

# APPROVED

MAY 16 2018

## BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 18-094 Revised

DATE May 16, 2018

C.D. Various

### BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CARNIVALS - AMENDMENT TO THE POLICY AND PROCEDURES;  
AMENDMENT TO THE SCHEDULE OF RATES AND FEES

AP Diaz	_____	*V. Israel	
R. Barajas	_____	S. Piña-Cortez	_____
H. Fujita	_____	N. Williams	_____



General Manager

Approved X Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

With Amendments Listed on Attachment A, after Page 1

### RECOMMENDATIONS:

1. Approve an amendment to the Department of Recreation and Parks' (RAP) Carnival Policy and Procedures (Instruction No. 321), herein included as Attachment 1, to become effective immediately upon approval by the Board of Recreation and Park Commissioners (Board);
2. Approve an amendment to the RAP's Schedule of Rates and Fees regarding carnivals, to become effective immediately upon approval by the Board; and,
3. Authorize RAP staff to amend the Carnival Policy and Procedures (Instruction No. 321) and the Schedule of Rates and Fees regarding Carnivals to incorporate the aforementioned changes as approved by the Board in this Report.
4. **See Attachment A**

### SUMMARY:

RAP staff is proposing to update the current Carnival Policy and Procedures (Instruction No. 321) (Carnival Policy) which has been in place for thirty-eight (38) years. RAP staff found that many of the practices and processes in the current Carnival Policy are difficult to adhere to or are outdated. Specifically, RAP staff has determined that titles need updating, addresses and contact phone numbers for relevant RAP offices need updating, and rates need to be increased. In addition, insurance, laws, and safety requirements have changed over the years and need to be updated to reflect current needs. The recommendations in this Report is intended to address all of these concerns, as well as streamline the process for park directors, prospective operators, and the public.

A summary of the proposed changes is included below while specific changes to the Carnivals Policy and Procedures (Instruction No. 321) are identified in Attachment 1. New items are identified in **bold** text and items proposed for deletion are indicated by ~~strikeout~~ text.

## ATTACHMENT A

### RECOMMENDATIONS:

1. Approve an amendment to the Department of Recreation and Parks' (RAP) Carnival Policy and Procedures (Instruction No. 321), herein included as Attachment 1, to become effective immediately upon approval by the Board of Recreation and Park Commissioners (Board);
2. Approve an amendment to the RAP's Schedule of Rates and Fees regarding carnivals, to become effective immediately upon approval by the Board; and,
3. Authorize RAP staff to amend the Carnival Policy and Procedures (Instruction No. 321) and the Schedule of Rates and Fees regarding Carnivals to incorporate the aforementioned changes as approved by the Board in this Report.
4. Instruct RAP staff to further amend the Carnival Policy and Procedures (Instruction No. 321) to include in the Carnival Requirements 1) a requirement for operators to only provide customers with sustainable and/or biodegradable food-service packaging, including cups, plates, cutlery, utensils, straws, and bags, and 2) a prohibition on the use of plastic straws, and to have such amendment become effective immediately upon execution;
5. Instruct RAP staff to report back on the operational and fiscal impacts on carnival operators if RAP were to mandate that operators shall conduct background checks, including LiveScan fingerprinting, for all employees and contractors working on carnivals on RAP property;
6. All carnival operators shall be required to: provide customers with only sustainable and/or biodegradable food-service packaging, including cups, plates, cutlery, utensils, bags and eliminate any use of plastic straws; and
7. Carnival operators also expressly agree to comply with all City recycling programs and green event and festival policies, subject to periodic revision by the General Manager or RAP, to be detailed in the Carnival Permit.

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### General Changes

- Filing procedure updated to remove Department of Social Services
- Replace responsible party title from Business Operations Office to Park Services Division
- Increase from two (2) to three (3) carnivals allowed per facility per calendar year
- Removal of One-Thousand Dollars (\$1,000.00) Performance Bond requirement
- Update chemical toilet requirement, with addition of Americans with Disabilities Act of 1990 (ADA) requirement and hand-washing stations
- Addition of wristbands, along with tickets for customers

### Fees

- Specify that fees from Type A Carnivals are retained by the designated Municipal Recreation Program (MRP) fund or funds, and not by RAP General Fund
- Increase of Food Sale fees from twenty percent (20%) to twenty-five percent (25%) of gross receipts (Type A & B Carnivals), with addition of the option of a flat Two-Hundred Dollars (\$200.00) fee per day
- Addition of Novelty Sales for a flat fee of One-Hundred Dollars (\$100.00) per day or twenty-five percent (25%) of gross receipts
- Type C Carnivals fee increased from Two-Hundred Fifty Dollars (\$250.00) per day to One-Thousand, Five Hundred Dollars (\$1,500.00) per day

### Game Booths

- Allowance of carnival operator to operate game booths for a flat fee of Fifty Dollars (\$50.00) per day, per booth
- Removal of requirement for booths to be staffed by community volunteers
- Removal of receiving prizes on consignment from Carnival operator

### Safety

- Update the carnival insurance validation process with Track4LA requirement

Outline specifics of insurance requirements to One Million Dollars (\$1,000,000.00) for General Liability; One Million Dollars (\$1,000,000.00) for Vehicle Liability, One Million Dollars (\$1,000,000.00) for Workers Compensation; Waiver of Subrogation

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- Provide the Hold Harmless Clause on the application and permit
- Addition of the new State requirement for a current valid and state-issued ride permit
- Set up time allowed for carnival operator increased from Thirty-Six (36) to Forty-Eight (48) hours
- Break down/removal time for carnival operator increased from Sixteen (16) to Twenty (20) hours

### Procedure to Conduct a Carnival Updated

- Addition of a One Thousand Dollars (\$1,000.00) refundable maintenance deposit be submitted to the Director-in-Charge
- Requirement of meetings with the Park Maintenance Supervisor before and after the carnival added
- Addition of ride inspection by the Director-in-Charge
- Improved documentation for staff, including Settlement Sheet, Revenue Logs, and Evaluation Form
- Evaluation Form to be filed with Park Services Division for review and future eligibility of operator.

