

Public Hearing

Proposed Town Hall Rental Fee Increases and Rental Regulations Amendments

The Board of Selectmen will hold a public hearing on **Monday, April 23, 2018 at 6:00 p.m.** in the **Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown** to consider amendments to the Regulations regarding the Public Use of Town Hall, including the following changes to the fee schedule:

The following proposed fee changes will take effect May 3, 2018 (approved applications with a deposit in place will be grandfathered under the Rental Rate at the time of approval).

Town Hall Rental Fee Schedule

Non-Profit Organization - Non-Profit fees only apply to Non-Profits who collect the funds directly from ticket sales.

Fee	July – August	May – June Sept – Oct	Nov – April
Rental/Utility Fee per day	\$1200 <u>\$4000</u>	\$300	\$200
Multi-day discount (subsequent days*)	\$700	\$200	\$100
Custodial O.T. Town Officer	\$35/hr	\$35/hr	\$35/hr
Additional Room Requests (if dressing room needed)	\$50/Room	\$50/Room	No Charge
Parking Fee (if load in parking needed)	\$20 per / space	\$10 per / space	No charge
Deposit (50% 100% of Rental Fee)	100%	100%	100%
Cancellation Fee (within 9 months of the event)	Deposit total	Deposit total	Deposit total

Year Rounder's Festival and Town sponsored events are exempt from Rental Fees

**Multi-day events are consecutive days of a single event*

For-Profit Organization and Individuals

Fee	July – August	May – June Sept – Oct	Nov – April
Rental/Utility Fee per day	\$4000	\$2,500	\$1000
Multi-day discount (subsequent days*)	\$2,000	\$1,500	\$500

Custodial O.T. Town Officer	\$35/hr	\$35/hr	\$35/hr
Additional Room Requests (if dressing room needed)	\$50/Room	\$50/Room	\$50/Room
Parking Fee (if load in parking needed)	\$20 per space	\$10 per space	No charge
Deposit (50% of Rental Fee total)	100%	100%	100%
Cancellation Fee (within 9 months of the event)	Deposit total	Deposit total	Deposit total

** ~~Multi-day events are consecutive days of a single event~~*

Fee last revised on ~~7/24/2017~~ 4/23/2018 and became effective at the time of publication: ~~August 3, 2017~~. May 3, 2018

Regulations For Public Use Of Town Hall

Adopted 2/12/90; as amended thru 11/13/95 and effective 1/1/96
Amended 4/27/98 and effective 5/1/98. Amended 2/14/02
Amended 5/10/2010 and effective 5/20/2010
Amended 9/27/2010 and effective 10/7/2010
Amended 1/23/2012 and effective 2/16/2012
Amended 4/13/2015 and effective 4/23/2015
Amended 6/26/2017 and effective 8/3/2017
Amended 4/23/2018 and effective 5/3/2018

Public use of the Provincetown Town Hall Auditorium and other spaces in Provincetown Town Hall is subject to the following regulations:

1. Prior approval of the Authorizing Officer of the Town. The Authorizing Officer for the Town shall be the Town Manager or designee of the Town Manager.
2. Application for public use of Town Hall is to be made to the Department of Community Development on the appropriate forms, which will be provided by the Town.
3. For each permitted use, a single representative of the user will be designated as the responsible party. The responsible party shall be required to sign an assignment of responsibility form stating that they, or a responsible organization for which they are an authorized agent, will hold the Town harmless from any and all liability relating to the permitted use, and that they will defend the Town in connection therewith. Nonprofit requests must be made by a non-profit and include a current IRS 501(c) (3) form letter. The application needs to be signed by an authorized officer of the non-profit or include a letter containing the non-profit's letterhead appointing an authorized agent for the purposes of the application and declaring that the event is a fundraiser for the non-profit, and that the non-profit will collect the funds directly from ticket sales.
(Amended 4/13/2015)
4. The responsible party or organization agrees to pay for the repair of any damage to the premises or its contents, or to pay for the replacement of any contents damaged, as a result of the permitted use, and to cover any potential legal costs associated with the recovery of damages.
5. Delegation of permission for use or any form of subletting is prohibited.
6. A designated Town Officer will have the authority and responsibility to oversee and regulate permitted uses. This Town Officer will be designated by the authorizing Officer and must be present during the permitted use, including any set up prior to or break down after each event.
 - a. For most uses, the Event Coordinator or Custodian in charge of the building will be designated as the Town Officer.

