

COMMUNITY USE OF MUNICIPAL FACILITIES

The Board of Selectmen acknowledges that municipal facilities may be made available to citizen groups within reasonable constraints and subject to the general provisions of this policy, which pertains to Community Use of Municipal Facilities.

The Board reserves the right to regulate the time and location of community use of municipal facilities in order to avoid schedule conflicts and to ensure proper protection of facilities.

The Board shall establish procedures to authorize use of facilities, establish user fees, receive and disburse payments as appropriate for costs related to the rental of these facilities.

The Board shall approve use of excess proceeds from the Facilities Rental Fund to finance improvements to the facilities and to purchase related equipment.

APPLICATION PROCEDURES AND FEE STRUCTURE FOR USE OF MUNICIPAL FACILITIES

I. General Provisions

1. The primary purpose of the meeting rooms in municipal facilities is for Government related activities.
2. Use of municipal buildings or grounds by non-town organizations at any particular time will be permitted only when such use does not conflict with the use of these facilities by the town or its organizations.
3. No town building or grounds may be used by an individual group or society that teaches or preaches any doctrine of theory subversive to the Constitution or Laws of the State of Connecticut or of the United States, or advocates social or political change by violence or revolution.
4. No municipal facility may be used for any activity that would support, augment, or foster a for profit enterprise or an individual's personal financial gain unless the purpose of that use is to provide a direct service to the town. Service or contribution goals must be stipulated on the application and the stipulation must be reviewed and approved by the Office of the First Selectman, in his/her sole discretion.
5. Any non-Town-government organization using municipal facilities shall adhere to Title 19 of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), which prohibits discrimination against students and employees of education institutions on the basis of gender. Furthermore any such outside organization using municipal facilities shall adhere to each of the following: Title II of the Civil Rights Act (42 U.S. C. 2000a et seq.), Title III of the Americans with Disabilities Act (42 U.S.C. 12182(a)), and Conn. Gen. Stat. 46a-64. If clarification is needed, the applicant should contact the Office of the First Selectman at 203-270-4201.
6. All applications for use of municipal facilities and grounds must be made in writing at least three weeks prior to the time of the proposed use. The prescribed form is available in the office of the First Selectman or online at www.newtown-ct.gov

All applications must be completed and signed by an authorized person of the group making the application. Date availability will be reviewed and approved by the Office of the First Selectman.

7. For non-government groups, the individual or group making application for the use of buildings or grounds must agree in writing to indemnify the Town of Newtown and any Boards or Commissions of the Town of Newtown, for any damage or loss resulting from such use.
8. All non-government organizations or organized groups requesting permission to use a municipal building (or grounds) must submit a currently dated and acceptable Certificate of Insurance (COI) to the Finance Department. At a minimum:
 - The COI must show that the non-government organization or organized group carries **Commercial General Liability** (CGL) insurance with a minimum limit of \$1,000,000 per occurrence.
 - The COI must show that the **Town of Newtown (et al)** has been added as an **Additional Insured** on the CGL policy shown on the COI.

All questions on this issue should be directed to the Finance Director at 203-270-4221.

9. No admission fee may be charged for programs held in municipal buildings unless otherwise permitted by policies established by the facility Board of Managers of the respective facility, such as the Edmond Town Hall and the Cyrenius Booth Library.
10. The Board may require that at least one town custodian be present to represent its interests and enforce its regulations. Custodial service will be at the expense of the applicant in accordance with the prevailing wage rate schedule.
11. Alcoholic beverages are not allowed on the premises of any municipal building.
12. Smoking is prohibited on municipal grounds in compliance with Connecticut State Statute.
13. Food and beverages are not allowed in the meeting rooms of municipal facilities unless by prior arrangement and permission.

II. Organizations and Fees

1. The following organizations will be exempt from all facilities and custodial fees except when the size of the group and/or the nature of the event necessitate assigning custodians. This decision will be made by the First Selectman, in his/her sole discretion.
 - Town officials, commissions, and other duly-elected representatives of the town and any commission appointed/elected by the town to perform a town function
2. All other organizations will be expected to pay a general facilities rental fee. For 2011-2012, the rental fee is \$15 per occasion. The rental fee is subject to periodic review and change by the Board of Selectmen. Additional costs for custodial services, technical support and security may be required when these services are needed as part of the organization's use of the facility.