In addition, RAP staff is proposing to amend the RAP Schedule of Rates and Fees for the Carnival section, herein included as Attachment 2, so that they are better aligned with the changes to the Carnival Policy.

The proposed fees listed on Attachment 2 are based on current prices/fees in the RAP Schedule of Rates and Fees.

Specific changes to the Carnivals Section of the Schedule of Rates and Fees are identified in Attachment 2. New items are identified in **bold** text and items proposed for deletion are indicated by ~~strikeout~~ text.

### FISCAL IMPACT STATEMENT:

Approval of these fees will result in additional revenue to the designated Municipal Recreation Program (MRP) fund or funds.

This report was prepared by Bertha Calderon, Management Analyst, Metro Region.

### LIST OF ATTACHMENTS

- 1) Carnival Policy and Procedures (Instruction No. 321)
- 2) Schedule of Rates and Fees for the Carnival section

Reference: Board Report #99-80, February 7, 1980; and Board Report #18-094, May 16, 2018

### I. PURPOSE

Since carnivals provide a special form of recreation and may, at the same time, raise support for recreational or charitable purposes, the **City of Los Angeles**, Department of **Recreation and Parks (RAP)** may operate carnivals or cooperate with other organizations in the planning and/or operation of carnivals on ~~Department~~ **RAP** facilities.

All carnival activities on ~~Department~~ **RAP** facilities shall be conducted in strict accordance with these procedures.

### II. CARNIVALS – GENERAL

#### A. Definition of Carnival

A carnival shall mean any ~~fair, festival, or like activity of a temporary nature having a concession or concessions~~ **temporary event or concession that includes mechanical or inflatable amusement rides, games booths, skill tests, food vending, and/or novelty sales, which are offered to the public for a fee, charge or donation.** ~~Concessions shall mean and include any booth or stand or any space in which any science, amusement, ride, game or test of skill, is offered at which the public participates for a fee, charge or donation.~~ For the purpose of this policy, the following types of carnivals are hereby defined:

##### 1. ~~Department~~ **RAP** –Sponsored Carnival (Type A)

A Type A carnival is a carnival initiated and administered by the ~~Department of Recreation and Parks~~ **RAP**. ~~The Department RAP, through its Business Operations Office, contracts Park Services Division, issues a permit~~ with a carnival operator to provide carnival services (rides, game booths, confections, etc.) at a ~~Department~~ **RAP** facility. All proceeds received are retained by the ~~Department~~ **RAP** designated Municipal Recreation Program (MRP) fund or funds. (MRP fund is defined as a fund that includes money collected, donated or raised on behalf of RAP facilities for programs such as sports clubs, day camp, child care, pre-school, cultural activities, educational activities, etc.)

##### 2. ~~Department~~ **RAP**-Community Co-Sponsored Carnival (Type B)

A Type B carnival is carnival mutually and cooperatively planned and administered by ~~the Department~~ **RAP** and a qualified community organization (**refer to Section E.**) ~~The Department~~ **RAP** and co-sponsor together select a carnival operator to provide carnival

services at a ~~Department~~ **RAP** facility. All proceeds and expenses from the carnival are equally divided between ~~the Department~~ **RAP** and co-sponsor.

3. Community-Sponsored Carnival (Type C)

A Type C carnival is a carnival planned and operated solely by a community organization. The community group contracts with a carnival operator and conducts a carnival at a ~~Department~~ **RAP** facility. All proceeds are retained by the sponsor who pays ~~the Department~~ **RAP** a standard fee for use of the facility, **pursuant to the RAP Schedule of Rates and Fees.**

B. Number of Carnivals

No more than ~~two (2)~~ **three (3)** carnivals of any type or combination thereof as defined above may be conducted at any one ~~Department~~ **RAP** recreation center ~~facility~~ or park in any calendar year without the expressed approval of ~~the Board of Recreation and Parks Commissioners~~ **RAP's General Manger or Designee.**

C. Availability of Facility

The Director-in-Charge of a recreation facility and the Park **Maintenance** Supervisor shall jointly determine the availability of ~~the~~ a particular facility for use in ~~the~~ conducting a carnival. In determining the availability of the facility, both shall consider the following:

1. Number of carnivals allowed at the site (~~two~~ **three (3)** per calendar year).
2. Planned programmed use of the facility (other scheduled activities).
3. Special maintenance programs or requirements (construction, seeding, etc.)
- ~~4. Performance of proposed sponsor and /or operator in previous carnivals held at sites.~~
4. ~~5.~~ Staffing capability of the center.
5. ~~6.~~ Requests of other organizations for use of the site.
- ~~7. Number of available volunteers.~~

D. Carnival Requirements

1. All carnival equipment shall be well maintained, clean, painted, and properly inspected to the satisfaction of the Director-In-Charge and Park Maintenance Supervisor before use.
2. A current valid state-issued ride permit must be affixed to each ride at the carnival. Any equipment which does not meet these requirements shall not be allowed to operate or shall be promptly removed.
3. Signs showing patron size requirements shall be posted visibly at each ride and are subject to RAP approval.
4. Both pre-event and post-event walk-throughs with the carnival operator, the Director-In-Charge, and the Park Maintenance Supervisor are required.
5. All carnival operators shall be required to provide customers with only sustainable and/or biodegradable food-service packaging, including cups, plates, cutlery, utensils, bags, and eliminate any use of plastic straws.
6. Carnival operators also expressly agree to comply with all City of Los Angeles recycling programs, green event and festival policies, subject to periodic revision by the RAP's General Manager or designee, to be detailed in the Carnival Permit.

