

# **Facility Use Policy Manual**

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**COUNTY OF HENDRY, STATE OF FLORIDA**

**RESOLUTION NO. 2017 - \_\_\_\_\_**

**RECORDED IN RESOLUTION BOOK \_\_\_\_\_, PAGE \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, ADOPTING THE FACILITY USE POLICY FOR HENDRY COUNTY.**

WHEREAS, the Board of County Commissioners wishes to adopt a Facility Use Policy to govern use of Hendry County properties.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, that:**

The Board hereby adopts the Facility Use Policy in the form attached hereto and authorizes the County Administrator or designee to administer this policy.

Duly considered and adopted by the Board of County Commissioners of Hendry County, Florida, this \_\_\_\_ day of \_\_\_\_\_.

**BOARD OF COUNTY COMMISSIONERS  
OF HENDRY COUNTY, FLORIDA**

ATTEST:

\_\_\_\_\_  
Michael Swindle, Chairman

\_\_\_\_\_  
Barbara Butler, Clerk

## FACILITY USE POLICY

### Purpose:

To identify the terms and conditions under which Hendry County properties may be used for meetings and events. This policy further details the responsibilities of the County and the users of the County properties with regard to meetings and events. Through this policy, the Board delegates to staff the responsibility to implement this policy.

### 1. Guidelines:

#### 1.1. Declarations

- 1.1.1. No use of County-owned property, including both vacant land and land with improvements, shall be made except in accordance with the provisions hereof.
- 1.1.2. No group or individual shall be excluded from equal access to property use because of considerations of race, color, religion, sex, national origin, age, disability or marital status.
- 1.1.3. Unless provided otherwise herein, exemptions to this policy must be approved by the Board of County Commissioners.

#### 1.2. Definitions

- 1.2.1. "User" shall mean an individual, for-profit corporation, not-for-profit corporation, partnership, unincorporated organization or government unit which holds a meeting or puts on an event at a Hendry County property.
- 1.2.2. "Governmental users" consist of federal, state, and local government units, and departments and committees thereof.
- 1.2.3. "Non-governmental users" are all users that do not qualify as governmental users.
- 1.2.4. "Authorized key holder" shall mean an individual who has been assigned a key to the facility after providing certain background information. Such individuals must commit to ensure that the facility is cleaned up and locked upon conclusion of an event at the facility for which the individual unlocked the facility. Keys shall be assigned by the appropriate department head.
- 1.2.5. "Charitable or community event" shall mean an event that is publicized and is open to the public. An event is publicized if a notice or advertisement is run in the newspaper or flyers or notices are posted in public places in advance of the event. An event is charitable if it is to benefit a recognized nonprofit organization or to benefit an individual or family in need. An event is for the community if it concerns a matter of general public interest.

### 1.3. Restrictions

- 1.3.1. No illegal substance may be brought into or on County property. Alcohol is prohibited in County parks and recreational facilities, except as allowed by Hendry County Code Section 1-15-3. Unless alcohol use is permitted for a particular event, it is prohibited. If alcohol is permitted, special event and liquor liability insurance will be required.
- 1.3.2. Smoking and tobacco use is prohibited in all County buildings and parks.
- 1.3.3. Only gambling permitted by State law is allowed. The user shall ensure that all requirements of State law are observed.
- 1.3.4. No animals, except for service dogs, are allowed in County buildings or on athletic fields.
- 1.3.5 Pyrotechnics are not allowed on County property.
- 1.3.6 County public safety facilities may only be reserved by governmental users and public safety-related community partners (e.g., Traffic Safety Team, Red Cross, Sheriff's Volunteers in Patrol, etc.). Public safety facilities subject to this restriction are the Hendry County Emergency Operations Center, all Emergency Medical Services stations, and all fire stations.
- 1.3.7 The Janet B. Taylor Auditorium at the Clewiston branch of the Hendry County Health Department may only be reserved by governmental users and public health-related community partners.
- 1.3.8 The Dallas B. Townsend Center Auditorium may only be reserved by governmental users and agricultural/horticultural organizations, and for charitable or community events.
- 1.3.9 The only other County facilities available for reservation are the Harlem Civic Center, the Pioneer Plantation Community Center, the Felda Community Center, and recreation facilities.
- 1.3.10 No events with an admission charge are permitted at any County facility except for charitable or community events where an admission fee is charged as a fundraiser. Satisfactory proof must be provided that the admission charge will not be used to profit any business or individual.
- 1.3.11 The person reserving the facility must be in attendance for the entire event. Users may not assign the reservation to another person or entity.
- 1.3.12 No regular events may be held. A regular event is one that is held on a set frequency (daily, weekly, monthly) at the same time. The purpose of this restriction is to prevent monopolization of the facility at particular times by a particular user. Governmental users and non-profit organizations that are open to the public for attendance/participation are exempt from this restriction.
- 1.3.13 Any other restrictions that apply as developed for specific facilities by the Board, will be noted at the time of rental of that facility.

