

CORPORATE POLICY



Policy Title: **Waterloo Public Square Use Policy**
Policy Category: **Administration Policy**
Policy No.: A-003
Department: Community, Culture and Recreation Services
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Author: Tracy Suerich
Attachments: A) Public Square Procedural Guidelines
B) CCRS Service Delivery Policy
Related Documents/Legislation:
CCRS2012-007
Key Word(s):

POLICY STATEMENT:

The Waterloo Public Square is a place for residents and visitors to gather, meet and organize a wide array of events for the community. Activities such as concerts, festivals and entertainment that make the City enjoyable and thriving are encouraged at the Waterloo Public Square. The City of Waterloo is committed to facilitate such public events at the Waterloo Public Square in a balanced way that responds to the changing interests of all people in the City.

PURPOSE:

The Waterloo Public Square Use Policy provides a method to effectively manage space allocation for broad-based accessibility to the Waterloo Public Square by the community at large. It ensures an inclusive community, supports accessibility and diversity, and encourages healthy and safe services. It also enables the City to engage in a socially accountable and transparent service for residents.

The City recognizes the value that participants and organizations contribute in the provision of a balanced array of recreation and leisure events in the community. The Waterloo Public Square is an ideal venue to accommodate spontaneous use and pre-planned activities that encourage broad-based participation. The objectives of the Waterloo Public Square Use Policy are to: (i) optimize use of the Waterloo Public Square for public benefit and; (ii) provide principles, guidelines and procedures for booking and programming staff to process booking requests. The Waterloo Public Square Use Policy provides a harmonized approach that permits a balanced, accountable and fiscally-responsible allocation of spaces that serve community wide interests of present and potential participants.

Mandatory Policy, *Municipal Act*: No
Policy Administration Team, Review Date: April 20, 2012
Corporate Management Team, Review Date:

The policy clarifies Waterloo Public Square space allocation based on the principles outlined in the Community, Culture and Recreation Services (CCRS) Service Delivery Policy (Appendix B). It enables the City to allocate space through improved responsiveness to: (i) participant requests to rent; (ii) programming services of the City; and (iii) opportunities for socialization. The policy provides a mechanism for the CCRS Department to plan, facilitate, deliver, and evaluate space requirements in a consistent manner to reflect changing needs.

DEFINITIONS:

Community Ethics means a fundamental respect for the dignity and worth of all persons that protects the rights of individuals from discrimination, contempt, hatred on the basis of race, national or ethnic origin, citizenship, religion, age, sex, marital status, family status, sexual orientation, disability, political affiliation, economic status or level of literacy.

Event Presenters means the persons or groups applying for and hosting events including but not limited to main booking contact personnel, board chairs and signing authorities.

Participants means persons including but not limited to Residents, patrons, guests, visitors, tourists, speakers, media personnel, venue partners, volunteers, Event Presenters and security personnel who attend or are involved with a permitted booking.

Passive Solicitation means solicitation through an approachable representative(s) with use of approved signage and displays. This form of solicitation aims to encourage users and participants to engage with the solicitor without use of tactics which may be deemed aggressive or harassing in nature.

Permitted Booking refers to the sole right of the Community, Culture and Recreation Services Department of the City to issue rental agreements for participants to access the Waterloo Public Square to engage in events in accordance with the Waterloo Public Square Use Policy.

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Prime Time means from May 1st each year until Thanksgiving, Friday evenings and any time on Saturdays, Sundays or holidays. In December, prime time bookings mean Saturdays and holidays only. All other times except holiday dates are considered “off-prime”.

Program Coordinator refers to the Waterloo Public Square and Open Spaces Program Coordinator.

Recreation and Leisure Events mean a wide range of activities such as concerts, festivals, lifestyle programs and entertainment that are offered to the general public on a scheduled basis.

Rental Agreement means the document containing terms and conditions for exclusive use of the Waterloo Public Square for events, and includes duration, requirements, fees, rental terms etc.

Residents means people who live in, own property in, or own or operate a business in the City of Waterloo.

Solicitation means sales, appeals, petitions and/or urging of some form of action.

Spontaneous Use means use of the Waterloo Public Square for unplanned enjoyment opportunities.

Ticketed Events means activities which require the general public to obtain tickets or have otherwise restricted access.

User means any individual or group that participates in booked activities and/or spontaneous use at the Waterloo Public Square.

Waterloo Public Square means the outdoor space at the corner of King Street and Willis Way, located at 75 King Street South, Waterloo. All areas, fixtures and features within the property boundary, including a winter ice rink and any future upgrades to the location, are covered by references made within this policy.