E. ~~D.~~ Community Organizations Primarily Considered for Type B or C Carnivals

- ~~1.~~ The organization is primarily oriented to community activities, (civic and service clubs, youth groups sponsored by the United Way and other youth-serving agencies). Examples of such organizations include Optimists, Kiwanis, Chambers of commerce, C.Y.O, Woodcraft Rangers, boy and Girl Scouts of America, Little Leagues, etc.
- ~~2.~~ The proceeds raised by the organization from the proposed carnival would be substantially expended for recreational purposes in the general community from which the funds were generated.

F. ~~E.~~ Days/Hours of Operation

Unless authorized by RAP's General Manager or Designee, ~~No~~ **no** carnival may operate for a period in excess of three (3) consecutive calendar days. Equipment set-up may commence ~~thirty-six (36)~~ **forty-eight (48)** hours before the carnival begins and shall be removed within ~~sixteen (16)~~ **twenty (20)** hours of termination of the event.

Exception: When rain commences after carnival equipment is set up and the Park **Maintenance** Supervisor determines that the wet turf would suffer extensive damage from the removal of heavy equipment, the Park **Maintenance** Supervisor may authorize the carnival operator to move the equipment after the ground dries rather than risk damage to the turf.

**In the event of rain during the days prior to the opening of the carnival, the Director-In-Charge and Park Maintenance Supervisor will determine if conditions are conducive to opening on schedule or if cancellation is necessary.**

**G.** ~~F.~~ Laws and Ordinances

Carnival operators, sponsors and co-sponsors shall conduct their business **in compliance with all laws, rules and regulations** as set forth by the City, County, State, and Federal governments. Specifically, the operator shall comply with Sections 57.05.20, 21.75, 103.104 and 103.113 of the Los Angeles Municipal code; and Sections 319, 330, 332, and 531 of the California State Penal Code.

Carnival operators, sponsors and co-sponsors shall obtain all necessary permits from the **Los Angeles** County Health Department and the **City of Los Angeles** Departments of Fire, ~~Social Services~~, Building and Safety, Police and City Clerk.

**Each ride must have a valid State-issued ride permit for the current year to operate. It is the responsibility of the Director-In-Charge to verify the validity of each permit during a pre-carnival site inspection. If the permit is not valid, the ride must not be operated. Inflatables, climbing walls, and fun houses do not require ride permits.**

**H.** ~~G.~~ Insurance Requirements

In order to provide services or products for sale on ~~Department~~ **RAP** property all **entities** must first submit to ~~the Department~~ **RAP** completed Los Angeles City insurance endorsement documents as proof of their required insurance coverage. The documents must be completed by the ~~agency's~~ **entity's** insurance company ~~and approved by the City Attorney,~~ **downloaded onto Track4LA (the City's online insurance compliance system), and approved by the City Risk Management Office** prior to the agency's operation on ~~Department~~ **RAP** property. In conjunction with carnival operations, the following ~~agencies~~ **entities** must show proof of insurance coverage:

-The carnival operator

-All food vendors

-All Community groups who rent and operate game booths

-Agency from whom game booths and prizes are rented by Department **RAP**, and /or Community groups.

-Co-sponsor

-Sponsor

The carnival company **operator** must carry at least ~~\$1,000.00~~ of public liability and property damage which includes products liability. All other agencies must carry ~~\$500,000.00~~ of public liability and property damage which include products liability if food is to be sold. **One Million Dollars (\$1,000,000.00) for General Liability, One Million Dollars (\$1,000,000.00) for Vehicle Liability and One Million Dollars (\$1,000,000.00) of Workers Compensation, including Waiver of Subrogation. All other entities must carry One Million Dollars (\$1,000,000.00) of General Liability.**

I. H. Game Booth Operations

1. No game may be operated with any hidden mechanical device or construction used to diminish the chance of any patron to win a prize.
2. The use of or employment of "shills" and /or any person posing as a patron is prohibited.
3. All foul lines shall be explained to the patrons before the game starts and posted legibly with other game rules.
4. Only items of merchandise that can be won by the player may be displayed in conjunction with any game. All prize merchandise must be clearly and conspicuously marked as to the requirements for winning said prize. The offering of money as a prize or as an incentive to play is prohibited.
5. All game concessions shall be open to inspection by a peace officer or Department **RAP** representative during the hours the carnival is open to the public.
6. Only games of skill shall be permitted, and for the purpose of this policy, a game of skill is defined as:

A game in which the average person, with a reasonable amount of practice, can be expected to improve ~~his~~ **their** performance, and be able to complete the required task

at least once out of **fifty (50)** attempts. The fact that a select few, by virtue of long practice and experience can win at a game, is not sufficient to designate the game as one of skill.

