

Town of Ossipee

Temporary Outdoor Event Ordinance

Section 1.0. - Purpose

1.01 Health, Safety and Welfare. The Town has a legitimate interest in protecting the public health, safety and welfare which may be at risk from open-air meetings and outdoor events which may be held from time to time in the Town. Open air meetings and outdoor events must provide for orderly and safe use of public streets and provide adequate parking and sanitary facilities for use by those members of the public who desire to attend such an event.

1.02 Limitations. This ordinance is not to be construed as a substitute for compliance with other Town regulations, such as zoning and site plan review. Rather, this ordinance is designed to provide a set of standards for primarily non-profit entities to offer entertainment and/or fund-raising activities on a limited basis.

As a general rule, an applicant will be allowed one license per calendar year, and the event shall not exceed three (3) days in duration. However, the Selectmen may, for good cause and minimal or no disturbance to the event's neighborhood, grant additional licenses and extend the duration of each license. Factors to be considered by the selectmen in determining whether good cause exists to sanction additional event dates include, but are not limited to (i) history of the event (e.g. whether an applicant has had multiple calendar year events sanctioned in the past), and (ii) the size of the event (e.g. multiple smaller events may have less of an adverse impact on a neighborhood than one large event).

For-profit concerns desiring to offer a special event on-site more than once in a calendar year shall do so only in accordance with a site plan approved by the planning board.

1.03 Competing Interests. The Board of Selectmen acknowledge the desire of an applicant to hold a special event may be incompatible with the peace and enjoyment of neighbors and the public in general. However, the New Hampshire legislature, by enacting certain statutes as referenced in Section 7.0 of this ordinance, recognizes that moderation in conducting our day-to-day affairs is appropriately interrupted on occasion to allow for special events. Such events, although maybe the cause of a temporary inconvenience to some, are also part of the fabric of a vibrant and diverse society. This ordinance seeks to strike a balance to allow for such events to occur, while moderating any inconvenience to those who are affected by the event.

Section 2.0 Procedure for Obtaining a License

2.01 Application Requirements: Any applicant desiring to conduct an outdoor event shall, at least 45 days prior to the commencement of such event¹, apply to the

¹ See also Section 2.07.

Ossipee Board of Selectmen for a license. The applicant shall complete an application which shall include, at a minimum, the following information:

(a) **Identity of Applicant.** Name, address and principal business/purpose of applicant. If the applicant is an entity other than a natural person, the applicant shall identify each such person authorized by the applicant to submit the application on its behalf. The applicant shall also identify each person who will be present at the outdoor event representing the applicant.

(b) **Date(s).** The proposed date of the outdoor event including each day on which the proposed event is scheduled to occur.

(c) **Timing.** The times of day on which the proposed event will occur.

(d) **Description.** A description of the event including the acts and performers who are scheduled for the event.

(e) **Location.** The location of the event within the Town. If the property on which the outdoor event is scheduled to be located is not owned by the applicant, the applicant shall provide the Board of Selectmen with a copy of the agreement between the owner of such property and the applicant authorizing the applicant to use such property for conducting the event. The requirement set forth in the preceding sentence is not required for parades or processions conducted upon Town-owned property.

(f) **Other Information.** Such other information particular to the outdoor event, including admission charges, anticipated attendance, availability of food and beverages, and sale or consumption of alcoholic beverages.

(g) **Safety Plans.** Plans addressing event security, fire prevention, traffic, ambulance and medical services, sanitary facilities, crowd control, and ticket sales. Such plans are necessary for the Board of Selectmen to determine what reasonable measures need to be taken by the Town in order to protect the health, safety and welfare of the public. Each such plan shall be in writing, and be included in the application. Each such plan shall meet the requirements as set forth in Section 2.04 of this ordinance. Should the applicant believe any such plan is not required for the event, the applicant shall state in writing the specific reasons why the plan is not required. The Board of Selectmen may waive the requirement for one or more of the plans based upon the reasons submitted to the Board of Selectmen by the applicant.

