

PORT WILLIAMS

**BY- LAW
No. 10-01**

**COMMUNITY CENTRE
MANAGEMENT
BY-LAW**

**as approved by the
VILLAGE SERVICE
COMMISSION**

**PASSED
16 February 2010**

VILLAGE OF PORT WILLIAMS

BY-LAW NO. 10-01

COMMUNITY CENTRE MANAGEMENT BY-LAW

WHEREAS, under the provisions of section 426 of the *Municipal Government Act*, S.N.S. 1998, c.18, as amended, by-laws may be made by a village commission for regulating the management, and providing for the security, of public property belonging to the village;

NOW THEREFORE, the Commissioners of the Village of Port Williams HEREBY ENACT AS FOLLOWS:

TITLE

1. This By-Law is entitled the “Community Centre Management By-Law”.

DEFINITIONS

2. In this By-Law:
 - (1) “Auditorium” means the room and stage located on the upper level of the Community Centre and designated as such;
 - (2) “Auditorium Kitchen” means the kitchen adjacent to the Auditorium;
 - (3) “Board” means the Community Centre Board of Trustees;
 - (4) “Clerk” means the Clerk for the Village of Port Williams;
 - (5) “Commission” means the Commission of the Village of Port Williams;
 - (6) “Community Centre” means the Community Centre building located at 1045 Main Street, Port Williams, Nova Scotia, and owned by the Village;
 - (7) “day” means the period of 24 hours from midnight to midnight, or any part thereof, and the Clerk may extend the day from midnight to 3:00 a.m. for the purpose of including an event within one day for the calculation of all fees (including payment to a Kitchen Supervisor), and the Clerk may also allow a day to include set-up and clean-up times at any time prior to and after the event;
 - (8) “elector” means a person resident in the Village for at least six months and who is entitled to vote at a municipal election;

- (9) “facility” or “facilities” means the following rooms in the Community Centre available for public use: Boardroom, Youth Room, Multi-Purpose Room, Multi-Purpose Room Kitchenette, Auditorium, and Auditorium Kitchen;
- (10) “fiscal year” means the fiscal year of the Village;
- (11) “Kitchen Committee” means the Community Centre Kitchen Committee;
- (12) “Kitchen Supervisors” means the Kitchen Supervisors appointed by the Kitchen Committee;
- (13) “Minister” means the Minister as defined in the *Municipal Government Act*, S.N.S. 1998, c.18, as amended;
- (14) “Permit” means Facility Use Permit;
- (15) “Multi-Purpose Room” means the room located on the main level of the Community Centre and designated as such;
- (16) “Multi-Purpose Room Kitchenette” means the kitchen adjacent to the Multi-Purpose Room;
- (17) “vending” means the sale, or offering for sale, of
 - (a) food, beverages or other merchandise; and
 - (b) services;
- (18) “Village” means the body corporate of the Village of Port Williams;
- (19) “Boardroom” means the meeting room adjacent to the Village Office;
- (20) “Youth Room” means the room located on the lower level of the Community Centre and designated as such.
- (21) “Community Organization” means any organization, with at least 52% of its members, resident within the boundaries of the Village of Port Williams.

BY-LAW DOES NOT APPLY TO VILLAGE

3. This By-Law does not apply to the use of the facilities by the Village.
4. The Community Centre Board of Trustees is hereby established as a standing committee and shall have the composition and mandate as set out in this By-Law.

