

## **PUBLIC USE OF FACILITIES**

The Town of Fallsburg recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with Town related activities. This policy is intended to identify the uses that community groups/ individuals may make of those facilities.

### **Permitted Uses**

Town facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- A. Instruction in any branch of education, learning or the arts.
- B. Public library purposes
- C. Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
- D. Meetings, entertainment and occasions.
- E. Polling places for holding primaries and elections, for the registration of voters.
- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests of residents of the town.
- I. Events such as birthdays, family reunions, local businesses company outings.

### **Prohibited Uses**

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited, to the extent consistent with state and federal law:

- A. Meetings sponsored by political organizations.
- B. Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations, volunteer fire fighters, volunteer ambulance workers, volunteer non-profit community based organizations.

## Conditions of Use for Town Facilities

A. Use of town facilities may be permitted unless such facilities are in use for town purposes. The town board reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the town's programs.

B. To ensure that town facilities are preserved for the benefit of the greater town community, only community based groups and organizations (that is, groups which are located within the geographic area covered by the town) may be granted access to town facilities. Groups which provide year round free services to residents of Fallsburg may have fees reduced or waived, this is at the discretion of the Town Supervisor or designee.

C. Use of town facilities will be permitted only where the applicant agrees to pay the town a user fee to cover the expenses associated with the requested use (e.g., security, damage deposit). Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The town retains the right to condition use upon an applicant depositing with the town a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. The town retains the further right to waive user fees for non-profit groups that are associated with or sponsored by the town.

D. A deposit (see chart below) will be required, to be applied against any additional costs to the town as a result of your facilities use. Such costs may include, but are not limited to, the expense of clean-up or damage repair to the physical plant beyond ordinary wear and tear. The deposit will be credited against such costs prior to claims against your insurance policy. After such costs, if any, are deducted, and all other facilities use fees have been paid, the deposit or any remaining portion shall be refunded.

Chart				
Facility To Be Used	Group Size	Deposit Amount	Resident	Non-Resident
Morningside Pavilion	75 and Under	Call	\$100.00	\$200.00
Morningside Pavilion	76-150	Call	\$200.00	\$300.00
Morningside Pavilion	151-300	Call	\$300.00	\$400.00
Mountaintdale Pavilion	75 and Under	Call	\$100.00	\$200.00
Mountaintdale Pavilion	76-150	Call	\$200.00	\$300.00
Mountaintdale Pavilion	151-300	Call	\$300.00	\$400.00
Mountaintdale Train Station	up to 60	Call	\$100.00	\$200.00
Senior-Youth Center	up to 40	Call	\$80.00	\$200.00
Tarry Brae Golf Course Pavilion	Up to 130	Call	Please Call for details	

E. Where, in the judgment of the town, the requested use of town facilities requires special equipment or supervision (security), the town reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with paragraphs C and D above. Only authorized personnel shall operate town equipment.

F. Use of town facilities will only be permitted where the organization provides the town timely evidence of adequate insurance coverage (\$1,000,000 minimum) to save the town harmless from all liability, property damage, personal injuries and/or medical expenses. The town will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.

G. The Board reserves the discretion to deny use of town facilities described above, or to terminate use of town facilities:

1. By an applicant, group or related applicant/group who has/have previously misused or abused town facilities or property or who has/have violated this policy;
2. For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a public disturbance;
3. For any use which the Board deems inconsistent with this policy;
4. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
5. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed; or
6. For any use prohibited by law.
7. For any use inconsistent with the Town's Code of Ethics and/or Town Board policies and administrative regulations.

#### Application Procedure for Use of Town Facilities

A. All applications for use of town facilities shall be made in writing by using the "permit use form" and submitted to the parks department manager at least 14 days prior to the date of the requested use. A use permit application is available in the Supervisor's office or on the town website, [www.townoffallsburg.com](http://www.townoffallsburg.com).

B. The applicant must clearly and completely describe the intended use of the town facility in the application.

C. All applicants must review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations and to use town facilities strictly in accordance with the use described in the application.

D. All applicants must agree to assume responsibility for all damages resulting from its use of town facilities. Proof of adequate insurance must be provided by the applicant at least 10 days before the date of the requested use.

E. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Supervisor. Permits shall not be transferable.

F. The Town Supervisor or designee is authorized to alter or cancel any permit if it becomes necessary to use the facility for town purposes or for other justifiable reason.

G. With regard to scheduling activities, the town retains the right to give preference to non-profit groups and non-profit organizations which are associated with or sponsored by the town.

H. Issuance of a permit shall not limit the right of access to the facility by town staff.

#### Consequences of Misuse

1. Use of areas that have not been authorized or staying beyond the hours specified in the facilities use approval shall be treated as trespasses and subject you and your participants to immediate exclusion from the premises and/or prosecution under the law.

2. Failure to follow the directions of Town personnel assigned to cover the event (e.g., administrators or custodial staff members) will result in immediate termination of your privilege of facilities use and your group will be instructed to leave the facilities. Failure to vacate will be treated as a trespass and reported to law enforcement.

3. Damages, vandalism, excess wear and tear or sulling of the facilities, failure to abide by use limitations (e.g., areas of use, time frames, authorized activities), and/or failure to cooperate with Town personnel may result in loss of further access to town facilities as determined by the Town Board.