TOWN OF SWANZEY

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SPECIAL EVENTS POLICY

As Approved August 30, 2023

SECTION I PURPOSE:

The purpose of this Policy is to establish guidelines and procedures for the issuance of licenses or permits for large meetings, shows, competitions, events and functions by the Swanzey Board of Selectmen.

The Town of Swanzey has a legitimate interest in protecting the public health, safety and welfare of its citizens and visitors, who may be at risk from such gatherings which may be held from time to time in the community. Such gatherings must provide for orderly and safe use of public streets, life safety preparedness, and adequate parking and sanitary facilities for use by those members of the public who desire to attend.

SECTION II AUTHORITY:

The Swanzey Board of Selectmen is granted authority under RSA 286 to require the issuance of special licenses for various types of events before such events are permitted to take place within the community. Further, the Swanzey Police Chief is granted authority under RSA 105:9 to require police details for such events determined by the Chief to 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. Lastly, the Swanzey Fire Chief is granted authority under various New Hampshire statutes, the State Fire Code and applicable National Fire Protection Association (NFPA) codes and standards to regulate outdoor events, carnivals and fairs, and indoor public assemblies.

Specific statutes, which may be amended from time to time by the New Hampshire Legislature, are noted in ADDENDUM 1.

SECTION III DEFINITIONS:

A. A "Special Event" is a meeting, show, competition, event or other function as defined under RSA 286:1, 286:2 or 105:9, whether held indoors or outdoors, that is held on public or private property or streets that can reasonably be expected to cause a public gathering that is not part of the normal course of business at the location. No licensed special event shall be permitted to take place on a property more than two times in any one calendar year, though such special event may be licensed for multiple days. Special Events shall not include: 1) private family events such as weddings, funerals, graduation parties, etc., on

property owned by the family; 2) periodic fundraising events for religious or other charitable organizations that are located in Swanzey when the entirety of the event takes place at the facility of that organization; or 3) the annual week-long Cheshire Fair held at the Cheshire Fairgrounds. To qualify as a Special Event, the event must not be permissible or permit-able by any other committee, commission, board or officer of the Town of Swanzey under applicable Town ordinances, policies or by-laws.

B. A "Community Event" is a special event sponsored in whole or in part by the Town of Swanzey.
C. An “Outdoor concert or performing arts series” is defined as 3 or more concerts or performances held on a public or private property within a calendar year. Outdoor concert or performing art series may be permitted in accordance with Section VII.
D. A “Commercial Fireworks Display” is defined as a special event where any individual, business, or organization commercially discharges, shoots, explodes, or displays 1.3G Fireworks (Display Fireworks). A commercial fireworks display may be permitted in accordance with Section VIII.

SECTION IV LICENSING REQUIREMENT:

All Special Events within the Town of Swanzey require a license or permit from the Swanzey Board of Selectmen. All applications for Special Events in the town of Swanzey shall be reviewed by Town staff as appointed by the Town Administrator, which should include the Police Chief, the Fire Chief, the Director of Planning and Community Development, the Director of Public Works, the Permit Coordinator and, when applicable, the Code Enforcement Officer, Health Officer and Town Administrator. Review staff will normally meet monthly, except as provided below.

SECTION V APPLICATION PROCEDURE:

A. All requests for a license or permit for a Special Event shall be submitted in writing on an application form approved by the Board of Selectmen, which may be revised from time to time. Such application form will provide requirements and guidelines for the following types of Special Event plans:
    1. Site Plan
    2. Security/Crowd Control Plan
    3. Traffic Control/Parking Plan
    4. Fire Emergency Plan
    5. Ambulance/Medical Service Plan
    6. Ticket Distribution Plan
    7. Sanitary Facilities Plan
    8. Food Service Plan

B. Application requirements for Special Events shall be based on the estimated number of individuals attending the event as follows:

    INDOOR EVENTS
    Application fee for a license to exhibit in any hall shall be $50.00 per day.

OUTDOOR EVENTS

Event Category	Estimated Participants Per Day	Maximum Review Period	Application Fee/day (non-refundable)	Public Hearing Required?	Public Hearing Notice Fee
1	1 - 99	30 days	$20.00	No	No
2	100 - 999	45 days	$50.00	No	No
3	1000 - 2999	60 days	$100.00	No	No
4	3000 +	90 days	$300.00	Yes	$30.00

C. Upon receipt by the Permit Coordinator of a completed application and required application fee, applications shall be distributed to Special Events review staff within seven (7) days.

