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CHAPTER 20

TOWN OF GILFORD, NH

A POLICY GOVERNING THE USE OF TOWN PROPERTY

SECTION 1. AUTHORITY

1.1 The Board of Selectmen hereby adopts this policy pursuant to the provisions of RSA 41:8 and 41:11-a; whereby the use of Town-owned property shall be subject to the requirements and limitations as set forth herein.

SECTION 2. PURPOSE

2.1 This policy is established to provide the general public with the convenient use of municipal property that is owned by the taxpayers of Gilford, in such a way as to be fair, consistent and in the best overall interests of the Town.

2.2 This policy also serves as the written regulations pertaining to smoking on Town property, as otherwise required by RSA 155:68; whereby all forms of smoking are prohibited within the interior and/or within ten (10) feet of any Gilford municipal building, except for specifically designated exterior areas.

SECTION 3. REPEAL OF PREVIOUS POLICIES

3.1 This policy supersedes and replaces the Town Hall Use and Maintenance Policy as previously adopted.

SECTION 4. ADDITIONAL REGULATIONS

4.1 This policy is intended to serve as a supplement to the Town Beach Regulations and Glendale Facility Regulations which are incorporated herein by reference.

4.2 In the event of a conflict or inconsistency with the provisions of any other applicable regulations, including those incorporated herein, the more strict language shall apply.

4.3 Authorization from the Board of Selectmen shall be required for any long-term use (more than 6 months), lease or proposed rental agreement for Town facilities.

SECTION 5. ALLOWABLE USERS (IN ORDER OF PREFERENCE)

(a) Town of Gilford – Municipal Functions
(b) School Administrative Unit 73
(c) Civic Organizations/Associations based in Gilford
(d) Other Government Agencies
(e) Private Family Events (preference given to Gilford residents)
(f) Civic Organizations (from out-of-town; IRS 501(c)3 only)
(g) Commercial Activities (subject to conditional approval, see also Section 11.2)

5.1 The Town reserves the right to "bump" scheduled groups in the event a priority user requires use of a Town facility, in which case the Town shall strive to give a minimum seventy-two hour (72) notice to the extent practical.

SECTION 6. RESTRICTED AREAS

6.1 Nothing in this policy is intended to imply or establish any rights whereby members of the public who are not authorized employees, officials or invitees of the Town of Gilford may enter any work area within a municipal building except upon invitation of a Department Manager or their designee. These restricted areas include, but are not limited to: offices, maintenance areas, mechanical rooms, police facilities, fire-rescue facilities, residential facilities, storage areas, tool sheds, garages, vehicles, mail rooms, equipment areas, any site that is posted as "closed" and places where confidential information is kept.

6.2 Any person who fails to immediately vacate an unauthorized area upon lawful request of a Department Manager or their designee may be subject to arrest and prosecution for criminal trespass.

SECTION 7. ACCESSIBILITY

7.1 The Town of Gilford shall strive, in so much as practical and reasonable, to make all public facilities accessible to persons with disabilities as otherwise required by applicable federal and state laws.

7.2 In the event that a physical barrier to accessibility exists that prevents reasonable access to a public area of a Town-owned facility or restricts access to the delivery of customary government services, all Town employees shall take immediate steps to deliver such services in the most practical manner for the convenience of the person involved. Thereafter, employees shall provide written notice to the Department Manager describing the circumstances so that management may develop a plan to permanently correct the situation to the extent that resources are available in the future.

7.3 All complaints about barriers to accessibility shall be directed to the Town Administrator who serves as the American with Disabilities Act (ADA) Coordinator for the purposes of ensuring compliance with applicable laws and meeting the needs of disabled citizens in the use of Town property.

SECTION 8. SCHEDULING

8.1 Requests by organized groups, private or commercial parties to use the Glendale Facility, municipal parking lots, Tannery Hill Covered Bridge or indoor facilities at the Town Hall, including the Town Hall conference rooms, shall be submitted in writing to the Office of the Selectmen at least thirty (30) days in advance, to the extent practical.

8.2 Requests by organized groups, private or commercial parties to use outdoor recreation facilities, including, but not limited to the Town Beach, ball fields, bandstand, ice rink, basketball and tennis courts, adjacent parking lots, etc., shall be submitted in writing to the Parks & Recreation Department at least thirty (30) days in advance, to the extent practical.

