

## **Town of Tamworth**

### **Event Permit Policy and Instructions**

The Tamworth Board of Selectmen adopts this policy pursuant to NH RSA 286, RSA 31:100, RSA 41:11, and RSA 41:11-a to regulate Events (as defined below). Permits are required in advance for all such Events from Tamworth Board of Selectmen, Police Chief and/or Fire Chief as provided for in NH RSA 105:9, RSA 155:18, NH State Fire Code and National Fire Protection Association codes and standards.

#### **Purposes**

The purposes of this Policy are: to ensure the safety of the public while facilitating the public good that may result from public special events; to ensure Town-owned property is available for public use in accordance with its intended or customary purposes; to reduce the incidence of unreasonable public inconveniences; to avoid undue impacts of large gatherings on public roads; and to minimize the expenditure of tax dollars on the maintenance or repair of Town-owned property resulting from wear, tear and potential overuse resulting from special events.

#### **Events Requiring an Event Permit**

- All outdoor events requested on Town property, i.e. park, field, etc.
- All events on public streets or sidewalks or within the public highway right of way, i.e., road races, parades, assemblies, etc.
- Any circus, carnival, public dance, theatrical event, public competition, or other function or event, wherever located in the Town, that is open to the public (whether for free, for suggested donation, or with an entry fee/ticket), at which 50 or more people are expected to be in attendance, and which may alter or interrupt the flow of traffic.

#### **Events Exempt from this Policy**

- Events sponsored or held by or on behalf of the Town of Tamworth
- Moving events on State highways for which a State permit has been issued (although prior notice to the Tamworth Police Chief is still required)
- Events which are not open to the public and are located entirely on private property with sufficient off-street parking available for all attendees (although prior notice to the Tamworth Police Chief is still required for any such private event at which 25 or more people are expected to be in attendance for evaluation of whether a special detail will be required for traffic control per RSA 105:9)

#### **Conditions Applicable to All Event Permits**

- All applicants must comply with all applicable Town ordinances, codes, conditions and requirements.
- **Damage to Town Property or Public Roads.** If the event results in any damage to Town property or public roads, the applicant is responsible to remedy/repair all damage at their own expense and bring the property back to its original state.
- **Trash Removal.** All debris, trash, signs, road markings, and other materials related to the event shall be completely removed from Town-owned property and public streets within 24

hours after the event has ended or by some other time specified in the Event Permit. The applicant will be responsible for the Town's expenses in removing any such material that the applicant fails to remove.

- **Raffles.** Raffles at an event will also require a separate approval from the Board of Selectmen under RSA 287-A.
- **Liquor license.** State of New Hampshire liquor licenses are required if alcohol will be served at an Event. Licenses are administered through the New Hampshire Liquor Commission and it is the responsibility of the applicant to obtain such licenses. The Board of Selectmen reserve the right to prohibit alcohol on any Town property or public road.
- **Tents.** Applicants must contact the Tamworth Fire Chief if one or more tents will be used in connection with an Event to determine whether the type and size of tent requires inspection.
- **Electrical Power.** Applicants must provide their own source of power for their event. The Town will not provide electrical services of any sort.
- **Street Closures.** Any street closure must be approved in advance by the Board of Selectmen and the Police Chief.
- **Contact Person.** The applicant must designate a contact person who will be available during the event, and must provide a mobile telephone number at which they can be reached during the event. The contact person must have the necessary authority to require event participants to alter or modify the event as ordered by the Police Chief or Fire Chief.
- **Limitation of Liability.** The issuance of an Event Permit hereunder is not a guarantee of safety; the applicant assumes all responsibility for the event. The Town of Tamworth is not liable for accidents, damage to property or injury that may occur as a result of an Event Permit.
- **Non-transferability.** An Event Permit is non-transferrable and can only be used on the designated date(a) and time(s) as stated in the permit, by the applicant. The Event Permit must be posted on-site during the event.
- **Insurance and Security:**
  - For events taking place on Town of Tamworth property or public roads, the Applicant must provide to the Board of Selectmen a certificate of insurance covering the event and associated activities naming the Town of Tamworth as an additional insured in the amount of \$1,000,000 per claim/\$2,000,000 aggregate (unless the Selectmen determine the particular event warrants a higher amount).
  - Applicants are encouraged to obtain specific event insurance.
  - A security bond or safety deposit may be required at the discretion of the Board of Selectmen, depending upon the size, nature and location of the event. The Town Administrator will inform the applicant if it is required.
- **Noise.** Each outdoor event with anticipated amplification of sound would start no sooner than 10:00 AM on each day of the outdoor event and cease by 12:00 AM (midnight)

#### **Permit Fees**

- \$25.00 for individual events
- \$100.00 for event venues/year (however, a separate application and checklist must be completed and submitted for each specific event date if any changes from the original submitted application)

#### **Additional Charges for Town of Tamworth Services (RSA 286:4-a)**

- Depending upon attendance and the specific requirements of an event, the Town may require that Tamworth personnel including but not limited to Police, Fire or Public Works be present and working at the event. There may also be a need for street sweeping services, road blockades, etc. The costs of all Tamworth personnel and services that are required before, during and after the day(s) of the event may be charged back to the applicant.
  - Before the issuance of any Event Permit, the Town shall determine which personnel and services will be necessary to ensure the safety of the participants, general public, and Town property and public roads.
  - The estimated costs will be provided to the applicant in writing and must be paid by the applicant to the Town **prior to the issuance of any such Event Permit**. If actual costs are greater than the estimate, the applicant will be billed after the completion of the event. If actual costs are less than the estimate that was pre-paid, the applicant will be refunded the difference.