SCOPE:

This policy applies to staff directly involved in the programming, booking and operations of the Waterloo Public Square. This policy also applies to spontaneous and booked external users of the Waterloo Public Square.

POLICY COMMUNICATION:

The policy will be posted on the City Website and Intranet. Staff will be advised of the new policy via distribution to the Facility Allocation and Bookings team, the Arts, Culture Festivals and Events team, the Director of By-Law and all managers directly associated with facility maintenance and operations at the Waterloo Public Square.

POLICY:

1.0 General Use of Space

- 1.0.1 All users of the space shall act in a respectful manner toward others in the Waterloo Public Square.
- 1.0.2 Passive solicitation shall be permitted provided the company or individual holds or is associated with a permitted booking and holds any applicable licenses appropriate to the nature of the solicitation including but not limited to raffles, sales of food, services or items and alcohol.
- 1.0.3 The City of Waterloo has the right to limit access or close some or all portions of the Waterloo Public Square as it deems necessary.

- 1.0.4 The City reserves the right to remove, deny entry, or otherwise deny access to any person in accordance with the Behaviour Management Guidelines.
- 1.0.5 The City is free from liability for any statement made by any user.
- 1.0.6 The City is free from liability for any loss, damage or injury suffered by users as a result of attending an event.
- 1.0.7 All users will refrain from activity resulting in vandalism or which otherwise may cause damages to the facility surfaces, knowingly or otherwise, including but not limited to the use of candles, dragging rough and heavy equipment, painting or food preparation without an appropriate drop cloth. The City reserves the right to charge users for costs associated with damages incurred by careless and reckless use of the space.
- 1.0.8 In accordance with the Canadian Charter of Rights and Freedoms, groups and individuals are welcome to gather at the Waterloo Public Square provided such gatherings do not unduly disrupt a permitted booking. Authorized personnel may contain such rallies to a pre-determined location on site if necessary.
- 1.0.9 All uses are to be in accordance with the City of Waterloo By-Laws.

1.1 Booked Use of Space

- 1.1.1 The Waterloo Public Square shall be allocated in a fair, equitable and transparent manner.
- 1.1.2 All events in the Waterloo Public Square shall be open for the public to attend.
- 1.1.3 The City will optimize utilization of the available space of the Waterloo Public Square for recreation and leisure events to meet evolving community needs.
- 1.1.4 All events shall be open to all ages and shall not restrict entry or participation based on race, religion or lifestyle or otherwise discriminate against attendees.
- 1.1.5 All permitted bookings must comply with City of Waterloo and Region of Waterloo By-Laws and policies as well as provincial and federal laws and regulations.
- 1.1.6 The City of Waterloo shall support events in alignment with the Master Plan and Service Delivery Policy through staff support and booking priority as necessary as determined by the General Manager of Community, Culture and Recreation Services.
- 1.1.7 The General Manager of Community, Culture and Recreation Services may decline booking requests if they are inconsistent with the principles, guidelines and procedures outlined in this policy.

1.2 Waterloo Public Square Procedural Guidelines

Specific procedural guidelines with respect to general and permitted use of the Waterloo Public Square are attached as Appendix A. The guidelines will assist staff to ensure safe, accessible and balanced use of the Waterloo Public Square for the benefit of the community at large. Staff will review and revise the guidelines as necessary from time to time and will advise Council of any pertinent changes upon regular review of the Waterloo Public Square Use Policy.

2.0 Linkages – refer to current versions of the following documents

- Canadian Charter of Rights and Freedoms
- Human Rights Code
- *Ontario Health Protection and Promotion Act: R.R.O.*
- *Liquor License Act*
- City of Waterloo CCRS Service Delivery Policy
- City of Waterloo Behavior Management Guidelines
- City of Waterloo Facility Allocation Guidelines
- City of Waterloo Fees and Charges Bylaw
- City of Waterloo Hawkers and Peddlers Bylaw
- City of Waterloo Outdoor Vending Bylaws
- City of Waterloo Skateboard and Inline Skating Bylaw
- City of Waterloo Noise Bylaw
- City of Waterloo Parks Bylaws
- City of Waterloo Zoning By-Law

3.0 Implementation and Monitoring Procedures

Implementation begins upon the Council approval of the policy. The Program Coordinator will monitor all events in the Waterloo Public Square to ensure adherence to the policy.

4.0 Mandatory Policy Review

This policy will be reviewed once every Council term at a minimum, or more frequently if changes are deemed necessary.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action.

