

TOWN OF HALTON HILLS
POLICIES AND PROCEDURES
RECREATION AND PARKS DEPARTMENT

<u>SECTION</u> : Facilities	ORIGINAL ISSUE DATE	DY	MO	YR	PAGE Page 1 of 16
<u>SUBJECT</u> : Facility Allocation Policy	LATEST ISSUE DATE	DY 15	MO 10	YR 2002	POLICY # FG005

BACKGROUND

The citizens of Halton Hills view community service as being fundamental to maintaining and enhancing the quality of life for all age groups. They value and enjoy a balance of passive and active recreational and leisure pursuits and recognize the essential role facilities and parks play in the development of a healthy community.

The Town of Halton Hills values the promotion and enhancement of a healthy, safe, and active community by working in partnership with community members to provide responsive, accessible and diverse services and programs. This requires the strategic use of municipal resources to maximize community benefit.

The Town of Halton Hills develops and maintains policies for the appropriate use of municipal facilities (leased, owned and/or controlled) and other resources that are responsive to community needs and dynamics. From the strategic planning process and the municipal assistance planning process, values and criteria have evolved which are also applicable to the process of allocating facility space and amenities.

VALUES

The Town’s Recreation and Parks Department is committed to

- providing the safe and efficient operation/maintenance of quality recreation facilities
- ensuring fair and appropriate facility access for a broad spectrum of community users
- supporting community involvement in providing recreation, sport, cultural, heritage and tourism activities
- working with facility users to deliver successful programs and events
- supporting leadership and volunteer development and fostering group development
- fairly managing the definition of access priorities based on the municipality’s expressed values

These values and criteria underlie the priority sequence schedule for facility allocation. Where facilities have multiple uses e.g. league and special events, consideration will be given to provide balance in uses, which do not compromise the provision of programs/services to residents. The unique scheduling requirements of users will be considered when allocating facilities, as will those activities which support/promote full and fair access for participants. The Town of Halton Hills has no obligation to provide facility use or activities to non-residents.

PURPOSE

This policy outlines the criteria by which decisions regarding the allocation of available facility space and amenities will be made. This policy applies to all facilities owned, leased, operated and/or scheduled by the Town of Halton Hills and will be administered by the Recreation and Parks Department.

POLICY STATEMENT

Every resident in the Town of Halton Hills regardless of age, gender, race income and ability has a right to reasonable and equitable access to facilities and parks owned and controlled by the Town of Halton Hills. The efficient operation and management of community infrastructure ensures facility availability and maximum benefits to all users. The Town recognizes the significant role of community organizations in the delivery of recreation services, which promote a healthy active community.

PRIORITY USE ALLOCATIONS

Facility requests will be allocated based on the priority sequence outlined herein. Consideration will be made for organizations bringing activities to the community, which support the development of full and fair access for participants. Recognition of the unique schedule requirements of all users will be taken into consideration when allocating facilities.

Applications for facility use will be considered based on the specific needs of each group as they relate to the facility suitability/intent,

the priority or demand of the specific activity within the community or special interest organization served. See definitions schedule "A".

Allocation of facility space will be based upon the following priorities:

Organization + Activity = Priority

Organization	Activity
1. Town operated programs and activities	i] games, community special events
2. Registered Minor Organizations	
3. Junior Sports Programs (competitive)	
4. Registered Adult Organizations	ii] practices
5. Registered Community Organizations	
6. Previous year users(local)	iii] tournaments/events
7. Local Residents	
8. Local District School Boards	
9. For Profit/Commercial	iv) new requests
10. Non-Local Residents	

Community Special Events (CSE)

The community special event must promote and reflect the values of the Town and be open to all members of the public. Requests for community special events i.e. festivals, fairs, tournaments etc., must be submitted in writing to the Recreation and Parks Department prior to the facility request deadline. The deadline dates for facility permits are available by contacting the Recreation and Parks Department. Organizers may be required to comply with the Town of Halton Hills special event guidelines administered through the Clerk's Department. A special event permit may be necessary which requires up to 6 months for processing (See schedule "B").

Tournament/Events

These tournaments/ events must reflect the primary activity of the sponsoring organization and facilitate the expedition of season/program. All other tournaments and events fall within the Community Special Event definitions and are therefore subject to the conditions therein.

All registered minor organizations are permitted one tournament/event per division e.g. house league (1), representative (1), per year in their primary activity. Registered adult organizations are permitted one tournament/event where time permits with priority given to previous users. Some restrictions may apply (see section 6.1).

NEW REQUESTS

Requests will be reviewed on an individual basis. Consideration will be given to new requests, which support the town's values, promote community participation and do not duplicate existing services/activities.

