

## Keene Public Library Tool Borrower Responsibility Agreement

I agree to the following terms and conditions for use of the Keene Public Library tools:

- I have read and I fully understand the attached Rules and Procedures and that failure to comply with any of the Rules and Procedures may result in revocation of borrowing privileges.
- I am capable and experienced in using all Tools and that all Tools will be used for their normal purpose and in a proper manner and that eye protection will be worn at all times Tools are in use.
- I understand and agree that I will use the tool only as directed in the included instruction manual.
- I agree to return the tool in the same working order and condition as when received, and if such equipment is damaged or lost while on loan, agree to pay all actual repair or replacement costs resulting from harm, damage, or loss.
- I understand and agree that the actual replacement cost each tool to be the current actual price of a tool in terms of quality, durability and performance, including any upgraded models if a similar model is no longer available due to changing product developments.
- In consideration of being permitted to borrow the Tools, I agree to waive any and all claims and causes of action against the Keene Public Library, the City and their officers, agents, volunteers and employees, and do hereby release the Library, the City, all project partner organizations, and all such persons from any such claims and causes of action, whether arising in contract or in tort (including for negligence) or under any statute or other law or administrative regulation, for any injury or loss of any nature that I may suffer or incur in the use of the Tools borrowed from the Keene Public Library or otherwise in connection with this Agreement, and I do hereby release all such parties from any such claims and causes of action.

In the event that I fail to pay for any repairs, replacement costs or any other charges arising under this agreement:

- I understand and agree that the City shall have the right to treat the tool as stolen property and take all necessary actions to recover it in accordance with governing law, including, but not limited to disclosing personal information contained in this record (as provided in the New Hampshire Revised Statutes Annotated [RSA] 201-D:11).
- For purposes of this Agreement, I agree that this circulation record does not constitute a "confidential library record." Further, I grant my consent for the library to disclose this agreement in accordance with RSA 201-D:11(II) and agree to waive any and all of my confidentiality rights under any Federal or State laws.

I further agree to indemnify and hold the Library Board of Trustees, the City of Keene, and their officials and employees and all Urban Ag Partners harmless from and against any and all claims arising from or relating to any use of the tool while it is checked-out under my name.

**I understand that this document contains binding legal obligations and voluntarily enter it as indicated below by my signature.**

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

PRINT Last Name \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Address \_\_\_\_\_

Library Barcode \_\_\_\_\_

KPL Approval and Date: \_\_\_\_\_

## **Keene Public Library Tools Borrowing Rules and Procedures**

1. In order to borrow Tools from the Keene Public Library (KPL), a Borrower must be 18 years of age and a Keene Public Library cardholder. During the Cheshire County Urban Agriculture Grant period, special arrangements can be made to loan to other adult users, which are residents of Cheshire County and who register with the Keene Public Library.
2. Prior to borrowing Tools, all Borrowers must sign the Borrower Responsibility Agreement Form.
3. Library staff is available to assist in explaining operation of tool, however, by taking possession of any item, the Borrower is certifying that he or she is capable of using that item in a safe and proper manner.
4. Only the Borrower is authorized to use borrowed Library Tools. The Borrower shall not permit the use of items checked out to him/her by any other person.
6. All Tools borrowed are to be returned to the Keene Public Library's Makerspace during open by their due date.
7. If a tool is returned late, the Borrower will be responsible for a late fee of \$5 per day for every day the Library is open until the tool is returned. Late fees are capped at the full replacement cost of the tool.
9. The Borrower agrees that the Library is not responsible for any manufacturing defects in quality of workmanship or materials inherent in any borrowed Tools.
10. The Borrower agrees that if any borrowed tool becomes unsafe or in a state of disrepair, he or she must immediately discontinue use of the tool and notify the Library of the issue on return, if not earlier.
11. All Tools are to be returned in the same condition as they were issued, barring normal wear and tear. All Tools must be returned clean. The Borrower agrees to pay for the loss of or damage to any item and further agrees to accept the Library's assessment of condition of items and to further agree to the Library's assessment of fair restitution for damage, dirtiness, delinquency, and/or loss of items in part or in total.
12. The Library reserves the right to refuse the loan of any item at its discretion.