

## Park Use and Application

### Park Information

Wilcox Park (the Park) is a nationally Significant Historic Property and Arboretum.

The Park is privately owned and operated since 1898 by the Memorial and Library Association of Westerly (the **Association**), a non-profit 501(c)(3) organization. The Association makes the Park available to organizations and individuals for non-commercial, cultural, informational, educational, intellectual and civic purposes as well as for wedding ceremonies, group picnics and community gatherings.

Each organization or individual requesting use of the Park must (i) submit a **Park Use Application Form** and (ii) agree to abide by these guidelines and, if requested by the Association, an agreement (commonly called a Memorandum of Understanding) setting forth the terms and conditions of use. Failure to do so may result in cancellation, refusal of reservations, or the right to use the Park in the future. Use of the Park does not in any way constitute an endorsement by the Association of the organization's or user's policies or beliefs.

The Association has established a schedule of fees for use of the Park and reserves the right to change such fees at any time, determine appropriate uses of the Park, and cancel or reschedule any programs or events in the event of emergency, extreme weather conditions or force majeure circumstances.

### Certain Rules and Guidelines

To ensure safe and peaceful enjoyment of the Park for all, the following rules and guidelines must be observed:

- No smoking, alcohol or illegal drugs, littering or defacing of property, or inappropriate behavior.
- No glass bottles are permitted in the Park.
- All pets must be leashed, and owners or handlers must pick up after their pets.
- No plastic tarps to cover the ground may be used
- Enjoy the flowers and trees; do not pick, alter or climb them.
- Do not feed the waterfowl- it is illegal under Rhode Island state law.
- Electrical amplification of voice and music is prohibited unless done with a battery-powered device. Live acoustical music is permitted.
- Do not obstruct walkways or paths
- Grilling or barbecuing is prohibited.
- Fireworks of any kind are prohibited.
- Tossing non-biodegradable confetti (silk flowers and rice) is prohibited.
- Operation of drones or unmanned aircraft is prohibited.
- Any person or organization using the park shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any activities.

The Association reserves the right to prohibit or terminate any activity that is unlawful or that disrupts the Park, or the flowers, trees, fixtures or other facilities in the Park, jeopardizes the safety of the public, or otherwise is inconsistent with the interests of, or would cause disrepute to, the Association.

## **Disclaimer of Liability**

The Association assumes no liability to individuals or organizations, or their officers, directors, trustees, managers, employees or agents, and their personal representatives, successors and assigns, in connection with use of the Park. In addition, the Association is not liable for theft, loss or damage to personal property of users or event attendees while in the Park. The Association is not responsible for equipment, clothing or other personal items left in the Park by the user or its attendees after the event.

## **Park Use Application**

Any organization or individual requesting use of the Park must submit a Park Use Application Form and designate a contact person who shall assume responsibility for making arrangements with the Park Superintendent regarding the event. A completed Park Use Application Form must be submitted to the Association at least fourteen (14) business days in advance of the planned event and is reviewed on a first-come first-served basis. Upon approval of the application, the full reservation fee will be due within seven (7) business days. Reservations are considered tentative and subject to receipt of payment. The fee is refundable if the Association is notified of a reservation cancellation at least thirty (30) days or more prior to the scheduled event date. If a reservation is cancelled by the applicant less than 30 days in advance, only fifty percent (50%) of the deposit is refundable. Reservations may also be subject to a separate memorandum of understanding entered into by the applicant and the Association where the Association deems it necessary to specify additional terms and conditions to usage of the Park as in major events that occupy a large area in the Park or last for a number of days.

Please be advised that submission of a Park Use Application constitutes the applicant's agreement to abide by these guidelines.

## **Private Events**

The Park may be used by individuals for private events such as wedding ceremonies (but not receptions), picnics, photo sessions, family gatherings and similar events upon approval of the Association. The details of such events must be described in the Park Use Application in sufficient detail for the Association to make a reasoned decision as to the propriety of the event and any restrictions or limitations to govern the requested use.

Fees for wedding ceremonies and other private events are specified in the Park Use Application. A cleaning fee is mandatory at any event where food and beverages will be served. No alcoholic beverages or glass bottles are permitted, and users must remove all trash and debris resulting from the event. Where a large amount of trash or debris is expected, the user must arrange, at its own expense, for removable garbage receptacles in form and number acceptable to the Park Superintendent.

Wedding photos do not require a fee or Park Use Application; however, it is advisable to call the Park Superintendent, Alan Peck, at 401-596-2877, ext. 334, to check on possible conflicting events.

