



# APPLICATION FOR PERMISSION TO ENGAGE IN ACTIVITY

Application to use the Shopping Center must be submitted to the Management Office no less than two (2) weeks prior to the date(s) desired. Applications will be reviewed in the order received, and subject to availability, activities will be scheduled on a first come, first served basis. If additional information is necessary, please attach the sheet(s) to this application.

**Applicant (Organization):** \_\_\_\_\_

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

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

The undersigned hereby represents that he/she the Applicant or an officer or other authorized agent of the Applicant named herein and that he/she is over 18 years of age. The undersigned further acknowledges on behalf of him/herself or its group or organization that it has received and has read a copy of the "Policy, Rules and Regulations Governing Use of the Shopping Center" and recognizes and agrees by his/her signature hereto that the making of this Application, the issuance of Permission based upon this Application and the use of the shopping Center as so authorized are expressly conditional upon Applicant's acceptance and continuing compliance with such rules and regulation, and that such rules and regulations are expressly incorporated by reference into any permit to applicant to access a portion of the Shopping Center.

**Applicant Representative:** \_\_\_\_\_  
(Person Responsible for Running Activity) Print Name Signature

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

**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_

**Date(s) Requested:** \_\_\_\_\_

**Time:** Activity Must Be Manned During Mall Hours (Monday-Saturday 10am - 9:30pm & Sundays 11am - 6pm)

**Description of Requested Activity:** \_\_\_\_\_

**Number of Persons Present at Any One Time:** \_\_\_\_\_

**List of Items Being Used for Activity** (i.e. TV/VCR, Brochures, Props, etc.): \_\_\_\_\_  
\_\_\_\_\_

*\*NO Hand Written Signs or Helium Balloons*

**Will Electricity be Required?** (Please Select One) **Yes** **No**

# POLICY, RULES AND REGULATIONS GOVERNING THE USE OF THE SHOPPING CENTER

The Shopping Center is privately owned and has been developed to provide the general public with a modern, clean, comfortable and safe place in which to shop. The center recognizes that from time to time various individuals and groups may desire to use the Shopping Center for activities which are deemed to be of community interest or in connection with soliciting signatures to any petition directed to any governmental body of the United States, any subdivision of the United States or to any quasi-governmental body, or any department, branch, agency or division of any of the foregoing. To accommodate such individuals and groups in a manner and to an extent consistent with the efficient and profitable operation of the primary commercial purposes of the Shopping Center, the following policies, rules and regulations for the Shopping Center shall apply:

Please read the following very carefully and initial where required as acknowledgment of having read this document.

1. The Shopping Center is composed of several buildings, the enclosed mall area, the parking lots and landscaped/undeveloped land surrounding the building(s) and parking lots, which together are primarily used for the purpose of ingress, egress and display viewing and sale of merchandise. References to the Shopping Center in this document, hereinafter referred to as rules and regulations, shall refer to the total property of the Shopping Center as referenced above.

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2. The management of the Shopping Center recognizes that from time to time various individuals and groups may desire to conduct activities in the Shopping Center, which they deem to be of community interest. To accommodate such individuals and groups in a manner and to an extent consistent with the primary commercial purposes of the Shopping Center, management has designated specific areas in the Shopping Center for use as community service areas and has adopted these rules and regulations in order to reasonably regulate such use of the Shopping Center.

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3. Individuals or groups desiring to use the Shopping Center for activities which they deem to be of community interest shall make application to the on-site management office on forms to be supplied by management. Management reserves the right to deny such an application and, if granted, to determine the date(s), time(s), number of consecutive days, or days in a calendar month, that a given group or organization may occupy space at the Shopping Center. No individual or group shall use the Shopping Center for any purpose without first applying for and obtaining a permit to do so.

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4. In determining whether an application for a permit shall be granted or denied, management of Shopping Center shall consider any and all of the following: the number of individuals involved, facilities and areas available at the time requested, the nature of the planned activity, and benefit the activity might have to the primary commercial purposes of the Shopping Center, the flow of traffic through common walkways and parking areas of the Shopping Center, the intensity of the pedestrian traffic during the time period requested and the likelihood of significant interference with or harm to users of the Shopping Center or the businesses of any of the tenants or occupants therein.

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5. An application shall consist of properly completed and executed application form, which shall be, submitted no less than two weeks prior to the requested access date. Management shall review same and may request any additional information it deems necessary to evaluate the application. Within two weeks of receiving the application, or receiving any additional information, management shall notify applicant as to whether a permit will be granted or denied.

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6. All applicants shall provide and deliver to the management office at the Shopping Center, prior to issuance of a permit, an insurance certificate, at applicant's sole cost and expense, naming the mall owners, Pyramid Management Group, Holyoke Mall Company, L.P. and their agents and employees as coinsured and evidencing personal injury and property damage liability insurance against claims for personal injury, death, or property damage occurring on, in or about the Shopping Center in an amount not less than \$1 Million (\$1,000,000) Naming Holyoke Mall Company, L.P. as "Additionally Insured". Applicant further agrees to hold the Shopping Center owners, Pyramid Management Group and their agents and employees harmless against any liability, fines, claims, damages, actions, cost and expense of any kind and nature whatsoever relating to, due to or arising out of the activities of the applicant or any of its employees, agents, members, partners, associates, contractors or servants or due to or arising from or out of its use of the Shopping Center or any portion thereof.