(h) **Insurance.** General liability insurance listing the Town of Ossipee as an additional named insured may be required when the event is held on public property. The amount of such insurance, when required, shall be in the amount of \$1,000,000 per claim, \$2,000,000 general aggregate.

(i) **Town of Ossipee as Applicant.** The Town is not required to comply with the terms of this Ordinance when holding an event. However, when the

Town plans to hold an outdoor event on public or private property, it shall provide as much public notice as is reasonable under the circumstances to allow residents to voice concerns during the public input section of a selectmen's meeting in advance of the event.

- 2.02 Review of Application. Upon receipt of the application, the Board of Selectmen will determine whether the application is complete. The Board of Selectmen shall make such determination as soon as practical, but in no event more than twenty (20) business days after receipt. If the application is not complete, the Board of Selectmen shall notify the applicant in writing that the application is incomplete and identify the additional information required. Upon determination that the application is complete, the Board of Selectmen will set the matter for consideration at the next regular meeting of the Board of Selectmen. The Board will generally seek input from other Town Departments as part of its application review process. The Board shall approve the completed application if it determines (i) the plans submitted under Section 2.04 provide sufficient detail for the selectmen to determine sufficient safeguards for the event will be in place, (ii) the public health, safety and welfare will not be endangered by the event, (iii) the event is otherwise in compliance with the requirements of this Ordinance (including but not limited to Sections 2.05 and 2.06), and the appropriate license fee has been paid in accordance with section 2.03.
- 2.03 Issuance of License: The license shall be limited to use by the applicant for the date(s), time(s), and location of the outdoor event identified in the application. The license shall be issued to the applicant named in the application and is not transferrable. The license shall specify the date(s), time(s) and location(s) of the event, and shall be posted in a prominent place during the entire event. The license shall become effective upon payment of the fee (if determined necessary) by the Board of Selectmen. The license fee shall be **not more than \$300** for each day such licensee shall perform or exhibit, or such parade, procession or open-air public meeting shall take place. Pursuant to RSA 286:4-a, the Board of Selectmen shall determine whether the fee for the license prescribed herein will, for each event licensed hereunder, be adequate to reimburse the Town for the extra expense in protecting the health and safety of the public which can reasonably be attributed to the event to be licensed. When the license fee is found to be inadequate, then before issuance of the license, the applicant shall agree in writing to reimburse the Town for the amount of such expenses in excess of the license fee and shall furnish a bond for the payment of such amount (if required by the Selectmen) in a form acceptable to the Selectmen.
- 2.04 Plans Required for the Application: As set forth in section 2.01 (g) of this ordinance, the applicant shall submit certain plans with the application to ensure protection of the public health and safety reasonably attributed to the outdoor event. The detail of each plan is as follows:

- (a) A security plan, developed by the applicant, shall provide for a number of sufficiently trained security officers in an amount sufficient to control the crowd at the outdoor event and ensure compliance with all applicable laws and regulations.

(b) A fire emergency plan, developed by the applicant, shall provide details regarding fire prevention and accessibility of fire equipment to the outdoor event.

(c) A traffic control plan, developed by the applicant, shall include an estimate of the number of vehicles, the size and location of parking areas, mechanisms and strategies designed to (i) prevent damage to private property and (ii) avoid a public nuisance, and to control traffic flow. Such mechanisms and strategies may include temporary signage and use of police officers to direct traffic entering and exiting the outdoor event.

(d) An ambulance and medical service plan, developed by the applicant, shall provide detail with regard to the need of available ambulance and/or medical services at the outdoor event. Such plan shall also be forwarded to any ambulance service contracted to serve the Town.