## 2. Procedures:

### 2.1. Forms for Rentals

- 2.1.1. Users should contact the Department responsible for scheduling the specific County property requested to receive an application, review and decision.
- 2.1.2. Reservations must be requested, an application submitted and applicable fees paid prior to the date of the event. It is requested that this be completed two (2) weeks (10 business days) prior to the event.
- 2.1.3. Except as noted hereinafter, all users must complete a Facility Use Application form for each requested use of the property. Governmental users not affiliated with Hendry County and civic associations that utilize property on an ongoing basis shall complete the form and indicate that use will be on an ongoing basis. Departments and committees of Hendry County government do not need to complete an application form and may instead reserve a facility via phone and confirm via e-mail.
- 2.1.4. Uses requiring security provided by the Hendry County Sheriff's Office must have their request submitted four weeks in advance of the event, as is required by the Sheriff's Office. Verification of Sheriff's Office coverage for the event will be required at time of application.

### 2.2. Approvals

An application shall be reviewed and may be approved by the County Administrator or his/her designee if all of the following are satisfied:

- 2.2.1. The application is completely filled out.
- 2.2.2. All activities planned to occur during scheduled meetings or events are disclosed on the application.
- 2.2.3. The use is consistent with and adheres to the provisions of County ordinances and State and Federal laws.
- 2.2.4. The use does not interfere with regular use by governmental users.
- 2.2.5. The use is consistent with the property type.
- 2.2.6. The applicant does not have a history of violating facility use authorizations.
- 2.2.7. The use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
- 2.2.8. Any required insurance, naming the County as an additional insured, has been submitted, covering the use.
- 2.2.9. User has obtained any licenses or permits required by law.
- 2.2.10. Any required security has been arranged.
- 2.2.11. All required fees and deposits have been paid.
- 2.2.12. Occupancy regulations must be in compliance.

### 2.3. Insurance and Waiver of Liability/Indemnification

All non-governmental users must agree, in advance, to defend, indemnify and hold the County harmless for claims or losses arising out of property usage. Non-governmental users conducting events (a) not overseen by an authorized key holder or (b) that are not charitable or community in nature must provide, in advance, evidence of insurance. The insurance must be either a Special Event insurance policy for the particular event or provision of a certificate of insurance documenting that the user has a Commercial General Liability insurance policy. The policy must have coverage limits of no less than \$300,000 per person/per occurrence for bodily injury liability and property damage liability (including premises and operations), combined single limit, \$100,000 for fire damage liability and \$50,000 for damage to premises rented. Coverage must be on an occurrence basis. The County must be named as an additional insured on the certificate of insurance. Events where alcohol will be consumed must provide liquor liability. For events involving high risk activities (e.g., bounce houses, animals), the certificate of insurance must identify the activity covered. Any user which held a previous event at a County facility that resulted in damage or injuries may be subject to higher insurance requirements or may have its application to use the facility denied.

### 2.4. Furniture and Equipment

- 2.4.1. Building usage shall be limited to the area(s) reserved on the application.
- 2.4.2. The user may use tables and chairs available at the facility. Supplies of tables and chairs may be limited. The user may bring additional tables and chairs, if needed. A set up fee may be included in the rental package.
- 2.4.3. County property shall not be removed from the premises.
- 2.4.4. The County reserves the right to inspect the premises during any activity.
- 2.4.5. All accessories such as table cloths, furnishings and audio/video equipment, including equipment for the hearing impaired, must be provided by the user.

### 2.5. Clean Up

- 2.5.1. Signs/decorations must be installed and removed so as not to deface or damage the premises. Decorations causing damage to floors, walls or other surfaces or structures are not permitted.
- 2.5.2. When an authorized key holder opens a facility for an event, the authorized key holder shall ensure that the facility is cleaned up and locked upon conclusion of the event. "Cleaned up" shall mean that all trash/debris has been disposed of in the trash receptacle, any spills or other liquids on floors have been mopped up, the lights have been turned off, and the air conditioner has been returned to 80 degrees.
- 2.5.3. For events not overseen by an authorized key holder, the user shall pay the cleaning fee as specified on the latest Facility Fee and Deposit Schedule and dispose of all trash/debris in the trash receptacle.

## 2.6. Supervision/Security

- 2.6.1. Supervision is required for use of County buildings by non-governmental users. County buildings does not include pavilions, picnic shelters or free-standing restrooms. The supervisor may shut down any event that violates any of the provisions of this policy, any Facility Use Rule, or is inconsistent with information submitted on the application for the event. In the event a supervisor must shut down a function for violating policy, the deposit paid will be forfeited.
- 2.6.2. If supervision is not provided by an authorized key holder, supervision will be provided by County personnel or other persons approved by the Department responsible for the property and the user will be charged therefore.
- 2.6.3. Security may be required for any event as determined by the County or Sheriff's Office which includes, but is not limited to, any event expected to reach 75% of facility capacity in attendance, those where alcohol will be present, teen dances and other events where crowd control may be needed.
- 2.6.4. Security will be provided by staff from the Hendry County Sheriff's Office or other recognized law enforcement agency approved by the County.
- 2.6.5. User will be responsible for all supervision and security costs incurred.

