


Use of Municipal Facilities and Parks Policy (Proposed Update)

 TOWN OF LINCOLN	
ID No.: CS-2019-04	Policy Title: Use of Municipal Facilities and Parks Policy
Classification: CN 2-1-01-02	Department: Community Services
Date of Original Issue: June 2019	Revision Date: June 2021

Policy Statement

The Town of Lincoln (herein the Town) remains dedicated to providing residents and visitors with accessible, inclusive, affordable and safe access to Town facilities and parks.

Purpose

The policy works towards ensuring that the allocation and permitted use of the Town facilities and parks is done in a fair and equitable manner.

The policy further applies to all groups and/or individuals who wish to permit Town facilities and/or parks.

Principles

- Every resident of the town, regardless of age, gender, race, income and ability, has a right to reasonable and equitable access.
- Fees and charges for facility and park rentals are identified in the Fees and Charges By-law. The Fees and Charges By-law acknowledges the Town's commitment to providing affordable programs and services to Town residents.
- The Chief Administrative Officer (CAO) has the sole authority to cancel a facility permit in instances of emergency response and/or when deemed in the best interest of residents.
- Facility and park permits will not be provided to businesses, organizations or individuals who, in the sole discretion of the CAO, are deemed inappropriate for the municipality in that their programs, services or business activities do not align with the Town's organizational values and community vision statement. Examples of unauthorized permits and uses would include but are not limited to those that:
 - Market or advertise the use of tobacco, cannabis, drugs and/or alcohol;
 - Promote derogatory, prejudicial, harmful to or are intolerant of any specific group or individual;
 - Create fiscal hardship for the Municipality and/or its residents;
 - Make the rental inappropriate for reasons not specified herein; and or

- Promote views and/or ideas which may promote discrimination against, contempt or hatred for any person on the basis of race, national or ethnic origin, ancestry, color, citizenship, religion, age, sex, marital status, family status, sexual orientation, gender identity, disability, receipt of public assistance or level of literacy.
- Use of municipal facilities and parks by any group or organization does not constitute an endorsement by the Town of Lincoln of the group's policies or beliefs or the viewpoints expressed by participants attending the event.
- Usage requests of a political nature including use by political candidates and/or political special interest groups may not use open access areas (e.g.: facility lobby or concourse, park setting) but may utilize a meeting space and are subject to regular permit rates.
- Applicants must abide by and conform to all by-laws, rules and regulations relating to occupancy and use of the municipal facility and/or park and all applicable Provincial and Federal legislation, statutes and regulations.
- Fundraising events or activities are subject to regular permit rates.
- This policy requires that the Permit Holder uphold municipal, provincial and federal standards and regulations inclusive of health and safety and support environmental, accessible and inclusive practices.

Application

Administered in accordance with the Parks By-law and all other applicable municipal by-laws, this policy applies to all bookable facilities, spaces and parks under the management and administration of the Town including:

Facility	Location
Fleming Centre	5020 Serena Drive, Beamsville
Jordan Arena	2767 Fourth Avenue, Jordan
Lincoln Community Centre	4361 Central Avenue, Beamsville
Town of Lincoln Museum and Cultural Centre (Interim location)	4996 Beam Street, Beamsville
Beamsville Lions Park	5100 Fly Road, Beamsville
Jordan Lions Park	2767 Fourth Avenue, Jordan
Ted Roberts Park	4344 Concord Avenue, Beamsville
Charles Daley Park	1969 North Service Road, Jordan

Note: All standing agreements and policies that the Town has formally entered into supersede the *Use of Municipal Facilities and Parks Policy* where applicable.

Procedure

- 1) A facility permit requires a facility permit form to be completed and submitted. Facility permit forms can be located digitally on the Town's website and in hard copy at the Fleming Centre or Town Hall.

- 2) A permit can be requested up to 12 months in advance of the proposed permit start date (i.e. wedding, trade show, conference, etc.).
- 3) In instances where multiple requests have been made for the same date and/or time, the priority allocation system will be initiated.
- 4) Staff shall ensure that space allocated considers and reflects a positive economic benefit to the Town. This includes impacts to revenue and the economic gain to the community, which may result in the arranging of requests to accommodate the most users and maximize facility usage and/or long-range special event permitting.

