



# Public Hearing

## Proposed Public Use Fee Schedule for Town Properties

The Board of Selectmen will hold a public hearing on **Monday, April 13, 2020 at 7:00 p.m.** in the **Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown** to consider the new fee schedule for Town Properties and the Regulations for the Public Use of Town Properties:

The following proposed fee changes will take effect April 22, 2020 (approved applications with a deposit in place will be grandfathered under the Usage Fee at the time of approval).

## Use of Town Properties Fee Schedule

**Non-Profit Organization** - Non-Profit fees only apply to organization's who are registered Non-Profits.

<b>Bas Relief Park, Town Hall Grounds &amp; First Landing Park</b>	<b>July – August</b>	<b>May – June Sept – Oct</b>	<b>Nov – April</b>
Usage Fee per day	\$300	\$150	\$75
Multi-day discount (subsequent days*)	\$100	\$75	\$25
Town Officer	\$35/hr.	\$35/hr.	\$35/hr.
Parking Fee – Bradford St. Town Hall Spaces (4)	\$20 / space	\$10 / space	No charge
Deposit (100% of Usage Fee)	100%	100%	100%
Cancellation Fee (within 4 months of the event)	Deposit total	Deposit total	Deposit total
<b>Lopes Square, Suzanne's Garden</b>	No charge	No charge	No charge

## For-Profit Organization and Individuals

Bas Relief Park, Town Hall Grounds, First Landing Park & Suzanne's Garden	July – August	May – June Sept – Oct	Nov – April
Usage Fee per day	\$1000	\$500	\$250
Multi-day discount (subsequent days*)	\$300	\$200	\$100
Town Officer	\$35/hr.	\$35/hr.	\$35/hr.
Parking Fee – Bradford St. Town Hall Spaces (4)	\$20 per space	\$10 per space	No charge
Deposit (100% of Usage Fee)	100%	100%	100%
Cancellation Fee (within 4 months of the event)	Deposit total	Deposit total	Deposit total
<b>Lopes Square</b>	No charge	No charge	No charge

\* Multi-day events are consecutive days of a single event and not exceeding more than seven days. Please see the Town of Provincetown's Zoning Regulations for additional information.

## Regulations for Use of Town Properties

### **PURPOSE:**

The Town of Provincetown is fortunate to have a vast array of historic and natural resources for all to enjoy. The purpose of these regulations is to preserve the existing landscape and fragile resources of the Town, as well as minimize any impacts to vehicle and pedestrians, and ensure that others may be able to enjoy these properties for years to come.

These regulations apply to the following properties:

1. Town Hall Grounds
2. Bas Relief Park
3. Lopes Square<sup>1</sup>
4. Suzanne's Gardens
5. First Landing Park

### **FILING PROCESS:**

The application for the Use of Town Properties for any event (public or private) is to be filed with the Provincetown Event Coordinator, who in turn is responsible for managing all requests. These regulations are administered by Town Administration on behalf of the Select Board. Required fees must be paid and ancillary permits associated with the work approved prior to the event.

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<sup>1</sup> Re-routing of traffic for an event at this area and/or any facility may require additional permitting

