

**2012 FEES AND RULES FOR PRIVATE GOLF CARTS
MICHIGAN CITY MUNICIPAL GOLF COURSE
Approved by the Park Board _____**

ALL FEES (Except Rider Fees) ARE PAYABLE IN FULL PRIOR TO March 1, 2012.

ELECTRIC CART	\$500.00 for 2012 Golf Season
GAS CART	\$400.00 for 2012 Golf Season
TRAIL ON CART	\$350.00 for 2012 Golf Season
RIDER FEE	Applicable 2012 Daily Golf Cart Fee or Cart Pass

I. RULES

1. Private Golf Cart storage is available for a maximum of seventeen (17) golf carts on a first come first serve basis; provided, however, that priority will be given to golf cart owners who stored golf carts during the 2011 golf season (“2011 Golf Cart Owners”). The Michigan City Parks & Recreation Department will assign Private Golf Cart locations on March 1, 2012.
2. Commencing on February 6, 2012 at 9:00 AM CST, reservations for Private Golf Cart storage must be made in person at the Michigan City Parks and Recreation Department office, Six on the Lake, Washington Park, Michigan City, IN 46360. 2009 Golf Cart Owners must make their reservations on or before 5:00 PM CST March 1, 2012 to retain their reservation priority. In the event that a 2011 Private Golf Cart Owner fails to make a reservation prior to March 1, 2012, it shall be conclusively deemed to be a rejection of the reservation priority and the storage space shall be available to the public on a first come first serve basis.
3. Private Electric and Gas Golf Cart Owners shall carry and maintain Comprehensive General Liability Insurance for the period of time that the Private Golf Cart is stored at the Michigan City Municipal Golf Course. Trail On Private Golf Carts shall carry and maintain Comprehensive General Liability Insurance for the entire 2012 Golf Season. The Comprehensive General Liability Insurance Policy shall insure the Golf Cart Owner, The City of Michigan City, Indiana and the City of Michigan City Parks and Recreation Department as their interests may appear from an insurance company licensed to do business in the State of Indiana and reasonably acceptable to the Michigan City Parks and Recreation Department. Private Golf Cart Owners shall maintain the following coverage in the following amounts: (a) In case of personal injury to or the death of any person or persons, not less than \$250,000.00 for each injury or death to a person and \$500,000.00 for each incident involving personal injury or death to persons, and, in case of property damage, not less than \$100,000.00 for any one occurrence; and (b) In case of fire, water leakage, malicious mischief, vandalism and other extended

coverage perils, for the full insurable replacement value of the Private Golf Cart. The insurance policy must contain a waiver of subrogation provision. A Private Golf Cart Owner shall, concurrently with payment of the applicable fee, furnish the Michigan City Parks & Recreation Department with a certificate of insurance evidencing such coverage, which certificates shall state that such insurance coverage may not be changed or canceled without at least ten (10) days prior written notice to Michigan City Parks & Recreation Department (“Certificate of Insurance”).

4. Stored Private Golf Carts and Trail On Carts may not be used on the golf course prior to March 1, 2012 or after November 30, 2012. A Private Golf Cart Owner must sign in at the Golf Course Pro Shop for each use prior to operating a Private Golf Cart on the Michigan City Municipal Golf Course.
5. An Electric Golf Cart Owner, at its sole cost and expense, must provide and maintain in good working order a golf cart battery and an automatic battery charger with cutoff. A Gas Cart Owner is responsible for supplying all fuel used to operate the Gas Golf Cart.
6. A Golf Cart Owner, at its sole cost and expense, shall maintain the Golf Cart in good order, appearance, condition, maintenance and repair. Michigan City Parks & Recreation Department’s employees will not make any repairs to Private Golf Carts, nor will tools be loaned out for the maintenance of Private Golf Carts.
7. Stored Private Golf Carts may be converted to a Trail On Cart at any time, provided, however, that no paid storage fees will be refunded and the storage space will then be available to the public.
8. In the event that a rider accompanies a Private Golf Cart Owner, an applicable rider fee must be paid to the Michigan City Parks and Recreation Department, provided, however, that no Rider Fee shall be due for co-owners of Private Golf Carts as evidenced by the Certificate of Insurance. If a Private Golf Cart Owner permits a rider on the Private Golf Cart without the Rider paying the applicable Rider Fee to the Michigan City Parks and Recreation Department, the privilege of storing or trailing a Private Golf Cart may be suspended at the discretion of the Michigan City Parks & Recreation Department.
9. A Private Golf Cart Owner covenants and agrees to comply with all rules and regulations enacted by the Michigan Parks and Recreation Department or the golf course managers and rangers. In the event that a Private Golf Cart Owner fails to comply with the rules and regulations or reasonable request of the golf course managers or rangers, the privilege of storing a Private Golf Cart or playing golf at the Michigan City Golf Course may be suspended at the discretion of the Michigan City Parks & Recreation Department.

