

§800 Diocesan, Parish, School, and Agency Facilities Use

§801 Use and Enjoyment of Diocesan, Parish, and Agency Facilities is Limited

*The Diocese, parishes, schools, departments, offices, and agencies¹ must use and rent its facilities in line with the policies and procedures below. "Reflecting the structure of the Diocese and parishes as distinct juridic persons in canon law, the Diocese and all parishes shall be incorporated in civil law as distinct not-for-profit corporations for purposes of diocesan and parochial operations. Real estate holdings of the Diocese and the parishes shall be titled in distinct real estate trusts." **Fourth Diocesan Synod, statute #146.** As such, all real property in the Diocese is held in trust.*

Due to various religious, charitable and educational works carried on under the auspices of various parishes, schools, offices, and agencies of the Diocese, real properties are, by necessity, held for the benefit of the same. Inasmuch as these properties include such things as church and school buildings, halls and auditoriums, kitchens, offices and recreational facilities, the organizations are often approached by outside individuals and groups who request the rental of these facilities for their own personal, business, or community use. Ordinarily, these facilities should only be used by the Diocese, parish, school, or agency alone, or one of its organizations. When there are exceptions to this rule, to avoid public confusion and scandal, the rental or use of any property or facility shall require the renting organization not to allow/conduct/promote/display anything contrary to teachings of the Catholic Church.

§801.1. Policy. All real property ("Facilities") held for the benefit of the Diocese, parish, school, or agency may only be made available for uses that are not in conflict with the teaching and practices of the Catholic Church or the policies of the Diocese of Springfield in Illinois.

Procedures

- A. The ordinary use of any facility is use by the diocese, parish, school, department, office, or agency for its daily and normal operations. Secondarily, facility use can include private events held by the entity or one of its organizations which are limited to parishioners or members of the entity or organization; or events that are open to the public, i.e. sponsored use.
- B. To be considered a diocesan, parish, school, department, office, or agency sponsored event, there are two basic tests that the group hosting the event must meet:

¹ An "agency" as used herein shall include any department, institution, office, parish, school, Juridic person or any subdivision thereof governed by the moral authority of the Roman Catholic Bishop of Springfield in Illinois. (The authority to determine policies for these entities is stated in the, **2017 Diocesan Synodal Statues, Part I, General Norms #9**, "*Diocesan policies further specify and delineate in greater detail the fundamental particular laws of these statutes and require all diocesan, parish and Catholic school personnel to act in a prescribed manner in handling specified situations. Diocesan procedures are uniform methods or standards of implementing diocesan policies.*")

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- a. The Bishop, Pastor, Director, or President has the authority to start, direct, control, manage, expand, or eliminate the activities of the organization, and
 - b. The Bishop, Pastor, Director, or President has the authority to sign checks on the organization's checking account and receives monthly statements.
- C. When a person or organization requests to use a facility for an event that does not pass the basic test above, then the person or group is considered an outside entity and is required to provide proof of insurance, obtain and submit copies of appropriate licensing, and sign and execute a Diocesan Standard Facility License Agreement Contract (see below).
- a. Non-Sponsored Events can fall into the following categories:
 - i. Parishioner/member private use (e.g. a wedding reception)
 - 1. If a Parishioner/member wishes to hold an open to the public event which is not a sponsored event as defined above, then it is considered a non-parishioner use (see below).
 - ii. Non-parishioner/member use, private or public event (e.g. local non-profit organization wishes to use the facility for a meeting or public event).
- D. Parishioner/member private use is generally allowed as long as the policies below are followed, the use is not inconsistent with the teaching and practices of the Catholic Church or any other policies of the Diocese of Springfield in Illinois, and they complete a Facility License Agreement Contract.
- a. Parishes that provide cake, coffee or refreshments to the participants after baptisms and funeral masses as part of the ministry of those sacraments are not required to have the family complete a Facility License Agreement Contract. These events are considered parish-sponsored. When a family at these events requests the use of the facility for a private luncheon/dinner, a Facility License Agreement Contract must be completed by the user.
- E. Non-parishioner/member use, whether for a private or public event, is generally not permitted. Permission for non-parishioner/non-member use, whether for a public or private event, should be obtained from the Bishop, Pastor, or Agency Director as an exception and the below polices must be followed.
- a. The diocese, parish, school, department, office, or agency should not advertise or solicit rentals from outside groups.
 - b. Permission for this type of use should only be granted when the use is not only 1) consistent with the teaching and practices of the Catholic Church, but when the use is also 2) related to or advances the mission of the Church or Diocese in some way (e.g. the event somehow is related to the spiritual or corporal works of mercy.)
 - c. The Office for Property, Buildings and Cemeteries, the Office of the General Counsel, and/or Office for Insurance and Benefits should be consulted with by pastors and agency directors before granting this permission to help determine the nature of the exception and the parameters of the same.

