

# **REGULATIONS FOR THE USE OF THE NORTH ANDOVER TOWN COMMON**

## **Section 1.        Introduction**

The Common is a public park owned by the Town of North Andover which is enjoyed on a daily basis by residents and their guests for passive recreation activities. The purpose of these rules is to provide a framework for requests to use the Common from non-profit organizations and individual residents of North Andover.

## **Section 2.        General Policies**

Permission for use of Common space may be granted to groups or private individuals by the Board of Selectmen after review and recommendation by the Town Manager. Approval of a display or event does not imply endorsement by the Selectmen or the Town. The Town reserves the right to review and approve/disapprove each application on a case-by-case basis and to disallow any activity that it may deem as inappropriate with the intended use and purpose of the Town Common or which may cause harm to the inhabitants of the Town.

These regulations shall not apply to Town sponsored events as approved by the Board of Selectmen or to informal, non-repetitive gatherings of under twenty people whose activities are limited to passive recreation. Passive recreation shall include such things as picnics, walking, running and games. However games shall not include the installation of standing equipment.

A permit granted under these regulations shall only apply for the use of the common. It shall be the applicants' responsibility to acquire all other necessary permits. For example, temporary displays or structures may require approval by the Building Commissioner and food sales may require obtaining a permit from the Town's Board of Health.

In order to prevent excessive damage to the Town Common, the number of events held or displays on the Common may be limited.

## **Section 3.        General Use Policy**

The Common is a public area for use by the public. A permit to reserve the Common does not allow the permit holder to prevent anyone from entering onto the Common space. A fee shall not be required for anyone to enter the Common. Non-profit organizations and individuals may be allowed to use the common for displays and events for a maximum of one day, not counting set up and take down, subject to permission from the Board of Selectmen consistent with these rules and orders. Individuals or for-profit businesses/organizations may not hold events which are for the purpose of profit. The Town may require an organization to present a copy of their non-profit status as approved by the Federal Government or the Commonwealth.

## **Section 4.        Application for Use of the Common**

4.1 Applications will be available from the Town Manager's Office and may include, but not necessarily be limited to, the following information:

- Name of group or individual
- Contact person(s) and phone number(s)
- **For events only:** The applicant must designate a person or persons responsible for the event who will be at the Common during the entire event. If several people will take shifts, these people and their times must be noted on the application form.
- Nature and purpose of display or event.

- Date desired
- Area of Common to be used
- Time of operation
- Parking Plan
- Clean-up plan

4.2 The Town Manager shall develop the necessary application forms to be in compliance with this section.

**Section 5. Review and Recommendation by the Town Manager and Town Staff.**

Upon receipt of an application for permit, the Town Manager or his designee will meet with the applicant to review the completeness of the application and its compliance with these regulations. The Town Manager in conducting this review shall seek the advice and recommendations from the Police, Fire, Public Works and other departments the Town Manager deems necessary. After completion of the review of the application, the town manager shall make a written recommendation to the Board of Selectmen to approve or not approve the application. The approval may be granted with conditions.

**Section 6. Prohibited Practices**

- 6.1 In accordance with Town By-laws, absolutely no alcoholic beverages will be allowed to be served or consumed on either the Common or the paved areas, unless appropriate licenses are granted by the Licensing Commissioners.
- 6.2 Use of the Common by private groups or private individuals for private gain is not allowed.
- 6.3 Charging of admission is not allowed. Access to any and all parts of the Common cannot be denied to any citizen except in the case of fees paid for specific services such as, pony rides, road races, etc., if all or a portion of that fee goes to a charitable or non-profit entity.
- 6.4 Wires, equipment, signs, tents or other structures, or any other miscellaneous items, etc., will not be hung from trees.
- 6.5 Unless allowed as a condition to the permit, no vehicles shall be allowed on the Common at any time. For those events with conditions permitting vehicles on the Common, those vehicles will be allowed to enter and exit using only routes pre-determined by the Town, for the purpose of dropping off or picking up equipment and displays but will not be allowed to remain parked on the Common during the event.

**Section 7. Security Deposit**

A security deposit/restoration fee in a form acceptable to the Town Manager shall be posted the time of issuance of the permit. Said deposit shall be determined based on the following formula:

20 to 100 attendees	\$300
101 to 500	\$600
501 to 1,000	\$1,000
1001 and up	As recommended by the Town Manager

The security deposit shall be used by the DPW to offset any cost necessary to restore the common to the prevent condition as determined by the Town Manager or his designee. Said security deposit shall not be the limit of damages should significant damages occur. The applicant may be held responsible for additional amounts should the Town Manager or his designee determines that the damage exceeds the

amount of the security deposit. Any amount of the security deposit not used for repairs shall be refunded to the applicant 30 days after a determination has been made that funds may be released.

**Section 8. Usage of Electricity**

There may be a fee for electrical usage. If the electricity has been deactivated for the season and there is a reactivation fee, the individual or organization will be responsible to pay, as well as any usage charge. These amounts will be billed to the individual or organization by the Town. The estimated amount of the electricity cost may be added to the security deposit in addition to the amounts proved for in Section 7.

**Section 9. Public Displays**

9:(a) Except for holiday displays, public displays of art, banners, signs, symbols, etc.; shall be limited to one day only with an allowance of one-half day in advance to set up the display and one-half day afterwards to remove the display.

(b) Holiday displays shall be allowed from Thanksgiving Day until the following January 7<sup>th</sup>. It is the policy of the Board of Selectmen to reasonably allow, in their sole discretion, holiday displays that combine a variety of symbols in such a way that the approval of the display is not an endorsement of any particular religion. The Board of Selectmen shall allow holiday displays, so long as no particular display gives the impression (by size, location or otherwise) that the Board endorses any particular religion.

(c) No display shall present a threat to the public safety and the display shall be removed immediately by order of the Building Commissioner if the Commissioner determines the display is a threat to public safety.

**Section 10. Police Presence**

Depending upon the type of event and the number of people anticipated to attend, the Town may require the presence of one or more police detail officers during the event. The cost of these detail officers shall be paid in advance.

**Section 11. Toilet Facilities**

Depending upon the type of event and the number of people anticipated to attend, the Town may require that portable toilet(s) be made available. The costs of these facilities are to be paid by the applicant.

**Section 12. Noise and Other Nuisances**

If at any time during the event, the North Andover Police Department determines that noise or other nuisances emanating from the event have had detrimental effect on public safety or welfare, the Police Department can order the noise or other nuisance be abated or eliminated.

**Section 13. Indemnification**

The Town will be held harmless from any and all claims, suits, causes of action, judgments and demands of any nature made or obtained by third parties which result from activities or actions of the Town of North Andover, its agents or servants under this permit and if judgment is entered against the Town of North Andover, said judgment will be paid by said applicant together with all interest thereon. In furtherance of this section, the Town may require that the applicant provide the town with a certificate of insurance indicating appropriate levels of coverage for the type of event/display intended and with the Town of North Andover named as an additional insured.

The Town reserves the right to review and approve/disapprove each application on a case-by-case basis and to disallow any activity that it may deem as inappropriate with the intended use and purpose of the Town Common, or which may cause harm to the inhabitants of the Town.

**Section 14.      Effective Date**

Amended by the Board of Selectmen on December 4, 2009