7. No game may be operated without prior ~~Department~~ **RAP** approval.

J. I. ~~Yearly Annual Requirements~~

At the beginning of each calendar year, ~~the Department~~ **RAP** shall select a number of carnival ~~companies~~ **operators** who have previously operated on ~~Department~~ **RAP** property and /or are available to operate on ~~Department~~ **RAP** property in the coming year. All Carnival ~~companies~~ **operators** which meet ~~the Department's~~ **RAP's** requirements and who have a past record of cooperating with and meeting ~~the Department's~~ **RAP's** requirements reasonably, ~~and who have posted a \$1000 performance bond,~~ may be granted a ~~master permit approval which allows them to operate on Department RAP property upon request throughout the year.~~ **The Park Services Division will notify carnival operators when they have been approved.**

Prior to operating ~~the Department~~ on **RAP** property, ~~however,~~ the carnival ~~company~~ **operator** ~~must post a yearly \$1,000 performance bond,~~ must pay all outstanding bills owed to any ~~City~~ department, must meet the ~~City Attorney's~~ **City's** insurance requirements, **and** must sign and return the ~~master permit to the business Operations Office, and must receive a sub permit with the specific dates and facility on which he is allowed to operate.~~ **Facility Director.**

K. J. ~~Carnival Evaluation and Selection~~

~~The Department~~ **RAP** shall evaluate and record the performance of carnival operators throughout the year. These evaluations ~~shall be determine~~ **will be considered** in the selection of carnival operators for the following year.

### III. TYPE A CARNIVAL

A "Type A" Carnival Permit is issued by ~~the Department~~ **RAP** directly to the carnival operator. Community groups are usually not involved. However, ~~the Department~~ **RAP** may issue separate permits to other vendors or groups for the sale of products or services at the same event. In such cases, each permittee must show adequate proof of insurance. **The proceeds from the proposed carnival would be substantially expended for recreational purposes in the general community from which the funds were generated.**

A. Rates and Fees – Rides and, Food, and Novelty Sales

As a condition of operating a carnival on Department **RAP** property, the carnival operator shall ~~give~~ **will provide a check** to the Director-in-Charge a check payable to the **City of Los Angeles Department of Recreation and Parks for their portion of carnival proceeds as follows:** an amount equal to ~~twenty-five percent (25%) of gross receipts from the sale of rides and twenty percent (20%) of gross receipts from the sale of food.~~ The carnival operator shall pay the fee immediately after the close of the carnival. In the event that the carnival operator fails to submit the required amount before one o'clock the following day, an additional payment of two percent (2%) of the amount due will be charged for each month, or fraction thereof, that the payment is due.

1. **Sales of Rides - twenty-five percent (25%) of gross receipts**
2. **Sales of Food – a flat fee of Two Hundred Dollars (\$200.00) per day OR for large Regional events (as determined by the Region Superintendent) twenty-five percent (25%) of all gross receipts.**
3. **Sale of Novelty Items – a flat fee of One Hundred Dollars (\$100.00) per day OR for large Regional events (as determined by the Region Superintendent) twenty-five percent (25%) of gross receipts.**

**The carnival operator and the Director-In-Charge shall settle finances each night at the close of carnival operational hours and complete a RAP-issued Daily Revenue Log.**

The Director-in-Charge shall deposit the entire amount in the ~~appropriate playground fund.~~ **Center's designated MRP fund or funds.**

B. Rates and Fees – Game Booths

~~Game booths may not be operated by the carnival operator. The Department may rent game booths from the carnival company or other game rental agency for a flat fee not to exceed \$50. The Department may also take prizes on consignment from carnival company or other agency and pay only for those prizes on consignment from the carnival company or other agency and pay only for those prizes awarded to the public.~~

~~The Department may then rent the booths to community groups for an amount of \$75 per booth or 10% of the gross receipts, whichever amount is greater; however, each operating a booth must show adequate proof of insurance coverage.~~

**Any qualified and approved organization and/or the carnival operator may operate game booths for a flat fee of Fifty Dollars (\$50.00) per day per booth OR for large Regional events (as determined by the Region Superintendent) twenty-five percent (25%) of all gross receipts, payable to the City of Los Angeles Department of Recreation and Parks.**

**All entities that operate game booths must provide proof of insurance coverage onto Track4LA.**

Booths must be well maintained, and strong enough to withstand the elements.

C. Operating Requirements

The following regulations shall be adhered to by any operator conducting a (Type A) carnival on ~~Department~~ **RAP** property:

1. If there is a concessionaire permanently assigned to the facility at which a carnival is held, neither the carnival operator, food vendor, community group ~~or~~ **nor** any other agency affiliated with the vendor, community group or any other ~~agency~~ **entity** affiliated with the carnival, may interfere with the operation of said concessionaire. The concessionaire shall be allowed to set up a booth adjacent to or within the carnival area subject to the approval of ~~the Department~~ **RAP**.

~~The Director in Charge may, however, ask for a special permit for the permanently assigned concessionaire to report separately, his gross receipts earned during and as a result of the carnival event so that the receipts earned during and as a result of the carnival event so that the required percentage of the gross receipts may be deposited into the playground fund with the proceeds from the carnival. The percentage of gross receipts for the event shall be the same as the percentage required by the concessionaire's regular permit.~~

2. All carnival employees shall ~~be uniformed.~~ **wear uniform/shirts clearly displaying carnival operator logo or name.**
3. Pre-numbered tickets ~~only (no money) shall be collected at rides.~~ **or wristbands shall be collected or verified at rides.** ~~The tickets~~ **Tickets and wristbands** will be sold only in ticket booths staffed by ~~Department~~ **RAP** employees or volunteers recruited by ~~the Department~~ **RAP**. The ride operators **shall** tear them in half and deposit them in receptacles at each location. **Ticket or wristband numbers are to be designated on the Daily Settlement Form and daily sales totals logged on the Daily Revenue Log.** At the end of each operating day, the operators shall separately account for all tickets collected. ~~All tickets must be submitted to the Department for reimbursement at the end of each operating day.~~ **Director-In-Charge may either (1) elect to pay the carnival operator directly in cash for their portion of the proceeds or (2) turn over the cash proceeds of the day in exchange for a check for RAP's portion of the proceeds from the carnival operator.**