The Park is **not** available for wedding receptions; however, certain rooms in the Library may be rented for such purpose. Use of the Library for private events requires a separate application form and additional use fees. Please contact the Outreach Coordinator, Amanda Wagner, at 401-596-2877, ext. 342, for more information.

Private use of the Park is to be conducted without interfering with or disrupting the enjoyment of the Park by others.

## **Insurance**

Organizations approved for using the Park must submit a certificate of liability insurance to the Association describing the insurance coverage acceptable to the Association and provide evidence that the Association is named as an additional insured on the policy, with the exception of smaller events such as wedding ceremonies, family gatherings and group picnics.

## **Additional Use Limitations**

Stakes and other ground penetrations are prohibited due to potential damage to the extensive irrigation system and network of underground water lines throughout the Park. Users may not erect tents, rope off areas or post any notices on Park property.

Approval of an event request does not grant the user the exclusive use of the Park. The user understands and agrees that he, she or it may not prevent the enjoyment of the Park by others.

Vehicles are allowed in the Park only by specific permission of the Park Superintendent. All vehicles are limited to driving on the reinforced sidewalks of the Park and entering from High Street. No vehicles may traverse the grass unless for unloading purposes and then only with the permission of the Park Superintendent. By permission of the Park Superintendent, horse-drawn carriages may be permitted and are generally welcome in the Park.

Events may only be scheduled during the regular business hours of the Library and Park (starting no earlier than 9 AM, and concluding no later than 8 PM), unless by permission of the Park Superintendent or otherwise specified in an agreement related to use of the Park.

Unless otherwise permitted by agreement, no admission fees may be charged, no collections taken and no donations may be accepted or solicited at any event.

## **Indemnification and General Release**

Organizations and individuals (collectively referred to in this paragraph as a “**User**”) of the Park are responsible for any damage to or destruction of Park property, and by submission of a Park Use Application, thereby agree to indemnify and hold harmless the

Association and its officers, directors, trustees, managers, employees, agents and their personal representatives, successors and assigns from any damages, liabilities, cost or expense arising from (i) any act or omission of the User or any of its officers, directors, employees, conductors, event attendees, or agents in connection with the use of the Park or breach of the Park Use Guidelines.

By submission of a Park Use Application, the User further agrees, voluntarily and knowingly, to waive, release and forever discharge the Association and its officers, directors, trustees, managers, employees, agents and their personal representatives, successors and assigns (the “**Released Parties**”) from any and all liabilities, claims, actions and damages of any nature whatsoever suffered by it in connection with any activities arising out of the use of the Park, whether caused by the act or failure to act of the Released Parties.

Approved by the Board of Trustees September 20, 2016

### Park Use Application

Westerly Library and Wilcox Park, a private non-profit organization, welcomes the use of Wilcox Park by the community. Wilcox Park is private property and its welfare is entrusted to the organization. To ensure that events do not damage the landscape, dramatically change the atmosphere of the park or discriminate against any person, an application must be submitted to and approved by the Park Superintendent.

Contact Name: \_\_\_\_\_

Name of Business/Group (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Type of Event: \_\_\_\_\_ Estimated Attendance: \_\_\_\_\_

Date of Use: \_\_\_\_\_

Will Refreshments be served? Yes  No

Set Up Time: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Park Area(s) Requested: \_\_\_\_\_

Equipment Requested (check all that apply): Chairs\*\* Tables\*\* Golf Cart\*\*

Other Equipment, or special requests:

\_\_\_\_\_

Fee Structure (check which applies):

- Event with no Park staff assistance required **\$100**
- Weekday event with Park staff assistance required (until 5:00 pm) **\$350\*\***  
(includes up to 50 chairs set-up, tables based upon availability, and/or golf cart transport services)
- Weekend or evening event with Park staff assistance required **\$500\*\***  
(evenings include after 5:00 pm on weekdays )  
(includes up to 50 chairs set-up, tables based upon availability, and/or golf cart transport services)

Additional fees apply to library room rentals. Library room rental is subject to availability, please refer to the Private Meeting Room Rental Policy and Application.

By signing below you acknowledge that you have received and read the Park Use Guidelines and agree to abide by them. You are also acknowledging you understand that you are financially responsible for loss or damage to Westerly Library and Wilcox Park property. The full reservation fee is due within seven (7) business days of application approval. All approved reservation requests are considered tentative until payment has been received.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_