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§801.2.1 Facility License Agreement Requirement for One Time or Short-Term Use

§801.2.1. Policy. Under no circumstances shall the use of any Diocesan or Parish Facility be granted or made available to an outside individual, group, or entity without the use of the Diocesan Standard Facility License Agreement Contract.

Procedures

- A. Obtain the Diocesan Standard Facility License Agreement Contract from the Office for Property, Buildings and Cemeteries, Office for Insurance and Benefits, or Office of the General Counsel.
- B. The Diocesan Standard Facility License Agreement Contract is intended for an event lasting a day or a repeating short period of time (e.g. a bi-weekly meeting for six months) in only a portion of the facility.
- C. The Diocesan Standard Facility License Agreement Contract is not to be edited or changed without the permission and review of the Office for Property, Buildings and Cemeteries and Office of the General Counsel.
- D. Non-Diocesan and non-parochial entities should use their own Facility License Agreements. These entities may submit a copy of their form agreements to the Diocese for its records.

§801.2.2. Policy. If any portion of the facility is to be used exclusively by an outside entity, or for a period of time longer than six (6) months, then the Diocese, parish, school or agency must use a sublease, which requires written permission of the Bishop.

- A. Permission to enter into a sublease can be obtained through the Office for Properties, Buildings, and Cemeteries and the Office of General Counsel.
- B. The Office for Properties, Buildings, and Cemeteries and the Office of General Counsel will assist the entity in preparing, negotiating, and executing any sublease.

§801.3. Minimum Insurance Coverage

§801.3.1. Policy. There shall be a minimum acceptable coverage for liability insurance limits for an outside group or individual using diocesan, parish, school or agency facilities and this limit shall from time to time be set by the Diocesan Office for Insurance and Benefits.

§801.4. Dram Shop Insurance Coverage

§801.4.1. Policy. If liquor is going to be sold or served at the event, the individual or group shall have the necessary dram shop liability insurance.

Procedures

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- A. The individual or group will give the diocese, parish, school or agency, a copy of proof of the dram shop liability insurance. An individual may contact the Office for Insurance and Benefits for assistance in getting such insurance.

§801.5. Rental to Student Groups

§801.5.1. Policy. The Diocese, a parish, school, department, office, or agency shall not rent facilities to college or student university groups which are planning to serve liquor.

§801.5. Rental to individuals or groups and gambling

§801.5.1. Policy. The Diocese, a parish, school, department, office, or agency shall not rent its facilities to an individual or outside group who plans to allow any type of gambling, including bingo, on the property.

Procedures

- A. See Charitable Games exceptions below.

§802 Liquor Licenses

§802.1. Policy. If the Diocese, a parish, school, department, office, or agency wishes to sell or serve liquor at an event that is open to the public, it shall obtain a liquor license. (n.b. Open to the public means that the event is advertised via newspaper, radio or signage that invites anyone to attend.)

Procedures

- A. The Diocesan Office for Insurance and Benefits will assist parishes, schools and agencies to obtain dram shop insurance which is a requirement for obtaining a liquor license and can assist with advice on how to obtain a liquor license.
- B. Liquor is considered “sold” at an event whether through a flat fee at the door to enter the event or on a per drink basis once inside the event. The diocese, parish, school or agency sponsoring the event will check the applicable statutes and regulations to see if this definition changes. An individual may contact the Office for Insurance and Benefits for further assistance.
- C. If an individual or group is able to independently obtain a liquor license, he, she or it is to give a copy of the liquor license to the diocese, parish, school or agency before it permits the event to go forward.

§802.2. Policy. Alcohol shall only be served to persons of legal drinking age.

§803 Licenses for outdoor carnivals, festivals and other events

§803.1. Policy. If the Diocese, parish, school, department, office, or agency plans to host an outdoor festival, street fair or carnival, it must first check with its local municipality about license requirements, and if such requirements exist, obtain the necessary license(s).

Procedures

- A. Applications and instructions can be obtained from the local municipality.