**Ticket booths and ticket sellers may be audited at any time by the Director-In-Charge.**

- ~~4. All carnival equipment shall be well maintained, clean, painted and properly inspected to the satisfaction of the Recreation Director and Park Supervisor before use. Any equipment which does not meet these requirements shall be promptly removed.~~
4. ~~5. Each permittee~~ **The carnival operator** shall be responsible for the security of ~~his~~ **its** respective equipment and supplies while ~~on Department RAP~~ property. The carnival operator shall be responsible for all crowd and grounds security on the carnival premises.
5. ~~6. Carnival operator shall provide and maintain at least two (2) chemical toilets,~~ **one (1) ADA compliant chemical toilet, and one (1) hand-washing station** to be used during the carnival event. The Director-In-Charge or Park ~~Maintenance~~ Supervisor may, at ~~his~~ **their** discretion, require additional toilets.
- ~~7. Signs showing patron size limitations shall be posted visibly at each ride and are subject to Department approval~~
6. ~~8. The types of rides, games, and food and their corresponding prices therefore,~~ shall be ~~determined and~~ approved by the Director-in-Charge, in advance of the event.
7. ~~9. The carnival operator shall be responsible for complete maintenance of the carnival premises before, during and after operation of the carnival.~~
8. ~~10. The carnival operator shall pay for any damages to Department RAP property or clean-up charges as a result of the carnival. The amount of the damages will be assessed by the Department RAP.~~

#### IV. TYPE B CARNIVAL

A "Type B" Carnival Permit is issued to a community group as a co-sponsor with ~~the Department of Recreation and Parks RAP~~; however, the community group to whom the permit is issued is legally responsible for all activities and must ~~show proof of insurance.~~ **download insurance onto Track4LA. The proceeds from the proposed carnival would be substantially expended for recreational purposes in the general community from which the funds were generated.**

##### A. Rates and Fees – Rides and ,Food, and Novelty Sales

As a condition of providing carnival services on ~~Department RAP~~ property in conjunction with a co-sponsored (Type B) carnival, a ~~the~~ carnival operator shall pay ~~to the Department and co-~~

~~sponsor twenty-five percent (25%) of the gross receipts from amusement and~~ **the sale of rides and** ~~twenty percent (20%) of gross receipts from,~~ **a total of Two Hundred Dollars (\$200.00) per day** **OR for large Regional events (as determined by the Region Superintendent) twenty-five percent (25%) of all gross receipts for the sale of food,** **and a total of One Hundred Dollars (\$100.00) per day OR for large Regional events (as determined by the Region Superintendent) twenty-five percent (25%) of all gross receipts for the sale of novelty items, if any to RAP and the Co-Sponsor.**

**The carnival operator, the Director-In-Charge, and the co-sponsor shall settle finances each night at the close of carnival operational hours and complete a RAP-issued Daily Revenue Log.**

**The Director-In-Charge shall deposit the RAP's portion of the proceeds in the designated MRP fund or funds.**

~~If Any outside vendors or community groups other than the permittee and carnival operator that sells food at the carnival, they must pay to the Department and co-sponsor \$75 or ten percent (10%) of a total of Three Hundred Fifty Dollars (\$350.00) or fifteen percent (15%) of all gross receipts from the food sales, whichever is greater. The \$75 shall~~ **The funds shall be equally divided between RAP and the co-sponsor, with RAP's proceeds to be remitted to the eCity prior to operation of the booth.**

**B. Rates and Fees – Game Booths**

~~Game booths may not be operated by the carnival operator. The Department and co-sponsor may rent game booths from the carnival company or another agency for a flat fee not to exceed \$50; and pay only for those prizes awarded to the public. The Department may also take prizes on consignment from the Carnival Company or any other agency and pay for those prizes awarded to the public.~~

~~The Department and co-sponsor may then rent the booths to additional community groups for either a minimum flat rate of \$75 per booth, or ten percent (10%) of the gross receipts from the sale of chances, whichever amount is greater.~~

~~The community group may buy prizes or take them on consignment from the carnival or any other agency.~~

~~Gross receipts are hereby defined to mean the total amount of the sale price of all sales without deduction of any expenses such as awarded prizes. Only sales tax can be deducted from gross receipts.~~

**Any qualified and approved organization and/or the carnival operator may operate game booths for a flat fee of Fifty Dollars (\$50.00) per day per booth OR for large Regional events (as determined by the Region Superintendent) twenty-five percent (25%) of all gross receipts to be equally divided between RAP and the co-sponsors, with the RAP's proceeds remitted to the City.**

**All entities that operate game booths must provide proof of insurance coverage onto Track4LA.**

**Booths must be well maintained, and strong enough to withstand the elements.**

C. Rates and Fees – Co-Sponsor and Department RAP

All proceeds and expenses shall be equally shared by the Department **RAP** and the co-sponsor.

1. Proceeds include but are not limited to the following items:

Revenue paid by the carnival operator from rides and food sales. (25% **twenty five percent** of gross receipts from rides and ~~20% of gross receipts~~ **and funds received** from food, **games and novelty booths**).

Net proceeds earned from booth operations, raffles, dances and food sales (other than food sold by carnival operator and other community groups).

Revenue paid by other community groups for the operation of food or game booths (~~\$75 or 10% of gross receipts, whichever is greater~~).

2. Expenses include the following items only:

Advertising fliers

Decorations

Security (in excess of that provided by the carnival operator)

Booth rental from Carnival Company or similar agency. (~~\$50 per booth~~)

Beacon light

Tickets (printing)

Professional entertainment

Food purchased to sell

Prizes awarded as provided for on consignment ~~or for raffles.~~

Wages and salaries of ~~Department~~ **RAP** and co-sponsor personnel are specifically excluded as expense items for the purpose of co-sponsored carnivals.

