

Ordinance

(Motion was made by Robert Ray and seconded by Loraine Mether that the following Ordinance be passed:)

Ordinance No. 2004-01

Use of Town of Woodloch Facilities

The Council and/or Mayor will make Town of Woodloch facilities available to youth groups, local organizations, civic, and community organizations provided such use does not interfere with the normal operation of the Town of Woodloch.

Persons or organizations desiring exclusive use of a facility shall contact the Mayor who shall determine whether the proposed use is consistent with policy. Upon approval, the Mayor shall be responsible for collecting fees, scheduling, verifying insurance, and ensuring compliance with any other administrative requirements.

Organizations, groups, or individuals served by the water/sewer system of the Town of Woodloch shall be permitted to use Town of Woodloch facilities for private, profit or commercial purpose only if one of the following apply:

1. A civic, or charitable purpose will be served.
2. A substantial segment of the community will be benefitted.
3. Alternate facilities are unavailable or available only at undue cost or inconvenience.

Users shall be charged a fee to pay for operation, supervision, or clean-up costs at Woodloch facilities. Organizations may request a waiver of use fees. The Mayor will consider the following in determining whether a waiver of use fees will be Granted:

1. The organization or group is related to the Town of Woodloch
2. The organization or group is open to all citizens served by the water/sewer system of Woodloch.
3. The organization or group is community-wide in nature and offers a program of interest and benefit to the general public.

In the event scheduling conflicts occur, groups or individuals will be scheduled to use of Woodloch facilities based on the following priority order:

1. Town of Woodloch organizations or groups
2. Youth Groups
3. Local (area served by the Woodloch sewer/water system) organizations
4. Civic or community organizations.

Use of tobacco products, possession of firearms and/or weapons, and possession or use of intoxicating beverages, or controlled substances is strictly prohibited.

The Town of Woodloch shall incur no liability associated with the use of facilities by qualified organizations and/or groups or individuals.

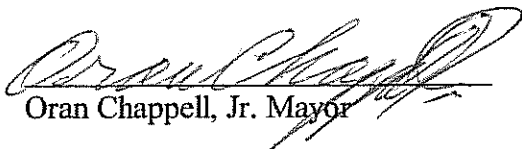
Special Provisions:

1. Requests shall be made at least two weeks before the event. However, no request shall be approved more than 30 days in advance of the date of use of facilities.
2. Usage fees shall be paid in advance of use.
3. All rental agreements shall be reviewed every six months.
4. The Town reserves the right to cancel a rental agreement at any time use would interfere with Town of Woodloch activities.
5. Facilities shall not be rented on Christmas, Thanksgiving, New Year's Day, Independence Day, Labor Day, or Election Days.
6. An organization using a Woodloch facility may be required to show liability coverage.
7. A minimum of 4 hours will be reserved for any rental agreement.
8. Repetitive weekly usage by a religious group shall be limited to 1 year.

Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are considered a public forum and are protected by the First Amendment. Schenck v. Pro-Choice Network, 519 U.S. 357, 117 S. Ct. 855 (1997), Boos v. Barru, 485 U.S. 312, 108 S. Ct. 1157 (1988), Meyer v. Grant, U.S. 414, 108 S. Ct. 1886. The Town of Woodloch mail system is not a public forum. Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948 (1983).

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH, ON February 10 AND TO BECOME EFFECTIVE ON MARCH 1, 2004.

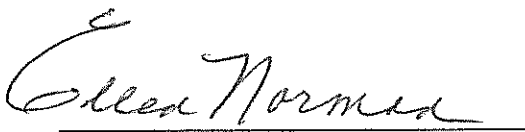
APPROVED:


Oran Chappell, Jr. Mayor

APPROVED AS TO FORM:


Michael C. Beller, Town Attorney

ATTEST:


Ellen Norman, Town Secretary