FACILITY AVAILABILITY

Each facility has a schedule of availability based on seasonal needs, maintenance requirements, preferred hours of use, the number of participants and sport governing body requirements (see schedule "C" & "D" to this policy). Facilities are closed on Christmas and New Years days. Facilities may be available on other designated holidays. Special rates and conditions may apply (See Rates and Fees).

Allocation Criteria

- Registered minor organizations and Town operated children and youth programs will be allocated facility time to a maximum of 85% of available Prime Time.
- Public skating and public swimming programs will be allocated with a minimum of 5% Prime Time.
- Registered adult organizations will be allocated a maximum of 10% of Prime Time for games only.
- For every 10 hours of prime time allocated, an organization must take one hour of non-Prime Time.

When demand for facilities exceeds availability, the following guidelines may be implemented:

[a] To maximize capacity of facilities, conditions may be implemented which define participant use minimums and activity restrictions i.e. increase number of participants/team, combine practices for younger players, etc.

[b] Participants will be permitted to play on only one team of the same organization.

[c] Participants will be permitted to play in only one local organization of the same sport.

[d] Local residents must be accommodated before non-residents.

[e] Like organizations are to accept each other's overflow to ensure maximum resident participation.

[f] Adult time will be reduced.

BOOKING GUIDELINES

Each organization must assign a designate to represent their interests regarding facility needs. Only this individual has the authority to confirm their organization's facility requirements. Please refer to "Recreation & Parks - Roles of the Contact Person" for specific responsibilities (schedule "E").

Each facility has a booking application deadline date, to which users must comply. i.e. schools, parks, ice, arena floor, etc. Deadline dates for facility requests are available by contacting the Recreation and Parks Department. Staff will attempt to accommodate requests received after the deadlines, however all late requests will have last priority in case of conflicts.

All requests must be received in writing by the respective deadlines. These dates are selected annually to ensure that organizations which need to coordinate schedules with their governing bodies are considered.

Registration information may be required to verify participant's birth date, home address, telephone number and the specific program each participant is enrolled in. Failure to provide accurate information to the Recreation and Parks Department when requested may result in loss of preferred times.

Once the facility time has been allocated and prior to use, the applicant designate will be required to sign rental permits, provide proof of appropriate liability insurance where required and make full payment by the respective deadlines. Compliance with the following policies to this report is required; Payment Policy schedule "F", Facility Permit Conditions and Regulations schedule "G", Municipal Alcohol Policy schedule "H", Smoking by-law schedule "I". Failure to comply may result in loss of rental.

A designated responsible adult 18 years or older must be present in the permitted facility at all times while the permit is in effect.

INSURANCE COVERAGE

Any group, organization or individuals who rent a facility for any type of activity are required to carry and provide proof of valid liability insurance coverage in the amount of 2 million dollars, naming the Town of Halton Hills/Facility Owner as "Additional Insured".

See schedule "J" for approved independent insurance provider information.

All school user organizations are required to carry and provide proof of liability insurance in the amount of 2 million dollars, naming the Town of Halton Hills and the specific school board(s) as additional insured.

Groups, organizations and individuals who rent a facility for an event involving the sale of alcoholic beverages must produce proof of valid liability insurance coverage for Two Million Dollars (\$2,000,000.00), including coverage for events involving the sale of alcoholic beverages, naming the Town of Halton Hills as an additional insured. Such events must be in full compliance with the requirements of the Town's "Municipal Alcohol Policy", a copy of which is attached as Schedule "H" hereto.

CANCELLATION OF FACILITY(S)

By Permit Holder

The Facility Booking Staff must receive all facility use cancellations in writing 14 days in advance of the cancellation dates required. An administration fee will apply.

Failure to do so may result in a requirement for full payment if facility time can not be allocated to another approved user. Cancellation of facility use due to the nature of playoff schedules may be an exception, provided that notice of a cancellation is given at the earliest opportunity.

By the Town

Cancellation of facility permits may occur in the following cases at the discretion of the Recreation and Parks Department.

If a user organization or representative thereof:

- fails to make payment for facility bookings as per payment policy

- ❑ conducts themselves in a manner which is not considerate of other users within the facility or surrounding area
- ❑ causes damage to the facility and/or equipment therein
- ❑ conducts activities within the facility at any time, which are illegal in nature and/or in contravention of Town policies regarding the use of facilities. [e.g. smoking, possession/use of illegal drugs or alcohol in unlicensed areas, assault on staff, public or user]
- ❑ makes false representation of the user organization's purpose, membership or affiliations
- ❑ sublets and/or exchanges facility use to another organization without pre-authorization of the Recreation and Parks Department

In the case of inclement weather, the decision to close public facilities will be made by the Facility Supervisor in consultation with the Manager and affected User Organizations. School closures will be made by the District School Boards. For outdoor facilities please refer to “Outdoor Sport Rainout Policy” No. PK-004-R2. Facility Supervisors will notify the contact person(s), who are then responsible for informing affected parties.