D. Operating Requirements

The following regulations shall be adhered to by co-sponsors and carnival operator **for** Type B carnivals on ~~Department~~ **RAP** property:

1. If there is a concessionaire permanently assigned to the facility at which a carnival is held, neither the carnival operator, food vendor, community group ~~or nor~~ any other agency **entity** ~~affiliated with the event~~ may interfere with the operation of said concessionaire. The concessionaire shall be allowed to set up a booth adjacent to or within the carnival area, subject to the approval of ~~the Department~~ **RAP**.

~~The Director in Charge may, however, ask for a special permit for the permanently assigned concessionaire to report separately his gross receipts earned during and as a result of the carnival event so that the required percentage of the gross receipts may be deposited into the playground fund with the proceeds from the carnival. The percentage of gross receipts for the event shall be the same as the percentage required by the concessionaire's regular permit.~~

2. All carnival employees shall ~~be uniformed.~~ **wear uniform/shirts clearly displaying carnival operator logo or name.**
3. **Pre-numbered** ~~Tickets only (no money)~~ **or wristbands** shall be collected **or verified** at rides. **No money is to be exchanged at the rides.** ~~The tickets~~ **Tickets and wristbands** will be sold only in ticket booths staffed by ~~Department~~ **RAP** employees or volunteers recruited by ~~the Department RAP or Co-sponsor.~~ The ride operators ~~shall~~ **shall collect tickets at their respective operations, tear them the tickets** in half and deposit them in receptacles at each location. **Ticket or wristband numbers are to be designated on the Daily Settlement Form and daily sales totals logged on the Daily Revenue Log.** At the end of each operating day, ~~the operators shall separately account for all tickets collected. All tickets must be submitted to the Department for reimbursement. the~~ **Director-In-Charge may either (1) elect to pay the carnival operator directly in cash for their portion of the proceeds or (2) turn over the cash proceeds of the day in exchange for a check for RAP's portion of the proceeds from the carnival operator.**

**Ticket booths and ticket sellers may be audited at any time by the Director-In-Charge.**

~~4. All Carnival equipment shall be will maintained, clean, painted and properly inspected to the satisfaction of the Recreation Director and Park Supervisor before use. Any equipment which does not meet these requirements shall be promptly removed.~~

4. ~~5.~~The co-sponsor, carnival operator, and food vendors shall be responsible for the security of their respective equipment and supplies while ~~on Department~~ **RAP** property. **The carnival operator shall be responsible for all crowd and grounds security on the carnival premises.**
5. ~~6.~~The carnival operator shall provide and maintain at least two (2) chemical toilets, **one (1) ADA compliant chemical toilet, and one (1) hand-washing station** to be used during the carnival event. ~~The Director or Park supervisor~~ **The Director-In-Charge or the Park Maintenance Supervisor** may, at ~~his~~ **their** discretion, require additional toilets.
6. ~~7.~~The types of rides, games, **and** food ~~and their corresponding prices, therefore,~~ shall be ~~determined and approved by the Director-in-Charge, in advance of the event and shall be complied with.~~
7. **The carnival operator and sponsoring organization shall be responsible for complete maintenance of the premises before, during, and after operation of the carnival.**
8. The co-sponsor, carnival operators, booth rental agencies and /or food vendors shall pay for any damages to ~~Department~~ **RAP** property as a result of their respective operations contributing to the event. The amount of damages will be assessed by ~~the Department~~ **RAP**.

#### V. TYPE C CARNIVAL

A Type C Permit is issued to a community group who independently negotiates, conducts and maintains a carnival with a carnival ~~company~~ **operator** and /or food vendors.

##### A. Rates and Fees – Type C Carnival

As a condition of operating a Type C carnival on ~~Department~~ **RAP** property, the sponsoring organization shall pay ~~the Department RAP two hundred fifty dollars (\$250)~~ **a NON-REFUNDABLE FACILITY use fee of One Thousand Five Hundred Dollars (\$1,500.00)** for each day of carnival operations. Days required for the set up and take down of equipment will not be

subject to the fee. The fee shall be deposited with ~~the Department~~ **RAP** before the carnival opens.

All fees paid in conjunction with a Type C carnival shall be deposited ~~into the Department's~~ **RAP** General Fund.

## B. Operating Requirements

The following regulations shall be adhered to by community groups and carnival operators conducting a Type C carnival on ~~Department~~ **RAP** property:

1. If there is a concessionaire permanently assigned to the facility at which a carnival is held, neither the carnival operator, food vendor, community group ~~or~~ **nor** any other ~~agency~~ **entity** affiliated with the carnival, may interfere with the operation of said concessionaire. The concessionaire shall be allowed to set up a booth adjacent to or within the carnival area, subject to the approval of ~~the Department~~ **RAP**.

~~Inasmuch as Type C carnival fees are deposited into the general fund, the regularly assigned concessionaire may report monies earned during the Type C carnival along with his regular rent report.~~

2. All carnival employees shall ~~be uniformed.~~ **wear uniform/shirts clearly displaying carnival operator logo or name.**
3. ~~Carnival employees may not operate their own game booths. All game booths must be~~ **Game booths may be operated by carnival employees or** manned by community volunteers (not recruited by the carnival ~~company~~ **operator**).
4. Sponsoring organization and the carnival operator shall be responsible for the security of their respective equipment and supplies while **on Department RAP** property and for all grounds security during carnival operations.
5. The sponsoring organization and the carnival operator shall provide and maintain at least two (2) chemical toilets, **one (1) ADA compliant toilet, and one (1) hand-washing station** to be used during the carnival event. The Director-in-Charge or Park **Maintenance** Supervisor may, at ~~his~~ **their** discretion, require additional toilets.
6. The types of rides, games, **and** food ~~and their corresponding prices, therefore,~~ shall be ~~determined and~~ approved by the Director-in-Charge in advance of the event ~~and shall be~~ **complied with.**

7. The carnival operator and sponsoring organization shall be responsible for complete maintenance of the premises before, during, and after operation of the carnival.
8. The sponsoring organization and/or carnival operator shall pay for any damages to ~~Department~~ **RAP** property as a result of the carnival. The amount of the damages will be assessed by ~~the Department~~ **RAP**.