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7. The area(s) subject to any permit shall be used only for the purpose(s) for which the permit was granted and such use shall be limited to period(s) of time and the activity specified in the permit. Any individual group or organization making use of the Shopping Center shall conduct themselves in accordance with the following rules:

- a. Applicant may not solicit patrons to their authorized area; approach patrons outside their authorized area; physically obstruct or otherwise verbally interfere with patrons or in any way restrict free movement of patrons or shoppers within or on the Shopping Center property.
- b. Applicant may not create litter or safety hazards of any kind, or throw, discard or deposit any paper, glass or other materials, except in designated receptacles.
- c. Applicant may not deface, damage or destroy any real, personal or mixed property constituting part of, or located in or on the Shopping Center.
- d. Applicant may not engage in fighting, boisterous conduct or use or encourage use of physical force, abusive or obscene language or threats towards or against any person. No nudity shall be exhibited by applicant(s). Applicant(s) may not engage in any other form of unreasonable behavior such as the making of unreasonable noise or any coarse or offensive utterance, jester or display such that it causes or is likely to cause annoyance, alarm or inconvenience to shoppers or patrons or otherwise interfere with the commercial use of the Shopping Center.
- e. Applicant or applicant's personnel may not eat or drink in the designated area.
- f. Groups advocating political change or actions by other than peaceful or lawful means shall be prohibited from access to the Shopping Center.
- g. Applicant may not solicit or advocate that shoppers, patrons or other persons boycott or not patronize the Shopping Center or any of its tenants or occupants.

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8. In the event of any violation of any of the rules and regulations or any other applicable governmental regulations, law or ordinance, the permit shall immediately be revoked and all persons, groups, organizations or others acting in concert with any or all of them shall be immediately ejected from the Shopping Center property. The permit constitutes a revocable license, confers no property rights on the applicant, and in no way shall be construed as a waiver or surrender of any property rights of the Shopping Center owners or management.

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9. Management as its sole option may elect to substitute the use of an information booth or kiosk in place of any property or furniture required to be provided by applicant. All set up and take down of table(s), signs and other accessories used by applicant shall be completed prior to Mall opening and/or after Mall closes. This should be done in a neat, clean orderly and professional manner in keeping with other Shopping Center commercial and public access facilities. Management reserves the right to direct removal of any item(s) not keeping with the professional commercial atmosphere of the Shopping Center.

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10. Applicant will confine activities to their assigned area. Such activities will not expand to the remaining space of the Shopping Center, enclosed mall, nor the entrance ways, exits, parking lots, or any other common area of the Shopping Center. The number of personnel engaged in the operation of the applicant's permitted activities shall comply with their approved application.

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11. Applicant will be allowed to post no more than two (2) signs, not to exceed two (2) feet by three (3) feet in size within their specified location stating their presence and purpose. Posters, placards and displays shall be subject to prior approval of management and any such material shall be promptly removed by persons furnishing the same at the conclusion of their activities in the Shopping Center. Signs should be professionally made. Hand written signs are not allowed.

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12. The Shopping Center will be allowed to post signs with non-controversial texts, the number, size and location to be at their discretion disclaiming any endorsement, sponsorship or support of the applicant's presence, activities, purpose and goals.

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13. At the termination of applicant's use, the designated area shall be surrendered in the same condition of cleanliness and repair as it was upon commencement of the use, broom-clean, with all trash and other materials resulting from applicant's use removed. If management incurs any expense to clean up or repair any condition resulting from applicant's use, applicant shall reimburse management for such cost upon submittal of written bill to applicant setting forth such cost.

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14. Applicant, and each representative of applicant at the Shopping Center, shall clearly identify him/herself and his/her affiliation with the group at their designated area(s) when dealing with the general public.

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15. If applicant requires any type of sound system, the Shopping Center management reserves the right to control the volume levels as it cannot interfere with normal mall activities.

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16. The management has identified specific community service areas in the Shopping Center where appropriate applicants may carry on their permitted activities. In exceptional cases, management may upon written request and the imposition of such additional special rules and regulations as are reasonably required by the circumstance, allow the use of an area of the Shopping Center other than a designated community service area, but only in such number, at such time and place, and for such period as in the managements opinion will not interfere with the commercial operation of the Shopping Center.

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17. Applicant shall comply with all laws, regulations and ordinances of any governmental body with jurisdiction over the Shopping Center, any required permits or approvals relating to its use of the Shopping Center.

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18. All persons engaged in any permitted activities shall adhere to any requests and instructions given to them during the course of their activities by the management or security personnel of the Shopping Center. Upon any violation of these rules and regulations, management or security personnel of the Shopping Center will instruct the offending person(s) to immediately leave the Shopping Center. Such person(s) will properly and promptly comply with any such instruction. Failure of any such person(s) to comply with the direction of management or security personnel shall be subject to immediate ejection and/or lawful arrest by the police force having jurisdiction over the Shopping Center property.

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19. In the event management incurs any costs as a result of a violation(s) of these rules and regulations or its application by applicant, or the enforcement of any of same against applicant is deemed necessary by management, then applicant shall be responsible and agrees to pay upon written demand, all such costs including but not limited to any legal fees.

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20. These rules and regulations apply to applicant, and to any agent or employee of applicant, any representative of applicant, and any other person(s) connected or associated with applicant that accesses the Shopping Center pursuant to the permit granted to applicant, and each reference to applicant in these rules and regulations shall be deemed to include all of the foregoing, regardless of whether any provision of the rules or regulations expressly so provides.

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21. These rules and regulations are intended to provide a uniform policy and set forth guidelines for activities within the Shopping Center. The owner reserves the right and sole discretion to modify and amend these rules from time to time, or in the alternative, to refuse any request for exception to these rules and regulations or for any special treatment requested by any person or group. Any such modification or amendment shall be effective upon notice to applicant.

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22. Nothing herein shall constitute or be deemed to constitute a dedication of any portion of the Shopping Center to public use.

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