5.
 - (1) The Board shall be comprised of one Commissioner and one person representing each of the Fire Department and the Recreation Committee together with one elector representing each of the primary users of the facilities shown in Schedule “A” attached to and forming a part of this By-Law, each such user being identified by the Commission. The Village Clerk will serve as an ex-officio member of the Board.
 - (2) The Board shall be appointed by the Commission annually after seeking from each primary user shown in Schedule “A” the organization’s recommendation for its representative.
 - (3) The Commission may replace Board members who resign or who, in the opinion of the Commission, are unable or unwilling to discharge their duties, or who fail to attend diligently to the Board’s affairs. Such replacement may occur without obtaining a recommendation for a new representative from the primary user represented by the replaced member.
6. Any power conferred by this By-Law upon the Board shall be exercised by resolution.
7. The Board shall elect one of its members as Chairperson. The Chairperson shall not be entitled to speak or to vote on any motion. The Chairperson shall have the powers and responsibilities at Board meetings that are conferred upon the Chairperson at meetings of the Commission, with any necessary modifications for context.
8. The Board shall elect one of its members as Secretary. The Secretary shall be entitled to speak and to vote on any motion. The Secretary shall keep minutes of the Board meetings and shall file a copy of the minutes of each meeting with the Clerk within 7 days of approval of such minutes.
9. The Board shall meet at such time and place that it sets out at a preceding meeting or at such time and place as the Board Chairperson, Board Secretary, or a quorum of Board members may set by providing notice of meeting to all Board members at least 7 days in advance.
10.
 - (1) The Board shall not utilize external services or otherwise commit the Village to money expenditures except by requesting funds from the Commission. Nothing in this section limits the Commission’s authority to grant or refuse a request by the Board.
 - (2) The internal resources that may be utilized by the Board include:
 - (a) advice and support of the Clerk; and
 - (b) use of the Boardroom and facilities and supplies for meetings, photocopying, postage and other administrative needs, through the Clerk.

11. All meetings, minutes, and records of the Board shall be open to the public except as expressly authorized by law.
12. A quorum of the Board shall be the same as that which applies to the Commission, with any necessary changes for context.
13. The rules of procedure, conduct and debate that apply at meetings of the Commission shall apply at Board meetings with any necessary modifications for context.
14. Board members may prepare and submit a minority report or recommendation to the Commission if they do not concur in a report or recommendation of the majority.
15. In the event the Board fails to provide a report or recommendation to the Commission within any deadline set by the Commission, the Commission may proceed with a decision regarding a matter within the Board's mandate without awaiting the Board report or recommendation.
16. The mandate of the Board is:
 - (1) to monitor the use of the facilities;
 - (2) to carry out public consultation as it deems necessary;
 - (3) to take such other steps consistent with this By-Law that the Board reasonably deems necessary to carry out its mandate or which the Commission directs to be taken;
 - (4) to make recommendations to the Commission periodically and, in any event, prior to the end of the fiscal year respecting any matter intended to improve the use of the Community Centre including, but not limited to, recommendations respecting:
 - (a) inadequacies in existing facilities and the manner in which the costs of funding such facilities might be raised; and
 - (b) by-laws, rules, or permits that might be required.
 - (5) to advise and recommend on such other *ad hoc* matters as the Commission, by resolution, may direct.

GENERAL

17. No person shall unreasonably interfere with the lawful use and enjoyment of the Community Centre by other persons.

18. Without limiting the generality of section 17:
- (1) no person shall use obscene language in any facility;
 - (2) no person shall bring into or possess in any facility or other public area of the Community Centre any animal except pursuant to a Permit or the *Blind Persons' Rights Act*, R.S.N.S. 1989, c. 40;
 - (3) no person shall deface, damage or destroy Village property in the Community Centre, and, in addition to any penalty upon a prosecution for contravention of this provision, the Village may recover the expense incurred in remediating the damage, together with costs and pre-judgment interest, by action in any court of competent jurisdiction;
 - (4) no person shall loiter in the Community Centre;
 - (5) no person shall engage in vending in the Community Centre except pursuant to a Permit; and
 - (6) no person shall post, nail, place, attach or leave in the Community Centre any sign, poster, handbill, notice or advertisement except on public poster boards which may be found at the locations shown in Schedule "B" attached to and forming part of this By-Law, and only posters in compliance with the following requirements may be erected:
 - (a) the maximum size of any poster shall be 28 cm x 43 cm;
 - (b) a poster advertising or giving notice of an event shall not be erected more than 3 weeks before that event;
 - (c) the person erecting a poster shall, at the time of erecting it, inscribe upon it the date and the name, address and telephone number of the person erecting it;
 - (d) the person erecting a poster shall remove the poster within 3 weeks of placing it there and dispose of it without littering;
 - (e) posters shall be erected by means of thumbtacks and not less than 4 such tacks shall be used to affix it to the poster board; and
 - (f) posters on the poster board shall not be removed or covered by a person erecting another poster on the poster board, except that posters may be removed in the event they are overdue for removal pursuant to paragraph (d).

