FACILITY USE POLICY

Application must be signed and returned no later than thirty (30) business days prior to the date of the event and a $50 non-refundable application processing fee must accompany the application.

This Policy is designed to govern the use of City-owned facilities by other individuals, groups, and/or organizations that are not directly associated with the City of Lewiston. The Policy governs all city owned property, even if such property is not specifically listed within the Policy.

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

Section 1 - Definitions

Public Use Facility: Any City-owned property that has been designated by policy to be available for use by individuals, groups, or other organizations that are not directly associated with the City of Lewiston, Maine.

Facility: Any City-owned property.

Director:

1. Director of Recreation or his/her designee when referring to use of the Armory.
2. Library Director or his/her designee when referring to use of the Library or Hartley Center.

Armory: City of Lewiston Memorial Armory.

Hartley Center: Marsden Hartley Cultural Center

Library: Lewiston Public Library

Committee: Facilities Use Review Committee.

Section 2 - Definition of Facility Use

The City, by this Policy, defines the following facilities as public use facilities, subject to the regulations, restrictions and other requirements that are established.

A. The Memorial Armory, 65 Central Avenue

B. Certain athletic and public parks, subject to the other policies and ordinances that have been, or may in the future, be adopted to govern those specific locations.

1. Chapter 54 of the City Code of Ordinances regarding Public Park usage.

2. City Policy Manual, Policy Number 3, regarding use of the Athletic Fields.

C. Lewiston Public Library and Marsden Hartley Cultural Center, 200 Lisbon Street

Unless otherwise listed above, all other City-owned facilities are not available, and henceforth defined as public use facilities. However, on occasion, such properties may be used for private purposes, subject to Section 11 of this Policy.

Section 3 - Application Process

All individuals and/or organizations desiring to use a City-owned facility must complete an application for use.

All inquiries concerning the Armory should be directed to the attention of the Director of Recreation, Memorial Armory, 65 Central Avenue, Lewiston, Maine 04240, Tel.: 513-3005. All inquiries concerning the Library or the Hartley Center should be directed to the attention of the Library Director, Lewiston Public Library, 200 Lisbon Street, Lewiston, Maine 04240, Tel: 513-3004.

All applications for the use of a facility shall be returned to the Director for review. The Director shall within ten (10) business days of receipt of a completed application either:

A. Approve it;
B. Conditionally approve it; (See Section 6c)
C. Disapprove it; or
D. Refer it to the Facilities Use Review Committee for further review.

The Director shall then notify an applicant of the disposition of the application.

Should the Director conclude that an application requests a use which is appropriate for review by additional City officials, approval must be obtained from the Facilities Use Review Committee.

Section 4 - Facilities Use Review Committee

A. Purpose and Organization

Since the Memorial Armory and Library are public facilities, the City of Lewiston is concerned that they be used for proper purposes and in a manner consistent with the public interest. The Director may forward an application to the Committee for further review. The Committee shall be comprised of the following City staff members or their representatives.

1. City Clerk
2. Police Chief
3. Fire Chief
4. Director of Recreation or his/her designee
5. Deputy City Administrator

B. When Use Application Referred to Committee

Proposed uses for which the Director may require approval by the Committee include, but are not limited to:

1. Entertainment events (i.e. concerts, live performances, circuses);
2. Events which require a state or municipal license or permit;
3. Events which impose age restrictions for admission;
4. Events to which the general public is invited;
5. Events or organizations which request free use of the facility.

C. Action on Application

If an application is forwarded to the Committee for approval, the Committee shall, within five (5) business days, either approve, conditionally approve, or disapprove it. The Committee shall report its decision to the Director who shall then inform the applicant.

Section 5 - Criteria for Approval of Use Applications

A. In approving any application which comes before the Committee or the Director, the following may be considered:

   1. Time of day event is to be held;
   2. Number of days event is to be held;
   3. Number of people expected to attend;
   4. Age of people admitted or expected to attend;
   5. Whether liquor is to be available at the event;
   6. Purpose of event (i.e. fund raising, profit making, etc.);
   7. Whether the event is appropriate for a publicly-owned and managed facility;
   8. Whether the use may disturb the peace or cause excessive traffic congestion;
   9. Whether the use is likely to burden the fire or police departments or present safety hazards;
   10. Whether the use may adversely affect the facility or neighboring property.

