

## **Rules and Orders Regulating the Use of the Longmeadow Town Green**

**Purpose:** The purpose of these regulations is to help assure public safety and good order in the use of the Town Green as a public resource of the Town. At the same time, the regulations are intended to confirm the Town's commitment to protect rights conferred by the Constitution of the United States and the Massachusetts Declaration of Rights in permitting use of the green.

### **Section 1**      **General Policies**

Permission for use of the Town Green space may be granted to groups or private individuals. Permission will be granted for events held during daylight hours, and special events for evening operation will be considered individually.

Wires, equipment, signs, tents and other similar structures, or any other miscellaneous items, will not be hung from trees.

Temporary displays, tents or structures may require approval by the Building Commissioner. Food sales may require obtaining a permit from the town's Board of Health.

### **General Usage Policy**

The Town Green is a public area for use by the public. A permit to reserve the Town Green does not allow the permit holder to prevent anyone from entering onto the Town Green space. A fee shall not be required for anyone to enter upon the Town Green. Individuals or profit businesses/organizations may not hold events which are for the purpose of profit. As a condition of issuing a permit the Town of Longmeadow may require an organization to present a copy of their non-profit status as approved by the Federal Government or the Commonwealth.

The Town Green has been divided into two separate areas; The North Green, and South Green. The North Green is located directly in front of the Community House, while the South Green is located in front of Center School and the First Church of Longmeadow.

These two areas are treated separately. Reserving one area does not reserve the other. If one of the areas is reserved and another group wishes to use that reserved area during the same time, all subsequent groups must obtain permission from the first group before a permit will be issued.

### **Permit Required Activities**

Permits are required for any of the following activities, singly or in a combination:

Use of the Town Green for organized activities and events such as art shows, festive and religious celebrations, concerts, etc.

## **Impermissible Activities**

- a. Possession, destruction, injury, defacement, removal, or disturbance of any structure, sign, equipment, monument, statue, marker, display, animal, plant.
- b. Distribution or display of commercial advertising, or soliciting of business, or any other commercial transactions except for sponsors of and vendors at permitted events.
- c. Possession of, or the use of, alcoholic beverages on the Town Green or surrounding paved areas.
- d. Unreasonably loud operation of audio devices except as permitted.
- e. Disorderly conduct.
- f. Use of rollerblades, roller skates, skateboards, scooters, and bicycles.
- g. Use of motor vehicles on the Town Green without appropriate authorization
- h. Use of the Town Green by private groups/individuals for private gain.
- i. Charging of admission to use the Town Green.
- j. Denying any citizen access to the Town Green.
- k. Bringing animals of any variety (including leashed dogs) onto the Town Green during a permitted event. This prohibition shall not apply to service dogs or to animals used as part of the permitted activities, such as ponies for pony rides.
- l. Overnight camping except as permitted.

## **Permit Process**

- a. Applications for permits to conduct activities on the Town Green listed above, shall be filed on an application provided by the Town of Longmeadow's Parks and Recreation Department no later than 14 days prior to the requested date for said use by a Longmeadow resident, organization, or non-profit groups. Late or incomplete applications will be considered at the discretion of the Town Manager.
- b. Permit applications shall include the following minimum information:
  1. Name, address and telephone number of applicant. In the case of a group or organization; the name, address, and telephone number of the responsible contact person. For events only: The applicant must designate a person or persons responsible for the event who will be at the Town Green during the entire scheduled event.
  2. Date(s) and times required.
  3. Nature and purpose of the event i.e., political rally, concert, non-profit activity.
  4. Area of the Green (i.e., North, South, all, and/or paved areas)
  5. Anticipated number of participants and/or spectators.
  6. Clean up plan
  7. Statement of special equipment and facilities to be used; i.e. electrical.
- c. Applications will be available from the Parks and Recreation office.

- d. Applications for the paved area will be made separately and must also be approved by the Department of Public Works and the Chief of Police.
- e. As a condition of issuing the permit, the Town Manager may require the sponsor to pay for detailed police officers as she/he deems necessary. In the case of activities with a duration of more than one day, this requirement may be imposed at anytime it is determined to be necessary by the Town Manager or the Police Chief without advanced notice to the sponsors.
- f. Permits are issued on the express condition that the Sponsor shall maintain the area and any approved display, in good condition at all times. The Sponsor shall leave the Town Green in the same condition it was in before said event. All trash must be removed and properly disposed of by the Sponsor. The area must be cleaned and cleared by the Sponsor at the end of the day.
- g. All applications will be accepted or rejected within 14 days of the date the application is filed. In the event an application is rejected, the Town shall notify the applicant in writing and shall specify the reason(s) for the rejection thereof.