Anyone using town facilities accepts the responsibility for any and all damage done to the building, site, or equipment. At the discretion of the First Selectman, a security deposit may be requested which will be refunded in all or in part after the building and site are inspected after use.

3. Fees for custodial services, if required, will be billed by the Town Finance Office and must be paid within two weeks of billing. The rate shall be at time-and-one-half on weekdays and Saturdays and double-time on Sundays and holidays in accordance with the existing labor agreement terms plus FICA and Medicare. Checks should be made payable to the Town of Newtown. Charges for custodial services begin when the custodian reports for duty and terminates when the building is restored for use. Should cleanup require more time than estimated, the applicant will be responsible for actual time spent.
4. Facility use fees must accompany applications.
5. A copy of the insurance certificate should accompany applications, or must be supplied prior to approval.

*The Edmond Town Hall and the Cyrenius Booth Library each have use policies and application processes determined by its Board of Managers. Please contact the facility directly for more information.

**Application for use of a school building should be made to the Office of the Superintendent of Schools.

Approved by the Board of Selectmen, January 20, 2011 for implementation on July 1, 2011

APPLICATION FOR COMMUNITY USE OF TOWN FACILITIES

The Town of Newtown is pleased to be able to offer Town owned buildings and other Town owned facilities for the use of our residents and other local organizations and groups. The Town of Newtown works very hard to maintain these buildings and other facilities to ensure they are clean and safe.

It is an unfortunate reality that injuries do sometimes occur at Town owned buildings and other Town owned facilities while they are being used by residents or other outside local groups or organizations.

The Town of Newtown does not provide supervision over the meetings or other activities conducted by others within Town owned buildings or facilities. To that end, it is *not* the intention of the Town of Newtown to assume *any* liability for bodily injury that might occur while Town owned buildings or facilities are being used by others. Instead, it is the intent of the Town of Newtown to transfer liability (by contract) to the resident or the organization that is using the building or facility. Accordingly, please read the following Indemnity/Hold Harmless Agreement:

DEFINITIONS:

Lessee: The person, resident, organization or entity requesting to use a building or other facility owned by the Town of Newtown.

Landlord: The Town of Newtown, the Newtown Board of Education, the Borough of Newtown, and all elected or appointed boards and commissions and authorities, officials, employees and volunteers, all when acting or deemed to be acting within the scope and performance of their duties.

Premises: The building or other facility (including the grounds surrounding the same) that is the subject of the request for use.

INDEMNITY/HOLD HARMLESS AGREEMENT:

Lessee will indemnify and hold the Landlord harmless from all claims arising from or in connection (i) with the use, rental or occupancy of the Premises, or any condition created in or about the Premises while being used by the Lessee; (ii) any act, omission or negligence of Lessee or the partners, directors, officers, agents, employees or invitees of the Lessee; (iii) any accident, injury or damage whatsoever occurring in or at the Premises. Lessee hereby expressly indemnifies Landlord for the consequences of any negligent act or omission of Landlord, its agents or employees, unless such act constitutes gross negligence or intentional misconduct.

The signature below will serve as proof that I have read all of the above information and understand the intent of the Indemnity/Hold Harmless agreement.

Name of Individual or Name of Person Representing the Organization Date

APPLICATION FOR COMMUNITY USE OF TOWN FACILITIES

Name of Facility _____ **Requested Date(s) of Use** _____

Specific Room(s) Requested _____

Time you want access to the building _____ Time you will leave the building _____

Time the meeting or activity will begin and end _____

Reason/Purpose of Use _____

How many people do you estimate will attend this meeting/activity? _____

Who will be the on-site supervisor for the people attending this activity? _____

Is this activity in compliance with Title IX regulations which prohibit discrimination on basis of sex?
_____ Yes _____ No

Prior to the use of any Town owned building or facility, a currently dated Certificate of Insurance (COI) must be submitted to the Office of the Finance Director. The coverage's shown on the COI must be in conformance with the General Provisions section of this agreement (paragraph 8). Have you submitted a COI? _____ Yes _____ No

I (we) have read the document entitled **COMMUNITY USE OF MUNICIPAL FACILITIES**, and I (we) agree to comply with all of the terms and conditions contained therein. We understand that the building(s), facility(s) and/or room(s) requested are not to be considered approved until this form is returned with all appropriate approval signatures.

Signed: _____ Date: _____

(Print or type name signed above) Home/Office Phone Cell Phone

Name and address of resident/individual or organization

Office Use Only:

Approval by First Selectman _____ Date _____