TOWN OF GILFORD, NEW HAMPSHIRE

OUTDOOR SPECIAL EVENT REGULATIONS
(CHAPTER 40)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these regulations governing Outdoor Special Event activities that take place on Town-owned property, including, but not limited to highways, sidewalks, buildings, parks, parking lots, and conservation areas.

40.1 AUTHORITY

A. These regulations are adopted pursuant to the authority granted under Section 4.7.6, (i) of the Town of Gilford Zoning Ordinance which reads as follows:

4.7.6 Accessory Uses

(i) Special Events, Outdoor – An outdoor special event shall be defined as any temporary public assembly activity that takes place beyond the interior confines of a structure and where the amount of people in attendance is expected to exceed one hundred (100), not including gatherings where the general public is not invited. Outdoor special events that take place on Town-owned property shall require approval by the Board of Selectmen in accordance with written regulations adopted pursuant to RSA 41:11 and 41:11-a. Outdoor special events that take place on private property shall be subject to the Town of Gilford Site Plan Regulations.

B. In the event that activities meeting the definition of an outdoor special event have the potential for traffic related problems, public disturbances, nuisances or endangerment to public health, safety or welfare, as may be determined solely by the Town, then the Police Chief (or his/her designee) shall have the authority pursuant to the provisions of RSA 105:9 to assign police details and the applicant or sponsor of the event shall be charged for such services in accordance with the fee schedule in affect at the time.

40.2 PURPOSE

The primary purpose of these regulations is to ensure Town-owned property will be available for public use in accordance with its intended or customary purposes, thereby reducing the likelihood of unreasonable public inconveniences; and to protect, in so much as practical, residents and visitors who may be at risk from large gatherings during outdoor special events. In addition, these regulations are intended to minimize the expenditure of tax dollars on the

maintenance of public property attributable to wear, tear and possible over-use resulting from outdoor special events.

40.3 APPLICABILITY & EXEMPTIONS

A. Except as otherwise noted herein, all outdoor special events meeting the criteria defined in Section 4.7.6, (i) of the Gilford Zoning Ordinance, (as noted herein), shall be subject to these regulations.

B. These regulations do not apply to gatherings on private property, or other government property including federal, state or county lands, or bodies of water, nor do they apply to events that are sponsored, organized or funded by the Town of Gilford.

C. These regulations do not apply to indoor activities that take place in a fully contained structure not visible from outdoors, funeral processions and/or memorial services, impromptu assemblies or private events to which the general public is not invited. [NOTE: Any event that requires the purchase of tickets, suggested monetary donations or an entrance/registration fee shall not be deemed as private.]

D. These regulations do not apply to organized sporting events (such as youth soccer and baseball) that take place at the Town's ball fields and are scheduled in advance through the Parks & Recreation Department.

40.4 APPLICATION PROCEDURES

A. Sponsors of outdoor special events must submit a completed application form (as attached hereto and incorporated herein) at least sixty (60) days prior to the start of the activity. There is no charge to apply, except there shall be a one hundred dollar ($100.00) non-refundable fee for any application that is not submitted at least sixty (60) days prior to the start of the activity; however no application will be accepted or approved for an outdoor special event that is submitted fewer than fourteen (14) days prior to the start of the activity.

B. All applicants shall be required to submit a certificate of insurance with each application that identifies the Town of Gilford as the certificate holder and additional insured for the outdoor special event. The minimum amount of coverage shall be one million dollars ($1,000,000.00) per claim for general and automobile liability, provided, however, the Board of Selectmen may require up to five million dollars ($5,000,000.00) of insurance coverage, depending on their assessment of the inherent risks involved. [NOTE: The Board of Selectmen may, using their sole discretion, approve a reduction or waiver of insurance coverage limits upon request, provided that the applicant provides evidence that they are certified by the IRS as a 501(c)3 organization and the residents of Gilford are beneficiaries of the charitable organization's activities.]

C. All applications shall be subject to review and recommendation by the Town Administrator, Police Chief, Fire Chief, Director of Public Works, Parks & Recreation Director, Director of Planning & Land Use, and the Chairman of the Conservation Commission (or their designees) within thirty (30) days of receipt of a completed application as determined by the Town Administrator, prior to being presented to the Board of Selectmen. Each Town Official is

authorized to contact the applicant with requests for additional information as may be needed prior to submitting their recommendation. Applicants for events with a high risk potential (especially those with 500 participants/spectators or more) are strongly encouraged to meet with the Police Chief and Fire Chief in advance to fully understand what will be needed to meet public safety requirements.