#### **Application Process**

- No advertisement of any event requiring an Event Permit under this policy shall occur before an Event Permit has been issued.
- **When to apply:** Applications must be submitted to the Tamworth Town Administrator 60-90 days before the intended event date. A decision will be rendered at least 30 days before the intended event date.
- **Filing the Application:** Application forms are available at the Town Office. Applicants must submit 5 copies of the application and checklist. An application will not be considered "filed" until all of the information required on the application form and checklist have been submitted. The Board of Selectmen will not review applications until they are complete.
- **Large/Multi-location Events:** If the event will be very large and/or if it will involve multiple locations, the applicant must designate one or more individuals to coordinate the event with the Police and Fire Departments. Applicants must contact and meet with the Police Chief and Fire Chief (or the person designated by those two officials to meet with applicants) **prior to filing their application**.
- The Board of Selectmen, Police Chief, Fire Chief, Road Agent or other Town officials may request additional information as they deem necessary to evaluate the application.
- Event Permits may include additional specific conditions at the Town's discretion as it determines are appropriate for the facts and circumstances surrounding the planned event.
- If the application is approved, the applicant will be notified of the decision, any additional conditions, and any other requirements to be met.
- If the application is denied, the applicant will be given a written decision with an explanation of the reason(s) for the denial.

### **Standards and Factors by which Applications Are Considered**

The Board of Selectmen reserves the right to deny an application for an Event Permit if the Board determines the event will not be in the best interests of the Town. In evaluating applications, the Board will be guided by the following standards and considerations. This list is not intended to be exhaustive, and the Board may consider other relevant facts that apply.

- Whether the health and safety of the public would be compromised
- Whether any inconvenience the general public may suffer is outweighed by the potential benefit of the event to the community as a whole
- Whether the event would have an undue impact upon traffic, the integrity of one or more public roads, and/or the safety of the traveling public
- Whether the proposed event would impose a financial burden upon the Town great enough to make it not practical to hold the proposed event at the time or in the manner proposed
- Whether the Town has sufficient personnel and availability to provide the necessary public safety details, particularly if more than one event is scheduled for the same time frame
- Whether the applicant appears capable of executing the planned event and meeting all safety and other requirements
- Other considerations regarding the applicant, participants and/or organizers:
  - Past history of general lawlessness, particularly in the event of public disturbances or illegal activity;
  - Undue risk of liability from such activities as demonstrated by previous patterns of injury, damage, or litigation against the Town, or other specific unacceptable risk;
  - Previous failure to comply with the requirements of an Event Permit;
  - Previous failure to pay reasonable expenses of public safety details, or failure to pay any expenses imposed as a condition of an Event Permit;
  - Refusal to sign waivers or limitations of liability as required by the Town.

### **Violations, Suspensions and Revocation of Event Permits**

- The Board of Selectmen, Police Chief, and/or Fire Chief (or their designees) are authorized to immediately revoke an Event Permit at any time due to (a) egregious acts of unsafe behavior, (b) weather conditions creating an imminent likelihood of severe injury, (c) a sudden or unanticipated hazard, emergency or catastrophe or other occurrence indicating a threat to the safety of participants and/or the public, (d) failure of the applicant to comply with the terms of the Event Permit.
- The Board of Selectmen may revoke an Event Permit at any time in the event of any public health emergency.
- The Board of Selectmen may suspend or revoke an Event Permit before the event begins if the applicant fails to pay any fees or charges that are required to be paid before the event, or fails to provide the required insurance certificates, or if the applicant fails to take any other action or provide any other information that is required before the event as a part of the Event Permit.
- The applicant will be responsible for and will be charged for the Town's reasonable expenses to replace or repair property that is damaged or destroyed as a result of the event and any other

expenses incurred by the Town as a result of the violation of any of the terms of this policy or of the Event Permit.

- Violations of this policy will be a warning letter for the first violation with an Event application to be completed and submitted. A second violation will carry a fine of \$100.00 to be paid to the Town of Tamworth.
- Further violations of this policy and of Event Permits can carry criminal penalties under RSA 286:5, RSA 105:9 and RSA 41:11-b and will be prosecuted.
- An applicant who has previously violated any provision of this policy or of an Event Permit may be denied future Event Permits.

Approved by the Tamworth Board of Selectmen - June 17, 2021

  
Rebecca Mason – Chairman

  
Melanie Streater

  
Kelly Goodson

  
Aaron Ricker

  
Emery Roberts