In case of a community emergency where Town facilities may be required, Facility Supervisors will notify the contact person(s), who are then responsible for informing affected parties.

RATES AND FEES

On an annual basis, the Corporation of the Town of Halton Hills will establish a schedule of rates and fees to support the operation and maintenance of facilities. These rates and fees will be set in consideration of current market trends and budget requirements, and will be based on a system of defined user organizations and priority allocations. The Corporation reserves the right to add additional services, rates and fees as deemed appropriate. Copies of the annual rates and fees schedule are available by contacting the Recreation and Parks Department.

**Schedule “A”
Facility Allocation Policy 02/10/15**

DEFINITION OF TERMS

Registered Organization: A group or organization that has met the criteria outlined in the Town’s “Municipal Assistance Policy” and has completed the required Registration Form. (E.g. 85% of group/organization are local residents and activity is open to all members of the community.)

Junior Sports Programs: The group or organization is comprised of single team(s) where their membership is comprised of youth and/or adults. The activity is competitive in nature and open to all members of the community.

Previous Year Users (local): Local group or organizations that contracted facility(s) during previous facility scheduling season.

Local Residents: A group or organization that is comprised of at least 85% Halton Hills residents

Local District School Boards: Represents all local elementary and secondary schools of the HDSB and the HCDSB for curriculum and non- curriculum activities approved by the Boards in accordance with the Reciprocal Agreement.

For Profit/Commercial: A group or organization holding an event for personal gain.

Non-Local Residents: A group or organization that is comprised of more than 15% of individuals/members who reside outside of the Town of Halton Hills.

Games: When a minimum of two teams/opponents compete against one another during the course of a regular season.

Community Special Events: An approved community special event (CSE) must promote the values of the Town (FAP, Strategic Plan, and MAP) and be open to all members of the public. There are two classifications of CSE. A major CSE is one, which requires approvals from three or more external public agencies. Organizers must comply with the Town of Halton Hills special event guidelines administered through the Clerk’s Department. A Special Event Permit is required for all major community special events.

A minor CSE is one, which requires less than three external public agency approvals and therefore does not require a Special Event Permit. These CSE are managed by the Facility Supervisor where the event is taking place and must comply with Recreation and Parks department policies and procedures.

Practices: A gathering of individuals to develop and improve their skills for proficiency.

Tournament/Events: These tournaments/ events must reflect the primary activity of the sponsoring organization and facilitate the expedition of season/program. All other tournaments and events fall within the Community Special Event definition noted above.

New Requests: Requests will be reviewed on an individual basis. Consideration will be given to new requests, which support the town’s values, promotes community participation and does not duplicate existing services/activities.

Prime Time: Those hours identified on a daily/weekly basis by Recreation and Parks, which are preferred by a majority of user groups for optimal implementation of activities.

Non Prime Time: Those hours identified on a daily/weekly basis by Recreation and Parks, which are not preferred by a majority of user groups for the optimal implementation of activities.

**Schedule “C”
Facility Allocation Policy 02/10/15**

FACILITY INVENTORY & AVAILABILITY

Facility Type	Availability	Hours of Operation	Deadline for Bookings	Limited schedule
Tennis Courts	Apr 15 to Oct 15	7am to dusk, 11pm if lit	3rd week in February	Alcott is semi private
Arenas	Year Round	6 am to 1 am other hrs.	Ice-May 1st, Floor Mar 1st	Ice:Aug-Apr, Floor:Apr-Aug (approx)
Leisure Pad	Year Round	6 am - 1 am	Ice-May 1st, Floor Mar 1st	Ice:Aug-Apr, Floor:Apr-Aug (approx)
Pools - Indoor	Year Round	7 am to 10 pm daily	up to the date of use	yes
Pools - Outdoor	June to Aug	9:30 am to 7:30 pm	up to the date of use	yes
Wading Pool	July to Aug	1:30 pm to 4:00 pm	up to the date of use	yes
Sportsfields	May 7 to Sept 21, one major lit field will be available until Sept 30	7am to dusk, 11pm if lit	3rd week in January	Maximum soccer field booking = 4/7 (57%) days to allow turf rest
Parks	First Monday after April 15 to first Monday after October 15	7am to dusk, 11pm if lit	3rd week in January	
Diamonds	May 1 to Sept 30	7am to dusk, 11pm if lit	3rd week in January	
Ecology Centre	Apr 1 - Nov 30	7 am to dusk	3rd week in January	
Skateboard Pk	May 1 to Sept 30	7 am to 11 pm	up to the date of use	
Natural Ice Rinks	Jan - Mar	7am to dusk, 11pm if lit	Not Scheduled	weather dependent
Splash Pad	May 18 - Sept 2	10 am - 8 pm	Not Scheduled	
Meeting Rooms	Year Round	6 am - 1 am	up to the date of use	
Halls	Year Round	6 am - 1 am	up to the date of use	
Theatre	Year Round	8 am - 12 midnight-other hrs	up to the date of use	Show on can not rent meeting rm.
Gallery	Year Round	8 am - 12 midnight-other hrs	up to the date of use	Show on can not rent gallery
Schools	Sept - June	6:00 pm - 10:00 pm	1st week in May 1st week in Sept.	yes
other				

