Public Space

Use Policies and Procedures

January 2007
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Overview of Reservation Procedure</td>
<td>1</td>
</tr>
<tr>
<td>Purpose and Priority</td>
<td>1</td>
</tr>
<tr>
<td>Applications and Making Reservations</td>
<td>1-4</td>
</tr>
<tr>
<td>• Fees and Payment</td>
<td>3</td>
</tr>
<tr>
<td>• Rights and Privileges</td>
<td>3</td>
</tr>
<tr>
<td>• Rescheduling Processing Fee</td>
<td>3</td>
</tr>
<tr>
<td>• Cancellations and Refunds</td>
<td>3-4</td>
</tr>
<tr>
<td>Set Up</td>
<td>4</td>
</tr>
<tr>
<td>Special Equipment</td>
<td>4</td>
</tr>
<tr>
<td>Break Down &amp; Clean Up</td>
<td>4</td>
</tr>
<tr>
<td>Hours of Use</td>
<td>4</td>
</tr>
<tr>
<td>Use Impact</td>
<td>5</td>
</tr>
<tr>
<td>Public Space Use Standards</td>
<td>6-9</td>
</tr>
<tr>
<td>• Conduct</td>
<td>6</td>
</tr>
<tr>
<td>• Smoking</td>
<td>6</td>
</tr>
<tr>
<td>• Alcohol</td>
<td>6</td>
</tr>
<tr>
<td>Food/Catering/Tableware</td>
<td>6-7</td>
</tr>
<tr>
<td>Music</td>
<td>7</td>
</tr>
<tr>
<td>Litter</td>
<td>7</td>
</tr>
<tr>
<td>Firearms and Fireworks</td>
<td>7</td>
</tr>
<tr>
<td>Safety and Security</td>
<td>7</td>
</tr>
<tr>
<td>Signs</td>
<td>8</td>
</tr>
<tr>
<td>Restricted Areas</td>
<td>8</td>
</tr>
<tr>
<td>Motor Vehicles</td>
<td>8</td>
</tr>
<tr>
<td>• Parking</td>
<td>8</td>
</tr>
<tr>
<td>• Bicycles</td>
<td>8</td>
</tr>
<tr>
<td>Skateboards and Roller Blades</td>
<td>8</td>
</tr>
<tr>
<td>Pets and Animals</td>
<td>8</td>
</tr>
<tr>
<td>Overnight Camping</td>
<td>8</td>
</tr>
<tr>
<td>Campfires</td>
<td>8</td>
</tr>
<tr>
<td>Destruction, Removal or Encroachment of Port Property</td>
<td>9</td>
</tr>
</tbody>
</table>
INTRODUCTION

The following information is provided to communicate a uniform policy that shall apply to everyone while visiting or using Port of Bellingham facilities that are open to the general public and to describe the services available in certain Port of Bellingham public spaces.

The Executive Director of the Port has authorized the daily and interim use of the following public spaces for community, special and private events.

Reservations and scheduling for use of these public spaces is required for any community, special or private event that involves more than visiting or routine use by the public at large.

The following public spaces have been categorized for their intended type of use and are available to the public for community or private activities:

PARKS AND OPEN SPACES
Zuanich Point Park, Squalicum Harbor, Bellingham
Faithhaven Marine Park, 300 Harris Avenue, Bellingham
Tom Glenn Common, Bellwether on the Bay, Bellingham

CONFERENCE ROOMS
General Aviation Facility Conference Room, 4201 Mitchell Way, Bellingham
Squalicum Boathouse Conference Room, Zuanich Point Park, Bellingham

SPECIAL EVENT AND GATHERING FACILITIES
Bellingham Cruise Terminal, 355 Harris Avenue, Bellingham
Blaine Boating Center, 235 Marine Drive, Blaine
Squalicum Boathouse, 2600 Harbor Loop, (Zuanich Point Park), Bellingham

Overview of Reservation Procedure

1. Obtain scheduling information and reserve facilities by contacting the Port’s Events and Meeting Space Coordinator at 360-676-2500, or fax at 360-594-4409 or by e-mail at events@portofbellingham.com; or in writing at PO Box 1677, Bellingham, WA 98227-1677.