- (7) notwithstanding subsection (6), the Murdoch C. Smith Memorial Library Association may post notices pertaining to its operations and mandate on the poster board located on the wall adjacent to the entrance to the library.

FACILITY USE PERMITS

19. No person shall use a facility except in accordance with the terms and conditions of a Facility Use Permit.
20. The fee for a Permit shall be as indicated in Schedule “C” attached to and forming a part of this By-Law.
21. All Permits shall be obtained by application to the Clerk. The application for a Permit, or an amendment to a Permit, shall be made in writing on such form as may be specified by the Clerk from time to time, and signed by the person applying therefore. Every application for a Permit shall be accompanied by the Permit fee established by section 20. The application shall contain the following information:
 - (1) the facilities, the activities, and the time period for which the Permit shall be effective;
 - (2) the name, postal and civic address and telephone number of the applicant and any agent of the applicant, and the name of the applicant shown must be the actual proposed user of the facility and not the agent or trustee of the user;
 - (3) confirmation that the applicant shall:
 - (a) comply with all applicable Village, Municipal, Provincial and Federal laws;
 - (b) prevent noise from being heard outside the facility in such a manner that it disturbs others and, in particular, the users of the Murdoch C. Smith Memorial Library;
 - (c) prevent attendees at the facility from parking or standing motor vehicles between the Community Centre and Main Street during any time when the Murdoch C. Smith Memorial Library is open to the public and to keep the area in front of the Fire Department garage doors clear at all times;
 - (d) clean the facility and any accessory areas prior to the expiry of the Permit;
 - (e) allow the Clerk or the Board Chair or a delegate of either to enter the facility at all times;

- (f) be liable for any damage, loss, or injury to any property or any personal injury or death arising in any manner whatsoever from the use of the facility or associated area or any accessories;
 - (g) indemnify the Village against all claims directly or indirectly related to the use of the facility or accessory areas and all costs, including defence costs, of such claims, and waive all claims of the applicant against the Village.
- (4) the amount of the Permit fee pursuant to section 20.
- 22. Subject to the other provisions of this By-Law, the Clerk shall issue a Permit, containing terms and conditions consistent with this By-Law and the Permit application, for each use of a facility that complies with the requirements of this By-Law.
- 23. A Permit shall remain in effect for the period shown on the Permit.
- 24. The Clerk may refuse to issue or amend or may revoke or suspend a Permit for breach of this or any other By-Law or of the terms or conditions of a Permit upon notice to an applicant or Permit holder.
- 25.
 - (1) A person aggrieved by a decision of the Clerk pursuant to section 24 may appeal that decision to the Commission, within 15 days of the mailing or delivery of the decision to the applicant or permit holder, by written notice of appeal to the Clerk.
 - (2) After the hearing of an appeal, the Commission may confirm, rescind or vary the decision of the Clerk, and may require the applicant to maintain insurance for third party liability in the amount of not less than \$1 million throughout the period for which the permit is sought.
- 26. A Permit issued under this By-Law shall be conspicuously displayed by the Permit holder in the applicable facility while using the facility pursuant to this By-Law.
- 27. At the request of an applicant, the Clerk shall determine whether a lower fee should apply than shown in Schedule "C".
- 28. A Permit shall not be issued for use of the Multi-Purpose Room Kitchenette unless the Permit also authorizes the use of the Multi-Purpose Room.
- 29. A Permit for the use of the Auditorium will include use of the following accessory areas: the main entrance, hallway, cloakroom, stairwell, elevator, washrooms; the east entrances, hallways and stairwells to the Auditorium, and the cloakroom areas immediately outside the designated Auditorium entrances.
- 30. A Permit for the use of the Youth Room or Boardroom will include use of the following accessory areas: the main entrance, elevator, hallways and lower level washrooms.