Requests received after deadline date will be processed on a first-come, first-serve basis subject to availability.

**Schedule “D”
Facility Allocation Policy 02/10/15**

ICE FACILITIES ALLOCATION

Ice Facilities Allocation

- Registered minor groups will be allocated ice time to a maximum of 85% available prime time ice.
- Town operated programs and Town skating programs will be allocated a maximum of 5% of available prime time ice.
- Registered local adult groups will be allocated ice time to a maximum of 10% available prime time ice.

MINOR GROUPS:

Representative Teams

Practices

All groups up to Juvenile and Senior level will receive 1 hour of practice time per week.

Junior “A” will receive 2 practices per week at 1.5 hours each – minimum 15 participants

Games

Tyke	1 hr.	per wk. - minimum 15 participants
Novice	1 hr	per wk. – minimum 15 participants
Atom	1.25 hrs	per wk. – minimum 15 participants
Peewee	1.5 hrs.	per wk. – minimum 15 participants
Bantam	1.75 hrs.	per wk. – minimum 15 participants
Midget	2 hrs.	per wk. – minimum 15 participants
Juvenile	2 hrs.	per wk. – minimum 15 participants
Junior “A”	3 hrs.	per wk. – minimum 15 participants
Senior (ladies)	1 to 1.5 hrs.	Per wk. – minimum 15 participants

House League Teams

Practices

Junior and Senior Tykes 4 teams/ 1 hr. practice/ wk. – minimum 15 participants

Novice to Juvenile 2 teams/ 1 hr. practice/ wk. – minimum 15 participants

Junior to Senior 2 teams/ 1 hr. practice/ wk. – minimum 15 participants

Games

Junior Tykes 4 teams/ 1 hr. / wk. – minimum 15 participants

Senior Tykes 4 teams/ 1 hr. / wk. – minimum 15 participants

Novice to Juvenile 2 teams/ 1 hr. / wk. – minimum 15 participants

Junior to Senior 2 teams/ 1 hr. / wk. – minimum 15 participants

Organization or Group Contact

Each organization or group must appoint one member to be their representative who will deal with ice requests, ice cancellations and payments. Facility staff will only deal with this person in regards to facility ice rental and invoicing. When organizations change contacts or have a change in coverage for a short period, written notice must be received by Facility staff.

Ice Hour

All ice rentals are based on a 50 minute hour. Ice resurfacing and ice maintenance is at the discretion of Facility staff.

Due to some activities, Facility staff may require extra time to properly maintain the ice surface. This time will be taken from the group or organization who created the problem or poor ice conditions.

Prime (Regular in season ice) Ice Season

First week of September to Last week of April

Off Ice Season

First week of May to last week of August

Prime Time Ice

The most requested time.

Monday to Friday 5:00 p.m. to 11:00 p.m.

Saturday and Sunday 6:00 a.m. to 11:00 p.m.
Statutory Holidays 6:00 a.m. to 11:00 p.m.

Non Prime Time Ice

Monday to Friday 11:00 p.m. to 6:00 a.m.
Saturday, Sunday and
All Statutory Holidays 11:00 p.m. to 6:00 a.m.

Day (Rate) Time Ice

Monday to Friday 6:00 a.m. to 5:00 p.m.

FACILITY ICE ALLOCATION

When an organization books 10 hours of prime time ice, that organization will be required to book 1 hour of non-prime or day time ice before any other prime ice is given to their organization. Any cancellations or return of ice time to the Town, must be prime time hours first.

Early Registration

All organizations requesting ice time, shall have participant registrations completed by May 01 each year and must base their ice requests on these early registration numbers. The Town of Halton Hills Recreation and Parks Department reserves the right to review these figures and registrations upon request.