**APPENDIX A to A-003
PUBLIC SQUARE USE POLICY**

WATERLOO PUBLIC SQUARE PROCEDURAL GUIDELINES:

A. GENERAL - USE OF SPACE GUIDELINES:

- A.1 The Waterloo Public Square may be used without a rental agreement as a public venue; however the City reserves the right to interrupt or stop activities as necessary.
- A.2 All spontaneous use of the Waterloo Public Square must comply with the City of Waterloo bylaws, applicable Region of Waterloo bylaws and policies, and provincial and federal laws and regulations.
- A.3 All spontaneous use of the Waterloo Public Square must not interfere with a permitted booking.
- A.4 Skateboard, long board, rollerblading and biking for the purpose of transportation are permitted, provided that the users protect the rights of other users and pedestrians in the square, and refrain from excessive speed and actions, or activity which may cause damages.
- A.5 In the interest of public safety, action sports such as trick skate boarding, trick biking, frisbee, soccer, hockey, football and catch are permitted in the Waterloo Public Square only when the space is booked accordingly and appropriate safety measures are in place.

B. PERMITTED BOOKINGS - USE OF SPACE GUIDELINES:

B.1 Activities and Use of the Space

- B.1.1 Designated areas or activities for certain age groups within an event may apply, including but not limited to licensed areas and beer gardens or child specific activities.
- B.1.2 The event presenter is responsible to ensure appropriate security and safety measures are in place to ensure public safety and to minimize damages to the venue.
- B.1.3 It is the responsibility of the event presenter to ensure that adequate event staff and/or volunteers are provided.
- B.1.4 Organizers will inform the City of any and all activities, vendors, food service, performances, tents and other structures and aspects of the events to ensure compliance with the City of Waterloo and applicable Region of Waterloo bylaws and policies as well as provincial and federal laws and regulations. Failure to do so may result in a cancellation, a cost recovery fee for appropriate staff time, maintenance charge, or a closure of the event entirely as appropriate. The City may deny future booking requests from such organizers.

B.2 Event Timing and Schedules

- B.2.1 With the exception of regular programs presented or in partnership with the City of Waterloo, the CCRS Department reserves the right to limit groups to four (4) permitted bookings for the same group/organization within a calendar year.

- B.2.2 The City reserves the right to limit timing, change or cancel any permitted booking.
- B.2.3 In the case of new events with an unknown level of success and interest from the public, the City has the right to limit the event booking to off-Prime Time and/or to a short time period.
- B.2.4 Events held in December - March shall be limited to 2 hours in duration unless necessary due to the nature of the event as approved by the Program Coordinator.
- B.2.5 Hours of operations for events and permitted bookings are between 8:00am to 10:00pm Sunday through Thursday and from 8:00am to 11:00pm on Fridays and Saturdays. Special hours may be considered if the event is programmed around a holiday. Further limitations for timing regarding noise and or other activities may apply.
- B.2.6 Concerts are permitted only on weekends, over the noon hour or after 3:00pm on weekdays.
- B.2.7 Amplified noise shall be permitted from 8:00am to 9:00pm Sunday through Thursday and 9:00am to 10:00pm on Friday and Saturday. Volume levels shall be set at a limit appropriate to the event and time of day as agreed upon with the assigned City Liaison.

B.3 Designated areas

- B.3.1 Beer gardens or licensed venues shall be considered only if the activity supports a registered charity, and is authorized in writing by the municipality and after having complied with all of the requirements of the Liquor License Board of Ontario.
- B.3.2 Restricted area for licensed venues may use up to 50% of the booked space provided all persons above the legal age are permitted to enter, regardless if they intend to purchase or consume alcohol or available products.
- B.3.3 Space for VIP or special guest areas at public events can be allocated up to 20% of the booked space.

C. PERMITTED BOOKINGS - CONDITIONS AND TIMELINES:

C.1 Procedure

- C.1.1 All booking requests should be submitted to the Program Coordinator using the Outdoor Event Information Form as per the booking request deadlines outlined within this policy.
- C.1.2 Evaluation: Eligible applications will be fairly evaluated based on the conditions for approval outlined in this policy. Approval will vary based on the space requested, size of the event and booking details provided.
 - C.1.2.1 All bookings shall align with the CCRS Service Delivery Policy.
 - C.1.2.2 Ticketed events may be considered provided they include the option for the general public to purchase or obtain a ticket.
 - C.1.2.3 Events must comply with community ethics, as defined in this policy.

- C.1.2.4 Approval of an event and/or Permitted Booking is subject to availability of space in the Waterloo Public Square as well as available staffing resources.
 - C.1.2.5 In the event of a date conflict with annual bookings, bookings that occur on a specific date will take priority over events that occur on a specific week of the month.
 - C.1.2.6 In the event of a date conflict with annual bookings, if the above does not apply, the larger of the two events, based on the previous year's attendance, will take priority.
 - C.1.2.7 Event presenters are required to cooperate in the resolution of permitted booking issues.
- C.1.3 Approved events shall be confirmed by the Program Coordinator in writing after review of the booking request.
- C.1.4 Fees for use of booked space and equipment will be charged in accordance with the City of Waterloo's approved Fees and Charges By-Law.
- C.1.5 Special contracts may be negotiated for large events that align with the Community, Culture and Recreation Services, Service Delivery Policy.