- b. Under certain circumstances, a custodian from another Town building, a Police Department Officer, or other Town employee may be designated as the Town Officer.
7. The responsible party, once use has been permitted, will arrange to meet with the ~~Custodian~~ Town Officer in charge to discuss specific access times and set-up requirements. This meeting should take place no later than two weeks prior to the permitted use. It is required that a ~~custodian~~ Town Officer be on duty at all times access has been requested. The ~~Custodian~~ Town Officer Fee is incurred for all hours after normal business hours and on weekends and will be assessed to the rental party. Access to the Hall is restricted during business hours unless approved by the Authorizing Officer. The responsible party will notify the ~~Custodian~~ Town Officer in charge upon the beginning and ending of each rental period. If more than one person (but not more than two) is authorized to be responsible for access and security, their name, address and telephone number must be submitted in advance to the ~~Authorizing~~ Town Officer.
8. There shall be no alteration of the premises or contents (except as set forth in item #9) without prior approval by the Authorizing Officer.
9. Advertising, decorations, etc., if any, on the premises must be approved by the Authorizing Officer and, subject to local zoning by-laws, licensing regulations and required permits. Banners, decorations, art, sets, equipment or other items are strictly prohibited from being attached to the walls with either tape, nails, tacks or any other material that will permanently mark the finish or destroy the woodwork of the walls or floors. (Amended 1/23/2012)

Each event will be authorized to place one A-frame sign (sandwich board sign) in front of Town Hall, with approval from the Building Official, on each day of rental only. No banners may be hung on the exterior of the building. (Amended 7/24/17)

Each event may be authorized to sell tickets either in the lobby or in front of town hall on the day of the event only. Tables located in front of town hall are subject to approval of the town manager, and shall be placed in a way to not obstruct access to town hall or the flow of pedestrian traffic on the sidewalk. (Amended 7/24/17)

10. Permission for use includes only the normal installed electrical and other facilities. Additional lighting or electrical equipment of any nature must be approved and inspected by the Wiring Inspector in advance of the event. Unusual loading of other types, or the use of additional equipment of any nature must be approved and inspected by the Inspector of Buildings and the custodian in charge.

Use of the elevator for transporting of equipment is allowed only under the direction of the Custodian in charge. Such use is allowed only when the elevator protection pads are in place. These pads must be installed by the Custodian in charge, and must be removed before the elevator is used to carry passengers attending the event.

Permitted use does not include the use of any Town sound equipment in whole or in part. Sound equipment must be secured by the rental party and inspected and approved by the Wiring Inspector prior to use.

Limited reserved parking for up to 54 spaces is available adjacent to Town Hall for a fee from May through October. Special arrangements for the temporary parking of vehicles for unloading and loading must be arranged with the Custodian Event Coordinator in charge. Under no circumstances can vehicles be parked behind Town Hall when the building is open to the public. Handicapped accessibility to the elevator entrance, the handicapped parking and drop-off areas must be maintained at all times when Town Hall is open to the public. (Amended 7/24/17)

11. Access to the permitted space and limitations on the space permitted shall be as specified by the Authorizing Officer. In the case of the Town Hall Auditorium, normal access will be via the front (South) door of the Town Hall.
12. In addition to the rental fee, a ~~custodial~~ Town Officer charge fee shall be assessed in accordance with the current rate schedule for each day of permitted use. A custodian shall prepare the permitted space and shall clean the space after use. At the discretion of the ~~Custodian~~ Town Officer in Charge, the presence of additional custodial staff and/or restroom attendants may be required during the permitted use, or if additional access time is required for delivery, set up or break down of equipment. Associated costs for this additional personnel would be at the expense of the rental party in accordance with the current rate schedule.
13. Public use of Town Hall Auditorium with over 100 anticipated attendees requires a special duty police detail subject to the Police Chief's discretion. This detail must be scheduled the entire time the event is open to the public. Arrangements should be made directly with Police Headquarters and confirmed to the Custodian in charge. All details must be scheduled prior to approval of application for Town Hall use, with payment therefore to be made upon approval of rental in advance of the event. Payment for Police details is made directly to the Police Department, and is not covered by the rental fees."

If, in opinion of the Special Duty Police on duty and/or the Custodian in charge, special duty officers are needed in greater numbers than present at any given time, additional officers will be detailed at the expense of the rental party with no advance notice required.

14. Events will not be permitted which interfere with the normal routine of Town business or normal use of the premises concerned. If a permitted event, as it develops, so interferes, the users and appropriate Town Officials will mutually attempt to resolve the interference. In the event of a conflict, failing such resolution, the use permission will be

suspended or revoked in favor of the Town's needs without the Town incurring any resultant liability.

15. Town Hall Auditorium is available for use seven (7) nights a week outside of the hours of operation of Town Hall, subject to availability of the auditorium, custodial staff, and special duty police officers. Access to the space by Town Officials shall not be restricted. Access to the space by the public during normal business hours shall not be restricted, and in the event of a conflict, Town business will prevail over permitted use with no resultant liability incurred by the Town. (Amended 1/23/2012)

16. Reservations and Cancellation:

The auditorium may be reserved a maximum of 18 months in advance but not less than 30 days prior to the event, nor 60 days prior to the event if beer or wine is requested, consult the Licensing Agent for the Licensing Board meeting schedule. The Town Manager shall have discretion in the event of a scheduling conflict; preference should be given to recurring events. (Amended 1/23/2012)

Reservations require a deposit of 100% of the Rental/Utility Fee for each reserved day/night. Deposits accompanied by a completed and signed application form must be submitted to the Department of Community Development at the time the reservation is made. Failure to pay deposit or balance amounts due within the required time period will result in automatic cancellation. (Amended 7/24/17)

When application is approved /disapproved by the Authorizing Officer, confirmation will be sent to the responsible party.