If an organization does not have registration by this date their ice requests will be based on their last ice season registration numbers. No exemptions.

Ice Cancellations

All regular ice cancellations must be received in writing to the appropriate Facility Supervisor a minimum of 14 days in advance of cancellation dates. A nominal administration fee will apply.

Failure to do so will result in a requirement for full payment of any ice time that cannot be rented to another approved user.

All ice cancellations for Tournaments or Special Events must be received in writing to the appropriate Facility Supervisor a minimum of 30 days in advance of cancellation date(s). A nominal administration fee will apply. Failure to do so will result in a requirement for full payment of any ice time that cannot be rented to other approved users.

Insurance

The Town of Halton Hills strongly recommend that all organized groups and leagues carry liability insurance.

Age Categories – Minor Hockey

Tyke - 5 to 6 years old	
Novice - 7 to 8 years old	Minor 7 & Major 8
Atom - 9 to 10 years old	Minor 9 & Major 10
Pee wee - 11 to 12 years old	Minor 11 & Major 12
Bantam - 13 to 14 years old	Minor 13 & Major 14
Midget - 15 to 17 years old	Minor 15 & Major 16-17
Juvenile - 18 to 20 years old	

**Schedule “E”
Facility Allocation Policy 02/10/15**

COMMUNITY GROUP CONTACT INFORMATION



**Recreation and Parks
Community Group Contact Person**

The Recreation and Parks Department requires that all organizations requesting services and/or facilities, designate one representative to serve as a Recreation and Parks Department contact person. This individual will need to be available in person and/or by phone during office hours Monday to Friday 8:30 a.m. to 4:30 p.m. An individual with fax and/or email access would be beneficial. In the event the Recreation and Parks Department is unable to reach this person, a back up person is to be designated by the organization.

RESPONSIBILITIES

1. Ensure all submissions are forwarded to the Recreation and Parks Department by the date(s) required e.g. requests for facility use, application for special event, Municipal Assistance Program, payments etc.
2. Has authority to deal with all facility permits, other required documents and be responsible for the organization's compliance of all conditions, regulations, policies and procedures as specified therein. An approved designate (i.e. Executive member) may be assigned the signing authority on behalf of the organization.
3. To attend all Recreation and Parks Department "User Group" meetings and distribute departmental information (including correspondence) to their members e.g. permit changes, cancellations, maintenance request forms, upcoming special events, etc.
4. Must inform the appropriate Recreation and Parks staff person of any schedule changes, maintenance and/or special requests or any other pertinent information on behalf of the organization within the required time frame.
5. To notify the Recreation and Parks Department immediately of any changes regarding your organization's Contact Person e.g. name, phone numbers, addresses etc. This will ensure communication with your organization is maintained.

Thank you. As the Contact Person for your organization you play a very important role in assisting our department to provide timely service to your members. Your support is sincerely appreciated.

Schedule "G"
Facility Allocation Policy 02/10/15

FACILITY PERMIT REGULATIONS/CONDITIONS

1. The Corporation of the Town of Halton Hills (hereinafter referred to as the "Town") shall not be liable for personal injury, damage, loss or other liability with respect to the loss or theft of clothing or equipment belonging to the lessee, its representatives, participants, or anyone attending on the invitation of the lessee.

As part of the consideration for the Town renting this facility to me/my group, on behalf of myself, my organization, its members and anyone attending by invitation, I agree to protect, indemnify and save harmless the Town, its servants and agents from and against all claims for damage, loss or injury, by whomsoever made or brought, in respect of any costs, losses, damage or injury arising out of or during the use of the facility hereunder.

The Town will require the lessee to carry general liability insurance in an amount of not less than two million dollars and to provide the Town with proof of insurance coverage naming the Town as additional insured.

2. The Lessee as a party to this agreement agrees to recompense the Town for any damage or loss to property or equipment contained within the facility which occurs during the period covered by this permit.

3. The Lessee will ensure that all persons in attendance at the event associated with this agreement shall conduct themselves in an orderly manner and comply with all Federal, Provincial and Municipal laws, by-laws and regulations. Failure to do so may result in the cancellation of this agreement, at the option of the Town.

4. The Lessee will not exchange or give the use of the facility, for the date(s) on this agreement to any other person or group without the written permission of the Recreation and Parks Department of the Town (the "Department").

5. All property of the Lessee and its participating members and guests must be removed after the permit time has expired unless special arrangements for storage are made with the Town.

6. This permit may be pre-empted at any time by the Department to use the facility for a specific purpose and/or for emergency maintenance. Wherever possible, notice will be given 48 hours in advance of pre-emption.

