TOWN OF SUSSEX POLICY

Subject		Number
BARRMENT PROCEDURE		C-18
Date	*Approved by*	*Date*
JULY 22, 2008	COUNCIL [X] OTHER(S) [ ]	JANUARY 24, 2000
Signature. Michael Timmons	*Date of Revision* JULY 21, 2008	PAGE 1/4

I. This barrment procedure is to be implemented by appropriate officials of the Town of Sussex and applied to an individual or individuals, groups or organizations, who or which display unwarranted behaviour while on the lands and premises of the Town of Sussex. "Unwarranted behaviour" shall mean, for purposes of this procedure:

a) the physical injury, or threat thereof, to any member of the public or to their property, or to any group or individual lawfully using the lands and premises, whether by permit, ticket, license or by agreement with the Town;

b) the disruption of any lawful activity taking place on the lands and premises of the Town;

c) the willful and intentional damage, injury or destruction to the buildings, lands or equipment of the Town;

d) the willful intention of not abiding by any Town policy and/or by-law regarding the conduct of individuals or teams with respect to the use of alcohol and/or any prohibited substance; and

e) the breaking of any Provincial and/or Federal statue by any individual(s) and/or team(s).

II. An "appropriate official", for the purposes of this procedure, is defined as anyone of the following: the Chief Administrative Officer, the Town Clerk/Treasurer, the Recreational Director or the Works Officer.

A "complainant", for the purposes of this procedure, is defined as any individual, group, RCMP policing authority, private security firm or organization lawfully on the lands or premises of the Town, whether by permit, ticket, license or by agreement or as a matter of right and also includes any employees of the Town of Sussex, other than an appropriate official as hereinabove defined.

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A "complaint", for the purposes of this procedure is defined as a document in writing, handwritten or typed, wherein "unwarranted behaviour" is alleged to have been committed by an individual, organization or group while on the lands and premises of the Town of Sussex and in a form similar or identical to that prescribed herein.

"Lands and premises of the Town" shall include the 8th Hussars Sports Complex, tennis courts, ballfields, pathways, parklands, playgrounds, picnic grounds, swimming pool, parking lots, and generally without limiting the generality of the foregoing public lands and buildings of the Town of Sussex accessed and used by the public.

III. In the event that a complainant should observe unwarranted behaviour by an individual or individuals on the lands or premises of the Town, the complainant may file, with an appropriate official, a complaint to an appropriate official. The appropriate official shall, upon receipt of the notice, initiate an investigation to the complaint and such investigation is to be commenced no later than 24 hours from the time of the alleged unwarranted behaviour, the purpose of such investigation being to determine whether or not such behaviour was in fact committed by the individual or individuals identified in the complaint. The appropriate official shall compile a written summary of the investigation, the witness, if any, interviewed, and any other material evidence surrounding or touching upon the complaint or referenced therein and the conclusions they have made as a result of the investigation and, if barrment is recommended, the length of time and the appropriateness thereof. Where damage to Town owned property is noted, the cost to repair or replace the property should be determined and specified on the report, and where an incident occurred which resulted in police intervention or investigation, the name of the police officer or officers. Should an individual voluntarily, in the course of the investigation, agree to pay for the costs of repairs or replacement this should be noted in the investigative report. The report shall be filed with the Chief Administrative Officer.

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IV. If, as a result of the investigation, the appropriate official determines that unwarranted behaviour was committed by the individual or individuals, they will cause to be served upon the individual, either personally or by prepaid registered mail, a notice of barrment in the form herein prescribed and cause a copy of the same to be mailed to the complainant by regular mail to the address specified in the complaint.

The notice of barrment shall specify those lands, premises, buildings or facilities, to or upon which the individual shall be prohibited entry or access, the date, place and time of the unwarranted behaviour, the date and time of commencement of the prohibition and the date and time of the termination of the prohibition. The determination as to the length of prohibition to entry (barrment) shall be made by the appropriate official. During the period of time specified in the notice, unless varied or revoked by motion of Town Council, the individual shall not be permitted entry to the building, lands or premises specified in the notice, and shall be deemed to have committed trespass if they should enter in or upon the specified lands or premises. Nothing herein shall, however, empower or authorize an employee of the Town of Sussex to forcefully evict an individual from the buildings, lands or premises found to be in violation of prohibition.