B. The primary use of Callahan Hall at the Lewiston Public Library is for City and Library sponsored programs that fit the following purposes:

   1. Cultural and arts events.
   2. Programs which celebrate ethnic diversity and promote inter-cultural communication.
   3. Educational programs, lectures, workshops and seminars.

All applications for the use of Callahan Hall must fit under one of the three purposes above. In order to assure the availability of Callahan Hall for its primary uses, no application may be made more than 60 days in advance of such use.

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Section 6 - Conditional Approval

Should an application be conditionally approved, the following conditions may be imposed:

A. A requirement that the applicant provide adequate security for the event (depending on type of event, number of people expected, etc.);

B. A requirement that the applicant post a security deposit in case of damage to City property or costs are incurred by the City as a result of breach of the agreement;

C. A requirement that the applicant post a fee to defray additional public costs which include, but are not limited to:

   1. Police - traffic direction or protection;
   2. Municipal inspection of special electrical equipment needed for events;
   3. Cleaning - events which result in excessive debris from event or attendees;
   4. Electrical - events which result in excessive use of electrical power.

D. A requirement that the applicant provide insurance pursuant to Section 9 of this policy.

Licensees will be required to sign a Facility Use Fee Agreement which sets forth all costs involved, prior to final approval.

Section 7 - Licensee Privileges and Responsibilities

A. The licensee may be allowed, with approval of the Director, access to the facility for the purpose of setting up decorations, installing booths and other equipment (during normal operating hours). The licensee may be allowed, with approval of the Director, access to the facility on the forenoon next following the rental date for the purpose of removing decorations, booths, and so forth, provided that the facility is not booked or occupied for said time.

B. Any licensee requiring additional electrical hookup in the facility will obtain the services of a qualified electrician in order that all such electrical work will meet the City of Lewiston code requirements. Additional information concerning electrical work to be done may be obtained by contacting the City of Lewiston Director of Code Enforcement or his representative.

C. No licensee shall be allowed to store any equipment, paraphernalia, or other items in the facility without prior permission from the Director.

D. No animals will be kept in the facility overnight.

E. Nothing shall be nailed, screwed, fastened, or otherwise attached to the walls,

ceilings, or floor surfaces.

F. The Memorial Armory and Library are public buildings and therefore smoking is not allowed. It shall be the responsibility of the licensee to monitor and enforce these regulations.

G. If the licensee plans to handle food of any kind for any reason when utilizing the facilities, it is its responsibility to contact the Lewiston City Clerk's Office at City Hall to obtain the proper permit(s). This permit must be displayed in a prominent place in the facility during the event or program. Licensee must provide a copy of the permit to the Director prior to the event.

H. The licensee shall be responsible for all other licenses, permits, and/or approvals required by the State of Maine and the City of Lewiston. Failure to obtain said licenses and permits may be just cause for cancellation of the event or program and withholding of any deposits or fees collected by the City of Lewiston. Licensee must provide a copy of all licenses/permits to the Director prior to the event.

Section 8 - City Requirements and Responsibilities

A. Tentative holds on dates will be allowed for only a period of seven (7) calendar days. After this period has expired, the tentative hold may be canceled at any time.

B. No refund shall be made upon cancellation of any booking unless such cancellation is made at least thirty (30) days prior to the scheduled event.

C. The Director shall inform both the Police Chief and the Fire Chief in writing of all major scheduled events following the signing of a contract.

D. It shall be the responsibility of the Chief of Police and Chief of Fire , in cooperation with the Director, to determine how many police officers and fire guards and what, if any, additional private security will be required for the scheduled event. Certain events will require the services of a representative of the Fire Marshall's Office. The determination shall be made by the person or persons acting on the application, and the fee for this service shall be the responsibility of the licensee.

E. Public dances, primarily for high school students, or other such events will not operate beyond 10:30 p.m. without special permission from the Director.

F. Similar type competitive events will not be allowed within seven (7) days of a contracted booking. The decision as to whether or not an event is considered to be a competitive event shall be made by the Director.