Allocation Process

1. Facility allocation is established on a first come, first serve basis. The Town reserves the right to adjust the schedule at any time.
2. Facility permits are not guaranteed from year to year.
3. Permit times or days are not transferable and the Permit Holder is not permitted to sublet room rental days or times.

Priority Status for Facility Allocation

Booking priority for facility allocation is as follows:

1. Town of Lincoln programs and services that are endorsed by Council and/or are directly funded by the resident tax base.
2. Affiliated youth groups
3. Affiliated adult groups
4. Boards of education
5. Residents/private bookings
6. Non-affiliated, commercial and non-resident groups
7. Members of Town Council (*see note below)

Town of Lincoln reserves the right to cancel rentals/programs. Appropriate notice will be provided and full refunds will be issued.

* Members of Town Council may use bookable meeting spaces within Town facilities to meet with residents up to four times annually at no charge except during an election year.

Fees and Charges

Annual fees and charges are approved by Council and available on the Town's website www.lincoln.ca .

Requests for no-charge or reduced-charge use of facilities and parks by groups or organizations other than local non-profit groups are not governed by this policy.

Payment

All permit fees required by the Town shall be paid at the time of booking. Payments may be made by cash, cheque, credit or debit transaction, payable to the Town of Lincoln. Payment may be made at the Fleming Centre, Town Hall or online.

Subject to the type of event being permitted, a security deposit may be required and is due at the time of booking. Clean-up or damages to the facility or equipment will be the responsibility of the Permit Holder and the cost of repair/replacement will be taken from the security deposit. If these costs are greater than the deposit the Permit Holder will be invoiced for the balance.

Permit Holders are required to clean the rented spaces. If not properly cleaned, the Permit Holder will be billed for staff cleaning time (minimum two (2) hours).

Cancellation

A non-refundable \$25.00 administration fee will be charged for all cancelled permits.

Permit Holders are required to inform the Community Services Department in writing of any cancellation a minimum of five (5) business days prior to the event. A refund minus the administrative fee will be issued by the Town's Finance Department.

Should the Permit Holder cancel the event and not notify the Community Services Department in writing prior to a minimum of five (5) business days prior to the event, the Permit Holder will be held responsible for full payment of the permit.

Terms and Conditions for All Permitted Uses

- The applicant has read and agrees to be bound by the Permit and the Terms and Conditions contained herein and attached hereto, and hereby warrants and represents that he/she executes this Permit on behalf of the (individual, corporation or organization hereinafter called the "Permit Holder") and has sufficient power, authority and capacity to bind the Permit Holder with his/her signature.
- The Town of Lincoln reserves the right to cancel and/or alter dates and/or times as it deems necessary and may cancel an agreement without notice upon breach of any of the conditions and regulations contained herein, or be of the opinion that the premises are or being used for the purpose set out herein.
- The Town may require additional supervision, security personnel and/or paid duty police at the expense of the applicant at the discretion of Management.
- The Permit Holder is responsible for all damages to the premises arising during the rental period. The Permit Holder will be invoiced for all costs associated with damages including labour and extra staff costs not normally associated with the rental periods as determined by Management.