7. The Town is not responsible or liable for any costs for failure in supplying the facility due to circumstances beyond its control (example: hydro failure etc). In such cases, consideration will be given for reimbursement in part or in full for non-use.

8. The Lessee agrees to pay any costs for maintenance over and above the normal cleaning that might be required to return the facility to the same conditions it was found, prior to the rental.

9. In the case where the approved hours and capacity stated on another Agency Permit (i.e. L.L.B.O. permit) conflict with the Facility Permit, the later commencement time, earlier termination time and lower capacity will take precedence.

ALCOHOLIC BEVERAGES

The sale and/or consumption of alcoholic beverages without the proper licence or permit is strictly forbidden at all Municipal facilities and park locations in the Town of Halton Hills. Failure to comply with the L.L.B.O. regulation, the Town Parks By-law #01-108 and approved Municipal Alcohol Policy will result in the immediate cancellation of this permit and notification to the proper authorities. Proof of SOP (Special Occasion Permit) must be submitted to the Department for any event that will include liquor in a permitted hall, meeting room or park.

Sale of alcoholic beverages must produce proof of valid liability insurance coverage for 2 million dollars, naming the Town of Halton Hills as additional insured. Such events must be in full accordance with the requirements of the Town's "Municipal Alcohol Policy".

SECURITY

The Town reserves the right to place police supervision or security staff at any event at the expense of the Lessee. Prior to the date of the event the Town will notify the authorized representative(s) if police/security staff are required. The Town reserves the right to require a security deposit for any event. Entitlement to a refund of the security deposit and the amount of any such refund will be considered during the week following the event.

The Town and its agents reserve the right and authority to enforce the rules and regulations of the facility and to refuse admission to any person or groups who are not in compliance with same.

SMOKING REGULATIONS

All persons attending the function(s) specified by this agreement shall observe No Smoking Regulations where applicable. There is “No Smoking” permitted in Town owned facilities as written in By-law #97-126.

PAYMENT

For all occasional bookings, a minimum 25% deposit of the rental fee is required at the time of booking. Rental fees and all balances owing, where applicable, are to be paid to the Department at least ten (10) days prior to the event. Payment for permits issued within the ten (10) days prior to the event is required at the time of booking. Where invoicing has been approved, the Town reserves the right to cancel the permit if the applicant defaults on any payments when due.

Note: Payment of invoices due upon receipt of invoice. If payment is not received within 30 days, an interest fee of 1.25% per month will be added.

CANCELLATIONS

The Department reserves the right to cancel this permit should there be a breach of the conditions or regulations or should the Department be of the opinion that the premises are not being used for the purpose contained herein. The Department must be notified in writing at least fourteen (14) days in advance of any cancellation by the Lessee. An administration fee will be levied for requested refunds. No refunds will be given if a cancellation is requested within fourteen (14) days of the contract date, unless the permitted date is rented to another party. In such case, a refund less an administration fee will be given. Cancellation of facility use due to the nature of playoff schedules may be an exception provided notice is given at the earliest opportunity of a cancellation. Note that cancellation of Hall rental(s) require a minimum of thirty (30) days written notice.

CHANGES

An administration fee will be levied for alterations and/or for partial cancellations of a completed permit. An administration fee will not be levied if the permit holder adds times to the original permit without further alterations.

Schedule "I"
Facility Allocation Policy 02/10/15

SMOKING BY-LAW

THE CORPORATION OF THE TOWN OF HALTON HILLS

BY-LAW NO. 2003-0050

A By-law regarding smoking in Public Places and Workplaces in the Town of Halton Hills

WHEREAS the "Ontario Medical Association Position Paper" calls for a complete smoking ban in work and public places because environmental tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars or pipes), also known as second-hand smoke, is a health hazard because of its adverse effects and risk to the health of individuals;

AND WHEREAS Council for the Town of Halton Hills recognizes that second-hand smoke, is a health hazard because of its adverse effects and risk to the health of inhabitants of the Town of Halton Hills;

AND WHEREAS the Medical Officer of Health for the Region of Halton has declared that second-hand smoke is a serious health hazard;

AND WHEREAS it is desirable for the health, safety and well-being of the inhabitants of the Town of Halton Hills to provide for the prohibiting and abating of second-hand smoke in accordance with the provisions of this By-law;

AND WHEREAS Section 115 of the *Municipal Act*, S.O. 2001, c. 25, as amended, authorize a municipality to prohibit or regulate the smoking of tobacco in public places and workplaces within the municipality;