(e) Sanitary facilities plan developed by the applicant and approved in writing by the Health Officer of the Town. The sanitary facilities plan shall include a number of toilet facilities or portable toilet facilities sufficient for the crowd estimated to attend the outdoor event², a number of trash collection receptacles sufficient for the outdoor event, and the commitment to remove all trash from the location of the outdoor event and public streets leading to the outdoor event, as required during the activity and a final cleaning within twenty-four (24) hours after completion of the event.

(f) If a fee for admission will be charged, a ticket distribution plan developed by the applicant. The ticket distribution plan shall include the maximum number of tickets to be printed.

2.05 General Guidelines. The event shall be compatible with the peace and enjoyment of properties in the vicinity of the event. Adequate provisions shall be made to assure the security of adjacent and neighborhood properties from trespass, vandalism, excessive noise, light or other adverse conditions which may potentially result from the event. Substantial opposition posed by neighbors who own and/or occupy property in the vicinity of the event, or legitimate complaints stemming from a similar event, may be grounds for denial of the application.

2.06 Noise Guidelines. Each outdoor event with anticipated amplification of sound shall require that such amplification commence no earlier than 10:00 AM on each day of the outdoor event and cease by 11:00 PM.

2.07 Waivers. Upon written request by the applicant, and after due deliberations, the Board of Selectmen may waive the 45-day time period for the application set forth in section 2.01.

² The number of portable toilet facilities shall be in accordance with the Special Event Chart available at <http://psai.org/wp-content/uploads/2014/07/PSAI-Extended-Chart.pdf> or which may be included with this Ordinance as Attachment A.

- 2.08 Non-Applicability of Ordinance. The provisions of this ordinance shall not apply to the Town or its departments, or any public school district located within the Town.
- 2.09 Forms. The Board of Selectmen shall adopt forms for use by applicants in making application for issuance of a license. Such forms shall be adopted at a regular meeting of the Board of Selectmen before or after the effective date of this ordinance.

Section 3.0. Compliance with Other Laws

- 3.01 Procedures. The procedure set forth in this ordinance shall govern all requests for a license pursuant to RSA Chapter 286. When issued, an applicant shall comply with all other regulations and ordinances of the Town as well as other applicable state and federal laws, rules and regulations.
- 3.02 Zoning. An event licensed for non-profit or charitable purposes under this ordinance is not required to comply with the specific uses allowed within the locus zoning district.

Section 4.0. Violation of Ordinance

- 4.01 Penalties. Any person in violation of this ordinance shall be subject to all applicable penalties including the penalties set forth in RSA 286:5.

Section 5.0. - Definitions

- 5.01 Event. A temporary outdoor function lasting for a limited time that is open to the general public. An event includes functions which take place on public or private property.
- 5.02 Town. The Town of Ossipee.

Section 6.0. Severability

- 6.01 In the event that a portion of this ordinance is found to be invalid, such finding shall not render the remaining portions of the ordinance invalid. In such event, the remaining portions of this ordinance shall remain in full force and effect.

Section 7.0. - Authority (Statutes current as of July 2016)

- 7.01 “No showman, tumbler, rope dancer, ventriloquist or other person shall, for pay, exhibit any feats of agility, horsemanship, sleight of hand, rope dancing or feats with cards, or any animals, wax figures, puppets or other show, or promote any public competition, without a license from the selectmen of the town.” (Source: RSA 286:1)
- 7.02 “No theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public street or way, and no open-air public meeting

upon any ground abutting thereon, shall be permitted, unless a special license therefor shall be obtained from the selectmen of the town ...” (Source: RSA 286:2)