Reservations cancelled within nine (9) months of the permitted use are subject to a cancellation penalty of 100% of the deposit total. Cancellations need to be done in writing. (Amended 4/13/2015)

17. The use of other Town Hall meeting rooms will be permitted with expressed approval by the Town Manager. Access of meeting rooms is secondary to town board and town hall business use, and shall not interfere with the normal routine of town business. In the event of a conflict, failing such resolution, the use permission will be revoked in favor of the Town's needs without the Town incurring any resultant liability. (Amended 7/24/17)

18. All permitted uses of Town Hall Auditorium must be accessible to the public, pursuant to the Americans with Disabilities Act (A.D.A.) of 1990 (42 U.S.C. 1201 et seq.), which prohibits discrimination against disabled individuals in private and public employment, public accommodations, public transportation, government services, and telecommunications. By contracting for the use of Town Hall facilities, the responsible party assures the Town that it complies with the Americans with Disabilities Act and does

not discriminate against the disabled. The responsible party shall also include this requirement in agreements entered into with any subcontractors associated with the permitted use. (Amended 1/23/2012)

19. All permitted users must provide a ~~detailed agenda or~~ description of the event or function ~~to the Department of Community Development at the time an application is submitted.~~ A detailed agenda must be provided at least 2 weeks prior to the event or at the time of the Pre-Event Checklist Meeting. ~~In the event of advance ticket sales, the location of ticket sales and the price of tickets must be included in this description, along with copies of advance advertising.~~
20. Proper liability insurance will be required in the amount of at least One Million Dollars (\$1,000,000.00). An original certificate indemnifying the "Town, its officers, agents, and employees" must be submitted with the application, or provided to the Town a minimum of 30 days prior to the event to avoid forfeiture of the deposit. (Amended 1/23/2012)
21. Approval of an application to use the Town Hall Auditorium does not relieve any applicant of its responsibility to obtain any other necessary licenses or permits, and does not constitute independent approval of any such licenses or permits.

Service of food of any kind requires a permit to be issued by the Board of Health. Such permits must be applied for directly with the Health Department. A copy of said Permit must be submitted to the ~~Department of Community Development~~ Event Coordinator at the time it is issued.

22. The permitted rental occupancy of the Town Hall Auditorium is as follows: Auditorium Floor: 428 persons (420 seats and 8 wheelchair spaces); Balcony: 280 persons; total 708 persons. Under no circumstances can the total occupancy of the floor exceed 428 persons or block access to the wheelchair spaces, or can the balcony exceed 280 persons during the permitted use. Failure to adhere to this occupancy code will result in the interruption of the event in progress until the maximum occupancy level is maintained, or cancellation of the event in progress. (Amended 1/23/2012)
23. No licensed entertainment shall be permitted in Town Hall after Midnight. (A waiver of 1:00 am on New Years Eve may be approved by the Town Manager).
24. Beer and Wine may be served at an event only upon the expressed approval of the Town Manager and pursuant to Provincetown Licensing Board's Regulations.
Beer, Wine and/or All-alcohol may only be served at a Private Individual event which:
 - a. Has a host; and
 - b. Has restricted access to invited guests only; and
 - c. Was not publicly advertised.

or at a non-profit if 100% of the sales go directly to the non-profit applicant on record and only upon the expressed approval of the Town Manager and pursuant to approval by the Provincetown Licensing Board's Regulations.

An application for beer and wine and/or All-alcohol service must also be signed off by the ~~Town Manager and Police Chief~~. Licensing Board approval may be required, consult the Licensing Agent for the Licensing Board meeting schedule. (Amended 4/13/2015)

25. Events with beer and wine and/or All-alcohol service shall comply with the following additional liability insurance requirements: (Amended 1/23/2012)

- a. Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as "Additional Insured"
- b. Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as "Additional Insured"
- c. Provide copy certificate of insurance showing that a Workers' Compensation policy in effect. The Town would NOT be an additional insured on this policy.
- d. Ensure that all bar tenders are TIPS trained.

26. Violation of any regulations or specific condition of permitted use may cause permission to be suspended or revoked and/or may be cause for refusal to grant permission for future uses.

Regulation will be effective at the time of publication: May 3, 2018

The public is encouraged to submit any written comments by Tuesday, ~~July 18, 2017~~ April 17, 2018 by 12:00 noon to selectmen@provincetown-ma.gov, to the office of the Board of Selectmen at Town Hall, 260 Commercial Street, Provincetown, MA 02657, or in person at the hearing.

*Cheryl Andrews
Chairman, Board of Selectmen*