## **RULES AND REGULATIONS:**

1. An application and permit will be required when an individual or group requests use of a Town Facility (i.e. the above mentioned properties) for the purpose of (but not limited to) the following:
  - a. The exclusive use of a Town-owned property
  - b. A non-profit event (i.e. fundraiser, concert, training, etc.)
  - c. A for-profit event (i.e. performance, concert, show, etc.)
  - d. Wedding
  - e. Photography Shoot
  - f. Other
2. 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 21 days prior to the event to avoid forfeiture of the deposit.
3. For each permitted use, a representative will be designated as the responsible party. The responsible party must provide a Certificate of Liability Insurance for the event with the Town of Provincetown named as an additional insured. The General Liability limits shall be \$1,000,000 per occurrence/\$2,000,000 General Aggregate, and proof of Worker's Compensation Insurance (if applicable) in the amount of the state statutory limit. An insurance waiver may be required.
4. Non-profit requests must be made by a non-profit and include a current IRS 501(c) (3) form letter. The application must be signed by the Town 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's proceeds benefit for the non-profit, and that the non-profit will collect the funds associated with the activity. Subletting is strictly prohibited and will result in the loss of use of the property, forfeiting of any deposit, and suspension from future use of the property.
5. If more than one person (up to two) is authorized to be responsible for access and security, their name, address and telephone number must be submitted in advance to the Event Coordinator.
6. Town Hall Land is available for use seven (7) days a week subject to availability. 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 interferes, the Event Coordinator will work with the representative of the event to determine the best solution. 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.
7. In the event of a conflict, Town business will prevail, with no resultant liability incurred by the Town.
8. In the event of an emergency, the Authorized Town Representative takes on the role as the Person in Charge. In the case where a member of the law enforcement is present, this person will take on the role as the Person in Charge.
9. The applicant 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. There shall be no alteration or modifications made to Town property, either temporary or permanent. Anchoring into sidewalks, lawns, memorials, and modifications of existing landscaping are forbidden, will result in loss of a deposit, and may accrue other penalties, including loss of future use of the property.

10. Advertising, decorations, etc. must be approved by the Town Authorizing Officer and are subject to local zoning by laws, licensing regulations, and any additional required permits. The Town Authorized Officer will be the Town Event Coordinator, Custodian, or other Designated Town Employee. Banners, decorations, art, sets, equipment or other items are strictly prohibited from being attached to Town Property with either tape, nails, tacks or any other material that will permanently destroy or mark the finish.
11. If signs will be on display, a Temporary Sign Permit needs to be submitted and approved by the Building Commissioner prior to approval. Please note that Sandwich Boards are considered signs.
12. A designated Town Officer will have the authority and responsibility to oversee and regulate permitted uses. Once an application has been approved, the responsible party for the event will arrange to meet with the Event Coordinator to discuss specific access times and set-up requirements. This meeting must take place no later than two weeks prior to the permitted use.
13. In addition to the usage fee, a Town Officer fee shall be assessed in accordance with the current rate schedule (at an hourly rate). The person appointed as the Town Officer is dependent on the scope of the proposed event.
14. All permitted users must provide a description of the event or function at the time an application is submitted. A detailed agenda must be provided a minimum of 21 days prior to the event.
15. The public use of Town Properties where liquor is sold and/or with 100 anticipated attendees or more requires a special duty Police Detail subject to the Police Chief's discretion. This detail must be scheduled for the duration that the event is open to the public. Arrangements should be made directly with Police Department and confirmed with the Event Coordinator. Please contact the Police Department 14 days in advance of the event at 508-487-1212 to schedule the detail. Associated fees are not covered in the application fee.
16. At the discretion of the Town Officer, the presence of additional staff may be required during the permitted use, or if additional access time is required for delivery, set up or break down of equipment. Additionally, if during the scheduled event the Special Duty Officers determine additional Police Detail is necessary then an officer(s) will be detailed. Associated costs for these additional personnel will be at the expense of the party with no advance notice required.

#### Reservations and Cancellation:

1. Town Properties may be reserved based on the following:
  - a. With the understanding that events where greater than 99 people in attendance are proposed, Police Chief Approval and Police Detail will be required. The scheduling of any Police Detail may only be reserved 14 days in advance of the event, and is the responsibility of the applicant.
  - b. Up to 18 months in advance of an event;

- c. No later than 60 days prior to an event when beer or wine is requested. Please see the Town's rules and regulations regarding the serving of alcohol at any proposed event. Additional liability insurance and permissions are required for this use, and must be approved by the Licensing Board. Please contact the Licensing Agent to determine hearing dates and deadlines. The Licensing Agent will schedule the applicant for the Licensing Board if alcohol will be requested on premise.
  - i. 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 advertisedor at a non-profit event, 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.

An application for beer and wine and/or All-Alcohol service must also be signed off by the Police Chief. Licensing Board approval may be required, consult the Licensing Agent for the Licensing Board meeting schedule.

