# Town of Whitby Policy

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| **Policy Title:** | Community Use of Town Facilities |
| **Policy Number:** | MS 370 |
| **Reference:** | Public Code of Conduct Policy CA 160, Public Code of Conduct Procedure CA 160-001, Council Resolution # 529-17 |
| **Date Approved:** | November 20, 2017 |
| **Date Revised:** | Not applicable |
| **Approval:** | Council |
| **Point of Contact:** | Commissioner of Community and Marketing Services |

## Policy Statement

The Town of Whitby is committed to promoting the use of Town Facilities for the purpose of enhancing community enjoyment, involvement, expression, and health and wellness.

## Purpose

The purpose of this policy is to identify and address permitted uses of Town Facilities by the community, and to provide fair, equitable, transparent and consistent decisions with respect to the use and allocation of space in Town Facilities.

## Scope

This policy applies to all groups, organizations, and individuals renting or booking time for the use of any facilities owned and leased by the Town of Whitby.

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## 1 Definitions

**1.1** **Political Expression** means to set forth in words or visuals, comments related to the position of a group or individual on a specific issue and may or may not involve the actions of government.

**1.2** **Town Facility** means all Town of Whitby facilities, parks and property owned and leased by the Corporation and available for rental or booking by groups, organizations, or individuals.

## 2 Responsibilities

**2.1** Commissioner of Community and Marketing Services to:

- Maintain and ensure adherence to the requirements of the policy and any related procedures.

**2.2** Community and Marketing Services Staff to:

- Review all Town Facility rental applications to ensure adherence to the requirements of this policy.

## 3 Guiding Principles

**3.1** The Town of Whitby is committed to creating a climate of understanding and mutual respect for the dignity and worth of individuals so that each person feels a part of the community and is able to contribute fully to the development and well-being of the community.

**3.2** Subject to availability, all bookings are made on a first come, first served basis, contingent on occasions where returning organizations may receive the first opportunity to re-book, in addition to the user paying the associated fees, signing the Town's rental agreement, and adhering to all permitting requirements, unless otherwise noted within this policy.

**3.3** The Town reserves the right to move a scheduled event to another date and/or location as a result of an unusual circumstance and/or emergency.

**3.4** The Town reserves the right to terminate any booking at its discretion or for reason of non-compliance with any of the parameters contained within this policy or any respective procedures.

## 4 Permitted Uses of Town Facilities

**4.1** Any Election uses under the purview of the Town Clerk or Council use shall take priority over all other bookings, including other Town uses, and in extreme cases may require the cancellation of existing bookings.

**4.2** Subject to 4.1 above, the use of Town Facilities for Town programming shall take priority over other uses.

**4.3** The following groups and organizations are generally accepted for permitted use of space at Town Facilities:

a) Meetings of Whitby and Durham based non-profit charitable and community service organizations engaged in activities having a direct benefit to the Whitby community and/or a direct relationship to local government activities;
b) Meetings of Whitby and Durham based non-profit sports and recreational organizations engaged in activities having a direct recreational benefit to the citizens of the Town;
c) Meetings, hearings, etc. of government agencies (e.g. Ontario Municipal Board, Assessment Review Board); and,
d) Meetings of the Canadian Union of Public Employees Local No. 53 and (full-time and part-time bargaining units) and Whitby Fire and Emergency Services IAFF Local 2036 with the permission of the Chief Administrative Officer or designate.

## 5 Prohibited Uses of Town Facilities

**5.1** Any users of a Town Facility shall not, and are not eligible for a permit, if the user has or intends to take any of the following actions:

a) Violate the provisions of the Public Code of Conduct Policy or Procedure;

b) Obstruct or create barriers to access;

c) Interfere with the day to day operations of the Town or its employees;

d) Impose any health and safety risk;

e) Charge for an admission fee or conduct the sale of goods or services without first receiving permission from the Town to do so;

f) Exceed the maximum occupancy capacity or suitability of the space; or,

g) Affix any signage or rearrange furnishings without the consent of the Town.

## 6 Political Expression

**6.1** Subject to conditions outlined in this Policy, the Town recognizes the right of Political Expression to be made by groups, organizations, or individuals on public lands. The Town may permit Town Facilities for Political Expression, acknowledging that the Town is in no way affiliated with such expressions and that the user does not in any way advertise or communicate that the Town is affiliated, supports or does not support the event.

**6.2** Groups, organizations, or individuals who receive approval to rent a Town Facility are only permitted to occupy the contained space indicated on the permit in accordance with the conditions of the permit. Town property outside of the permitted space shall not be utilized to communicate Political Expression through any kind of protest, advertising (i.e. news conference), signage or distribution of promotional material.

**6.3** Approval by the Town to permit the use of space at a Town Facility does not constitute an endorsement by the Town of the group or organization's policies, statements, beliefs or position, or what is discussed while utilizing a permitted space in a Town Facility.

**6.4** Groups, organizations and individuals who are not exclusively occupying a part of a Town Facility generally open to the public and who are using that space for its intended purpose (e.g. recreation at a park) must obtain a permit so as to provide notice to the Town of the intended use of that space. Such occupancy of public space shall not violate the prohibited uses identified in section 5 of this policy, shall be completed within a reasonable amount of time, and not interfere with use of the space by other members of the public.

**6.5** Campaigning at a Town Facility, including the distribution of campaign material, signage, or the communication of election issues (i.e. question on the ballot), by a registered candidate (school board, municipal, provincial, or federal) or an authorized individual of the candidate or question, is not permitted.

## 7 Booking Fees

**7.1** Whitby based not-for-profit groups may use Town meeting space to meet and conduct regular business (not an event) for the organization for up to three hours per month at no cost, provided that meeting space is available, they meet the permitting requirements, and the booking is made within 30 days of the intended use. The three hours cannot be split into individual bookings of less than three hours per month.

**7.2** Notwithstanding section 7.1, any booking of a Town Facility shall include a fee charged in accordance with the Town's Fees & Charges By-law.

**7.3** Any costs incurred due to, damage and/or excessive cleaning requirements as a direct result of the use of the facility is the responsibility of the user and will be charged back for full payment.

**7.4** The Commissioner of Community and Marketing Services may waive booking fees of a Town Facility if the intended booking is for a program, meeting or other use that is in partnership with the Town of Whitby.

**This Policy is hereby approved by Council Resolution #529-17 on this 20th day of November, 2017.**