D. The Board of Selectmen reserves the right to impose whatever conditions they deem essential to public safety and/or the protection of Town property, including, but not limited to imposing restrictions on the levels of noise, hours of operation, consumption of alcohol, requiring specific public safety measures, crowd controls, lighting, fencing, shelter, route and traffic delineations, sanitary facilities, parking and evacuation plans, and requiring a performance bond or surety deposit, etc. The Selectmen shall consider staff recommendations at the time conditions are determined; however, nothing herein is intended to obligate the Board to impose such recommendations or approve/deny a permit as recommended, nor prevent them from imposing conditions that are more or less stringent than the recommendations.

E. The Board of Selectmen reserves the right to require a public hearing as part of the process to consider approval of an outdoor special event.

F. The Board of Selectmen reserves the right to deny permission for an outdoor special event they deem as not being in the best interests of the Town, in which case such denial shall be presented in writing with an explanation of the reason(s). A denial may be issued under any of the following circumstances, although this list is not intended to be exclusive of any other valid cause for denial:

(1) Past history of general lawlessness by participants and/or organizers, especially in the event of riots, public disturbances, or illegal activity;

(2) Undue liability as demonstrated by previous patterns of personal injuries, property damage or litigation against the Town; or in the absence of such previous patterns, a general sense of unacceptable risk;

(3) Previous failure to comply with the conditions imposed by the Town;

(4) Previous neglect to make payment for public safety personnel details;

(5) The absence of signed waivers or "release of claims" that are acceptable to the Town;

(6) A shortage of necessary public safety details, especially in the event of some other event taking place within the same time frame.

40.5 STANDARD CONDITIONS

A. An event organizer known to the Town shall be available on-site at all times during the activities. That person shall have the authority to require participants to alter or modify the events under orders from the Police Chief or Fire Chief (or their designees).

B. All event signs shall comply with the applicable provisions of the Gilford Zoning Ordinance at all times.

C. All debris, trash, signs, and road markings shall be completely removed within twenty-four (24) hours of the completion of the event. Any materials that are not cleaned-up in a timely manner shall be subject to disposal by the Town at the expense of the applicants.

D. Applicants shall provide the Town with a list of any hazardous materials that are planned to be used, including copies of material safety data sheets. The use of all such hazardous materials, if approved, shall be subject to strict compliance with all applicable regulations and any special conditions imposed by the Town.

E. The sale of food or other items during an outdoor special event shall be subject to the Town's Ordinance Regulating Outdoor Vendors and Transient Sales. All applicants who will be utilizing cooking apparatus (other than warming devices or microwave ovens) must obtain approval from the Gilford Fire-Rescue Department to ensure that such devices comply with applicable fire prevention and life safety codes. Also, any open burning (other than charcoal or a gas grill) must obtain a Fire Permit from the Gilford Fire-Rescue Department as otherwise required by law.

F. The sale of raffle tickets during outdoor special events will require a permit (available at Gilford Town Hall) in accordance with the provisions of RSA 287-A.

G. Although the Board of Selectmen may regulate the possession and consumption of alcoholic beverages on Town-owned property on a case-by-case basis as they deem to be in the best interests of the Town; nothing in these regulations is intended to supersede or void the enforcement of state laws pertaining to the sale, possession and consumption of alcoholic beverages.

H. Approval of an outdoor special event consisting of showmen (per RSA 286:1), theatricals or parades (per RSA 286:2) shall constitute a special license as otherwise required by law. However, it shall be expressly understood that an applicant who receives approval for an outdoor special event under these regulations is not being issued a perpetual permit, license, contract, or any form of vested property rights as part of this process.

I. The Town of Gilford does not prohibit or regulate the charging of admission fees or the prices paid by participants or patrons for any outdoor special events.

J. The Board of Selectmen may, using its sole discretion, issue approval for up to three (3) consecutive years of outdoor special events for recurring activities; provided, however, the Selectmen reserve the right to amend the approval conditions from year-to-year as may be in the best interests of the Town.

K. The construction or erection of any new structures or electrical fixtures, including temporary items such as tents, bleachers, stages, etc., shall require a permit issued by the Department of Planning and Land Use. The use of a tent as a place of assembly must also be approved by the Gilford Fire-Rescue Department.

L. It shall be the policy of the Town to facilitate the rights and freedoms of all people to exercise their constitutional rights for freedom of speech, religion, and the press, to bear arms, assemble peaceably and petition the government for a redress of grievances. However, the Board of Selectmen will not issue approval for an outdoor special event on Town property in which the participants or attendees are allowed to engage in sexually explicit conduct or disseminate obscene material as otherwise prohibited under RSA Chapter 650, or for any activity that is contrary to the Gilford Zoning Ordinance.

40.6 REVOCATIONS

The Police Chief and Fire Chief (or their designees) are authorized to immediately revoke approval of an outdoor special event due to (a) egregious acts of unsafe behavior; (b) dire weather conditions where the likelihood of severe injury is imminent; (c) unanticipated or the sudden appearance of a hazard, emergency or catastrophe; or (d) an exorbitant number of personal injuries whereby the ability of emergency medical services personnel to safely respond is significantly compromised. Any person who fails to comply with a lawful order of a duly authorized Police or Fire employee under such circumstances may be subject to arrest.