2. Obtain application forms, facility layout diagrams and general policy information at the office of the Events and Meeting Facility Coordinator, Port of Bellingham, 1801 Roeder Avenue, Bellingham.

Review page 2 of the Public Space Use Policies and Procedures booklet for a complete description of the application process.

Purpose and Priority

The purpose of Port public spaces is to provide public access, support Port business operations and facilitate community uses. In an effort to balance community access and private demand, the Port has decided to offer, whenever possible, certain public spaces for community and private events when they do not overly restrict access by the general public or interfere with Port business operations.

The Port retains the right to cancel any scheduled use in the event of an emergency or for other Port requirements, as determined by the Executive Director. In the event a scheduled use must be canceled, the Port will notify affected groups or individuals with as much notice as possible.

Applications and Making Reservations

Organizations practicing, supporting or promoting activities, which are contrary to local, State or Federal law, shall not be permitted to use Port public spaces.
Scheduling shall be on a first-come, first-serve basis. In the event two or more applications are received on the same day, the following order of priority will be given:

A. Port of Bellingham, including but not limited to open access by the public at large
B. Community (activities and/or events that are open to the general public)
C. Private

The Port will accept applications up to 12 months in advance of the date of intended use. Applications will be processed in the order received. Only written applications will be accepted; however, telephone inquiries are welcome. Submittal of an application does not guarantee availability. Applications shall be reviewed and can either be accepted, limited, or denied.

During a twelve-month period, a maximum of 3 applications are allowed by the same individual and/or entity for separate uses of public spaces for events or meetings scheduled to be held on Fridays, Saturdays, Sundays and holidays.

Applicants/Organizations who wish to reserve facilities for regularly scheduled monthly meetings may use one application to reserve space for a period of up to twelve months in advance, in accordance with the procedures listed below.

1. If one application is used to reserve a facility for several monthly meetings, each meeting must be held on the same pre-established day of the week and time of day. The day of the meeting must be limited to the days of Monday, Tuesday, Wednesday or Thursday.

2. The first and last month’s rental fees must be remitted to the Port not less than 3 business days prior to the first meeting of the stated set period.

3. The facility’s damage deposit, and any applicable kitchen fees, must be paid not less than 10 business days prior to the first meeting. The damage deposit will be refunded after the last monthly meeting date as stated on the organization’s application, pending the room is returned after each meeting to the original neat, clean and undamaged condition. All breakdown and cleanup as stated in the Public Space Use Policies and Procedures apply.

4. If the pre-scheduled meeting date and/or time changes, a separate application must be completed by the User, and the application will be processed in the order received with other applications submitted to the Port during that same timeframe.

5. If Users cancel a regularly scheduled meeting, they must notify the Port in writing at least 10 business days prior to the meeting date. Otherwise, they will be charged for the space rental. Applicants will not be charged a rescheduling processing fee for the first request to reschedule a single time and/or date during a twelve-month period; however, multiple schedule changes will be charged a rescheduling processing fee at a rate of $25.00 per time or date change.

To have confirmed reservations for a designated public space, Users need to complete the following three steps:

1. Complete, sign and return an application form (available at the office of the Events and Meeting Space Coordinator, Port of Bellingham, 1801 Roeder Avenue, Bellingham).

2. Pay the required security deposit for the public space area or facility.

NOTE: The remainder of the use fees and the minimum refundable damage deposit and any applicable kitchen fees are due at least ten-business days prior to use of the public space. The reservation will be canceled if the remaining user fees and minimum refundable damage deposit are not timely made. For users who reserve a public space within ten business days of the intended use, the use fees and damage deposit are due in full upon receipt of the application.
NOTE: The minimum refundable damage deposit may be increased at the Port's discretion depending on the type of activity. The minimum refundable damage deposit is not a limitation on the liability of the user for damage to the premises. If the damage exceeds the amount of the minimum refundable damage deposit, the user will be required to pay the excess within fifteen days of receiving an invoice.

