



2012 MAIN STREET PARK AND PAVILION RENTAL AGREEMENT (301) 258-6350

In our commitment to provide our residents with culturally enriching opportunities, the City of Gaithersburg permits individuals, nonprofit organizations or local businesses to rent the Main Street Park and Pavilion for purposes that reflect this commitment. To apply to use this park / facility, please complete the Main Street Park and Pavilion Use Application and return to the Gaithersburg Activity Center, 506 South Frederick Avenue, Gaithersburg, MD 20877. Applications will be reviewed and processed by City staff. If the application is approved, use of the Main Street Park and /or Pavilion will be offered under the guidelines outlined in this document. To be assured that there is adequate time for processing, requests should be made sixty (60) days prior to event.

Main Street Park and Pavilion Rental Season: The rental season runs daily from April through October.

A. POLICIES FOR PARK AND PAVILION RENTAL

The Main Street Park and Pavilion are available to Gaithersburg residents, nonprofit organizations, and businesses as well as nonresidents; however, higher rental fees are applicable to nonresidents and groups who do not reside within the corporate City limits.

B. MAIN STREET PARK AND PAVILION USE APPLICATIONS

All individuals or groups wishing to use Main Street Park or Pavilion must apply by completing a Main Street Park and Pavilion Use Application, available at the Gaithersburg Activity Center at Bohrer Park. This is an application, not a binding contract to rent the Park and/or Pavilion. PLEASE UNDERSTAND THAT YOUR REQUEST IS NOT OFFICIALLY CONFIRMED OR BOOKED UNTIL A DEPOSIT HAS BEEN ACCEPTED AND YOU RECEIVE YOUR COPY OF THE APPROVED MAIN STREET PARK AND PAVILION USE PERMIT. You must be at least 21 years of age to sign an application, and the person signing the permit must be in attendance for the duration of the rental event. If two or more groups wish to rent the Park and Pavilion on the same day, the applications will be processed and reservations confirmed on a first-come, first-served basis.

C. RENTAL TIMES

The Artist and Craft Vendor Permit holders and the Farmer's Market vendors are permitted to use Main Street Park and/or Pavilion from May 5 through November 17 on Saturdays from 7 a.m. – 3 p.m. Access must be assured to these permit holders during those times.

The Main Street Park and Pavilion are rented in 5-hour blocks of time. The rental time shall include enough time for set up and clean up. Additional hours may be reserved for an additional fee. The Park and Pavilion may be reserved beginning at 9 a.m. and must conclude by 8 p.m. or dusk (whichever comes first). Any exceptions to this allotted time may be requested in writing and submitted with your application.

D. HOW FEES ARE DETERMINED

To obtain a resident fee, the applicant's home address must be within the corporate limits of the City of Gaithersburg, or the address of an organization or business must be within the corporate limits. Organizations may not use the address of a member who is a City resident. A driver's license or company stationery will be required as verification of residence. All others are considered nonresidents.

E. USER'S RESPONSIBILITIES

Rental patrons are required to:

- All rental participants, including vendors must arrive no earlier or depart no later than the time agreed to on the application.
- Leave the Park and Pavilion in the same condition in which it was found.
- Anticipate the amount of time necessary for set-up and clean up and include this time in the rental request.
- At the conclusion of the event, **all trash must be picked up and removed by the rental patron.** If the rental patron fails to do so, the rental deposit may be forfeited.
- Abide by the information in the rental packet that identifies maximum number of persons permitted in the Main Street Park and Pavilion.
- List all amusement activities (i.e. moon bounce / climbing wall) on the rental request. Pony rides or similar activities are prohibited.
- **Park all motor vehicles in designated parking areas.** On street and lot parking is available in the surrounding area. No motor vehicles may stay in the Park or Pavilion during a rental with the exception of pre-approved vehicles.
- There are no restrooms available at the Park and Pavilion. If you wish to rent port-a-johns for your event, include this intention on your application. You must request and receive written approval from City staff on the placement of these facilities prior to the day of your event.
- Obtain "proof of insurance" from any/all entertainment or catering vendors and submit copy to the City.
- Failure to adhere to any or all of the above policies may result in the rental group being asked to leave the Park and Pavilion, forfeiture of deposit, and loss of future renting privileges.

F. REVOKING OF PERMITS, REFUSAL OF FUTURE RENTAL

The City of Gaithersburg reserves the right to revoke a user's permit and/or refuse rental for any or all of the following:

- Failure to pay rental fee when due.
- Rental patrons are not conducting an event in an orderly manner.
- Damage is done to the Park and/or Pavilion or surrounding area as a direct result of the rental.
- The rental patrons repeatedly do not adhere to users' responsibilities.
- If the City feels that a group's event is detrimental to the well being of other park users, surrounding neighborhood or staff.

G. RESERVATION / SECURITY DEPOSIT

In order to reserve Main Street Park and Pavilion, a deposit must accompany a completed Main Street Park and Pavilion Use Application. Deposits may be by personal check, money order, cash, certified check or credit card payment (Visa or Mastercard). The City of Gaithersburg **WILL** deposit all monies presented to make reservation, immediately upon receipt of said monies, in the form of checks and/or credit cards. Deposits will be forfeited if a group goes past their scheduled time. Damages to Main Street Park and Pavilion, insufficient clean up and early arrival costs will be subtracted from the security deposit. If damage or overages in time are determined to be more than the security deposit, the rental patron will be billed. The City of Gaithersburg reserves the right to charge a higher deposit for special rental situations.