Events with beer and wine and/or All-Alcohol service shall comply with the following additional liability insurance requirements:

- 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 a copy of the certificate of insurance showing that a Workers' Compensation policy is in effect. The Town would NOT be an additional insured on this policy.
  - d. Ensure that all bartenders are TIPS trained
- d. Service of food of any kind requires a permit from the Health Department. A food service permit is applied for with the Health Department. Please contact the Health Department to determine any dates and deadlines which may be necessary to meet. The approved permit must be posted in a visible location at the time of and for the duration of the event.
  - e. No later than 60 days prior to an event when entertainment is proposed. Entertainment must comply with the Town of Provincetown Noise By-Law. Any proposed entertainment is subject to Licensing Board Regulations and

requires a hearing with the Licensing Board. Please contact the Licensing Agent for restrictions, dates, and deadlines regarding this use.

- f. The Event Coordinator shall have discretion in the event of a scheduling conflict. Annual recurring events scheduling for at least 3 consecutive years at the same time each year will have a preference to scheduling.
2. Reservations require a 100% deposit of the Usage Fee for each reserved day/night. Deposits accompanied by a completed and signed application form must be submitted to the Event Coordinator at the time the reservation is made. Failure to pay deposit or other fees due within the required time period will result in automatic cancellation.
3. After the application and deposit is received, the Event Coordinator will submit the form for approval to the Town Manger and Chief of Police (when applicable). Expect up to 21 days for processing. Once approved the Event Coordinator will confirm the reservation with the applicant.
4. Reservations cancelled within four (4) months of the permitted use are subject to a cancellation penalty of 100% of the deposit total. Cancellation notices must be received in writing.

#### Property Rules and Guidelines:

Although the locations of the Town properties as listed above vary, please see the following rules regarding their use.

1. Access, including set up and break down, to any Town Property, is from 8am until 12am.
2. All permitted uses of Town Properties 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 Property, 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.
3. Any use of Town Property must comply with the Building Department's *Place of Assembly Fire Safety Inspection Checklist*.
4. When the use of a temporary structure is proposed, the structure must be stake-less and cannot exceed seven days. Please see the Town's Zoning Regulations for additional information. A temporary structure permit application must be submitted to the Building Department for their approval. Tents erected must remain within the perimeter of the park and grounds, and cannot include any anchoring into the sidewalk, landscaping, or other natural features. A Site Plan showing the proposed structure location as well as the size must be included with the application.
5. Access to the permitted space and limitations on the space permitted shall be as specified by the Town Authorized Officer.
6. Permission for use includes the normal installed electrical outlets only. 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 Building Inspector and the Town Officer on duty.

7. The use of Town property does not include the use of any Town technical equipment, lights, or podiums (in whole or in part). All equipment to be used for the proposed event must be provided by the responsible party.
8. If the use of Portable Toilets is proposed, all must be placed in such a manner that they are accessible from the street. The driving of any vehicles on the sidewalk or lawns is strictly prohibited.
9. Limited reserved parking may be available from May to October for up to 4 spaces on Bradford Street, requires an additional fee, and is subject to availability. Please see the fee schedules for rates. Parking for unloading and loading of materials for an event must be scheduled with the Event Coordinator, may require an additional fee, and is subject to availability. All other parking areas are subject to fees as designated by the Parking Department.
10. The Department of Public Works maintains the Town properties on a regularly scheduled routine basis. Mowing or additional landscape requests will not be honored. Arrangements must be made with a private hauler to dispose of trash and debris. The site must be returned in the condition which it was received.
11. Approval of an application to use Town Properties 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
12. Violation of any regulations or specific conditions of permitted use may cause permission to be suspended or revoked, and may be cause for refusal to grant permission for future use of Town Property.

Copies of the regulations and fee schedule are available in the Community Development Office.

The public is encouraged to submit any written comments by Tuesday, April 7, 2020, by 12:00 noon to [selectmen@provincetown-ma.gov](mailto: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.

*David Abramson  
Chairman, Select Board*

Posted Town Hall: [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 02/27/2020, 3:45 pm AR  
Provincetown Banner: March 26 and April 2, 2020