



TOWN OF SHELBURNE

Public Use of Town Properties

Intent

The Town of Shelburne manages many properties and facilities for the benefit and enjoyment of residents and visitors. It is the intent of this policy to provide guidelines for the safe use and enjoyment of Town properties by residents and visitors.

Scope

The Public Use of Town Properties policy applies to all Town properties and to all persons (residents, non-residents, volunteers, tenants, and staff) on Town property.

Definitions

Type of Property	Definition	Public Use Guideline
Community-Use Facilities	Facilities and properties provided by the Town for the general use and enjoyment of the public.	Public usage - rental agreement may be required.
Memorials and Cemeteries	Facilities and properties maintained by the Town as memorials and cemeteries.	Public usage - for respectful memorial use only; ceremonies memorializing an event broadly impacting the community.
Parks & Recreational Properties	Facilities and properties provided by the Town for the recreational use of the public.	Public usage - rental agreement may be required.
Tenant-Occupied Properties	Facilities and properties leased by the Town to tenant organizations.	Restricted usage - public usage determined through lease agreement.
Streets and street right-of-ways	Streets, roads, lanes, sidewalks and all Town street right-of-ways.	Public usage - for accepted transportation uses only; street activity/closure application may be required for events.
Town Facilities	Facilities and properties managed by the Town for Town corporate purposes (i.e. delivery of services to residents and visitors).	Restricted usage - public access and usage for corporate purposes only.
Undeveloped Lots	Undeveloped properties managed by the Town.	Public usage - for recreational use only.

General Guidelines

The following general guidelines are to be adhered to for the public use of all Town properties:

- 1) Groups or individuals shall be expected to observe all facility policies, rules, regulations and by-laws.
- 2) Groups or individuals shall also be expected to observe event policies, rules, and regulations instituted by the event holder/renter.
- 3) Inappropriate behaviour at a Town facility or property shall result with the issuance of a Trespass Notice to the offender(s); if necessary the police will be called. Inappropriate behaviour for the purpose of this policy includes, but is not limited to, the following:
 - Behaviours that obstruct or hinder the ability of others to use and enjoy Town facilities, or participate in Town services programs or events, or compromise the safety and health of others, including staff;
 - Refusal to follow rental agreement and all other related Town policies, procedures and by-laws;
 - Willful damage or vandalism of property;
 - Any criminal behaviour.
- 4) Legal action or additional charges may result pending the severity or nature of a group's or individual's actions.

Trespass Notice:

Entry onto and use of Town properties and facilities normally accessible to the public may be prohibited by providing a Trespass Notice in accordance with the policy. The notice may be given orally or in writing to any person observed or found to be in contravention of this policy. All Town employees are authorized to issue a Trespass Notice under this policy for any Town owned or operated facilities or properties; the date and time of the notice, along with the group or individual to whom it has been issued, will be noted by the employee and reported to Town management.

Additional Guidelines

Community-Use Facilities and Tenant-Occupied Properties may have their own specific guidelines. Additionally the following guidelines for the public use of all Town properties apply:

- The use of the facilities will not be restricted on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- Notwithstanding the above, the Town Council may reject any proposed use of Town property by motion if in their judgment the anticipated use would not comply with the intent of this policy.

- Applications for use of facilities will be approved on a first-come, first-served basis with Town programs given priority.
- Cleaning of properties and facilities after use is the responsibility of the user and all facilities (including buildings and grounds) must be left in the same condition in which they are found. Users are required to remove, at their expense, all materials, equipment, furnishings, or rubbish left after use of a property or facility.
- Users of Town properties are prohibited from removing materials – wood, stones, etc. – from the property for personal or commercial use; removal of materials will be treated as theft and referred to the RCMP.
- Alcohol will be allowed in facilities/properties only in accordance with Provincial regulations.
- Facility occupancy is limited to the number posted by the fire marshal.
- Possession, occupation, use or obstruction of Town property does not give an estate, right or title to the property.

Approved By Council: July 20th, 2016