40.7 APPEALS

All decisions made by the Board of Selectmen and any other Town Official pursuant to these regulations are final and not subject to any appeal. However, any person aggrieved by the approval, denial or conditions imposed for an outdoor special event application may petition a court of competent jurisdiction for such relief as may be deemed necessary.

IN WITNESS WHEREOF, these Outdoor Special Event Regulations are hereby adopted and approved on the 27th day of MAY, 2015 by the Gilford Board of Selectmen, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on the 27th day of MAY, 2015; to be effective immediately. ATTEST:

Gus Benavides, Chair

Richard Grenier, Vice-Chair

Dale Channing Eddy, Clerk

RECEIVED AND RECORDED UNDER SEAL OF THE TOWN, on this 28th day of May, 2015, by:

Denise M. Gonyer, Town Clerk – Tax Collector

TOWN OF GILFORD, NH
OUTDOOR SPECIAL EVENT
APPLICATION

Name of Special Event: _____

Date(s) of Special Event: _____

Time(s) of Special Event: _____

Location (list name of facility, address, street name(s), & attach a plan showing proposed traffic patterns and all event facilities):

_____

_____

NOTE: For parade routes that include state highways you must attach a NHDOT Parade Permit to be approved by the Police Chief as part of the application process.

Description of Special Event: _____

_____

_____

_____

Estimated Number of Participants: _____

Estimated Number of Spectators: _____

Estimated Number of Vendors: _____

Name of Applicant/Sponsor Organization: _____

Address: _____

Telephone: _____ Email: _____

Is the Organization a 501(c)3? [ ] yes (attach certification) [ ] no

Insurance Certificate Attached? [ ] no (waiver requested) [ ] yes

Participant Entry Form Attached [ ] no (waiver requested) [ ] yes

Will Alcoholic Beverages be Sold? [ ] yes (submit copy of license) [ ] no

Will Possession of Alcoholic Beverages be Allowed? [ ] yes [ ] no

Will Food be Sold? [ ] yes (submit copy of permits) [ ] no

Will Food be Cooked for Public Consumption? [ ] yes (submit copy of permits) [ ] no

Fuel Source/Power _____

Will Raffle Tickets be Sold? [ ] yes (submit copy of permit) [ ] no

Will Any Hazardous Substances be Used? [ ] yes (attach MSDS) [ ] no

Will Amplified Music be Used? [ ] yes (attach plan) [ ] no

Will a Public Address System be Used? [ ] yes (attach plan) [ ] no

Contracted Traffic Control Services? [ ] yes (submit contract) [ ] no

Contracted Emergency Medical Services? [ ] yes (submit contract) [ ] no

New Structures or Electrical Fixtures? [ ] yes (submit copy of permits) [ ] no

[ ] permanent [ ] temporary

[ ] List Attached with Name(s) of all On-Site Organizer(s) and Cell Phone Numbers

"I hereby acknowledge that I have read and understand the Town of Gilford Outdoor Special Events Regulations and I intend to fully comply with these rules. I realize that failure to comply may result in the revocation of my approval, in which case the outdoor special event may be canceled. Furthermore, I hereby agree to indemnify, hold harmless and release the Town of Gilford and its agents from any claims, liability, injuries and damages that may result from the approval for the outdoor special event. I certify that I am the person listed on this application form and that I agree to be held accountable hereunder for all enforcement purposes related thereto. Lastly, I promise that I will promptly inform the Town of Gilford, Office of the Selectmen of any changes to the information that I have provided in this application, should the need arise or if I discover any inadvertent errors or omissions."

_____ _____

Print Name Title

_____ _____

Signature Date

↓ FOR TOWN USE ONLY ↓

Date Received: _____ Amount Paid: _____

Date that Application is determined to be complete: _____ by_____

Department Recommendations/Approvals (written comments to be attached):

Fire Chief	[ ] YES	[ ] NO
Planning & Land Use Director	[ ] YES	[ ] NO
Police Chief	[ ] YES	[ ] NO
Public Works Director	[ ] YES	[ ] NO
Parks & Recreation Director	[ ] YES	[ ] NO
Conservation Commission	[ ] YES	[ ] NO
Town Administrator	[ ] YES	[ ] NO

Date(s) Reviewed by Board of Selectmen: _____

Final Decision of Board of Selectmen [ ] APPROVE [ ] DENY

Special Conditions: _____

_____

_____

_____

_____

_____

_____

Issue Date: _____ Expiration Date: _____

Signature of Selectman: _____

Signature of Selectman: _____

Signature of Selectman: _____