G. The Director may waive any provisions or requirements of this policy, except for fees, with prior approval of the City Administrator's Office or the Facility Use Review Committee.

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Section 9 - Liability

A. The licensee shall be liable for any damages to the building or to any contents owned by the City during the period of use, whether such damage is caused by licensee or its agents, servants or employees, or by any invitees, licensees, or trespassers.

B. The City of Lewiston shall not be liable for any damage or loss to any property of the licensee from any cause whatsoever while said property is located on the premises for storage purposes or otherwise.

C. The licensee agrees to defend, indemnify, and hold harmless the City of Lewiston, its departments and their representatives, officers, agents or employees from and against all claims of any nature whatsoever for damages, including damages or loss to personal property, personal injuries and death resulting there from the licensee's use of the Lewiston Memorial Armory or Library. However, nothing contained herein shall be construed as rendering the licensee liable for acts of the City of Lewiston, its departments, or their agents or employees.

D. The Director or the Committee is authorized to require that the licensee file a certificate of insurance with the City. When requested to do so, the licensee shall provide comprehensive general liability insurance with minimum limits of liability of $1,000,000 combined single limit for each occurrence. The City shall be named additionally insured under the policy. Additional coverage may be requested when deemed necessary.

Section 10 - General Use

The general use fee (See Sec. 12) covers usual building services such as "house" lights, heat, water, lobby areas, concession, ticket booths, stage, balcony and gymnasium. (See below)

A. The fee does **not** include the setting up or knocking down of chairs, bleachers, tables, booths, ramps, staging, lighting, etc. The arrangement, performance, and costs of these services shall be sole responsibility of the licensee.

B. Additional custodial and cleaning services shall be charged to the licensee for any overtime required, as determined by the Director, by regular custodial staff at the rate which will cover the cost of overtime salaries including fringe benefits and administration. This charge shall cover all hours which the custodial staff is required to be on duty, including hours worked prior, during, and after the event.

C. The building must be left in the same condition it was when the licensee took occupancy. Floors must be clear of all chairs, tables, booths, decorations, debris, etc., by noon of the day following the event. If the day following is a Sunday, arrangements must be made to have a custodian on duty. If additional personnel are needed to clean up after an event, in order to prepare the building for the next day's

use, the licensee will be responsible for the extra cost involved. The need for additional cleaning personnel will be left to the discretion of the Director.

D. None of the services and equipment described in this policy are available for non-City use and/or rental outside of the Memorial Armory, Library or other City property and/or facilities.

Section 11 - Special Exceptions to Use Other Facilities

Upon application to the City Administrator's Office, the City Council by specific vote, may allow other individuals and/or organizations to utilize other City-owned facilities on a case by case basis, subject to the following:

A. City Administrator's Endorsement: The City Administrator's Office shall endorse the request.

B. Consistent with Policy: The applicant must follow all other sections of this policy, except that which has been specifically exempted by the City Council.

C. Additional Restrictions: The City Council may place any additional restrictions that are deemed appropriate as a condition of approval, for requests that would be considered exceptions to the Policy.

This section is specifically designed to address such events as the various festivals, special events, and other types of requests that are deemed to have broad public benefit to the inhabitants of the City of Lewiston. It is not intended to allow private individuals and/or organizations the opportunity to use such public property not otherwise available for functions that do not meet the requirement of broad public benefit.

Locations that receive approval to be used by others, consistent with this section, does not change the designations established by Section 2 of this Policy.

Section 12 - Fee Policy

A. For the purposes of this policy, the following user classifications have been developed:

CLASSIFICATION DEFINITIONS

GROUP	DEFINITION
Commercial (Revenue Producing) A	Defined as any type of commercial event where admission is charged, donation accepted, sales made, or other income derived.