COMMUNITY CENTRE KITCHEN COMMITTEE

31. The Community Centre Kitchen Committee is hereby established as a standing committee of the Board and shall have the composition and mandate as set out in this By-Law.
32.
 - (1) The number of members of the Kitchen Committee shall be determined by the Board annually.
 - (2) The Kitchen Committee shall be appointed by the Board annually.
 - (3) The Board may replace members of the Kitchen Committee who resign or who, in the opinion of the Board, are unable or unwilling to discharge their duties, or who fail to attend diligently to the affairs of the Committee.
33. Any power conferred by this By-Law upon the Kitchen Committee shall be exercised by resolution.
34. The Kitchen Committee shall elect one of its members as Chairperson. The Chairperson shall be entitled to speak and to vote on any motion. The Chairperson shall have the powers and responsibilities at Committee meetings that are conferred upon the Chairperson at meetings of the Commission, with any necessary modifications for context.
35. The Kitchen Committee may elect one of its members as Secretary. The Chairperson shall serve as Secretary if no Secretary is elected. The Secretary shall be entitled to speak and to vote on any motion. The Secretary shall keep minutes of the Kitchen Committee meetings and shall file a copy of the minutes of each meeting with the Clerk and the Secretary of the Board within 7 days of approval of such minutes.
36. The Kitchen Committee shall meet at such time and place that it sets out at a preceding meeting or at such time and place as the Committee Chairperson, Committee Secretary, or a quorum of Committee members may set by providing notice of meeting to all Committee members at least 7 days in advance.
37.
 - (1) The Kitchen Committee shall not utilize external services or otherwise commit the Village to money expenditures except by requesting funds from the Commission. Nothing in this section limits the Commission's authority to grant or refuse a request by the Kitchen Committee.
 - (2) The internal resources that may be utilized by the Kitchen Committee include:
 - (a) advice and support of the Clerk; and
 - (b) use of the Boardroom and facilities and supplies for meetings, photocopying, postage and other administrative needs, through the Clerk.

- (3) Notwithstanding subsection (1), the Kitchen Committee Chairperson or Secretary shall purchase supplies for use in the Auditorium Kitchen and/or Multi-Purpose Room Kitchenette with a purchase order approved by the Clerk. If such supplies do not exceed \$50.00 in value, the approval of the Clerk is not required.
38. All meetings, minutes, and records of the Kitchen Committee shall be open to the public except as expressly authorized by law.
39. A quorum of the Kitchen Committee shall be the same as that which applies to the Commission, with any necessary changes for context.
40. The rules of procedure, conduct and debate that apply at meetings of the Commission shall apply at Kitchen Committee meetings with any necessary modifications for context.
41. In the event the Kitchen Committee fails to provide a report or recommendation to the Commission or the Board within any deadline set by the Commission or the Board, the Commission or the Board may proceed with a decision regarding a matter within the Kitchen Committee's mandate without awaiting the Kitchen Committee report or recommendation.
42. The mandate of the Kitchen Committee is:
 - (1) to monitor the use of the Auditorium Kitchen and Multi-Purpose Room Kitchenette;
 - (2) to carry out public consultation as it deems necessary;
 - (3) to take such other steps consistent with this By-Law that the Kitchen Committee reasonably deems necessary to carry out its mandate or which the Commission or the Board directs to be taken, including ordering and maintaining supplies, monitoring the need for repairs or pest control, maintaining an inventory of contents of the Auditorium Kitchen and Multi-Purpose Room Kitchenette, and overseeing an annual comprehensive cleaning of the Auditorium Kitchen and Multi-Purpose Room Kitchenette;
 - (4) to make recommendations to the Board periodically and, in any event, prior to the end of the fiscal year respecting any matter intended to improve the use of the Community Centre including, but not limited to, recommendations respecting:
 - (a) inadequacies in the Auditorium Kitchen and/or Multi-Purpose Room Kitchenette and the manner in which the costs of funding such might be raised; and

