

**CITY OF MT. MORRIS
THE A.J. LAFURGEY COMMUNITY ROOM
UTILIZATION POLICY**

1.) PURPOSE

The purpose of this policy is to set forth how the City allocates the use of the Community Room (the “Room”) both by user and frequency of use, enforces those policies and provides for administrative hearings for those who do not feel they were treated fairly or in accordance with this policy. The intent is to provide a low cost facility for the City’s many residents, taxpayers and organizations, ensure them the greatest access practicable, hold them responsible for the maintenance and cleanliness of the facility, and be a good neighbor to the surrounding area.

2.) RESPONSIBILITY

The City Manager (the “Manager”) is primarily responsible for the administration of this policy. When directed by this Policy or Ordinance, appeals from the Manager’s decisions may be heard by the City Council. *The Manager shall be allowed to make changes to this policy as the need for change occurs.*

The renter indemnifies the City of Mt. Morris and its members or agents against all liability to persons or property on the premises known as The A.J.LaFurgey Community Room.

3.) ELIGIBLE USERS

The following are the individuals and organizations who may use the Room:

- a. City Residents: Those who reside within the City Limits of Mt. Morris.
- b. Non-City Residents: Those who do not reside within the City Limits of Mt. Morris.
- c. City Taxpayers: Those who have incurred a real or personal property tax bill at the time of application to use the room and who remain a City Taxpayer at the time of using the Room.
- d. City Employees: Those who are on the paid payroll of the City at the time of application to use the room and who remain a City Employee at the time of using the Room.
- e. Service Groups/City Based: Service organizations which are based in the City of Mt. Morris such as Kiwanis, Lions, Scout Troops and the like. Proof of being city based may include Articles of Incorporation which include a majority of the organizations board or officers as City Residents or Taxpayers or the organizations Charter which spells out as its primary focus service to the residents of the City of Mt. Morris.
- f. Service Groups: Service organizations which may be based outside the City of Mt. Morris but serve the residents of the City. Proof of serving the City may include the organizations charter

which spells out that the City of Mt. Morris is within its service area, membership rosters showing a substantial portion of the membership comes from the City or events calendars showing a substantial number of activities and events occur within or benefit the City.

g. Non-Profit and Government Agencies: Non-Profit and Government agencies whose purpose is to provide intake, counseling, recruitment, and the like where a substantial portion of the population served is expected to be residents or taxpayers of the City. Proof of this can be a statement to that effect by the organization and a subsequent client profile showing the users residence if so requested.

h. Organized Groups: Loose associations of people, which are not chartered or incorporated, which meet for a single recreational or social purpose uniting them - i.e. seniors, quilters, amateur radio enthusiasts and the like - where the majority of the users are from categories a., b. and c. above.

4.) INELIGIBLE USERS

All those parties who do not fit the classification of Eligible Users are not eligible to use the Room. This also means that the right to use the Room cannot flow from one party to another by means of an Eligible User requesting the use of the Room. The Eligible User must be the intended and primary user of the Room both at the time of application and the use of the Room.

5.) INELIGIBLE USES

The Room may not be used for the solicitation of sales or services, the actual sale of product or services or the distribution of product or services by for profit individuals, business or organizations.

This is not meant to eliminate the use of the Room for such solicitations, sales or distributions by non-profit, government or service organizations or agencies. This is not meant to eliminate the use of the Room by businesses which are taxpayers or which are owned by residents for such incidental uses as recruitment and interviews of personnel, employee retreats, planning sessions, seminars and the like. This section is intended to restrict the use of the Room as a taxpayer supported competitor to the merchants, business, and property owners who pay rent, staff and taxes as a cost of their business.

6.) TIME SLOTS FOR USE OF THE FACILITY

There are three basic time slots which may be requested for the use of the Room

- a. Weekend and Holiday: The Room is allotted for the **entire** day on Saturdays, Sundays and the following Legal Holidays:

New Year's Day
Martin Luther King Day
Presidents Day
Memorial Day
July 4th

Labor Day
Columbus Day
Veterans Day
Thanksgiving
Christmas

- b. Night: The Room is allotted for an evening slot of 5:00 PM to Midnight.
- c. Day: The Room is allotted for such times as the Manager shall determine are reasonable to ensure the applicant has the ability to fully conduct their event or program but does not infringe on other Eligible Users to the point of restricting the use of the room.

7.) CONDITION AND TIMES FOR VACATING THE ROOM

- a. All users are expected to use the Room in a manner which does not cause excessive wear and tear, damage the Room and its furnishings, and are suitable for the incoming user. Users are to notify the City if it finds the Room in a less than acceptable condition or of any damage which might have occurred during their use of the Room. The intent of this is not necessarily to hold users responsible for every repair or corrective action but rather to allow the City to react promptly to make repairs and to follow -up on users which might not have honored these rules.
- b. The Room is to be left vacant of all users, cleaned, and locked by the following times depending upon the time slot which was requested as follows:
 - i. Weekend and Night: Midnight
 - ii. Day: One half hour after the time slot requested.