3. Provide appropriate insurance, if determined by the Port, naming the Port as an additional insured.

NOTE: There may be some cases where the Port determines that an activity or intended use of the public space is of a nature for which insurance should be obtained. A social event where alcohol is served is an example of this. Should the Port determine that evidence of insurance is required, a copy of the insurance certificate in an amount and with an insurer satisfactory to the Port naming the Port as an additional insured must be provided at least ten business days prior to use of the public space. The reservation will be canceled if the insurance certificate is not timely provided.

Upon receipt and review of the application and security deposit, Users will receive a Port receipt, which will serve as confirmation and proof of reservation.

Fees and Payment

Community Use Rates (for events open to the public in which proof of announcement of event to the community) are generally 50% of the Private Use Rates. This reduction in rate is based on the general public receiving an equal benefit of public space use. The community use rate does not apply to events that are revenue generating or that raise funds. It must be a community use being actively promoted as open to the public.

NOTE: To qualify as a community use the activity must be open to the general public and evidence of a community announcement, acceptable to the Port, must be provided at least ten business days prior the date of the event. The activity will be classified as a private use if proof of community announcement is not timely provided.

User fees may be paid by check, money order or cash. Checks and money orders are to be made payable to the Port of Bellingham. The Port is not set up to accept credit cards at all locations. If paying by cash, users are requested to have the exact amounts, as change is not readily available.

Rights and Privileges

Individuals or groups without confirmed reservations must relinquish the public space when proof of a valid Port receipt for the reservation of that public space is presented. If no receipt of reservation for the public space is presented, then the public space is available on a first-come, first-served basis.

If unauthorized or uncooperative individuals will not relinquish their hold on the public space for which you have a confirmed reservation, you should first attempt to notify the Port. However, if the situation warrants, you have the right to notify local law enforcement. In the event of an emergency, call 911.

Rescheduling Processing Fee

Applicants will not be charged for the first request to reschedule a single time and/or date; however, multiple schedule changes will be charged a rescheduling processing fee at a rate of $25.00 per time or date change.

Cancellations and Refunds

All requests for refunds must be made in writing to the Port of Bellingham, Attention: Events Coordinator, P. O. Box 1677, Bellingham, Washington 98227. Once received, refunds generally will be issued in 10 to 14 days.
NOTE: To receive a full refund of the security deposit, subject to rescheduling processing fees, cancellation must be made in writing a minimum of 20 business days prior to your reservation date.

NOTE: Fifty percent refund of the security deposit will be allowed, subject to rescheduling processing fees, if cancellation is made in writing a minimum of 10 business days prior to your reservation.

NOTE: Security deposits shall be forfeited with less than three business days notice of cancellation, unless individuals can provide evidence of death, medical emergency or extraordinary circumstance beyond the individual's control.

NOTE: No security deposit refunds will be made due to weather conditions.

Damage deposit refunds will be made in full if cancellation is made prior to the reservation date. After the event, Users will receive a refund of their damage deposit upon the return of the public space to a neat, clean and undamaged condition. If the public space is not returned to pre-event condition, the Port will clean or repair any damage and deduct the labor and materials from the minimum refundable damage deposit. If the damage exceeds the amount of the minimum refundable damage deposit, the user will be required to pay the excess within fifteen days of receiving an invoice.

Should the Port be required to cancel reservations due to an emergency or other Port requirement, the applicant is eligible for a full refund.

Set up

Any use that requires site preparation or set up of equipment, furniture, fixtures or other personal property is restricted to areas which do not directly interfere with entries, exits, tenants or Port business operations and requires prior written permission of the Port. Tables, chairs, signs, banners etc. are not allowed near or in front of entry doors. Signs advertising or promoting the event are not permitted without express written permission of the Port.

Port equipment, furniture, fixtures or other personal property may not be moved or rearranged without prior permission and specific direction from the Port.

Should set up be required outside of regular facility or park and open space hours, additional fees may be applied for security costs.

