

Smith Park Office

5303 Park Avenue, Hector NY 14841

www.smithmemorialpark.com

o 607.546.4467 / c 607.793.5695

Smith Memorial Park

EST. — HECTOR, NY — 1963

Hector Town Hall

5097 SR 227, Burdett NY 14818

www.hectorny.us

607.546.5286

Commercial Boat Launch Policy

The boat launch at Smith Memorial Park is allowed to be used for commercial activity during the open park season which is April through November. All commercial use will require a signed permit and such proof of insurance as the Town Board shall require. A commercial permit shall be for loading and unloading of materials only. Using any parking lot as a staging area for commercial activity is not allowed. Parking at the boat launch for more than the time it takes to load and unload is not allowed. If a vehicle needs to be left at the Park while materials are being delivered by water, the overflow parking lot shall be used.

Commercial use permit fees are:

\$1,000 per month or \$300 per day

Dates and Time

April 1st - November 30th

Monday – Thursday: 9:00am -4:00pm

Vehicle Weight Limit

Gross weight must be under 18,000 lbs.

Permit application shall be made on a form prescribed by the Town Board from time to time. Issuance of a permit may be conditioned upon such terms and conditions as the Town Board may prescribe. Failure to comply with this policy, the Smith Park Rules and Regulations, the terms and conditions of the permit and/or any applicable laws, rules, regulations or orders shall be grounds for revocation of a permit with no refund. In the event a permit is subject to revocation the Town Board shall provide the permittee with notice. Upon receipt of such notice the permittee shall immediately cease all operations under the permit. The permittee may, by written notice delivered to the Town Board not more than ten (10) days after receipt of the revocation notice, appeal the revocation and request a hearing before the Town Board. In the event the permittee timely delivers such notice, the Town Board shall conduct such hearing with in thirty (30) days, and either confirm, modify or annul the revocation. The permittee's failure to timely appeal the revocation shall render such revocation final.

This policy may be amended by the Town Board at any time without notice.

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Commercial Use Permit Application

APPLICANT INFORMATION

	NAME
	ADDRESS
	PHONE
	EMAIL

Date(s) during which permitted activity will take place:

Permitted activity is allowed between 9:00 a.m. and 4:00 p.m. Monday through Thursday. Time periods during which permitted activity will take place:

Permitted activity is loading and/or unloading of materials. Describe in detail materials to be loaded/unloaded:

By signing this permit application, the permit applicant agrees to the following:

1. The permit, if issued, shall be subject to the Town's Commercial Boat Launch Policy (attached), and any other terms, conditions, laws, rules or regulations required by the Town and/or any other applicable jurisdiction from time to time. The applicant shall continuously comply with all applicable terms, conditions, laws, rules and regulations.
2. The applicant shall protect, defend, indemnify and hold harmless Town and Town's agents, directors, officers, employees or servants (collectively hereinafter referred to as "Indemnitees") from and against any and all claims, demands, losses, liabilities, costs, judgments, obligations and causes of action of every kind and character, in tort or in contract, related to or on account of bodily injury, death or damage to property, without limit and without regard to the cause or causes thereof or the negligence of any party or parties (including but not limited to the sole negligence of the Indemnitees or defects in the premises where the permitted activity is to occur), arising out of, incident to or in connection with the permitted activity. The obligations of the applicant hereunder

specifically extend to (but are not limited to) any claims, suits or causes of action arising out of injury to or death of employees of the applicant or its contractors or agents suffered while working for the applicant or its contractors or agents. The applicant's agreement and obligation to protect, defend, indemnify and hold harmless the Indemnitees and their respective agents, directors, officers, employees or servants shall apply even if the Indemnitees and their respective agents, directors, officers, employees or servants, or any of them, are shown to be negligent or grossly negligent, in whole or in part. The applicant agrees to support its indemnity obligations hereunder by available insurance and intends that such obligations be enforceable to the maximum extent permitted by applicable law. Nothing herein is intended to or shall be construed to constitute an admission of liability on the part of the applicant with respect to third parties.

3. The applicant shall maintain commercial general liability insurance providing coverage of not less than \$2 million per occurrence and \$4 million general aggregate throughout the term of the permitted activity, naming the Town as additional insured. The applicant shall also maintain workers' compensation and employers liability insurance to the fullest extent required by law.

The individual signing this application on behalf of the applicant warrants and represents to the Town of Hector that said individual is duly authorized to bind the applicant to the terms, conditions and obligations set forth herein.

Signature:

Date:

Printed Name:

Title (if applicable):

FOR TOWN USE ONLY:

_____ Permit Fee

_____ Proof of insurance received and approved (attach proof to application)