8.) FEE

There will be a \$100 per year fee for Non-Profit groups, and a \$125 per year fee for Profit groups. There will be a \$100 per day fee for residents of the City of Mt. Morris, and a \$175 fee for non-residents of the City of Mt. Morris. A \$25.00 key deposit is included in the rental fee, and will be refunded if community room key is returned the next business day after rental. The Manager shall reserve the right to waive this user fee for non-profit organizations, service groups and government agencies that apply to use the room.

The fee will be refunded if the user cancels the use of the room, provided that the cancellation occurs two weeks prior to the date of use.

9.) SCHEDULE YEAR FOR THE ROOM

The Room shall be scheduled on a calendar year basis of January 1 to December 31.

10.) APPLICATIONS TO USE THE ROOM

All requests to use the room shall be on a form to be prescribed by the Manager. Such form shall include sufficient information to determine that the applicant is an eligible user and that the use is a permitted one. The form shall contain on it the pertinent sections of this policy to ensure the applicant is aware of the Rules of Use.

11.) FIXED TIME SLOTS FOR GROUPS

Annually there shall be an application period of 30 days in which Service Organizations, Non-Profit and Government Agencies, and organized groups who are meeting for recreational or social purposes may request regular fixed time slots to use the room.

This period opens no earlier than September 1 and closes no later than November 1-of the year preceding the Rooms Schedule year.

Upon the receipt of all applications, the Manager shall rank them by the following priority.

- A. Service Groups/City Based
- B. Service Groups - Serving the City
- C. Non-Profit and Government Agencies
- D. Organized Groups

The Groups shall then be awarded their requests to the extent possible. In the case of conflicting requests, the Manager shall contact the group to try and determine a suitable alternate time.

12.) PERIODIC TIME SLOTS FOR ALL USERS

Annually, on the 15th of November, or the following business day if said date falls on a week-end, the City shall then accept applications by all classes of users for the use of the room for the following Schedule Year.

13.) PROHIBITED ACTIVITIES

No user may possess, consume or distribute any alcohol or controlled substance. No user may

smoke nor allow smoking within the Room

No user may engage in or allow the conduct of any activity which is illegal under any local, state or federal law, rule or regulation.

14.) COSTS OF REPAIRS AND MAINTENANCE

The user shall be responsible for the costs of damage, lack of proper cleanliness and excessive wear and tear caused to the Room.

15.) ACCESS

Keys to the room must be picked up at City Hall - during regular business hours - prior to use of the Room. They must be returned - in person or to a designated drop box - the next working day after the use of the room. The person picking up the key shall sign for its receipt and accept responsibility for its return and the use of the Room.

Failure to return the keys in a timely manner may require that the City re-key the Room entry doors and re-issue new keys. The User or their representative above, shall be responsible for these costs plus a \$25.00 administrative fee.

16.) MANAGERS DISCRETION

The City Manager shall have the discretion and exclusive right to restrict the use of the room for such periods and at such times as are warranted to allow for necessary maintenance, cleaning and the like.

The City Manager shall have the discretion and the exclusive right to allow the use of the Room by such users and for such uses as may not be strictly authorized herein but which are reasonably justified in that they further the best interests of the City and are in substantial compliance with the intent of this policy.

The City Manager shall have the discretion - in rare and unanticipated circumstances - to Abump@a User which already shall have reserved the Room. Notice of no less than 30 days must be given in such cases to allow the User sufficient time to make and arrange alternate arrangements. The City shall co-operate with the User to find such an alternate location to minimize the disruption this might otherwise cause.

17.) RESTRICTED USERS

Violations of this policy, including a pattern of reserving and canceling the Room thereby denying its availability for other users, may result in the loss of the right to use the room. The

Manager shall notify the user of their suspected violation and establish a hearing date. At that time the Manager shall hear information with respect to the suspected violation and the response of the user.

Based upon that information the Manager may, progressively,

Issue a written warning.

Revoke the right of the violator to use the facility for three months.

Revoke the right of the violator to use the Room for one year.

For Flagrant and Willful misuse of the room including the violation of the ban on alcohol or any local, state or federal, law the progressive chain of suspension need not be strictly applied and the ban may be permanent.

Within 10 business days of the hearing, the Manager shall inform, the User - in writing - of their findings and of their rights of appeal.

18.) RIGHTS OF APPEAL

Any User who has been denied the right to use the Room or who has their right to use the Room revoked may appeal such action by the Manager to the City Council. Such appeal is by filing a written Notice of Appeal, with the City Clerk, within 14 days of the date of the letter from the Manager. The matter shall be set for a hearing by the council at their next regularly scheduled Council meeting and a decision shall be rendered within 21 days of the appeal hearing.

Boyce A. Judkins, Mayor

Kristina K. Somers, City Clerk