Upon request, the Port will provide facility layout diagrams.

Special Equipment

Users are responsible for providing their own special equipment including but not limited to audiovisual equipment, screens, overhead projectors, extension cords, easels, etc.

Breakdown & Clean Up

Use of a public space is conditioned upon the return of the premises to a neat, clean and undamaged condition at or prior to the ending time that user has reserved the space. Failure of individuals to vacate public space at designated time may result in forfeiture of security deposit and denial of subsequent use of Port public spaces.

The individual or entity signing and completing the application form will be considered the responsible party for usage of the public space and shall be responsible for the actions of their guests and/or caterer. The minimum refundable damage deposit is not a limitation on the liability of the user for damage to the premises. If the damage exceeds the amount of the minimum refundable damage deposit, the user will be required to pay the excess within fifteen days of receiving an invoice.

Users must carefully adhere to each of the clean-up items specified on the back side of the application.
All garbage must be removed from the public space area or facility by the users. Should excessive garbage be anticipated, it is the responsibility of the user to arrange and pay for the obtaining and removal of their own garbage receptacles.
Hours of Use

The hours of use are the following:

| Port Parks and Open Spaces:        | Dawn to Dusk                |
| Conference and Meeting Rooms:     | 7:30 AM to 11:00 PM         |
| Special Event and Gather Facilities: | 8:00 AM to 12:00 Midnight  |

For users who have reserved a public space and/or facility for all day, they must vacate the premises at or prior to its designated closing time; otherwise the User will be billed an additional labor/cleaning charge.

Use Impact

The design and purpose of Port public spaces is to support general public access, Port business operations, and facilitate community uses. It is in this spirit that the Port reserves the right to restrict or deny use of Port public spaces. Use impact assessments shall be made from review of applications submitted. Failure of individual members of the public to fully disclose the intended use of the public space may result in denial of subsequent use of Port public spaces.

Individual members of the public practicing, supporting or promoting activities which are contrary to local, State or Federal law shall not be permitted to use Port public spaces.

Activities may be classified as “high impact” based on the type of activity in the public space requested and/or the anticipated attendance of the activity. It shall be at the sole discretion of the Port to determine whether a particular use is high impact.

The following types of uses by definition will be classified as high impact:

A. Revenue Generating
Uses generating revenue or any for-profit or commercial venture, specifically, use of Port public spaces for the selling of any goods, services or information-based products shall require a separate lease or other agreement.

B. Raising Funds
Use of any Port public spaces for not-for-profit fundraising activities, specifically, raising fund activities with gated admissions or admission by suggested donation shall require a separate license or other agreement.

Note: High impact user fees and other requirements are subject to negotiation and shall require a separate license or other agreement with the Port.
Public Space Use Standards

The following use standards apply to everyone while visiting or using public spaces for community, special or private events.

Conduct

All persons shall conduct themselves in a civil manner consistent with community standards and Port policies. Individuals or groups being disruptive or causing damage may be asked to leave and or denied subsequent use of facilities.

Smoking

Smoking is prohibited in all Port buildings available for public use.

Alcohol

The opening or consuming of any alcoholic beverages is prohibited in all public space areas or facilities, except in those community, special or private uses where:

1. The explicit written permission of the Port of Bellingham has been obtained, and
2. The appropriate licensing from the State of Washington has been obtained, and
3. The user has obtained insurance in an amount and with an insurer satisfactory to the Port naming the Port as an additional insured.

Note: Serving alcoholic beverages require a banquet permit. Permits must be secured by the user and posted during the usage period. Rules of the banquet permit must be adhered to. Copies of permits and evidence of insurance or insurance certificates must be provided at least ten business days prior to use of the public space. The reservation will be canceled if the insurance certificate and permits are not timely provided.

Food/Catering/Tableware

The Port allows no open flame devices, helium balloons, fog machines, candles, lanterns, heat-producing equipment, or other smoke emitting materials in the Port’s public spaces without written authorization.

Glitter, confetti, uncooked rice, birdseed, and flower petals are not allowed in the Port’s public spaces.

