

ORDINANCE NO. 2013-07

**AN ORDINANCE TO CREATE SECTION 12.095 OF THE  
TOWN OF DELAFIELD TOWN CODE  
CONCERNING PRIVATE USE OF THE TOWN HALL  
IN THE TOWN OF DELAFIELD**

WHEREAS, the Town Board wishes to establish polices, rules, and regulations concerning the private use of the Town Hall; and

WHEREAS, the Town Board further desires to delegate authority to the Town Clerk to enter into agreements on behalf of the Town concerning the use of the Town Hall in accordance with established policies, rules, and regulations;

NOW, THEREFORE, The Town Board of the Town of Delafield, Waukesha County Wisconsin DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 12, "Licenses and Permits", Section 12.095, entitled "Town Hall Private Use" of the Town of Delafield Town Code, is hereby created to read as follows:

Section 12.095. Town Hall Private Use.

(a) Regulation of Use. Use of the Town Hall may be made available to: (i) Owners' Associations for residential subdivisions and condominiums located in the Town of Delafield, and (ii) Non-profit organizations that operate in the Town of Delafield that provide programs that teach leadership, citizenship and life skills to youth in the Town of Delafield and its environs, such as 4-H. All such use is subject to rules and regulations established by the Town Board from time-to-time, which shall be on file with the Town Clerk. No other private use of the Town of Delafield Town Hall is permitted.

(b) Private Use Application and Agreement, Required.

1. A resident of the Town of Delafield, personally and on behalf of a qualifying organization, desiring to use the Town Hall shall, submit an application for such use in the form provided by the Town Clerk.
2. No use of the Town Hall shall be authorized under this Section until the applicant has entered into a private use agreement in the form supplied by the Town Clerk. The Town Clerk or designee shall have the authority to enter into and execute such private use agreement on behalf of the Town.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

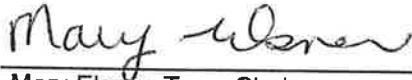
Dated this 13<sup>th</sup> day of August, 2013.

TOWN OF DELAFIELD



Paul Kanter, Town Chair

ATTEST:



Mary Elsner, Town Clerk

Published and/or posted this 1<sup>st</sup> day of October, 2013.

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**TOWN OF DELAFIELD  
RULES AND REGULATIONS  
FOR PRIVATE USE OF TOWN HALL**

1. Resident Private Use. The Town Hall facility and the surrounding grounds, N14 W30782, Golf Road, Delafield, WI (the Property) is available for private use subject to all terms and conditions of these Rules and Regulations.
2. Agreement Required. A Town of Delafield resident is required to enter a Private Use Agreement with the Town, personally and on behalf of the organization requesting such use. The organization and the Town of Delafield resident shall be jointly and severally responsible for full compliance with all terms and conditions of these Rules and Regulations and the Private Use Agreement. (Such resident and organization are referred to herein, jointly and severally, as "Permittee").
3. Application Procedure. An application for each reservation must be made in person by an adult Town of Delafield resident at the Town Hall. The Property is reserved on a first come, first served basis and reservations will not be taken over the telephone. Reservations may be made only for uses that will occur in the same calendar year in which the reservation is made. The Property will not be reserved until the actual application is made in person on a form provided by the Town and the Town receives from the Permittee a signed Private Use Agreement in the form required by the Town.
4. Permittee Responsible for Damage. It is the responsibility of the Permittee to ensure the Property and improvements and personal property on or in the Property are maintained in good order. The Permittee shall be responsible for any damages to the Property and improvements and personal property on or in the Property, surrounding grounds and equipment.
5. Limited Organization Use. As a matter of policy, private use of the Property is only offered to:
  - a. Owners Associations for residential subdivisions and condominiums in the Town of Delafield. Meetings of such Owners' Associations may include its members and owners.
  - b. Non-profit organizations that operate in the Town of Delafield that provide programming that teaches leadership, citizenship and life skills to youth in the Town of Delafield and its environs, such as 4-H.No other person or entity is permitted to have private use of the Property.
6. Capacity Limits. The number of persons indoors at the Property shall not exceed 150 Additional persons may be allowed at the event outdoors, provided that the indoor capacity of 150 shall not be exceeded during the time of use.
7. Closing Time. All persons are required to leave the Property building and grounds before 10:00 o'clock p.m.
8. No Food Preparation. Any food or refreshments to be served must be prepared prior to entering the Property, and shall not be prepared within the Property. No dishes, kitchen utensils, refrigerator, or electric range are furnished.
9. Rubbish and Recycling. Rubbish and recycling will be removed by Town staff provided it has been placed in the provided containers.
10. Subject to Applicable Laws. The use of the Property is subject to all of the rules, regulations, resolutions and ordinances of the Town of Delafield, including but not limited to Town Code Sections 9.947.01 (Disorderly Conduct Prohibited) and 9.04 (Loud and Unnecessary Noise Prohibited).
11. Room Preparation and Restoration. All posters, flyers, decorations, or other materials used at the event must be taken down and removed the same day. Any chairs, tables or other materials moved during the

use must be returned to their original location the same day. The use of staples, clips, thumbtacks, nails or glue is prohibited. Scotch tape and string are permissible. No form of paint is allowed to be painted on the walls or on any other part of the property.