- Persons or organizations using the facility assume full responsibility for the proper supervision of the event they conduct and are solely responsible for any claim arising out of improper supervision, and they agree to indemnify and save harmless, the Town or its agents or volunteers from all claims that may arise.
- The Permit Holder indemnifies and saves harmless the Town and the staff thereof, from any and all personal injury, death, property loss or damage or other claims of any kind arising during or out of use of the premises by the applicant and participants.
- The Permit Holder will not exchange, assign, broker or sublet the permit to any other group or person without the written permission of Management. Any attempt to so exchange, assign, sublet or broker the permit will result in the immediate cancellation of the permit.
- The consumption/serving of alcoholic beverages is strictly prohibited without the permission of the Town. Issuance of a special occasion permit by the Liquor License Board of Ontario and the Municipality, where applicable, is required. The Municipal Alcohol Policy must be adhered to.
- Games of chance, lottery or gambling, without a license is strictly prohibited on the premises.
- The Town is not responsible for cancellation or interruptions of the booking due to unforeseen equipment malfunction, special events, weather, acts of God, or other causes beyond the control of the municipality. The parties hereto agree that the Municipality shall incur no liability to the Permit Holder.
- Payment shall be received from the Permit Holder at time of booking unless a prior agreement has been approved by the Director, Community Services.
- Where activities/events associated with this permit are subject to the SOCAN (Society of Composers, Authors and Musical Publishers of Canada) tariffs, the tariff application and fees will be the responsibility of the Permit Holder.
- The sale of food, beverages and merchandise is strictly prohibited unless prior approval is given by the Town. If permission is granted, the Permit Holder must abide by the food handling guidelines set out by Niagara Region Public Health.
- Any other applicable By-laws and regulations within the Town or required licensing must be adhered to.
- The Permit Holder will be responsible for the following:
 - Returning the permitted space to the condition in which it was found.
 - Set up of space as required (e.g. tables, chairs, etc.)
 - Ensuring that the premises are vacated by the end of the stated time on the permit.
 - Ensuring that attendance does not exceed the posted room/building capacity.
 - Any equipment, furniture or decorations brought in by the permit holder shall be removed immediately after the event is over.
 - No confetti, rice, etc. will be thrown in the facility or on the grounds.
 - No decorations containing coloured dyes, paints or tapes, etc. will be used that may damage the facility.

- Maintain clear egress routes at all times – exits and access to exits must remain free and clear at all times; tables and chairs or standing patrons must not obstruct the free flow of occupants.
- No skates (without guards) or cleats will be permitted in any rooms.
- **Smoking and or vaping are not** permitted in any Town facilities. All Permit Holders must adhere to the *Smoke-Free Ontario Act*.
- Town staff operating the facility have the right to obtain whatever assistance required to close down an event and/or eject an individual(s) acting in a disorderly conduct, including possession of drugs, illegal alcohol consumption, use of foul language or misuse of the facilities. If there is any contravention of the above noted conditions, this contract becomes null and void immediately and the user will pay the Town costs for clean-up and/or repairs.

Insurance & Permits

Insurance requirements for the Permit Holder and minimum scope of coverage may include, but is not limited to:

- All Permit Holders must obtain \$2,000,000 liability insurance naming the Town of Lincoln as an additional insured and the coverage shall contain no special limitation on the scope of protection afforded to the Town and its applicable partners. Appropriate insurance may be purchased through the Town at the time of booking or from a third-party provider.
- The duration of the insurance policy shall be from the date and time of occupation until the date of vacancy.
- A copy of the insurance is due to the Community Services Department thirty (30) days prior to rental date.
- The Town reserves the right to require complete, certified copies of all required insurance policies and to accept or reject the Permit Holder's insurer.
- A facility rental may require the Permit Holder to obtain a business license.
- Permit Holders are not permitted to use the Town's legal name, logos or insignias on any promotional materials without the prior written consent from the Town.
- The Town will not be responsible for personal injury or for the loss or theft of clothing or equipment of the applicant or organization, or anyone attending on the invitation of the applicant or organization.

Alcohol Use

Permit Holders are responsible for obtaining and providing a copy of their own Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO). A copy of the Special Occasion Permit must be submitted to Community Services prior to the event date.

The Permit Holder is also responsible for abiding by the rules set out by the Liquor Control Board of Ontario and the Town of Lincoln Municipal Alcohol Risk Management Policy.

Responsibilities

Parties involved in facilities allocation and rentals undertake the following specific responsibilities:

- Town Council will approve the *Use of Municipal Facilities and Parks Policy*.
- The Customer Service Team Lead will ensure staff adhere to the *Use of Municipal Facilities and Parks Policy*.
- The Director, Community Services may accept or reject facility and park permit requests on the basis of schedule or fiscal concerns.
- Customer Service Representatives and Recreation Coordinators will book facilities in accordance with *Use of Municipal Facilities and Park Policy*.
- The Permit Holder will act as the primary point of contact between staff for matters pertaining to the permit inclusive of payment, submission of documentation providing feedback/concerns to the Town and ensuring adherence to all permit rules, regulations, terms and conditions by all users/attendees.

Effective Date

This policy shall take effect on **June 1, 2019** and be reviewed every two years.