### **General Conditions**

- a. Permits are non-transferable and are only valid for the dates, times, and activities specified. Permit holders and vendors allowed under the terms of the permit must obtain all other necessary state and local permits (such as permits from the Town Board of Health, transient vendor and similar permits and licenses).
- b. A permit may be revoked by the Town Manager if a sanctioned event engages in activities that are not within the specifications of the permit.
- c. Needs for electricity, lighting and water must be coordinated by the Sponsor with the Department of Public Works who shall arrange for permitted uses. The sponsor shall be responsible for all related cost.
- d. Amplification of sound from any other audio device may be restricted to a certain level of amplification by a police officer during an event if they deem it the public's best interest.
- e. The Longmeadow Police Department shall be the enforcement agency for any and all portions of these regulations.
- f. All situations not defined in these regulations, or request for exceptions must be ruled on by the Town Manager.
- g. No fee shall be charged by the Town for a permitted activity on the Town Green. The Town Manager may, however, require a deposit for the use of the Town

Green; said deposit to be returned in full when the Green is determined to be restored to pre-use condition.

- h. Applicants may be required to provide proof of insurance to protect the interest of the Town of Longmeadow and name the Town of Longmeadow as additional insured if the applicant's event includes multiple vendors and groups.
- i. The town, its agents, servants and employees shall be held free and clear of any and all liability and the person(s) and/or entity (ies) shall indemnify the Town of Longmeadow for all cost, expenses, and claims made upon it, liability, or otherwise.
- j. The Town of Longmeadow 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 Longmeadow, its agents or servants under this permit and if judgment is entered against the Town of Longmeadow, said judgment will be paid by said applicant together with all interest thereon.
- k. If the Town's Department of Public Works is needed to restore any portion of the reserved area to the condition prior to usage, the individual or organization responsible will be billed for these services.

**Grounds for Denial of Permit Request:**

A permit for use of the Town Green may be rejected for the following reasons:

- a. Permit has been granted to a prior applicant or there is an event scheduled which conflicts.
- b. The activity would present an unreasonable danger to the health and safety of the applicant or other users of the Town green.
- c. Event is such in nature or duration that it cannot reasonably be accommodated in the area applied for.
- d. Event will, in the opinion of the Town Manager, cause unacceptable interference with use and enjoyment of the Town Green by the general public; provided, however, that no permit application shall be denied based on the content or subject matter of the proposed activity.
- e. Permit is requested for a date(s) that conflicts with official celebrations of the Town of Longmeadow.
- f. the application was incomplete;
- g. the application contained a material falsehood or misrepresentation;
- h. the applicant was legally incompetent to sue or be sued;
- i. the applicant had damaged Town property on prior occasions and failed to make payments to repair the damage;
- j. the proposed use would be prohibited by the classifications and uses of the Town green;

- k. the applicant could not comply with applicable licensure requirements concerning the sale or offering of goods or services;
- l. the proposed use is prohibited by law;
- m. the applicant has made material misrepresentations regarding the proposed use of the park in the past; or
- n. the applicant has violated the terms of permits issued by the Town of Longmeadow in the past.

### **Severability**

The provisions of the above regulations for the use of the Town Green shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court or competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

### **Section 2 Organizational Responsibilities**

- a. Trash Collection and Disposal
  - 1. It is the responsibility of any organization that reserves the use of the Town Green to insure that all refuse generated by the event is collected and disposed of properly by the organization.
- b. Guidelines for Bathroom Facilities at Public Events
  - 1. For every two-hundred (200) females, you should have one (1) toilet facility.
  - 2. For every five-hundred males you should have one (1) toilet facility.

The number of bathroom facilities required, as stated above depends on the number of people expected to attend a specific event. Each bathroom is required to have a hand sanitizer.

- c. Sale of Food at Events
  - 1. Food sales may require obtaining a permit from the board of health. Please contact the Health Director to determine whether or not a permit is required and for the regulations regarding “Mobile and Temporary” service. The cost of any food permits will be the responsibility of the applicant.

Use of Town Green by any organization or individual does not constitute town-endorsement of the views or activities by said group.

*Adopted by the Select Board April 27, 2009*