

FACILITY USE AGREEMENT

This agreement is made and entered into this _____ day of _____ by and between the owners of said facilities (hereinafter referred to as the Borough of Mendham or the Borough) and _____ (hereafter referred to as the USER). The facility will be used for the purpose of _____.

1. Subject to the terms and conditions hereof the USER grants to and accepts from the Borough the right and privilege to use the herein described facilities located at _____ (The stated premises).
2. The term of this agreement shall be for the following dates and times only: _____.
3. The USER use of the premises is subject to the payment of a fee of _____.
4. USER shall comply with the Rules and Regulations attached to this agreement as Schedule A.
5. The premises shall be used for the purpose stated above; no other use will be permitted.
6. The sale or use of liquor, beer or other alcoholic beverages on the premises is expressly forbidden, unless express permission has been granted by the Borough Council for alcoholic beverages to be served. Smoking is not permitted inside the premises.
7. The USER, at its expense, shall leave the premises clean and free of all trash and litter and all fixtures, if any, in good working condition. No alterations or additions shall be made to the premises.
8. Persons engaged by the USER to provide labor and service shall not be deemed or considered employees, agents or independent contractors of the Borough. The USER is responsible for collecting certificates of insurance from all subcontracted services if they come on premises.
9. The USER shall maintain and be responsible for the premises but only during the times previously specified when it will be occupying the premises.
10. Throughout the term of this agreement, the USER shall maintain insurance for bodily injury, death, or property damage occasioned by the reason of the USER'S use of the premises for the activity, which it is sponsoring with minimum limits of liability in the amount of \$1,000,000 per occurrence. The Borough shall be an additional insured on this policy but only with respect to claims or losses against it resulting from the negligence of the USER. A certificate evidencing such insurance shall be furnished to the Borough before the USER activity can begin.
11. The USER shall hold the Borough, its agents, officers, employees, and board members harmless from and shall defend and indemnify them from and against all liability for injuries to or death of persons or damage to property arising from the activities of the USER.
12. The USER'S insurance company must waive it's right of subrogation against the Borough should a claim arise.

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

RESOLUTION #169-04

WHEREAS, the Borough facilities belong to the citizens of Mendham for public purposes, including recreational programs; and

WHEREAS, the Borough Council wishes to establish a policy for the use of Borough facilities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, Morris County, New Jersey, that a policy for the use of Borough facilities is hereby adopted as follows:

1. The prudent use and management of Borough facilities allows the community to benefit more broadly from the use of its own property and, therefore, the following entities shall be allowed to use Borough facilities:
 - (a) **Departments or agencies of the municipal government**
 - (b) **Other governmental agencies**
 - (c) **Community organizations formed for charitable or civic purposes**
 - (d) **Uses and groups directly related to the Borough and the operations of the Borough**
 - (e) **Uses and organizations indirectly related to the Borough.**
2. **Permission to use Borough facilities shall not be granted to any entity or organization for commercial or profit-making purposes or any purpose which is prohibited by law.**
3. The Council may refuse to grant the use of a Borough facility whenever in their judgment there is good reason why permission should be refused.
4. The Rules and Regulations attached hereto will be followed by, and a Facility Request Form will be required to be completed by, any group or organization requesting use of the Borough facilities. The required Certificate of Insurance must be submitted with the Facility Request Form.
5. In the event that an applicant cannot produce a Certificate of Insurance, the application will be submitted to the Council for action.

This Resolution shall take effect immediately.

DATED: December 6, 2004

RULES AND REGULATIONS

1. **SMOKING IS PROHIBITED** at all times in any Borough building. No one may bring alcoholic beverages onto any property without prior permission. All facility use shall comply with state and local fire, health, safety and police regulations.
2. The facilities shall not be available for community use during Borough sponsored events (Day Camp) or when the programs interfere with maintenance schedules.
3. Use of Borough equipment in conjunction with the use of Borough facilities must be specifically requested in writing and may be granted by the procedure by which permission to use facilities is granted. The user of equipment must accept liability for any damage to or loss of such equipment that occurs while it is in use.
4. The following rules apply to the use of the Garabrant Center, Carriage House, and Phoenix House:
 - Litter – picked-up and deposited in refuse container. All garbage is to be bagged, sealed and placed in the proper receptacle.
 - Tables and chairs must be returned to the formation they were in prior to use.
 - If any of the equipment is used or any items that are stored in the building are used, they must be returned to their original location.
 - Make sure that the stove/oven is turned OFF.
 - All kitchen surfaces and tables are to be wiped clean.
 - Vacuum the floor if it is dirty.
 - Nothing stored in refrigerator or closets, without prior permission.
 - Lights turned off.
 - Doors and windows locked.
 - If the temperature setting on the thermostat is changed, return it to the original setting.
5. All users shall be liable for all damage that occur to the premises during the period of use.
6. Groups not adhering to these basic rules may be denied subsequent use of the facilities. The Garabrant Center and the Carriage Center may be used only by organizations that benefit the community.
7. Organizations must reserve the Garabrant Center and the Carriage House by completing an application and submitting it to Helen Cleary at the Bowers Building.
8. Keys may be obtained from the municipal offices and must be returned by the next day. **KEYS CANNOT BE DUPLICATED.**