



# Corporate Policy Manual

Sub Topic:	Long-term Use of Town Facilities by Commercial, Non-Profit & Community Organizations	Policy No.	PRC.8-01
Topic:		Covered:	Per Policy
Section:	Parks, Recreation & Culture	Council Adoption Date:	September 13, 2004
Effective Date:	September 13, 2004	Revision No:	Date:

## **POLICY STATEMENT**

The Town of Newmarket maintains various properties within the community that may have surplus space available depending upon corporate requirements. Within the community there are continuous and evolving requirements by commercial organizations, community groups and non-profit organizations for long-term use of buildings and property.

## **PURPOSE**

The purpose of this policy is to guide the Town with respect to making decisions on the long-term use of properties and buildings to ensure the decisions are based upon sound financial principles and the best interests of the community as articulated in the Strategic Plan or as they may evolve from time to time.

## **PROCEDURES**

### Provision of Facilities

That where the Town of Newmarket maintains property for the purposes of the municipal operations that are surplus to its needs, the surplus property may be made available for use by eligible groups on a temporary basis under a formal agreement subject to the terms of this policy.

### Eligible Organizations

Any commercial, non-profit or community organization is eligible to enter into an agreement for the long-term use of a municipal building subject to the priorities of Council from time to time.

## Eligibility for Assistance in the Long Term Use of Municipal Buildings

In order to be eligible for assistance, the organization must be a charitable organization that has demonstrated a charitable mandate or a non-profit organization whose purposes include charitable objects and provide programs for any of the following:

- a. The relief of poverty including:
  - i. the sick and dying;
  - ii. disabled persons;
  - iii. the homeless;
  - iv. victims of crime;
  - v. rehabilitating young offenders and parolees;
- b. Purposes beneficial to the Community

The organization must demonstrate that its services are offered to a significant portion of the residents of Newmarket. Eligible organizations include those with mandates in the following:

- Culture and arts
- Health and welfare
- Physical education
- Community support
- Youth sports where the majority of the players are under 18
- Service to the community
- Development of Community programs
- Special Community Events

- c. The provision of programs or facilities which are not otherwise available to the community and that support the strategies and goals of the Town of Newmarket Strategic Plan.

## Demonstrated Need

An organization is eligible to receive support if it has demonstrated a financial need. Support will not be provided to replace assistance or regular funding that is currently available from another level of government.

## Financial Assistance

That financial assistance towards the cost of using Town facilities will be considered on the following basis:

Commercial Enterprises will only be provided space based upon market rents or the recovery of all capital and operating costs by the municipality subject to the normal purchasing procedures in place.

Non Profit Organizations that have revenue sources to fund their operations may be provided space on the basis that the operating costs of the municipality are recovered at the discretion of Council and based upon meeting the eligibility criteria

in this policy. Council shall approve the term of the agreement and the amount of the annual subsidy provided to the non-profit group and the term of the agreement shall not exceed the term of the Council or a period of three to five years.

Community Groups that meet the eligibility criteria outlined in this policy may use Town facilities under a written agreement, at a subsidized rate, provided that the agreement identifies the total capital and operating costs of the facility and the level of subsidy for capital and operating costs. Council shall approve the term of the agreement and the amount of the annual subsidy provided to the community group and the term of the agreement shall not exceed the term of the Council or a period of three to five years.

### Administration and Prioritization of Requests

The Director of Parks, Recreation & Culture shall be responsible for the administration of this policy. The Director shall have authority and responsibility to obtain the information necessary from the applicants to evaluate the request against the eligibility criteria and compliance with all other aspects of the policy. The Director of Parks and Recreation shall be responsible for obtaining approval from Council as necessary.

Where the number of applications for use of facilities exceeds available space, the Town will prioritize the requests based upon articulated goals in the Strategic Plan. As facilities become available, Council will use the Strategic Plan to determine the priority of the various applications. The Director of Parks, Recreation & Culture shall prepare a report to Council proposing these priorities for consideration by Council.

### Application Process & Evaluation

Applicants under this policy shall complete an "Application for Long-term Use of Community Facility" form (copy attached).

Completed applications shall be considered by the Director of Parks, Recreation & Culture and evaluated according to a point ranking system. The point ranking system allocates points according to community priorities for public services as identified by a survey of 200 area residents.

### Temporary Uses

The Town of Newmarket will enter into agreements to permit the use of municipal buildings for a period not to exceed the term of Council or a period of three to five years as deemed appropriate to the situation. The Town will retain the right to terminate the long-term use of municipal buildings after the term of the agreement at the discretion of Council in accordance with municipal priorities from time to time.

Municipal policies with respect to public facilities (such as the Town's Alcohol Policy) shall apply in all leased buildings.

### Indemnity

The Town will accept no liability for the assets or property of the organization using the facilities of the Town under this program. Every organization using a municipal building or

property under an agreement under this policy shall indemnify the Town against any liability occurring as a result of their occupation of the Town building or property. An insurance certificate naming the Town of Newmarket as an additional insured shall be required.

#### Agreement

The Town will require that the individual organization sign an agreement for the use of the municipal building in a form approved by the Municipal Solicitor.

#### **Cross References:**

[Application for Long-term Use of Community Facility](#)  
[Evaluation Form for Long-term Use of Community Facility](#)