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

Definitions

1. In this By-law:

- (1) **"Building Complex"** includes a commercial or retail establishment, an institutional establishment, a co-operative or condominium residential complex and a multiple dwelling unit apartment building;
- (2) **"Common Area"** means that part of any Building Complex, other than a dwelling unit, to which the public may have access, whether as of right or by invitation, express or implied and includes, but is not limited to, a reception area for greeting customers, clients, patients, guests or other persons, elevators, escalators, hallways, stairways, foyers, lobbies, laundry rooms, washrooms, and amenity areas;
- (3) **"Designated Area"** means an area that is provided within a Public Place for Smoking purposes and that shall be comprised of not more than twenty-five (25) percent of the total seating accommodation of the Public Place. A Designated Area shall be comprised of seats contiguous to each other;
- (4) **"Designated Smoking Room"** means an area that is provided for smoking purposes:
 - (a) that is fully enclosed floor to floor/roof, separate and mechanically ventilated directly to the exterior at a rate of 15 litres per second per person with a heat recovery unit that supplies tempered air at a rate which is more than 90% of the exhaust air rate;
 - (b) the mechanical ventilating system of which has been certified by a mechanical engineer with documentation of such certification provided forthwith upon installation of this ventilation system or, if subsequent to installation, upon request by the inspector;
 - (c) shall not comprise more than 25% of the total floor area;
 - (d) to which non-smoking individuals do not require access or thoroughfare; and
 - (e) that is not located within common areas such as washrooms, stairways and corridors, escalators, elevators, areas devoted to food preparation and/or display, storage or reception areas.
- (5) **"Employee"** includes a person who,
 - i) performs any work for, or supplies any services to, an Employer, or

- ii) receives any instructions or training in the activity, business, work, trade, occupation or profession of the Employer;
- (6) **“Employer”** includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over, or direction of, or is directly or indirectly responsible for, the employment of an Employee;
- (7) **“Food Court”** means an area within an enclosed shopping area (i.e. shopping mall or shopping centre) where food and/or drink is offered for sale or sold to the public for immediate consumption;
- (8) **“Inspector”** means a Municipal Law Enforcement Officer appointed by the Town, an employee of the Halton Region Health Department authorized by the Medical Officer of Health to carry out inspections under and to enforce the provisions of this By-law, or a Halton Region Police Officer;
- (9) **“Place of Amusement”** means an indoor area of a building or structure or portion thereof, whether privately or publicly owned, in which the predominant use is that of the playing of games or amusement, and includes but is not limited to, bingo halls, bowling alleys, billiard or pool halls, and video and arcade game locations;
- (10) **“Place of Refreshment”** means any premises, or part thereof, where food and/or drink is offered for sale or is sold to the public for immediate consumption, including any part of such premises where the public has access, and includes, but is not limited to, a restaurant, a dining room, a dairy bar, a coffee shop, a donut shop, a snack bar, a refreshment stand, a banquet hall or facility, a bar, tavern, pub, nightclub or similar establishment, but excludes any outdoor area of such premises;
- (11) **“Private Facility”** means any hall, banquet area or room that is privately owned and includes, but is not limited to, a Royal Canadian Legion Hall;
- (12) **“Proprietor”** means the owner or occupier of a Public Place and includes any person who is actually in charge thereof at any particular time;
- (13) **“Public Place”** means the whole or part of any building or structure to which the public has access, including any place designated as a Public Place under Section 3 of this By-law;
- (14) **“Retail Shop”** means any building or structure, booth, stall or kiosk where goods or services are offered for sale;
- (15) **“School Bus”** means a public vehicle licensed for the purpose of transporting children to and from school or to or from any activity, event or function associated therewith;
- (16) **“Service Counter”** means an indoor counter where a person receives a service including, but not limited to, the transfer or exchange of money or its equivalent for goods or services, sales, rentals, transactions and the provision of information or advice;
- (17) **“Service Line”** means an indoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the payment of money including, and includes, but is not limited to, the transfer or exchange of money or its equivalent for goods or services, sales, rentals, transactions and the provision of information or advice;
- (18) **“Smoke or Smoking”** means the smoking of tobacco in any form and includes the holding of a lighted cigar, cigarette or pipe;
- (19) **“Town”** means the Corporation of the Town of Halton Hills; and
- (20) **“Workplace”** means any enclosed area of a building or structure in which an Employee works and includes washrooms, corridors, lounges, eating areas, reception areas, elevators, escalators, foyers, hallways, stairways, amenity areas, lobbies, and any vehicle or other conveyance utilized by an Employee in the performance of the Employee’s work.