Users who are obtaining the services of a caterer who is not on the Port’s list of pre-qualified caterers must have their caterer complete a designated Catering and Food Service form, provide documentation verifying that their caterer has appropriate liquor/banquet permits and/or other required licenses, and include any applicable kitchen fees with their rental payment. The User’s reservation to use the Port facility will be canceled if forms and proof of permits and licenses are not timely provided.

The scope and cost of services provided to the User by their caterer is solely between the User and the Caterer, and the Port is not responsible for fulfillment of the catering agreement. The Port does not provide table linens, china/dishware, flatware or table service settings. If the User or Caterer chooses to cover the tables in the Port’s meeting rooms, conference rooms, special event and gathering facilities, the table covers must be flame retardant.

NOTE: Users are responsible for ensuring their caterer follow all guidelines as written in the Public Space Use Policies and Procedures. Failure of User and/or Caterer to comply with any of the guidelines may result in denial of subsequent use of Port public spaces.

Users planning on serving alcoholic beverages must obtain the written permission from the Port. Evidence of insurance or insurance certificates must be provided at least three business days prior to use of the public space. Please see page 6, under the heading of Alcohol, for a complete description of the required permits, licenses, certificates and letters of approval for opening or consuming of any alcoholic beverage in public spaces.
Tables, chairs and furnishings may not be moved or rearranged without prior approval and specific direction from a Port staff member. Following an event, users are responsible for food removal, clean up, and return of facility to its original setting.

Caterers wishing to lease Port facilities for commercial events shall require a separate license or other agreement with the Port. (See Use Impact, page 5)

**Music**

Music may be permissible as long as it does not interfere with Port business operations or tenants. Unreasonably loud music that interferes with Port business operations or tenants will not be allowed.

**NOTE:** The businesses at the Bellingham Cruise Terminal are in operation until 9pm, May thru October. Users may not have music outside of the dome before 9pm during these months.

Individuals desiring to have music must have written permission from the Port. Individuals desiring to have music in outdoor areas may be asked to obtain a sound permit from appropriate local authorities.

**Litter**

No person shall throw or deposit litter on any Port property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the facility or grounds, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away and properly disposed of.

No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or detract from its proper appearance. No person shall deposit leaves, clippings, pruning, or gardening refuse in any litter receptacle.

No person shall deposit household garbage in any litter receptacle, provided that this shall not be construed to mean that wastes of food consumed on Port property may not be deposited in litter receptacles.

Fines for littering shall be imposed in accordance to local municipal codes and regulations.

**Firearms and Fireworks**

The possession of firearms in or upon any Port public space is prohibited, except those in the possession of authorized law enforcement personnel.

Whether permitted by state law or not, the possession or discharge of any common fireworks, including, but not limited to, those denominated as safe and sane fireworks, firecrackers, salutes, chasers, sky rockets, and missile type rockets are prohibited in or upon all Port public space areas, without the explicit written permission of the Port.

**Safety and Security**

Persons using Port public spaces do so at their own risk and agree to defend, indemnify, and hold harmless the Port as to any claims or suits arising out of such use.

Individuals shall be responsible for the security of all personal items while visiting or using any Port facility. The Port is not responsible for the damage, loss or theft of personal items and does not provide security for users of public spaces.

The Port may require some individuals or groups, depending on the type of activity or use, to take precautions by acquiring security personnel acceptable to the Port. Costs incurred to acquire security personnel shall be the responsibility of the user.
Signs

It is prohibited to place or erect any signboard, sign, advertising, decoration, or similar structure on or in any Port public space, without the written permission of the Port.

Restricted Areas

It is prohibited for any person except a duly authorized Port employee in the performance of his or her duties, or other person authorized by law, to enter or go upon any area which has been designated and posted as a "no admittance" or "closed to use" or a "no trespassing" area for the purpose of protecting Port property or for protecting the public from conditions which constitute a potential hazard.

