abide by the terms of the Business Use Policy and Application and further understand that if any of the terms are not complied with the County may terminate the permitted use. I also understand that proof of sufficient insurance and licensing will be required at the time of application submittal to the County.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**

For Office Use Only			
Permit #:		Approval Date:	
Staff Approval (Print Name):			
Staff Approval (Signature):			
Use Fee	Due: \$	Date Paid:	Payment Type:
Final Inspection			
Staff Initials:		Date:	