12. No Town Responsibility. The Town will not be responsible for anyone injured while using the Property. The Permittee shall take precautions as necessary to avoid risks of injury, and ensure that all persons present use care to avoid injury.
13. Underage Uses. All groups consisting of persons less than 21 years of age shall be accompanied by chaperones as directed by the Town Clerk.
14. Alcohol Beverages Prohibited. The dispensing and use of fermented malt beverages, intoxicating liquor, and/or wine is prohibited.
15. Cost Reimbursement. The Permittee shall reimburse the Town for any costs of police protection, security, repair or cleaning that the Town incurs as a result of Permittee's use.
16. Keys. The keys for the facility may be picked up at the Town Hall on the Friday before the time of use, between 8:00 a.m. and 12:00 noon, if the use is held on a weekend, or the day of the use if the use is during the week. The keys must be returned to the Town Hall the day after the date of use or the following Monday if the use is on a weekend. Keys may also be placed in the Town drop box, which is located East of the Entrance. The hours of the Town Hall are 8:00 a.m. to 12:00 noon, and 12:30 p.m. to 4:30 p.m., Monday through Friday. The Town Clerk may make a different or more particular schedule for the pick-up and return of keys as the Town Clerk deems appropriate on a case by case basis.
17. Fireworks Prohibited. The use of fireworks is strictly forbidden.
18. Lights. The Permittee is required to turn off all of the lights inside and outside the building at the end of the time of use.
19. Fires Prohibited. Fires are not allowed in or on the Property.
20. Permittee Presence Required. The Delafield resident who signs the application is required to be present at the Property at all times during the authorized times of use.
21. Town Priority. Private use of the Property shall not be to the exclusion of Town uses. Town officials and employees may enter the Property at any time, even during the private use, for any purpose. The Town reserves the right to cancel any reservation, with or without cause. The Town Chair or his/her designees shall have authority to issue any and all orders deemed necessary for the protection of public safety and the quiet and peaceful enjoyment of the Property and its environs, regardless of any permission for use granted pursuant to these Rules and Regulations and the Private Use Agreement.
22. Limited Areas of Use. The Permittee shall not enter the office areas of the Property, for any reason, at any time. The areas that may be used within the building are limited to the front entry foyer, the meeting room, and the bathrooms. The only part of the Property that may be used outside is the parking lot.
23. Fee. In recognition of the benefits to the Town of Delafield that is derived from regular and special meetings of Owners' Associations for residential subdivisions and condominiums located in the Town, and from the development of leadership, citizenship and life skills among the youth of the Town of Delafield and its environs, no fee is charged for this use of the Property. The Town Board suggests that the Permittee collect food donations for area food pantries from its members, at the time of use.
24. Privilege of Use. The use hereby authorized is a privilege that can be revoked by the Town if the privilege is abused, or if this use becomes burdensome or costly to the Town. The Town Board reserves the right to revoke this privilege generally, or against any particular Permittee that it finds has violated these Rules and Regulations.

**TOWN OF DELAFIELD  
TOWN HALL  
PRIVATE USE AGREEMENT**

In consideration of the limited permission to use Town facilities for private purposes as described herein, the Town of Delafield, a Wisconsin Municipality ("Town") and the undersigned, individually and on behalf of the organization identified herein (such individual and organization referred to herein, jointly and severally, as "Permittee") hereby agree as follows:

1. **Property.** Town hereby allows Permittee to use the Town Hall (the "Property") in the Town of Delafield, Wisconsin subject to the terms and conditions set forth in this Private Use Agreement.
2. **Application, Rules and Regulations.** The Permittee has completed the Private Use Application in the form provided by the Town Clerk, which is attached hereto and incorporated herein by reference. The use is limited to the date, time, organization, type of event, and number of persons as indicated on such Private Use Application. This use is also governed by Town of Delafield Rules and Regulations for use of the Town Hall, which are attached hereto and incorporated herein by reference.
3. **Indemnity.** Permittee hereby agrees to indemnify and hold Town, its officers, agents, employees and independent contractor's harmless of and from any loss, damages, expenses, costs or fees (including Attorney fees of an Attorney of Town's choosing) and all liabilities or claims, arising in any manner whatsoever with regard to personal injury, death or property damage that may arise during the Permittee's preparation, use or subsequent cleaning or repair of the Property and related activities.

IN WITNESS WHEREOF, the parties hereto have executed this License as of the date first written above.

TOWN OF DELAFIELD

By: Mary Elsner  
Mary Elsner, Town Clerk  
(or designee: \_\_\_\_\_)

**PERMITTEE  
[READ CAREFULLY BEFORE SIGNING]**

ORGANIZATION

\_\_\_\_\_ [Organization Name]

By: \_\_\_\_\_ [Sign Name]

\_\_\_\_\_ [Print Name]

\_\_\_\_\_ [Title]

\_\_\_\_\_ [Street Address]

Delafield, WI 53018

\_\_\_\_\_ [Phone Number]

**TOWN OF DELAFIELD  
PRIVATE USE APPLICATION  
TOWN HALL**

Name \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Date(s) Requested \_\_\_\_\_ Time \_\_\_\_\_

Organization Name \_\_\_\_\_

Type of Event \_\_\_\_\_

Number of Persons to Attend \_\_\_\_\_

I have read the Town of Delafield Rules and Regulations for Use of the Town Hall and I agree to abide by the rules and regulations governing the use of the facility.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Usage Approved By: \_\_\_\_\_  
Town Clerk or designee Signature

Conditions:  
\_\_\_\_\_  
\_\_\_\_\_

<b>TOWN USE ONLY</b>	
Date Key Issued: _____	Date Key Returned: _____
Date Posted on Calendar: _____	Posted by: _____
Condition of Building After Usage: _____ _____	
Amount (if any) of reimbursement required: _____	
Reason for Reimbursement demand: _____ _____ _____	