H. PAYMENTS

Rental fees are due no later than the first day of the previous month before scheduled event. For example, if your event is May 13, rental fees are due no later than April 1. **Rental payments are forfeited if event is cancelled less than 30 days prior to event.** Cancellation notices should be made in writing. See Section R for exceptions associated with Large Events. A \$35 collection fee will be assessed for any check returned by the bank. If your fees remain unpaid after 30 days notice, you may be prosecuted in District Court under the Maryland Criminal Code, Article 27, Section 140-144.

I. REFUNDS

Security deposits will be forfeited if a rental is cancelled less than 30 days before the event. Please allow thirty (30) days following the date of the event for return of security deposit. Rain dates are not available; therefore, provisions should be made for inclement weather. In case of severe inclement weather, a mutual decision will be made on the day in question.

J. ALCOHOLIC BEVERAGES

Alcohol is prohibited at the Main Street Park and Pavilion; offenders can be ticketed in accordance with Section 15A-7 of the City Code. (For more information, see “Sec. 15A-7. – Alcoholic beverages” on the attached City Code document).

K. CHARGES FOR ADMISSION

Admission or cover charges for rental events are prohibited without prior written approval.

L. ELECTRICITY, MUSIC, FOOD, WATER, SIGNAGE & MISCELLANEOUS

- No food sales are permitted without prior written approval. Food sales also require a Montgomery County Health Department permit. Music by disc jockeys is permitted but **must be included on the Main Street Park and Pavilion Use Application** as part of the event description. Live bands are only allowed with prior written approval. Volume of music must be kept at a level that will not interfere with nearby residents or businesses and will comply with the Montgomery County noise ordinance. If the patron’s event is in violation of this ordinance and the patron has been notified and fails to take immediate corrective action, the City of Gaithersburg may at its own discretion terminate the event or fine the rental patron accordingly. Water and electricity are not available at the Park or Pavilion. If rental patrons use generators secured from independent vendors this **must be included on the Main Street Park and Pavilion Use Application** as part of the event description.
- Signage is permitted in accordance with City regulations and permit requirements. **Patrons must remove signage at conclusion of event.**
- Weapons are strictly prohibited.

M. LARGE EVENTS

Additional policies and procedures will apply to any individual or group expecting more than 100 attendees per any unit of time. Application requests for large events or festivals will be reviewed on an individual basis. Issues including, but not limited to, parking, date and time of event, and the potential impact on other functions and/or facilities will be considered before a permit is issued. Higher fees may be required and additional policies and procedures may apply. A mandatory meeting of the group representative/applicant and City staff will be planned to discuss requirements. These requirements will be set forth in writing prior to confirmation of the event, and agreed upon by applicant and the City.

N. LIABILITY

Any damage to the Main Street Park or Pavilion will be the responsibility of the rental patron whether or not caused by their employees, agents, event attendees, or contractors. The rental patron will indemnify and hold harmless the City and their officers, employees, and agents from any claim, action, suit, or judgment for the same. Any injury to persons using Main Street Park and/or Pavilion during the rental event, or damage to their property, or to the property of others shall be the sole responsibility of the rental patron.

O. RENTAL RATES

Pavilions are rented in 5-hour blocks of time. The rental time shall include enough time for set up and clean up. The time required for preparations for catering and/or amusement services must be included. Additional hours may be reserved for an additional fee. Pavilions may be reserved beginning at 9 a.m. and must conclude by 8 pm or dusk (whichever comes first).

Resident Non-Commercial	\$250
Resident Commercial	\$300
Nonresident Non-Commercial	\$350
Nonresident Commercial	\$400

**Special accommodations may be made for larger groups. Fees, policies, and procedures may vary.

Extra Hour(s)

\$50: For each additional hour or portion of hour

Security Deposits

A \$100 Security Deposit must be placed to reserve the Main Street Park and/or Pavilion. Please allow 30 days following the date of event for return of security deposit.

N. WAIVER

I, _____ (User(s)) hereby agree to indemnify and save harmless the City of Gaithersburg from any injury, loss, damages and other expenses suffered or incurred by the City by reason of the User/s negligence, omission, or error in carrying out its obligations under this Reservations Agreement, or the negligence of User/s agents, employees, subcontractors, invitees, heirs, successors or assigns.

I, _____ (User(s)) waive any and all claims, for property damage and/or personal injury of any kind that I may have now or in the future against the City of Gaithersburg, its officials, employees, and agents related to User(s) use of the Main Street Park and Pavilion under this Reservation Agreement.

I, _____ (User(s)) confirm that I have read Chapter 15-8(b) of the Gaithersburg City Code pertaining to the hours of operation of noise producing instruments as well as volume of music.

By signing below, I agree to abide by the requirements set forth in this chapter of the City Code.

Witness:

User(s):

Signature

Authorized Signature

Date

Date

Signature (If applicable)

Authorized Signature (If applicable for 2nd User)

Date

Date