- (b) by-laws, rules, or permits that might be required;
- (5) to implement a training and qualification program and registration list for Kitchen Supervisors consistent with this By-Law; and
- (6) to advise and recommend on such other *ad hoc* matters as the Commission or Board, by resolution, may direct.

AUDITORIUM KITCHEN

- 43. The Kitchen Committee shall train and qualify individuals as Kitchen Supervisors, maintain a list of all qualified Kitchen Supervisors, and provide a copy of the list to the Clerk. All Kitchen Supervisors must have a current Food Safety Training Certificate issued by an organization approved by the Province of Nova Scotia, which must be on file with the Clerk.
- 44. Training to become a Kitchen Supervisor shall include the safe operation of all stoves, ovens, ranges, dishwashers, coffee percolators, and other appliances in the Auditorium Kitchen. When a new appliance is installed in the Kitchen, a Kitchen Supervisor must receive training to remain qualified.
- 45. All Kitchen Supervisors shall be trained by applying to the Secretary of the Kitchen Committee.
- 46. Upon successful completion of training as a Kitchen Supervisor, the Chairperson/ Secretary of the Kitchen Committee shall enter the person's name in the list of qualified Kitchen Supervisors and shall inform and provide a copy of the acceptable Food Safety Training Certificate to the Clerk within 24 hours of such entry.
- 47. If a Kitchen Supervisor is not trained in the use of a Kitchen appliance or if a Supervisor's training or Food Safety Training Certificate requires updating such that the Supervisor is no longer qualified, he or she shall be suspended by the Secretary of the Kitchen Committee until the Kitchen Supervisor is qualified and the Secretary shall inform the Clerk within 24 hours of such suspension. The Commission, Board, or Kitchen Committee may suspend a Kitchen Supervisor temporarily or permanently for any reason.
- 48. When a Permit is issued for the use of the Auditorium Kitchen, a Kitchen Supervisor shall:
 - (a) explain to a Permit holder or his or her agent the safe operation of all stoves, ovens, ranges, dishwasher, coffee percolators and other appliances in the Auditorium Kitchen;

- (b) be available (on site or on call to attend on site) to assist in explaining the operation of the appliances in the Auditorium Kitchen, but at no time shall the Supervisor operate the appliances in his or her role as Supervisor nor act in any other capacity that might detract from the responsibilities as Kitchen Supervisor;
 - (c) explain to a Permit holder or his or her agent the proper method of washing dishes in the sinks;
 - (d) show a Permit holder or his or her agent the location of: kitchen contents and storage areas for such; waste, recyclable and compost storage; controls for lights, heat and ventilation; and bulletin board with contact information and inventory of kitchen contents;
 - (e) maintain a list of all loss or damage to Village property in the Auditorium Kitchen during permitted use and, if there is any loss or damage, file a written report with the Kitchen Committee Secretary and the Clerk within 48 hours of the Kitchen being vacated, describing the extent of such loss or damage;
 - (f) remove all dishtowels and cloths from the Kitchen subsequent to an event, launder such and return them;
 - (g) ensure that the Kitchen is left clean and in good order and, if the Permit holder did not comply with this, file a written report with the Kitchen Committee Secretary and the Clerk within 48 hours of the Kitchen being vacated, describing the failure to comply;
 - (h) ensure that all appliances, equipment, and lights in the Kitchen are turned off when the Kitchen is vacated; and
 - (i) if any supplies require replenishment after the Kitchen is vacated, file a written report with the Kitchen Committee Secretary specifying what supplies are required.
49. The Kitchen Committee shall maintain a current list of Village property contained in the Auditorium Kitchen and provide the list to the Clerk upon request and shall maintain an inventory of supplies and shall replenish the supplies, as necessary.
50. The Auditorium Kitchen shall not be used, despite the issuance of a Permit, unless there is compliance with section 48.
51. (1) The Clerk shall arrange for a Kitchen Supervisor for the purposes of section 48 and shall provide a copy of the Permit to the Supervisor.
- (2) The Village shall pay the fee specified in Schedule “D” to the Kitchen Supervisor for each day the Supervisor attends pursuant to subsection (1), and such sum shall

