



# Town of Ossipee, New Hampshire

## OUTDOOR EVENT ORDINANCE

FINAL 12/18/95

### 1.0 AUTHORITY AND PURPOSE

- 1.1 Pursuant to RSA 286:1, no showman or other person shall, for pay, exhibit any shows or promote any public competition without a special license from the Ossipee Board of Selectmen.
- 1.2 Pursuant to RSA 286:2, 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 therefore shall first be obtained from the Selectmen of the town.
- 1.3 Pursuant to RSA 31:39 1 (n), the town may enact ordinances relating to noise in the Town of Ossipee.
- 1.4 Pursuant to RSA 105:9, the Chief of Police for the Town of Ossipee has the authority to assign police details "to attend any public meetings or functions which (the Police Chief) 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 and assess the sponsor with the cost of such police details.
- 1.5 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.
- 1.6 Upon adoption of this ordinance, the Town shall adopt a uniform procedure for persons interested in obtaining a license pursuant to RSA 286:1 or RSA 286:2 so that the Town of Ossipee can protect the public health and safety and the Board of Selectmen can determine the amount of expenses needed, if any, in protecting the health and welfare of the public which are reasonably attributed to the outdoor event being licensed.

### 2.0 PROCEDURE FOR ISSUING A LICENSE

- 2.1 Application process-Any person desiring to conduct an outdoor event subject to the provisions of RSA 286:1 or RSA 286:2 shall apply to the Ossipee Board of Selectmen for a license to conduct such event at least 60 days prior to the commencement of such event. The Applicant shall complete the application which shall include the following information:
  - 2.1.1 Name, address and principal business of the applicant. If the applicant is an entity other than a natural person, the applicant shall identify the natural person responsible for the applicant. The applicant shall also identify the persons who will be present at the outdoor event on behalf of the applicant.
  - 2.1.2 The proposed date of the outdoor event including each day on which the proposed outdoor event is scheduled to occur.
  - 2.1.3 The times of day on which the proposed event will occur.
  - 2.1.4 A description of the outdoor event including the participants who are scheduled for the outdoor event.
  - 2.1.5 The location of the outdoor 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 which permits the applicant to use such property for conducting the outdoor event. The requirement set forth in the preceding sentence is not required for parades or processions conducted upon public streets.

- 2.1.6 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.
- 2.1.7 These plans should include plans for security, fire, traffic, ambulance and medical services, sanitary facilities, crowd control, and ticket sales. Such plans are necessary for the Board of Selectmen and the emergency services advisory committee to determine the appropriate measure to be taken by the town in order to protect the health and safety of the public, which is reasonable, attributed to the outdoor event. Each such plan shall be in writing, and be included in the application. The details of each such plan shall be set forth in section 2.03 of this ordinance. Should the applicant believe any such plan is not required for the outdoor event, the applicant shall state the specific reasons the plan is not required. The Board of Selectmen may waive such requirement based upon the reasons submitted to the Board of Selectmen by the applicant.
- 2.1.8 General liability insurance listing the Town of Ossipee as an additional named insured shall be required when the event is held on public property. The amount of such insurance will be determined by the Board of Selectmen and be reasonable in amount.

Upon receipt of the application, the Board of Selectmen will determine whether the application is complete. The Board of Selectmen shall make such determination within ten (10) 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 may consult with other departments within the Town in reviewing the license application. The Board shall approve the completed application when they have determined the public health and safety are not endangered by the outdoor event and the appropriate license fee has been paid in accordance with section 2.02 hereof.

## 2.2 Issuance of License

The license shall be limited to use by the applicant for the day(s), time(s), and location of the outdoor event identified in the application. The license shall be issued to the applicant and shall not be transferable. The license shall become effective upon payment of the fee as determined by the Board of Selectmen. Subject to RSA 286:4 such license fee shall be the sum of ten dollars (\$10.00). Pursuant to RSA 286:4-a, the Board of Selectmen shall also determine whether such fee is adequate to reimburse the town for the extra expenses in protecting the health and safety of the public which is reasonably attributed to the outdoor event to be licensed. If the fee is found to be inadequate, the applicant shall agree in writing, to reimburse the town for such expenses in excess of ten dollars (\$10.00) for each day of the outdoor event and can be required, at the discretion of the Board of Selectmen, to provide a bond for payment of such amount in a form acceptable to the Board.

## 2.3 Plans required for the Application

As set forth in section 2.01.07 of the ordinance, the applicant shall submit certain plans with the application to ensure protection of the public health and safety reasonable attributed to the outdoor event. The detail of each plan is as follows:

- 2.3.1 A security plan developed by the applicant and approved in writing by the Chief of Police for the town. The security plan 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.
- 2.3.2 A fire plan developed by the applicant and approved in writing by the Precinct Fire Chief. The fire plan shall provide details regarding fire prevention and accessibility of fire equipment to the outdoor event.
- 2.3.3 A traffic control plan developed by the applicant. This plan shall include an estimate of the number of vehicles, the size and location of parking areas, mechanisms designed to prevent damage to private property, and to control traffic flow. Such mechanisms may include temporary signage and use of police officers to direct traffic entering and exiting the outdoor event.

- 2.3.4 An ambulance and medical service plan developed by the applicant, and approved by the Emergency Services Advisory Committee. The ambulance and medical service plan 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.
- 2.3.5 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 event, 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 outdoor event.
- 2.3.6 A ticket distribution plan developed by the applicant. The ticket distribution plan shall include the maximum number of tickets to be printed. Admission will be by ticket only.
- 2.4 Noise Guidelines  
Each outdoor event which anticipated amplification of sound shall require that such amplification commence no earlier than 10:00am (local time) on each day of the outdoor event and cease by 11:59pm (local time), as per the Zoning Ordinance.
- 2.5 Waivers  
Upon written request by the applicant, and after due deliberation, the Board of Selectmen may waive the time period for application set forth in section 2.01.
- 2.6 Non-Applicability of Ordinance  
The provisions of this ordinance shall not apply to the Town, its school district, or other departments acting in their governmental capacity.
- 2.7 Forms  
The Board of Selectmen shall adopt forms for use by applicants in making application for a permit and for issuance of a license. Such forms shall be adopted at a regular meeting of the Board of Selectmen after the effective date of this ordinance.
- 3.0 Compliance with Other Laws  
The procedures set forth in the ordinance shall govern all requests for a license pursuant to RSA 286. When issued, an applicant shall comply with all other regulations and ordinances of the Town of Ossipee as well as all other applicable state and federal laws, rules and regulations.
- 4.0 Penalties  
Any person in violation of this ordinance shall be subject to all applicable penalties including the penalties set forth in RSA 286:5.
- 5.0 Severability  
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.
- 6.0 Effective Date  
This ordinance effective on January 22, 1996 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 more than sixty (60) days after this date.