Motor Vehicles

Motor vehicles may be operated only on paved roadways and may be parked only in designated paved or graveled parking areas. "Paved roadways" as used in this subsection does not include paved ways marked for the exclusive use of pedestrians, bicycles, or wheelchairs. The general speed limit for all vehicles on Port paved roadways and within Port parks is ten miles per hour (10 mph) unless otherwise posted.

Parking

Everyone must observe and adhere to each facility's parking regulations. Parking spaces at Port facilities are for the use of the general public and/or facility patrons during open facility hours. Parking while a facility is closed, overnight parking and residential parking on or at Port facilities are prohibited.

Reserving Port facilities for high-impact use, with large numbers of people attending, may require a special parking agreement with the Port.

Bicycles

Bicycles may only be operated on paved and graveled ways and established trails designated or marked for such use.

Skateboard and Roller Blades

Skateboards and roller blades may only be operated on paved ways designated or marked for such use.

Pets and Animals

With the exception of certified "seeing-eye" animals, animals are not allowed in Port buildings open to the public except by written permission of the Port.

All pets and animals, where allowed on Port property, must be under control by means of a leash, restraints or in suitable carriers.

Horses are only allowed on paved roads open to motor vehicles, and on bridle paths designated or on Marine Drive Trail.

Owners or handlers are responsible for cleaning up their animal's waste deposits left on Port property. Owners and handlers are required to have in their possession the equipment necessary to remove their animal's fecal matter when accompanied by said animal on Port property or adjacent public easements or right of ways.

No person shall hunt, catch, or injure any wild animal or bird on Port property.
Overnight Camping

Overnight camping is prohibited on or in Port public spaces except by written permission of the Port.

Campfires

Campfires are prohibited on or in Port public spaces except by written permission of the Port.

Destruction, Removal or Encroachments of Port Property

It is prohibited for any person to remove, injure, deface, damage, or destroy Port property. This applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, or other Port property.

It is prohibited to collect, gather, or harvest natural resources or other materials on Port property except by written permission of the Port.

It is prohibited for any person other than a duly authorized employee or agent of the Port to do any of the following:

1. Place, erect, or maintain any structure or obstruction of any kind on Port property.
2. Deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on Port property.
3. Mow, prune, cut, clear, plant on, or otherwise alter or disturb any natural or landscaped property.
Certificate of Liability Insurance Requirements

The Port of Bellingham has developed informational rules and regulations for the use of Public spaces. Persons using public spaces do so at their own risk and agree to defend, indemnify and hold harmless the Port of Bellingham as to any claims or suits arising out of such use.

SELF-CATERING OR POTLUCK

If you choose to self-cater, or opt to use the services of a caterer that is not on the Port of Bellingham’s Pre-qualified Caterer’s list, you need to obtain a Certificate of Liability Insurance policy in the amount of one million dollars naming the Port of Bellingham as an additional insured.

ALCOHOL SERVICE IN PUBLIC VENUES

Applicants who plan to serve alcohol have to obtain permission from the Port prior to use. In addition, applicants are required to obtain a banquet permit and insurance naming the Port of Bellingham as an additional insured in amount and with an insurer satisfactory to the Port. Copies of the insurance certificate and banquet permit must be provided to the Port not less than three business days prior to facility use. Applicants who plan on using a caterer for their event must have their caterer complete and sign a Catering and Food Service Form, available at the office of the Port’s events coordinator one month before the scheduled event. Documentation verifying the caterer’s banquet permit, license and insurance must be included with the Catering and Food Service Form. Applicants providing false information or refuse to provide information as to the identity of their caterer/food service plans may be denied entry to the facility and/or subsequent use of Port facilities.

Most insurance carriers issue a single-day rider on the applicant’s homeowner/renter insurance policy. Typically, coverage costs between $20 and $50 dollars.

Occasionally, renters have problems obtaining insurance from some carriers. We suggest that you contact your insurance agent prior to signing the Park and Facility Rentals Application. If your insurance agent refuses to issue a certificate that is acceptable to you and the Port, and you would still like to use our facilities, you can arrange food service through one of our pre-qualified caterers.