be included in the fee prescribed by section 20 for the use of the Auditorium Kitchen.

- (3) Notwithstanding subsection (2) and section 20, if the Kitchen Supervisor agrees to provide his or her services without charge, no payment shall be made pursuant to subsection (2) and the fee prescribed by section 20 for the use of the Auditorium Kitchen shall be reduced by the amount of the payment that otherwise would have been required under subsection (2).

52. Notwithstanding any other provisions of this By-Law, the Permit holder must clean and vacate the Auditorium Kitchen prior to 11:00 p.m. on the day of the event.

FOOD PREPARATION

53. No person shall prepare food in the Auditorium or Auditorium Kitchen without a person present who has a current Food Safety Training Certificate issued by an organization approved by the Province of Nova Scotia and on file with the Clerk.

ALCOHOL SERVICE

54. A Permit shall not be issued for the use of the Youth Room allowing the service or consumption of alcohol therein.
55.
 - (1) No person shall serve alcohol in the Multi-Purpose Room or Auditorium except a community organization shown in Schedule “F” attached to and forming a part of this By-Law or a member of the Fire Department acting in such capacity.
 - (2) All community organizations shown in Schedule “F” must have in place for each event at which they serve alcohol in the Multi-Purpose Room or Auditorium a general policy of liability insurance. Such insurance shall have specific coverage in an amount of not less than \$2 million for events at which alcohol is served and the Village shall be added as an Additional Insured and provided with a Certificate of Insurance.
 - (3) The Clerk shall provide the name of a contact person in the Fire Department together with a list of the community organizations shown in Schedule “F” to an applicant for a Permit allowing the service of alcohol in the Multi-Purpose Room or Auditorium, and the applicant shall be solely responsible for contracting with the Fire Department or a community organization shown in Schedule “F” for the service of alcohol.
 - (4) If the Fire Department and all community organizations shown in Schedule “F” refuse a request by an applicant to provide alcohol service in the Multi-Purpose

Room or Auditorium, the Clerk shall not issue a Permit to allow the service of alcohol.

ACCESS

- 56. (1) The Clerk shall arrange access to the facility by a Permit holder.
- (2) The Clerk may provide a key or set of keys to the facility to a Permit holder in exchange for a deposit as specified in Schedule “D”, which deposit shall be refunded upon the return of all keys to the Clerk.

NO PARKING

- 57. There shall be no parking or standing of motor vehicles at any time in the area between Main Street and the doors to the fire department except fire department vehicles.
- 58. There shall be no parking or standing of motor vehicles at any time in any area listed in Schedule “G” attached to and forming a part of this By-Law.

PENALTIES

- 59. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$5,000.00 and to imprisonment of not more than 90 days in default of payment thereof.

REPEAL

- 60. Community Centre Management By-law Number 03-01 and Community Centre Management 2004 Amendment By-law Number 04-02 are hereby repealed.

EFFECTIVE DATE

- 61 This By-Law shall come into force and effect when it is approved by the Minister.

BY-LAW passed this 16th day of February, 2010.

Chair

Seal

Clerk