803.2 Other policies and procedures for outdoor carnivals, festivals and other events

§803.2. Policy. With regard to outdoor festivals, street fairs or carnivals, parishes, schools and agencies must take care in entering into contracts and arranging for appropriate risk management in order to safeguard the organization from liability.

Procedures

- A. Contracts with third party contractors are to be signed by the pastor, not the volunteer planning the event or a parish employee. If the contract contains an indemnification, hold harmless clause or an insurance clause, the pastor should send it to the Office of the General Counsel to coordinate appropriate legal advice.
- B. If there is liquor or gambling at such events, the policies and procedures in this section are to be followed.
- C. There are to be proper internal controls in place to safeguard cash sales. Parish employees and volunteers are to handle all money and tickets that can be used for rides, games and food supplied by vendors so that funds are properly accounted for and are received by the parish.
- D. The parish, school or agency is to check with the diocesan Insurance and Benefits Office about the safety of certain games. There are serious risks with “dunk tanks” (aka “dunk the dolly”), as well as certain “tumbling, springboard, rebounding or bouncing devices” which may include a number of inflatables.
- E. Certificates of Insurance are to be obtained from independent contractors, including food purveyors, firework display firms, providers of booths or games, providers of rides, security firms, waste hauling and cleanup firms and portable toilet rentals.
- F. Such events are to comply with all state and local government rules for fire and security.
- G. The Diocesan Office for Insurance and Benefits will from time-to-time issue further procedures and parishes, schools and agencies are to contact that office or check its website as part of the planning for such an event.

§804 Charitable Games Licenses

§804.1. Policy. If the diocese, a parish, school, office, or agency wishes to host an event at which charitable games gambling will be conducted, it shall obtain a charitable games license.

Commentary

Applications and instructions for charitable games licenses and the Charitable Games Act Rules booklet can be obtained by contacting the Illinois Department of Revenue's Office of Bingo and Charitable Games.

Procedure

- A. A charitable games license issued to one parish, school or agency cannot be used by another parish, school or agency.
- B. Casino themed parties to raise money for charity are subject to different rules. Contact the Office of the General Counsel for questions on the difference between Charitable Games and Casino themed fundraisers.

§805 Bingo License

§805.1. Policy. If the diocese, a parish, school, office, or agency sponsors bingo games, it shall obtain a bingo license.

Procedures

- A. An application for a bingo license can be obtained by contacting the Illinois Department of Revenue.
- B. A bingo license does not enable the diocese, a parish, school, or agency possessing the license to conduct other charitable games. Conversely, a charitable games license does not permit the diocese, a parish, school, or agency to conduct bingo games.
- C. A bingo license issued to one parish, school, or agency cannot be used by another parish, school, or agency.
- D. The diocese, parish, school, or agency sponsoring the event is responsible for following the state statutes and laws regulating operation of bingo.

§806 Raffle Licenses

§806.1. Policy. If the diocese, a parish, school, office, or agency sponsors raffles, it shall obtain a raffle license.

Procedure

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The diocese, a parish, school, or agency must contact the local municipality to determine if the municipality permits raffles to be conducted. It will then have to follow the municipality's licensing requirements.

Commentary

Raffle licenses are issued by local municipalities. Federal law prohibits the distribution of raffle tickets through the U.S. Mail.

§807 Pull Tab Licenses

§807.1. Policy. If the diocese, a parish, school, office, or agency sponsors pull tabs, it shall obtain a pull tab license.

Commentary

Pull tab licenses are issued by the State of Illinois' Department of Revenue. Applications and rule booklets are available from the Department of Revenue.

§808 Gambling Taxes

§808.1. Policy. The diocese, parishes, schools, and agencies conducting gambling events, as defined by law, shall report income and pay taxes on income from these events to the extent required by law.

§809 Sales Taxes

§809.1 Policy. If the diocese, a parish, school, or agency sells food and/or liquor at gambling events or other regular events, it shall file sales tax returns and pay sales tax on any profits earned from the sale of food or liquor to the extent required by law.

§810 Insurance Companies

§810.1. Policy. A parish, school, or agency is to check with the Diocesan Office for Insurance and Benefits to see that an insurance provider, which may be required in above sections, has an appropriate rating and reserves and is licensed for this State.

§811 Municipal or Local Ordinances

§811.1. Policy. In planning an event, a parish, school, or agency shall ensure it complies with all municipal or local ordinances.

Commentary

Many municipalities or other local governments may have ordinances that will affect whatever activity the diocese, a parish, school or agency may be planning.