D. For any Special Event application with an estimated attendance of less than 100 persons, any one member of the review staff can request that a meeting of the review staff be held, either with or without the applicant present.

E. For any Special Event application with an estimated attendance of 100 or more persons, a meeting of the review staff will be held unless all review staff members agree that such a meeting would be unnecessary.

F. Upon request, a permit may be granted for Special Events to be held over a period of more than one year, but not to exceed ten (10) years. Any such permit will be subject to the restrictions and limits established in this section, including the fee schedule in paragraph b. If the Board of Selectmen determines, in its discretion, that granting the permit for the period requested is not in the best interests of the town, it may grant the permit for a shorter period. Any violation of any of the restrictions or limits established in this section, or any non-performance or non-completion of approved exceptions or conditions, may be cause for permit revocation at any time before or during the period for which the permit is granted.

SECTION VI GUIDELINES FOR REVIEW:

A. Review staff shall act on all applications for Special Events in accordance with Sections II through IV to ensure compliance with all state laws, Town ordinances and specific requirements deemed necessary by review staff to ensure adequate public safety at public events.

B. Staff review of Special Events shall take place within the maximum time frame indicated in Section V. Review staff may waive certain requirements when it is determined to be in the best interest of the Town of Swanzey. Review staff may act to review applications sooner than the maximum time allotted provided the application and any written plans provide adequate detail of the event.

C. Review staff reserves the right to hold subsequent meetings or public hearings, or extend the application process, if the review staff deems that the information provided in the application and/or written plan is not adequate.

D. The Event Permit application and written plans required for Category 4 events (those exceeding three thousand (3000) participants per day) shall be presented in person to the review staff by the property owner where the event shall take place and the applicant.

Review staff may recommend certain restrictions, exceptions and conditions prior to the application being considered by the Board of Selectman.

E. Prior to issuance of a license for a Category 4 event, a public hearing shall be held at a meeting of the Board of Selectmen, notice of which shall take place at least 10 calendar days before the hearing by posting in Town Hall, on the Town web site and in the Keene Sentinel. If determined to be necessary by the Board of Selectmen or Chief of Police, a public hearing may be held for any category of application in order to identify neighborhood concerns. Costs to publish and distribute required notices of the public hearing shall be borne solely by the applicant.
F. Breach of the terms and conditions of any license or permit issued by the Town of Swanzey Board of Selectman may be subject to a fine of up to $300.00.
G. Failure to obtain a license or permit for an event covered under the provisions of RSA 286 or of this policy shall be subject to a fine of up to $300.00.
H. A Certificate of Insurance (COi) showing the carrier and amount of liability insurance will be required and a license or permit will not be issued until the COi is received. The COi shall explicitly name the Town of Swanzey as an additional insured and must state the name and date(s) of the event.
I. Non-performance or non-completion of said exceptions or conditions, or addition of event activities, spectators or participants beyond those specifically reviewed as part of the application review process, may be cause for license or permit revocation at any time before or during the event.

SECTION VII OUTDOOR CONCERT AND PERFORMING ARTS SERIES:

A. Outdoor concerts or performing arts series shall be permitted to take place from May 1st through September 30th. A maximum of 3 events shall be permitted per week, and a maximum of 50 events shall be permitted for any concert or performing arts series per calendar year. The Special Events Review Committee may recommend limits on the duration of events as deemed appropriate.
B. Only one outdoor concert or performing arts series shall be permitted on a property per calendar year.
C. The maximum review period for an application for a concert or performing arts series shall be 90 days. Permit applications must also be signed by the property owner where the events will take place, if different from the applicant. Permit applications and plans shall be presented in person to the review staff by the applicant and the property owner. The application fee shall be based on the number of concerts or performances that will be held as shown below:

Number of concerts or performances in series	Fee
1-10	$300.00
10-20	$600.00
21 or more	$900.00

D. Review staff may recommend restrictions, exceptions, or conditions for consideration by the Board of Selectman. Non-performance or non-completion of approved exceptions or conditions may be cause for license or permit revocation at any time before or during the concert or performing arts series.