V. An individual, upon who is served a notice of barrment, shall have a right to appeal the decision of the appropriate official. An appeal shall be in writing and delivered to the Chief Administrative Officer either personally or by prepaid registered mail. The Chief Administrative Officer shall cause the appeal to be placed on the agenda of the Administration Committee at the next regular meeting of the Committee. The Administration Committee shall, from among its members, appoint three Councillors who shall constitute the Appeal Board and shall set a date, not later than five days thereafter, to hear the appeal. A Chairperson, from among the Councillors, shall be selected by them prior to the hearing of the notice and shall be responsible to conduct the appeal hearing. Notice of the appeal shall be given to the complainant. Both the appellant and the complainant shall be entitled to appear and

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present evidence in support and have legal agents to make representations on their behalf.

VI. The Appeal Board shall, within seven days after making a decision to allow the appeal, reject the appeal or vary the length of prohibition and notice of the decision shall be given to the appellant.

VII. Notice of barrment shall remain in full force and effect from the time served on the individual until the date specified on the notice of barrment. In the event of an appeal, the notice shall continue in effect until the final disposition of the appeal.

VIII. Notwithstanding the provisions hereinabove specified, an appropriate official shall have authority to give notice of barrment to any individual observed by them to have committed unwarranted behaviour provided that such behaviour has been witnessed by them. All in such case the official shall file a report with the Chief Administrative Officer in accordance with Item III hereof and a right of appeal shall exist from such barrment in accordance with the appeal procedure in Item V.

COMPLAINT FORM

Dated the _____ day of _____, 20___

Identify of Complainant: _____ or _____
(Individual) *(Organization)*

Address of Complainant: _____, _____, _____
(Town/City) *(County)* *(Postal Code)*

Phone Number of Complainant: (_____) ____ - _____

Reason for being on Town premises:

Ticket Holder _____ License or Permit _____ Participant in Event _____
Other *(Please specify)*

Act or acts **complained of** *(Please be as specific as possible)* providing **names of individual(s) or groups** *(include addresses and phone numbers if available)* and **place or building where event occurred.**

_____

_____

_____

(Complete on reverse of form if insufficient space)

Witnesses to the acts complained of *(Other than Town Employees)*

Name: _____ Phone #: _____

Address: _____

Physical Injury *(if any)* sustained by individuals: _____

Was hospital or medical treatment required? _____
(Y/N)

Damage *(if any)* to Town property/building(s): _____

Cost of repair or replacement $ _____ Has repair/restitution been made _____
(Only complete if known) (Y/N)

Damage *(if any)* to privately owned *(individual or organization)* property

Cost of repair or replacement $ _____ Has repair/restitution been made _____
(Only complete if known) (Y/N)

Were Police involved _____ Police Officer's Identity _____
(Y/N)

Charges/Court Proceedings _____

Have you been called by the Police or Crown Prosecutor's Office to give evidence surrounding the alleged events? _____

Was the matter complained of witnessed by persons known by you to be Town of Sussex employee(s)? _____

If so who: _____

Authorized Town Official *(if any)* known to have witnessed: _____

Identify any one or more of the following who may have been present to observe what occurred:

Chief Administrative Officer _____ Town Clerk/Treasurer _____ Works Officer _____
Recreation Director _____

Has one or more of the above noted Authorized Officials(s) investigated the complaint as of this date? _____
(Y/N)

Does this represent the first written complaint made by you in relation to the events above described? _____
(Y/N)

Do you feel that the above noted conduct by the individuals or groups named was a threat to you or of those with you? ____ or to your property or personal effects? ____
(Y/N) (Y/N)

Do you feel that the above named individual or groups should be banned from entry to the lands and premises in or upon which the conduct occurred? _____
(Y/N)

In the event that the individual or group is given Notice of Barrment are you prepared to appear, if requested to do so, to give evidence of the events above noted to an Appeal Board? _____
(Y/N)

Have you provided a statement to the Police in relation to this matter? _____
(Y/N)

_____
(Signature of Complainant)

TOWN OF SUSSEX

NOTICE OF BARRMENT

LOCATION: _____

TO: _____

_____

_____

_____

FR: _____

_____

_____

_____

Due to incident(s) at _____ on _____

be advised you are hereby given **OFFICIAL NOTIFICATION** that you are now

barred from _____ including the grounds and parking areas.

This Notice of Barrment is for a period of _____months and will expire at

2400 hours of _____ Year 20 ____.

The Town of Sussex wishes to advise, that any violation of this notice may be deemed a criminal code violation and could lead to criminal prosecution.

_____

Town Official
Town of Sussex