GENERAL PROHIBITIONS

2. Subject to the provisions of Section 11 of this By-law, no person shall Smoke in a Workplace.

3. Subject to the provisions of Sections 8 and 10 of this By-law, no person shall Smoke in any Public Place which shall include, but is not limited to:
 - (1) a Service Line or a Service Counter in any premise to which the public has access;
 - (2) a School Bus;
 - (3) a theatre or auditorium, gymnasium, indoor swimming pool, locker room, arena, community centre, library, museum, art gallery or any other enclosed place of public assembly;
 - (4) a public washroom;
 - (5) a Food Court;
 - (6) a Private Facility;
 - (7) a Place of Amusement;
 - (8) a municipally owned building;
 - (9) a Place of Refreshment;
 - (10) a taxi-cab;
 - (11) a limousine;
 - (12) a public transit vehicle;
 - (13) a Common Area; and
 - (14) a Retail Shop.
4. Subject to the provisions of Section 11 of this By-law, no Proprietor or Employer shall permit Smoking in a Workplace.
5. Subject to the provisions of Sections 8 and 10 of this By-law, no Proprietor or Employer shall permit Smoking in a Public Place.
6. No Proprietor or Employer shall permit ashtrays or similar Smoking paraphernalia to be placed or to remain in a Public Place or a Workplace, other than ashtrays installed in a vehicle by the manufacturer.
7. No person shall hinder or obstruct a person lawfully carrying out the enforcement of this By-law.
8. No person shall Smoke in a Public Place except within a Designated Area between the hours of 9:00 p.m. and 2:00 a.m.
9. No Proprietor or Employer shall permit Smoking in a Public Place owned, operated, managed, supervised or overseen by the Proprietor or Employer except within a Designated Area between the hours of 9:00 p.m. and 2:00 a.m.

EXCEPTIONS

10. Notwithstanding the provisions of Sections 3 and 5 of this By-law a person may Smoke, and a Proprietor or Employer may permit Smoking, in a Designated Area within a Public Place described in Column 1 of the following Table between 9:00 p.m. and 2:00 a.m. until the date set out in Column 2 of the Table.

TABLE

<u>COLUMN 1</u> Type of Public Place	<u>COLUMN 2</u> Expiration date for Permitted Smoking in a Designated Area
Place of Refreshment	June 30, 2004
Private Facility	June 30, 2004
Place of Amusement	June 30, 2004

11. Notwithstanding the provisions of Sections 2 and 4 of this By-law, a Workplace that has a Designated Smoking Room existing at the date of enactment of this By-law shall be deemed to be in compliance with the provisions of this By-law until July 1, 2005, at which time this Section automatically shall be repealed and Sections 2 and 4 of this By-law shall apply to such Workplace.

SIGNS TO BE POSTED

12. Every Proprietor and Employer shall ensure that “No Smoking” signs are conspicuously posted in compliance with the standards set out in this By-law so as to clearly identify that Smoking is prohibited pursuant to this By-law.
13. Every Proprietor and Employer shall ensure that a “No Smoking” sign is posted in accordance with Schedule “A” in every Public Place owned, operated, managed, supervised or overseen by the Proprietor or Employer:
- (1) at every entrance;
 - (2) within any public washroom; and
 - (3) within every Food Court.

ENFORCEMENT

14. An Inspector may:
- (1) at any reasonable time, enter any Workplace or Public Place for the purpose of determining whether there is compliance with this By-law;
 - (2) make such examinations, investigations and inquiries as are necessary to determine whether there is compliance with this By-law.

OFFENCES & PENALTY

15. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction shall be liable to a penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

SEVERABILITY

16. If any section or sections of this By-law, or any parts thereof, are found by a Court of law to be illegal or beyond the power of Council to enact, such section or sections, or parts thereof, shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom.

SCHEDULES

17. The Schedules to this By-law shall be deemed to form part of this By-law.

EFFECT

18. This By-law shall come into effect on July 1, 2003

REPEAL

19. By-law Number 2000-0012 and 1993-0203 are hereby repealed.

BY-LAW read and passed by the Council for the Town of Halton Hills this 14th day of April, 2003.

MAYOR – Kathy Gastle

CLERK – Karen Landry

SCHEDULE “A” to By-law 2003-0050

STANDARDS FOR NO SMOKING SIGNS

1. “No Smoking” signs shall:
 - (1) be of sufficient size and conspicuously posted so as to clearly identify that smoking is prohibited;
 - (2) consist of a white background with a black symbol of a lit cigarette within a red circle with an interdictory stroke, together with the words “Town of Halton Hills By-law”, in similar proportion to the diagram set out below, and may include additional wording that does not detract from the message that smoking is not permitted; and
 - (3) shall be posted upon a surface that contrasts with the background of the sign so that it easily can be read.

TOWN OF HALTON HILLS BY-LAW



MAXIMUM FINE \$5,000