E. Prior to the issuance of a permit for a concert or performing arts series, a public hearing shall be held at a meeting of the Board of Selectmen. Notice of the public hearing shall take place at least 14 calendar days before the hearing by posting in Town Hall, on the Town website and in the Keene Sentinel. In addition, the Town shall send notice to all owners of property within a distance determined to be appropriate by the Special Events Review Committee at least 14 calendar days before the hearing by certified mail. Costs to publish and distribute required notices of the public hearing shall be borne solely by the applicant.
F. Any proposed changes to the approved plans or to the concert or performance schedule shall be sent to the Permit Coordinator a minimum of 14 calendar days before the proposed change. All proposed changes shall be subject to review and approval by the Special Events Review Committee before going into effect.
G. Upon request, a permit may be granted for an outdoor concert or performing arts series for a period of more than one year but not more than ten (10) years. Any such permit will be subject to the restrictions and limits established in this section, including the fee schedule in paragraph C. If the Board of Selectmen determines, in its discretion, that granting the permit for the period requested is not in the best interests of the town, it may grant the permit for a shorter period. Any violation of any of the restrictions or limits established in this section, or any non-performance or non-completion of approved exceptions or conditions, may be cause for permit revocation at any time before or during the period for which the permit is granted.

SECTION VIII COMMERCIAL FIREWORKS DISPLAY:

A. Prior to the issuance of a permit for a Commercial Fireworks Display, the applicant shall provide the Town with all required permits and licenses from the New Hampshire Department of Safety – Division of Fire Safety.
B. Prior to the issuance of a permit for a Commercial Fireworks Display, a public hearing shall be held at a meeting of the Board of Selectmen. Notice of the public hearing shall take place at least 14 calendar days before the hearing by posting in Town Hall, on the Town website and in the Keene Sentinel. In addition, the Town shall send notice to all owners of property within a distance determined to be appropriate by the Special Events Review Committee at least 14 calendar days before the hearing by certified mail. Costs to publish and distribute required notices of the public hearing shall be borne solely by the applicant.
C. Commercial Fireworks Displays shall comply with the Town's Permissible Fireworks Ordinance. Where the Special Events Policy and the Permissible Fireworks Ordinance conflict, the more restrictive requirement will be used.
D. The application fee for all Commercial Fireworks Display events shall be the same as a Category 4 event as specified in the fee chart in Section V.

SECTION IX FEES

Every applicant shall pay in advance for such application review in accordance with the fee chart specified in Section V, however the application fee for a permit to exhibit in any hall shall be $50.00 per day. Community Events shall not be charged a permit fee.

Special Duty Service Fees
The application fee does not include the costs of Fire or Police protection, or any other extra Town

expense required to protect the health and safety of the public which can reasonably be attributed to the event. All such costs associated with the use of active and stand-by emergency and other services provided by the Town of Swanzey, or by other towns' emergency services, shall be borne by the applicant, promoter or sponsor. The applicant will be required to pay 50% of the Special Duty Fees before the approved permit will be released. Fees for deposit purposes are estimates; actual fees may be higher or lower.

In the event that special duty emergency response or protection coverage is provided by a nearby municipality on behalf of the Town of Swanzey, an invoice will also be submitted by that municipality for the services provided, which shall be paid timely by the applicant, promoter or sponsor.

After the Event, billing for the Special Duty Services will be based on actual hours incurred by Town personnel. The balance due will be invoiced with adjustments (if applicable). The balance is due upon receipt of the invoice to avoid 2% late fee per month. A history of non-payment or late payment of any application fee and or Special Duty Services is grounds to deny your request for future event permits.

A performance bond for events over 5,000 participants per day and or other security acceptable to the Town may be required in an amount equal to the amount estimated for Special Duty Services Fees as described above.

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ADDENDUM 1

Related New Hampshire State Statutes (subject to change by the NH Legislature)

"RSA 286: 1Showmen. -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."

"RSA 286:2 Theatricals; Parades; Meetings. -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 first be obtained from the selectmen of the town, or from a licensing committee for cities hereinafter provided for."