- 7.03 “Every such special license shall be in writing, and shall specify the day and hour of the permit to perform or exhibit, or of such parade, procession or open-air public meeting. Every licensee shall pay in advance for such license, for the use of the city or town, a sum not more than \$300 for each day such licensee shall perform or exhibit, or such parade, procession or open-air public meeting shall take place; but the fee for a license to exhibit in any hall shall not exceed \$50.” (Source: RSA 286:4)
- 7.04 “The selectmen of any town ... shall determine whether the fee for the license prescribed herein will for each event licensed hereunder be adequate to reimburse the town or city for the extra expense in protecting the health and safety of the public which can reasonably be attributed to the event to be licensed. When the license fee is found to be inadequate, the promoter of the event shall agree to put in writing to reimburse the town for the amount of such expense in excess of the license fee and shall furnish a bond for the payment of such amount in a form acceptable to the licensing committee or selectmen.” (Source: 286:4-a)
- 7.05 “Whoever violates the provisions of RSA 286:1-4 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. It shall be the duty of the selectmen to prosecute for every violation of this chapter.” (Source: RSA 286:5)
- 7.06 The Town of Ossipee may enact ordinances regulating noise in the Town of Ossipee. (Source: RSA 31:39, I (n))
- 7.07 “The chief of police shall have the authority to assign police details to attend any public meetings or functions which he determines may potentially: (a) Involve traffic-related problems; or (b) Lead to a public disturbance or public nuisance; or (c) Endanger public health, safety or welfare.” In addition, “The applicant or sponsor of any public meeting or function may be charged for the services of any police officers that may be detailed or assigned to that meeting or function, unless charges authorized by this section for the services of a police officer are waived by the chief of police when in his judgment such authorization does not conflict with an existing local ordinance or policy.” (Source: RSA 105:9, III & III-a)

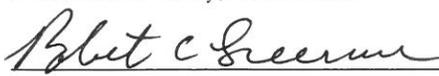
Section 8. Effective Date

- 8.01 This ordinance effective 9/26/2016 on the affirmative vote of the Board of Selectmen, at a public meeting, of the Town of Ossipee. This ordinance shall apply to all outdoor events scheduled to occur not more than sixty (60) days after this date.

Adopted by vote of the Board of Selectmen on this 26th day of SEPTEMBER, 2016


Franklin R. Riley, Chairman


Richard H. Morgan, Selectman


Robert C. Freeman, Selectman

Approved ___ Denied ___

Date:

Temporary Outdoor Event Application

Name of Applicant or Program: _____

Agent (if different from above): _____

Mailing Address: _____

Town/City: _____ State: _____ Zip: _____

Principal Business of Applicant: _____

Telephone Number: (_____) _____

Date(s) of Event(s): _____

Time(s) of Event(s): _____

Description of Event: _____

Location: _____ Map: _____ Lot: _____

Admission Fee (if any): _____ Anticipated Attendance: _____

Availability of Food and Beverages: _____

Sale of Alcoholic Beverages: Yes ___ No ___ Consumption of Alcoholic Beverages: Yes ___ No ___

Plans **required** to be submitted with this application (see Outdoor Event Ordinance):

- Security Plan
- Fire Plan
- Traffic Control Plan
- Ambulance & Medical Services Plan
- Sanitary Facilities Plan
- Ticket Distribution Plan
- Certificate of Insurance (\$1,000,000 per claim, \$2,000,000 general aggregate with Town of Ossipee listed as additional insured)

I hereby acknowledge that this event will be held in accordance with the provisions of the Outdoor Event Ordinance and any additional conditions or provisions as imposed by the Board of Selectmen and all local and state regulations. Further, I hereby acknowledge that the policy of the Board of Selectmen is that no advertisement of an event shall occur prior to Board of Selectmen approval.

Applicant Signature

Date

Temporary Outdoor Event License Request Form

To: Department Heads
From: Board of Selectmen
Date: _____

Name/Group Submitting Request: _____

Date(s) of Event(s): _____

Department	Reviewed	Comments
Police	_____	_____ _____
Fire	_____	_____ _____
Emergency Services	_____	_____ _____
Public Works	_____	_____ _____
Building Official	_____	_____ _____
Health Officer	_____	_____ _____
Recreation Director	_____	_____ _____

Please initial your response, provide comments as necessary, and when completed, return promptly to the Town Administrator.