#### VI. PROCEDURE TO CONDUCT A CARNIVAL

The following procedure shall be followed in the planning, scheduling, administration and operation of a carnival on ~~Department~~ **RAP** property:

- A. ~~The Recreation Branch~~ **Each Region** shall compile and submit a tentative schedule of all annual carnivals to the ~~Business Operations~~ **Park Services Division** Office by January 31.
- B. The ~~Business Operations Office~~ **Park Services Division Office** shall solicit interest from available carnival operators to operate on ~~Department~~ **RAP** property as needed throughout the year. ~~(Carnival operators will not be selected for specific events. They will be placed on a list of available carnivals who meet city requirements.)~~ **RAP's annual Approved Carnival Operator list.** The ~~Business Operations Office~~ shall grant annual permits to all regular responsible bidders, who meet permit requirements; and compile and distribute lists of "permitted" carnival operators to the ~~Recreation Branch~~. **The Park Services Division Office will be responsible to analyze carnival operators to ensure that they meet insurance requirements.**
- C. ~~Recreation~~ **Director-In-Charge** shall meet with co-sponsor to discuss possibility of holding carnival or, **Director-In-Charge** receives proposal from outside group to hold carnival; or, **Director-In-Charge** ~~decided~~ **decides** to hold a carnival.
- D. **Director-In-Charge** ~~determines type of carnival to be held~~ **initiates the selection process** (A, B, or C as defined in policy), **pending approval from the Region Division Head.**
- E. **Director-In-Charge** and Park **Maintenance** Supervisor determine availability of facility requested for use in operating carnival and **notifies** proposer if applicable.
- F. **Director-In-Charge** and, if applicable, co-sponsor or sponsor, selects a carnival ~~company~~ **operator** from the ~~List of Annual Carnival Permits~~. **Annual Approved Carnival Operator list.**
- G. **Director-In-Charge** meets with sponsor, co-sponsor and /or carnival operator and together they review the requirements of the carnival policy.
- H. **Director-In-Charge**, Park **Maintenance** Supervisor, carnival operator, (sponsor or co-sponsor) meets to negotiate details of the event, **and** select a site on the premises, ~~select and prepare a list of~~

~~games and food and their respective prices.~~ Director-In-Charge shall approve all games, food and prices.

I. **Director-In-Charge must obtain a minimum of One Thousand Dollars (\$1,000.00) Refundable Maintenance Deposit from the Carnival Operator.**

J. ~~I.~~ Director-In-Charge shall prepare a ~~“Special Event Permit Request”~~ **“Carnival Permit Request”**, and submit it to the District and Area **Maintenance** Office for approval.

K. ~~J.~~ ~~After the Area Recreation Supervisor and the Area maintenance Supervisor have approved the Special Event Permit Request~~ **After Recreation and Maintenance Supervision has approved the Carnival Permit Request**, it shall be forwarded to the ~~Business Operations Office.~~ **appropriate Region Office to prepare an official Carnival Permit.**

~~K. Business Operations shall review the form and carnival operator’s insurance status and prepare a sub-permit for the carnival operator and, if applicable, a Special Event Permit for the sponsor, co-sponsor or any additional vendors.~~

~~L. Business Operations shall send the sub permit directly to the carnival operator; however, all permits to be signed by sponsors, co-sponsors or additional vendors or community groups shall be forwarded to the Director in Charge. The Director in Charge shall obtain the appropriate signatures from the permittees and return the document to Business Operations prior to the event.~~

L. **The Region shall send the official Carnival permit directly to the carnival operator. The Director-In-Charge shall obtain the appropriate signatures from the carnival operator and return the signed permit to the Region Office prior to the event.**

M. Upon receipt of each ~~permit or sub-permit~~ **the official permit**, the ~~permittees~~ **all permit holders** shall obtain all other appropriate certificates and permits from the **Los Angeles** County Health Department and the City Departments of Fire, Police, Building and Safety, ~~Social Services~~ and City Clerk.

N. ~~Business Operations~~ **For Type A and B carnivals, the Region** shall distribute copies of the **official permits and sub-permits** to the **Los Angeles County Health Department, Los Angeles City,** Departments of Fire, Police , Building and Safety, ~~Social Services~~ and City Clerk, the Police Commission, and **the Security Services Division of LAPD** and to the ~~Recreation Director-In-Charge, District Office, Grounds Maintenance and Area Office,~~ **Recreation Supervisor, Region Permit Coordinator, Park Services Division, Municipal Sports Office, Park Maintenance Supervisor, Senior Park Maintenance Supervisor, Principal Park Maintenance Supervisor, Revenue Accounting Office, and Park Rangers.** Type C carnivals may be facilitated by the Region but distribution of permits is the responsibility of the carnival permit applicant.

