TOWN OF DERRY

Application for

PUBLIC GATHERING LICENSE

_____ (name) Event:_____

_____ (residence address)

_____ (residence phone)

_____ (business address)

_____ (business phone)

Organization Name: _____ Insurance:_____

_____ (President)

_____ (other management positions - use separate sheet if needed)

Function Location: _____ (address)
Date and Time of function: From:_____To: _____

Number participating: _____ (estimated)
Street Closure: ___ yes ___ no Reason for closure:_____
All or portion of street: _____ Parking: Prohibited ____ yes ____ no
Restricted ____ yes ____no

Sound Amplification: ___ yes ___no
If yes, describe equipment:_____

Charity, gratuity or offerings solicited or accepted: ___yes ___ no
Sale of food, beverages or other merchandise: ___ yes ___ no
If yes, describe merchandise:_____

_____(signature) _____(date)

Office use only:

Received:_____(date)
Permit granted: ____ yes ____no Fee Paid:_____($30 per day)
Special conditions, if any: _____
_____
_____

Ordinances: Public Gathering License Permit Application
(5/18/01) (9/1/04)

PUBLIC GATHERING ORDINANCE

Section 1. Statement of Purpose.

The Derry Town Council for the Town of Derry hereby determines that the public health, safety and the maintenance of public order require the regulation of the time, phase and manner of, and permitting for certain shows, parades and other events. The Council hereby finds that such events did, and in the future can be expected to, result in the need for public services or for notice to public agencies of the potential disruption of or requirement for public services. Therefore,

BE IT ORDAINED THAT

Section 2. Showpeople.

No showperson, including a carnival or circus, 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 town; and

Section 3. Theatricals; Parades; Meetings; Street Closures.

No outdoor theatrical or dramatic representation shall be performed or exhibited, including, without limitation, any function, performance or public gathering at which sound amplification is utilized, and no parade, event or procession, including a road race) upon any public street or way, and no open-air public meeting upon any ground abutting thereon where sound amplification is used shall be permitted, unless a special license therefor shall first be obtained from the Derry Town Council. The activities of public agencies or public, or private schools, or churches which occur in public buildings or grounds or on school or church buildings or grounds shall be exempt from the provisions hereof.

Section 4. Delegation.

The Derry Town Council hereby delegates to the Town Administrator the authority to issue licenses and permits under this ordinance. Appeals of denial of any such license or permit shall be made in writing to the Derry Town Council, who shall, after hearing at their next regular meeting determine whether or not such license or permit shall issue. The Derry Town Council, upon review and recommendation of the Town Administrator, may grant revocable blanket licenses to fraternal and other like organizations and to theatres.

Section 5. Application for Permit.

An application for a permit under this ordinance shall be made upon a form provided by the Town and shall contain all of the following information:

(a) The name, residence and business, and phone number of each person and organization sponsoring an event subject to this ordinance. If an organization, the application shall contain the names, resident and business addresses, and phone numbers of the president or chairman thereof, and all persons:

(1) having an interest or position of management or control in such organization;

(2) who are or will be engaged in organizing, promoting, controlling, managing or soliciting participation in such event;

(b) The date, or dates, and beginning and ending hours of such event;

(c) The street or streets, parks or other property on which such closure will occur;

(d) The estimated number of persons who will participate;

(e) If the event requires a street closure, the purpose of the temporary street closure;

(f) If the event requires a street closure, whether parking is requested to be restricted or prohibited during such closure;

(g) Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification equipment;

(h) Whether or not charity, gratuity, or offerings will be solicited or accepted, or sales of food, beverages or other merchandise will occur;

(i) If the event requires a street closure, whether such temporary street closure will occupy all or only a portion of the street involved; and

(j) Such other information as the Town Administrator or the chief of police deems reasonably necessary in order to carry out the provisions of this ordinance.

(k) Street closure shall mean and include any temporary restriction of the right of public passage required on account of any event for which a permit is required under this ordinance.

Section 6. Time of Filing.

Such application shall be filed not less than thirty days prior to the scheduled date of such event unless deemed appropriate due to circumstances. Failure to file within such period is sufficient grounds for denial of a permit and constitutes a waiver of the appeal process described in Section 4.

Section 7. Barricades; Litter Collection.

In case of any event on public property, applicants shall provide and remove such barricades and warning devices as are necessary under the direction of the chief of police. Applicants shall also provide for the collection and removal of all trash, garbage, and litter caused by or arising out of such event on public property.

Section 8. Claims for Damages.

Applicants shall agree to assume the defense of and indemnify and save harmless the Town, its councilmen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the Town may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection therewith.

Section 9. Compliance.

Prior to issuance of a permit under this ordinance, all applicable ordinances, rules, and regulations shall be complied with and all required permits and licenses shall be secured in connection with such event, or the proposed activities associated therewith including, but not limited to, charitable solicitations, collections or acceptance of gratuities, the sale of food, beverages or other merchandise, or the use of candles, torches, fires or other combustibles.

Section 10. Conditions for Issuance of Permit.

Any permit granted under this ordinance shall contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility, morals or welfare, including, but not limited to, changes in time, duration, numbers or participants, or sound.

Section 11. Standards for Issuance.

A permit shall be issued by the Town Administrator when, from a consideration of the application and from such other information as may otherwise be obtained, the Town Administrator finds that all of the following circumstances exist:

(a) The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a permit or in any other document required pursuant to this ordinance;

(b) The applicant has met the standards in this ordinance, and paid in advance any fee required, and agrees to such conditions as are imposed in the permit;

(c) The time, duration and size of the event will not substantially disrupt the orderly and safe movement of other traffic;

(d) The event is of a size or nature that it will not require the diversion of so great a number of police officers of the Town to properly police the areas contiguous thereto as to prevent normal police protection to the Town;

(e) The concentration of persons will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such event;

(f) the event will not interfere with the movement of fire fighting equipment en route to a fire;

(g) The event will not unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the Town;

(h) The applicant has provided reasonable means for informing all persons listed on the application and all persons participating in an event of the terms and conditions of such permit and the applicable laws thereto;

(i) The event will not interfere with another event for which a permit has been granted.

Section 12. Licenses; Fees.

Every such 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 town, a sum of $30 for each day such licensee shall perform or exhibit, or such parade, procession or open-air public meeting shall take place.

Section 13. Added Expense to Town.

The Town Administrator, or in case of appeal the Derry Town Council, shall determine whether the fee for the license prescribed herein will for each event licensed hereunder be adequate to reimburse the town 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 applicant 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 Town Administrator or the Derry Town Council, as the case may be.

Section 14. Penalty.

Whoever violates the provisions of this ordinance shall be guilty, as provided in RSA 286:5, of a misdemeanor if a natural person, or guilty of a felony if any other person. It shall be the duty of the Derry Town Council, by and through the Town Administrator, to prosecute every violation of this chapter.