C.2 Booking Request Deadlines

- C.2.1 Annual events: Bookings for annual events may be requested for the following year the day following the end of the event each year, provided the annual date and timing remains consistent within reason.
- C.2.2 New/Irregularly scheduled events for over 1000 attendees: Non-annual bookings requests must be submitted no more than eleven months in advance and no less than 3 months in advance of the beginning of the event.
- C.2.3 New/Irregularly scheduled events for over 500 attendees: Non-annual Summer booking requests must be submitted between January and April and no less than 3 months in advance of the beginning of the event. Events requested for bookings between October and April must be submitted no more than eleven months in advance and no less than 3 months in advance of the beginning of the event.
- C.2.4 New/Irregularly scheduled events for less than 500 attendees: Booking requests must be submitted no more than 6 months in advance and no less than 6 weeks in advance of the beginning of the event, subject to the Program Coordinator's discretion.

C.3 Conditions for Approval

- C.3.1 Approval shall be based on the event compliance with Community Ethics, the event's ability to: (i) raise the City's profile, (ii) support its' Community, Culture and Recreation Services Master Plan and/or, (iii) provide economic benefit to Waterloo from a tourism perspective.
- C.3.2 The event shall not interfere with normal business conducted by staff, the operations of the adjacent mall or with other activities in the UpTown core.
- C.3.3 Event participants, pedestrians and the venue itself shall be adequately safeguarded.

- C.3.4 The event shall secure appropriate Third Party liability insurance naming the Corporation of the City of Waterloo and the Regional Municipality of Waterloo as secondary insured. In some cases, the risk related to the event may require additional coverage or limits of insurance as recommended by the City of Waterloo Risk Management specialists.
- C.3.5 The event shall pay for all necessary tariffs including SOCAN where applicable.
- C.3.6 The City reserves the right to deny a booking based on available staffing and venue limitations.
- C.3.7 The City reserves the right to negotiate special agreements with groups that may contain exemptions to these guidelines. Special agreements must be approved by the General Manager and fulfill requirements and/or provisions within other existing policies.

C.4 After a Booking is Confirmed

- C.4.1 All events offered at Waterloo Public Square shall be assigned an experienced staff person in the CCRS Department to act as liaison to ensure adherence to this policy. Further involvement by City of Waterloo staff shall be considered on a case by case basis as needs arise.
- C.4.2 A Rental Agreement will be produced which shall be signed by the event presenter and returned to the Public Square Program Coordinator within 2 weeks of receipt.
- C.4.3 A damage deposit may be required by the City to secure the use of City-owned equipment and property by event presenter. The event presenter shall pay for any damage incurred through their use.
- C.4.4 Where necessary, permitted sound reading levels will be detailed on the Rental Agreement.
- C.4.5 The event presenter will provide the Program Coordinator with an appropriate certificate of third party liability insurance naming the Corporation of the City of Waterloo and the Regional Municipality of Waterloo as secondary insured, or proof of payment for the City of Waterloo User Group Insurance Program if applicable, a minimum of 2 weeks prior to the start of the event. Other city departments may require sooner as appropriate.
- C.4.6 The event presenter shall provide the Program Coordinator with copies of any required documentation, licenses and permits no less than two weeks in advance of the start of the event. Other city departments may require sooner as appropriate.
- C.4.7 For the safety and comfort of event Participants, the event presenter shall make arrangements for first aid, security and accommodations for persons with disabilities as necessary. If the event presenter fails to make these plans to the satisfaction of the city, the assigned staff liaison may make the necessary arrangements on behalf of, and at cost to the event presenter or cancel the event as necessary.
- C.4.8 The event presenter shall arrange for a site meeting with the assigned city liaison no less than 2 weeks in advance of the start of event.

D. BOOKED SPACE LIMITATIONS:

D.1 The City of Waterloo reserves the right to deny or limit booking requests for user groups and event presenters in financial arrears with the City of Waterloo.

D.2 The City of Waterloo reserves the right to deny or limit bookings based on poor attendance and poor use of space as indicated by any previous bookings.

Appendix B: CCRS Service Delivery Policy

This Policy is not currently available in an accessible format. For a copy of the CCRS Service Delivery Policy please contact Community Services at 519-747-8780.