~~O. After obtaining all necessary permits the permittees and /or carnival operators shall notify the Director in Charge and the Park maintenance Supervisor of the locations, day and time he will begin equipment set up.~~

~~P. The carnival operator must receive an approving ride inspection from the State of California, Department of Industrial Relations, division of Industrial Safety, prior to operation.~~

- O. **Prior to opening, the Director In Charge must inspect all rides on the premises to verify that each ride has a valid permit (sticker) for the current year to operate provided by the State of California, Department of Industrial Relations, and Division of Safety and Health (mandatory for Type A and B carnivals).**
- P. ~~Q.~~ **At the conclusion of the event the Director-In-Charge, carnival operator, co-sponsor, sponsor and other permittees shall meet and determine gross receipts and rent due proceeds from the event, and prepare the Remittance Advice form Grand Total and Co-sponsor Proceeds (if applicable) on the Daily Revenue Log.**
- Q. ~~R.~~ **The Director-In-Charge shall forward one copy of the remittance Advice form to business Operations all Daily Settlement Sheets and Daily Revenue Logs to the Park Services, retain one copy, and provide one copy with the appropriate check and transmittal sent the Department's Cashier, 13<sup>th</sup> Floor, City Hall East to the Region office for filing.**
- R. ~~S.~~ **The Director-In-Charge and Park Maintenance Supervisor shall jointly complete the carnival evaluation form and forward it to the district and Area Office for review prior to sending it to Business Operations Carnival Evaluation Form immediately after the carnival has concluded and forward it to the Region Office, Maintenance Office, and the Park Services Division Office. Evaluation forms will be maintained in the business Operations Park Services Office and are available for any Department RAP employee to review.**
- S. ~~T.~~ **If the co-sponsor, sponsor, carnival company operator, food vendors or rental agencies caused any damage to Department RAP's property, the Park Maintenance Supervisor shall determine the cost and notify the Accounting Division by memo. The Accounting Division shall bill the appropriate agency for damages and provide the Director in Charge with copies of all documentation and correspondence related to property damage. The Director and Accounting Division shall forward copies of all correspondence to Business Operations to be placed on file for future carnival evaluation. This information will be attached to the Evaluation Form and filed by the Park Services Division. These documents and the Carnival Evaluation Form will be part of the review to determine eligibility as an approved carnival operator.**

CARNIVALS  
(Revised 07/10 3/18)

NOTE: CARNIVALS ARE PERMITTED BETWEEN APRIL 1 AND OCTOBER 31 OF EACH YEAR. EXCEPTIONS MUST BE APPROVED BY THE REGION SUPERINTENDENT.

Refer to the Carnival Policy and Procedures (Instruction No. 321) for detailed information.

- **Maintenance Deposit** – All carnival types require a refundable maintenance deposit of **\$1000.00 (80% of deposit is refundable, 20% of deposit is non-refundable).**
- **Insurance** - All carnival types must adhere to insurance requirements (see Instruction No. 321)

TYPE A – DEPARTMENT-SPONSORED CARNIVAL

A Type “A” carnival is a carnival initiated and administered by the Department of Recreation & Parks (RAP). All proceeds received are retained by the Department **designated Municipal Recreation Program (MRP) fund or funds.** The Director-in-Charge shall receive payment from the Carnival Operator for the following:

1. Sale of Rides – ~~30%~~ **25 %** of all gross receipts
2. Sales of Food – **A flat fee of \$200 per day or for large Regional Events (as determined by the Region Superintendent) 25% of all gross receipts**
3. Sales of Novelty items - **A flat fee of \$100 per day or for large Regional Events (as determined by the Region Superintendent) 25% of all gross receipts**
4. Sales from Game Booths – **A flat fee of \$50 per day or for large Regional events (as determined by the Region Superintendent) 25% of all gross receipts**

~~A ten percent (10%) penalty fee is charged the Carnival Operator if payment is not received before one p.m. the following day of each day’s event.~~

~~Game Booths—Refer to the Carnival Policies & Procedures for rates and instructions.~~

TYPE B – DEPARTMENT-COMMUNITY CO-SPONSORED CARNIVAL

A Type “B” carnival is a carnival mutually and cooperatively planned and administered by RAP and a qualified community organization. All proceeds and expenses from the carnival are equally divided between RAP and the co-sponsor. The Director-in-Charge and Co-sponsor shall receive payment from the carnival operator for the following:

1. Sale of Rides – 25% of all gross receipts
2. Sales of Food – **A flat fee of \$200 per day or for large Regional events (as determined by the Region Superintendent) ~~20%~~ 25% of all gross receipts**
3. Sales of Novelty items - **A flat fee of \$100 per day or for large Regional events (as determined by the Region Superintendent) 25% of all gross receipts**
4. Sales from Game Booths – **A flat fee of \$50 per day or for large Regional events (as determined by the Region Superintendent) 25% of all gross receipts**

~~Game Booths—Refer to the Carnival Policies & Procedures for rates and instructions.~~

Any **outside** vendor or other community group that sells food at a Type “B” carnival must pay RAP and the Co-Sponsor ~~\$300.00~~ **\$350.00** or ~~10%~~ **15%** of all gross receipts from the food sales, whichever is greater. ~~The \$300.00 shall be remitted to the City prior to operation of the booth.~~

~~All revenues received from a Type “B” carnival shall be divided equally between the Department and the Co-Sponsor.~~

TYPE C – COMMUNITY-SPONSORED CARNIVAL

A Type “C” carnival is a carnival where a community group independently negotiates, conducts and maintains the carnival with an approved carnival operator and/or food vendors. The sponsoring organization shall pay to RAP’s General Fund Account a NON-REFUNDABLE FACILITY use fee of ~~\$1,000.00~~ **\$1,500.00** for each day.

~~Maintenance Deposit—All carnivals require a refundable maintenance deposit of \$750.00. Refer to the carnival Policy & Procedures for instructions and information.~~