10. On or before November 30, 2012, Private Golf Cart Owners shall remove their carts from the storage facility. On November 30, 2012, private trail on carts are no longer permitted to operate on the Michigan City Golf Course.

II. RELEASE AND INDEMNIFICATION

The undersigned Owner for himself or herself and for his or her heirs, personal representatives, successors and assigns and all parties claiming by, through or under any of the foregoing, (collectively, the "Releasors"), for and in consideration of the use or storage of a Private Golf Cart on the Michigan City Golf Course and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby fully release, and forever discharge the City of Michigan City, the Michigan City Parks and Recreation Department and their respective elected and appointed officials, directors, agents and employees (individually and collectively "Releasees") of and from any and all causes of action, claims, damages, losses, medical expenses and liabilities of every kind and character whatsoever for personal injury or property damage (including, without limitation, attorneys' fees and expenses) that the Releasors may have by reason of any matter, cause or thing relating to or arising out of, or in any way connected with or resulting from the undersigned's use of Owner's Private Golf Cart on the Michigan City Golf Course or the presence or storage of the Owner's Private Golf Cart at the Michigan City Golf Course (collectively the "Released Claims").

Releasors hereby release, indemnify, protect, defend and hold harmless the Releasees from and against any and all Released Claims (including, without limitation, attorneys' fees and expenses), in connection with injuries to any persons or damage to or theft or misappropriation or loss of property involving the use of the Owner's Private Golf Cart on the Michigan City Golf Course or arising from the presence or storage of Owner's Private Golf Cart at the Michigan City Golf Course, or due to any other act or omission of the Owner on the Owner's Private Golf Cart. Notwithstanding the foregoing, nothing herein shall be deemed to exempt Releasees from liability or damages for injury to persons or damage to property caused by or resulting from the gross negligence or willful misconduct of the Releasees.

Releasors hereby waive and agree not to bring, or assist in bringing, any claim, action, cause of action, or proceeding regarding or in any way related to any of the Released Claims, and further agrees that this Release is, will constitute, and may be pleaded as, a bar to any such claim, action, cause of action or proceeding. The undersigned Owner hereby represents that he or she is not suffering from any legal disability and is competent to execute and deliver this agreement.

III. PAYMENTS

- A. All payments are to be made at the following address:

MICHIGAN CITY PARKS AND RECREATION DEPARTMENT
SIX ON THE LAKE – WASHINGTON PARK
MICHIGAN CITY, IN 46360-3293

- B. Please make checks payable to:

MICHIGAN CITY PARKS AND RECREATION

- C. Failure to make a timely payment will result in the removal of your Private Golf Cart from the Michigan City Golf Course and forfeit of future consideration for Private Golf Cart storage or Trail On rights.

Owner Signature

Date

Owner Signature

Date

MICHIGAN CITY PARKS AND RECREATION DEAPRTMENT

By: _____

Date

TYPE	2008	2009	2010	2011	Proposed 2012
Electric	\$460	\$460	\$460	\$500	\$500
Gas	\$350	\$350	\$350	\$400	\$400
Trail On	\$310	\$310	\$310	\$350	\$350