"RSA 286:3 Licensing Board. -Any city may create a licensing board to consist of the person who is the active head of the police department, the mayor of such city and one other person who shall be appointed by the city government, which board shall have delegated powers to investigate and decide the question of granting licenses under this chapter, and it may grant revocable blanket licenses to fraternal and other like organizations, to theatres and to undertakers." [Note: Does not apply to towns]

"RSA 286:4 Licenses; Fees. -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."

"RSA 286:4-a Added Expense to Town. -The selectmen of any town or the licensing committee of any city 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."

"RSA 105:9 Police Attendance at Public Meetings or Functions. -
I. Any person desiring to conduct a public dance, circus or carnival shall make application for police attendance at that function. Any person who conducts a public dance, circus, or carnival without first making application for police attendance at that function is guilty of a violation.
II. The chief of police in any city or town, subject to the written approval of the mayor and board of aldermen, board of selectmen, or licensing board shall examine applications for police attendance at public dances, circuses and carnivals and determine if such attendance is necessary. If the chief of police decides police attendance is necessary, he shall detail one or more police
officers to attend whose services shall be paid for by the applicant.
III. 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.
III-a. 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.
IV. The chief of police, the police department, and any city, town, or political subdivision shall not be held liable for any decision not to detail police officers to attend any public meeting or function."

"RSA 105:9-a Employing Police. -The chief of police in any city or town may, in order to meet the requirements set forth in RSA 105:9, employ certified police officers of any other town in this state to preserve order among the persons attending any public meeting or function. Such officers shall have the powers there which they have in the towns for which they are appointed, and their services shall be paid for by the sponsor of the public meeting or function."

RSA 153.5 153.10-a III, RSA 153.14 IV and RSA 158.28V (a).
These sections of the NH Statutes give the Commissioner of Safety the authority to adopt rules, and the adopted state fire code is referred to as Saf-C 6000. Saf-C 6000 adopts NFPA Fire Prevention Code 1, 2009 edition, with exceptions (Board of Appeals, Certificates of Fitness, Fireworks, Fireworks Manufacturing, Explosives and Consumer Fireworks Permits) all of which are covered by existing NH statutes. Fire alarms and sprinkler systems are modified in the Fire Prevention code as those topics are covered in other NFPA standards and NH statutes. All other sections apply including section 10.15 which is detailed below. Section 10.15 addresses special events and has clear authority for the Fire Chief to act in those circumstances.

<u>NFPA Fire Code 12009 Edition: adopted reference of the New Hampshire State Fire Code</u>

Statutory Authority RSA 153:5, RSA 153:10-a, III; RSA 153:14

Section 10.15 Special Outdoor Events, Carnivals, and Fairs

10.15.1 Permits, where required, shall comply with section 1.12 (Permits)

10.15.2 The Authority Having Jurisdiction (Fire Chief) shall be permitted to regulate all outdoor events such as carnivals and fairs as it pertains to access for emergency vehicles; access to fire protection equipment; placement of stands, concession booths, and exhibits, and the control of hazardous conditions dangerous to life and property.

10.15.3 Life Safety Evaluations. The Authority Having Jurisdiction shall be permitted to order a life safety evaluation in accordance with this subsection.

10.15.3.1 Where a life safety evaluation is required by other provisions of this code it shall comply with the following:

1. The life safety evaluation shall be performed by persons acceptable to the Authority Having Jurisdiction.
2. The life safety evaluation shall include a written assessment of safety measures for conditions listed in 10.15.3.2.
3. The life safety evaluation shall be approved annually by the Authority Having Jurisdiction and shall be updated for special or unusual conditions.

10.15.3.2 The life safety evaluations shall include an assessment of the following conditions and related appropriate safety measures.

1. Nature of the events and the participants and attendees
2. Access and egress movement, including crowd density problems
3. Medical emergencies
4. Fire Hazards
5. Permanent and temporary structural systems
6. Severe weather conditions
7. Earthquakes
8. Civil or other disturbances
9. Hazardous materials incidents within or near the facility
10. Relationships among facility management, event participants, emergency response agencies, and others having a role in the events accommodated the facility.

10.15.3.3 Life safety evaluations shall include assessments of both building systems and management features upon which reliance is placed for the safety of facility occupants, and such assessments shall consider scenarios appropriate to the facility.

10.15.4 Standby Fire Personnel. Where required by the Authority Having Jurisdiction standby fire personnel shall be provided and comply with 1.7.15