## 2.7. Hours/Days Authorized for Use

- 2.7.1. Hours and days facilities are available for use shall be established by the Department responsible for the property.
- 2.7.2. Buildings are not to be occupied any later than 12:00 a.m. except for the Harlem Civic Center which is not to be occupied later than 2:00 a.m.

## 2.8. Conduct

- 2.8.1. Users of County properties are responsible for the proper conduct of members or guests.
- 2.8.2. Riotous, threatening, or indecent conduct shall not be permitted.
- 2.8.3. Additional rules, regulations, and/or limitations that are applicable to specific properties and uses may be imposed.

## 2.9. Fees and Deposits

- 2.9.1. Facility rental fees, cleaning fees, insurance, and security deposits as specified on the latest Facility Fee and Deposit Schedule shall be required for all users, except for:
- a. governmental users – no fees, insurance or deposits required,
  - b. charitable or community events overseen by an authorized key holder – no fees, insurance or deposits required,
  - c. charitable or community events not overseen by an authorized key holder – not subject to a rental fee or insurance but subject to payment of the cleaning fee, supervision fee, and security deposit, or
  - d. when waived by the County Administrator for good cause.
- 2.9.2. Supervision fees to cover the expense of County personnel unlocking and locking the facility and/or providing supervision during the event shall be paid, as applicable to the particular event.
- 2.9.3. All fees and deposits must be paid to Hendry County through the County's Clerk of Court. Payments by check must be made 10 business days before the rental to allow for check clearing.

## 2.10. Appeal Rights

If an application is denied, the Department shall furnish the applicant with a written explanation of the reason(s) for denial. The applicant may file an appeal of the denial with the Board of County Commissioners in writing within 10 business days of issuance of the denial. The Board will consider the denial at its next available meeting.

### 3. Use of County grounds for First Amendment purposes

Members of the public may use the grounds at the following locations for purposes of exercising rights protected by the First Amendment, namely, speech, peaceable assembly and petitioning the government for a redress of grievances. First Amendment purposes do not include commercial activities or activities that are social or recreational in nature. Activities protected by the First Amendment may occur without prior authorization and without charge, but shall be limited to no more than three hours per day. No items or objects may be left on the County property after conclusion of the gathering/event. Users who leave items or objects on County property may be precluded from future use of County property.

County grounds where First Amendment assemblies may occur:

- The courtyard of the County courthouse at 25 E. Hickpochee Avenue, LaBelle. This is the area bounded by the south side of the historic wing, the east side of the judicial wing and the north side of the administration wing. Pedestrian access along sidewalks and at doorways may not be impeded. Due to safety, security and access concerns, no other portion of the County courthouse property may be used for First Amendment purposes.
- The Felda Community Center at 1100 County Road 830, Felda
- The Pioneer Plantation Community Center at 910 Panama Avenue, Clewiston
- The Harlem Civic Center at 2000 7<sup>th</sup> Street, Clewiston.
- Sidewalks along County-maintained roadways

For all of the foregoing, all activities shall occur on the grounds outside the respective buildings. Due to safety, security or access concerns, no other County properties may be utilized for First Amendment purposes.

### 4. Policy Non-Compliance

Non compliance with the provisions of this policy may preclude future use of County properties or warrant additional requirements or restrictions for future use as determined by the County Administrator or his/her designee.

**FACILITY FEE AND DEPOSIT SCHEDULE**  
**7% Sales Tax to be added to all fees (no tax on deposits)**

	Hendry resident*	Non-resident
<b>Harlem Civic Center, Pioneer Plantation Community Center, Felda Community Center and Dallas B. Townsend Center</b>		
Rental fee per 6-hour block of time or	\$300	\$800
Rental fee per hour	\$75	\$200
Cleaning fee**	\$100	\$100
Security deposit	\$200	\$500
Supervision fee (per hour)	\$20	\$20
<b>Pavilions</b>		
Rental fee per 4-hour block of time	\$50	\$100
<b>Harlem Pool</b>		
Rental fee per 2-hour block of time	\$75	\$400
Cleaning fee**	\$50	\$50
Security deposit	\$100	\$200
Supervision fee (per hour)	\$20	\$20
Lifeguard fee (per hour)	Actual cost at time of rental	
<b>Harlem Recreation Room</b>		
Rental fee per 4-hour block of time	\$100	\$400
Cleaning fee**	\$50	\$50
Security deposit	\$100	\$100

\* Hendry County residency must be proven with a driver's license or other form of government-issued photo identification

\*\* If trash is not properly disposed of or if there are excessive spills part or all of the security deposit may be withheld.