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Commercial (Non-revenue Producing) B	Defined as any type of commercial event where no admission is charged or donation accepted, nor any sales made, nor other income derived.
Non-Profit (Revenue Producing) A	Defined as church groups, civic groups, political organizations, fraternal groups, social organizations, conventions, or any other non-profit groups or activities sponsored by such groups where admission is charged, donations accepted, sales made, or other income derived.
Non-Profit (Non-revenue Producing) B	Defined same as non-profit (revenue producing), except that no admission is charged or donation accepted, nor any sales made, nor any other income derived.
Exempt (Lewiston Non-Profit, Government) *$50 non-refundable application fee will not be waived.	Defined as non-profit groups or organizations located in the City of Lewiston (and not classified as non- profit revenue), also the governments of the City of Lewiston, State of Maine and United States, their departments, agencies or committees.

B. Determination of which classification an applicant is charged fees shall be made by the Director based on information furnished, in writing, by the applicant.

C. Applications must be signed and returned no later than thirty (30) business days prior to the date of the event and a $50 non-refundable application processing fee must accompany the application. Upon approval, a licensee must sign a Use Agreement, pay the total use fee (no personal checks), and satisfy all other conditions within fifteen (15) business days of the date of the Use Agreement.

D. Should an applicant fail to comply in any material aspect with the terms of the application or Use Agreement, the Director may immediately terminate said agreement. In that event, the applicant shall not be entitled to the use of the facility or the refund of any fees paid in connection with the application.

E. Organizations that wish to hold an event in either the Memorial Armory or Library to which the general public is invited and where there is to be no admission fee charged, donations accepted, or other income derived, may make application in writing to the City Administrator for free use of the facilities (does not include overtime, floor covering, set-up, take down, etc.). Allocation of the facilities for free use will be approved or rejected by the City Administrator or may be referred to the Facilities Use Review Committee for further investigation.

F. Rental Rate Schedule (See Appendix A Attached)

Section 13 - Copyright

Licensee assumes full responsibility for any copyright infringements, charges, or royalties that may occur on account of activities at the facility pursuant to this Agreement. Licensee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their legal representatives and agrees to indemnify and hold the City harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees. Licensee, upon request, shall provide the City with written proof prior to the start time of rental that all copyright provisions and laws have been satisfied by Licensee or some other party. The City reserves the rights to contact owners of copyrights to inform them of the impending event and to inquire whether appropriate copyright(s) fees have been paid. If these fees have not been paid and the City is informed of a claim which could or will result from the event contemplated by Licensee in this Agreement, then the City or the City Contractor shall have the right to withhold from the box office receipts a sum of money sufficient to satisfy any such claims and shall have the right to pay such amount to the holder(s) of the copyright(s).

APPENDIX A

RENTAL RATE SCHEDULE - ARMORY AND LIBRARY

FACILITY ROOM	COMMERCIAL (Revenue)	COMMERCIAL (Non Revenue)	ALL NON-PROFIT (Revenue)	OTHER NON-PROFIT (NonRevenue)	EXEMPT* (Lewiston, NP, Govt)
ARMORY	DAY				
Gymnasium**	1st $ 465.00	$ 345.00	$ 230.00	$ 175.00	N/C
	2nd 345.00	290.00	205.00	145.00	N/C
	3rd 290.00	230.00	175.00	115.00	N/C
Meeting Rooms (2 - 4)	60.00	45.00	35.00	25.00	N/C
Activity Room 1	145.00	115.00	90.00	60.00	N/C
Seniors Room	115.00	90.00	60.00	45.00	N/C
LIBRARY					
Callahan Hall	315.00	210.00	210.00	160.00	N/C
Computer Lab	315.00	210.00	210.00	160.00	N/C
Jeanne Couture Room	65.00	55.00	35.00	30.00	N/C
Conference Room	65.00	55.00	35.00	30.00	N/C

***No charge applies only during normal operating hours and does not include janitorial or other fees.**

**** Gymnasium may be rented on an hourly basis at:**

$ 60/hr Commercial
$ 25/hr Non-profit
(for up to three (3) hours)

Additional Fees and Charges

Public Address System	$ 30.00 per session
Tables	$ 2.35 each

Additional Fees and Charges Continued

Chairs	(0 - 25)	N/C
	(26 - 50)	$ 12
	(51 - 100)	$ 24
	(101 - 150)	$ 35
	(151 - 250)	$ 45
	(251+)	$ 60
Floor Cover & Tape	$180.00	

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