

Exhibit "A"

Rules and Regulations

1. Any and all events sponsored by the Town of Blooming Grove shall have priority in scheduling over non-Town sponsored events.
2. Any organization wishing to use Town property and/or facilities shall first apply to the Town Director of Recreation. The Director will forward the completed form to the Town Board for consideration.
3. The Town Board shall have the final approval authority of the use of Town property and/or facilities and resolution of all scheduling conflicts. A cancellation or delay will be rescheduled at the discretion of the Director and subject to Town Board approval.
4. All posted rules must be obeyed. No person shall perform any act which produces unreasonably intrusive sound or noise.
5. The possession of alcoholic beverages or controlled dangerous substances is strictly prohibited and cause of ejection and/or prosecution.
6. The private sale of any food and/or beverage is strictly prohibited without approval from the Town of Blooming Grove Town Board.
7. All fog machines and smoke machines are strictly prohibited.
8. The use of profanity, objectionable language, disorderly acts or illegal activities of any kind are absolutely prohibited, and those violating this prohibition will be ejected from the premises.
9. Any damage to Town property or facilities shall be promptly repaired at the user's expense. The user must clean the property and facilities after each use and leave all property and facilities in good order and repair. The Town is authorized, at its discretion, to require a cash deposit to secure or defray the costs of repairing damage and/or cleaning.
10. If maintenance personnel are not available, the user is responsible to lock all doors, turn out lights and return thermostat to original temperature. All keys to Town property and facilities must be returned the next business day.
11. The user must have Town Board approval prior to use of facilities. A permit may be revoked at any time and permits are non-transferable.
12. Any user which will have admission and/or participation by youth under the age of 18 years old requires the presence of adequate adult supervision.
13. **In the event of an accident or emergency, please immediately notify the following:**
 - (1) **Town of Blooming Grove Police Department (845) 496-9161 or the Village of Washingtonville Police Department (845)496-9123 (May's Field)**

(2) Town of Blooming Grove Recreation Department (845)496-9201; and

(3) Town Building, Grounds, and Parks Department (914)755-1350.

14. No refunds will be issued unless agreed upon, in advance, by the Town of Blooming Grove.
15. Athletic Field Use and Notice: 24-hour notice is required for cancellation of single game or practice use unless weather related. Three (3) week notice is required for cancellation of tournaments. No refund will be issued unless timely notice is provided.
16. Permits will not be issued without proof of insurance.

Exhibit "B"

Schedule of Use of Town Property and Facilities Fees and Deposits

Chapter 221. USE OF TOWN PROPERTY AND FACILITIES

[HISTORY: Adopted by the Town Board of the Town of Blooming Grove 2-26-2007 by L.L. No. 3-2007. Amendments noted where applicable.]

§ 221-1. Permit required.

[Amended 3-10-2008 by L.L. No. 1-2008]

Any person or group seeking to hold or conduct an outdoors field day, sporting event, carnival, picnic, concert, address, rally, assembly, or other gathering at a Town park and at which more than 18 persons are expected to attend must first obtain a permit approved by the Town Board. Any person or group seeking to use any other Town-owned property, regardless of the number of persons expected to attend, must first obtain a permit approved by the Town Board. A permit may be granted only to a nonprofit group or person who seeks to use Town property or facilities for a legal use and for a nonprofit or community purpose. The Town Board shall grant such permit, unless the Board determines that there exists any one or more of the grounds set forth in § 221-10 below. A group or person must apply for a permit at least 15 days prior to the planned use of Town property or facilities. An applicant who seeks to use Town property or facilities for a First Amendment purpose must apply at least five days prior to the planned use of property or facilities. However, if the applicant demonstrates that a shorter time period for decision is necessary due to the time-sensitive nature of the intended use or event, then the Town Board shall hold a special meeting in order to act on the application.

§ 221-2. Acceptance of property and facilities; assumption of risk.

All Town property and facilities shall be accepted by all users in an as-is condition. The Town specifically denies and excludes any representations or warranties of any kind, express or implied, regarding the use of Town property and facilities. Use of such property and facilities by permittees, participants, spectators, invitees and any others constitutes an assumption of risk by all such persons and acceptance of the terms of this chapter.

§ 221-3. Indemnification and hold harmless agreement.

[Amended 3-10-2008 by L.L. No. 1-2008]

The applicant and any and all other persons using Town property or facilities pursuant to this chapter are deemed to agree to and shall indemnify and hold harmless the Town of Blooming Grove from any and all claim, injury, damage, liability, expense and cost whatsoever (together "claim") arising from such use. Notwithstanding the above, an applicant using Town property or facilities for a First Amendment purpose is deemed to agree to and shall indemnify the Town from any and all claim caused directly by such applicant or the applicant's group. In addition, any person using Town property or facilities for a First Amendment purpose is deemed to agree to and shall indemnify the Town from any and all claim caused directly by such person. Any person injured or whose property is damaged shall seek recovery from the liability insurance, if any, provided pursuant to this chapter or to his or her own insurance or resources, and not from the Town. An applicant who is indigent and seeks to use Town property outside of a building for

a First Amendment purpose shall not be deemed, by this section, to have agreed to indemnify the Town.

§ 221-4. Responsibility for damages; cleaning; deposit.

[Amended 3-10-2008 by L.L. No. 1-2008]

The applicant shall be responsible to, and shall, repair any damage to Town property or facilities caused by the applicant or applicant's group. The applicant shall be responsible to, and shall, clean the property and facilities after each use. The applicant shall submit to the Town Clerk a cash deposit to secure or defray the cost of repairing damage and cleaning. The deposit shall be in an amount set forth by resolution of the Town Board, which amount may be amended from time to time. If there is no damage and the property and facilities are properly cleaned after use, the deposit shall be returned. If the cost of repairing damage or cleaning exceeds the amount of the deposit, the applicant shall be required to, and shall, pay the cost of repairing damage and/or cleaning. An applicant who is indigent shall not be required to submit the deposit.

§ 221-5. Insurance.

A. Each applicant who seeks to use a Town building for any purpose or who seeks to use Town property for an organized sport, recreational, picnic or similar purpose shall provide liability insurance, naming the Town of Blooming Grove as an additional insured, in the minimum amount of \$1,000,000. For organized sport, recreation, picnic or similar uses, the Town Board may require a greater amount on a case-by-case basis.

B. An applicant who seeks to use Town property outside of a building for First Amendment purposes shall not be required to provide liability insurance.

§ 221-6. Scope of use; supervision.

No person shall be authorized or allowed to use or enter upon Town property or facilities pursuant to this chapter except to the extent authorized by permit. All minors shall be supervised by parents or persons over the age of 21. The Town shall have no duty of supervision.

§ 221-7. Notice of requirements.

The permittee shall provide notice of all requirements of this chapter to all participants, spectators, invitees, and others using Town property or facilities pursuant to a permit issued pursuant to this chapter. The Town shall have no duty to give such notice. Failure of the permittee to provide such notice shall impose no liability or responsibility upon the Town.

§ 221-8. Permit application fee.

[Amended 3-10-2008 by L.L. No. 1-2008]

Each permit applicant shall pay a permit application fee upon submission of the application. The fee shall be established by resolution of the Town Board and may be amended by resolution from time to time. The fee shall be reasonably equivalent to the administrative cost of processing the application. An applicant who is indigent and who seeks to exercise First Amendment rights shall be exempt from this requirement.

§ 221-9. First Amendment activity.

[Amended 3-10-2008 by L.L. No. 1-2008]

Use of Town-owned traditional public forums for First Amendment activity is permitted pursuant to this chapter. A traditional public forum is Town-owned property that has been traditionally available for expressive activity by members of the public. Town-owned streets, sidewalks and parks are deemed traditional public forums.

§ 221-10. Permit denial.

A. The Town Board may deny a permit application based on one or more of the following grounds:

- (1) The application for permit, including the permit fee and any required attachments and submissions, is not fully completed and executed.
- (2) The applicant fails to submit the required indemnification agreement, insurance certificate or damage/cleaning security deposit.
- (3) The application contains a material falsehood or misrepresentation.
- (4) The applicant or the person on whose behalf the application for permit is made has on a prior occasion made a material falsehood or misrepresentation concerning the nature or scope of a use, event or activity previously permitted or has violated this chapter or the term of a prior permit issued to or on behalf of the applicant or such person.
- (5) The applicant is legally incompetent to contract or to sue and be sued.
- (6) The applicant or the person on whose behalf the application for permit is made has on a prior occasion damaged or failed to clean a Town-owned property or facility and has not paid in full for the repair of such damage or for such cleaning.
- (7) A proper permit application to use a Town-owned property or facility at the same time and place has been previously received, and a permit has been or will be granted to such prior applicant authorizing uses or activities which do not reasonably permit multiple use or activity of the property or facility.
- (8) The use or activity intended by the applicant would conflict with a previously planned use, activity or event organized or conducted by the Town.
- (9) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, participants, invitees, other users of Town-owned property or facilities, Town employees or the public.
- (10) The use or activity intended by the applicant is prohibited by any applicable law or regulation, including this chapter.
- (11) The use or activity is intended to be conducted between the hours of 9:00 p.m. and 8:00 a.m.

B. The Town Board shall set forth in writing the ground(s) for denial and, where feasible, suggest measures to cure the defect(s) or suggest an alternative location(s).

§ 221-11. Appeal of permit denial.

The applicant may appeal a permit denial in writing to the Town Board within seven days after the date of the denial. The Town Board shall consider only the objective standards set forth in § 221-10 when determining the appeal. The Town Board must act on the appeal at its next regularly scheduled Town Board meeting and set forth in writing its reasons for granting or denying the appeal. If the applicant demonstrates that a Town Board decision on appeal prior to the next regularly scheduled Town Board meeting is necessary due to the time-sensitive nature of the intended use or activity, then the Town Board shall hold a special meeting to consider and act on the applicant's appeal. If the Town Board denies an applicant's appeal, the applicant may seek judicial review pursuant to law.

§ 221-12. Enforcement; penalties for offenses.

A. This chapter shall be enforced by the Police Department, Town Highway Superintendent, Building Inspector and/or Code Enforcement Officer.

B. Any applicant or person who violates any provision of this chapter or the term of any permit issued pursuant to this chapter shall, upon conviction, be subject to punishment by a fine not to exceed \$350 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

C. In addition to and not in lieu of the above, any applicant or person who violates any provision of this chapter or the term of any permit issued pursuant to this chapter shall, upon the order of a court of competent jurisdiction, be liable to the Town for a civil penalty in an amount not to exceed \$350. Each week's continued violation shall constitute a separate additional violation.

D. In addition to and not in lieu of any of the above, the Town Board or any enforcement officer may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation or threatened violation of this chapter or of the term of any permit issued pursuant to this chapter.

Exhibit "C"

Please state reason for waiver of fees, deposits or insurance.