8.3 Requests to use the Gilford Public Library and public grounds adjacent thereto, shall be administered by the Library Director, under the auspices of the Library Trustees, subject to their rules and regulations in addition to the requirements set forth herein.

8.4 Requests to use the Gilford Fire Station and public grounds adjacent thereto shall be administered by the Fire Chief, under the auspices of the Fire Engineers, subject to their rules and regulations in addition to the requirements set forth herein.

8.5 Permission to use Town facilities shall be issued in writing, at the sole discretion of the Town, subject to the terms and conditions of this policy and whatever conditions may be deemed to be in the best interest of the Town, on a first-come, first-served basis. In addition, all such permission may be revoked at anytime as determined solely by the Town.

SECTION 9. INSURANCE & INDEMNIFICATION

9.1 The Town shall require users to provide a certificate of insurance that names the Town of Gilford and its agents as "additional insured" for each event under any of the following scenarios:

(a) For events that consist of 50 or more participants.

(b) For events that involve the consumption of alcohol, upon specific request and authorization; and subject to all laws pertaining to such use.

(c) For events that involve the use of temporary structures, appliances or utilities, including tents, tables, chairs, sound systems, light systems, electricity, generators, cooking, etc.

(d) For any commercial activity.

9.2 All requests to use Town facilities shall require the event organizers to indemnify and hold harmless, the Town of Gilford and its agents from any and all liability or claims resulting from damages associated with the use of the facility, except for acts of gross negligence on the part of Town officials.

SECTION 10. MAINTENANCE

10.1 The Town reserves the right to require persons using municipal facilities to pay for custodial services, including, but not limited to a security deposit of not less than $100. Applicants shall be held responsible for any and all damages to Town property which occurs during the period of use. Notwithstanding any criminal or civil action that may be imposed, the Town also reserves the right to utilize all or part of the security deposit to pay for damages and/or cleaning expenses.

10.2 It shall be a condition of approval for all persons using municipal facilities to return the facilities to the same condition as found upon arrival.

10.3 The Town requests that all groups using municipal facilities be responsible for disposal of trash on a carry-in/carry-out basis. However, the disposal of food wastes or garbage that is subject to decomposition and/or obnoxious odors is not allowed in any Town building. Groups that leave piles of trash or rotten items behind may be denied permission to use Town facilities in the future.

10.4 It is requested that all persons using municipal facilities conserve energy (electricity, heating fuel) and natural resources (water) to the greatest extent possible. Any problems with the facilities, including appliances or structures, should be reported to the Police Department immediately.

SECTION 11. FEES

11.1 There shall be no rental fees for the use of Town facilities for non-commercial activities during normal business hours, notwithstanding any security deposit and/or compensation for damages that may be imposed.

11.2 The Town reserves the right to charge fees for after-hours use of Town facilities that require additional expenditures for staff, electricity, supplies, etc.

11.3 The Town reserves the right to charge a fee for commercial activities as may be deemed reasonable by the jurisdictional authority. Such fees may be a flat rate or based on a percentage of sales.

SECTION 12. WAIVERS & EXEMPTIONS

12.1 The Board of Selectmen may, upon written request, waive any provision of these rules, using their sole discretion.

SECTION 13. MISCELLANEOUS INFORMATION

13.1 Alcohol use in Town buildings is not allowed except by special permission and approval may be conditioned upon the requirement to hire a Police Officer(s), especially if minors will be present.

13.2 Glass containers are not allowed at any outside facilities.

13.3 The Town reserves the right to accept or reject any application, and to prohibit the use of Town facilities for purposes which are deemed to be in violation of local decency standards or otherwise not in the best interest of the Town.

13.4 Any person found to have been in violation of this policy may be denied permission to use Town facilities for future events.

13.5 No person shall install any device which requires penetration of a wall or paved surface without written permission of the Town Administrator. The use of tape on walls is permitted, but the applicant shall be held responsible for any damages to painted surfaces. The use of easels and tables for the display of materials is strongly encouraged.

13.6 All facilities and events must close by 2:00 a.m.

13.7 The use of a facility for measurements, decorations, banners, posters, etc. can only take place during such periods when the operations of Town government will not be disturbed. Nothing shall be erected so as to cause any damage to Town property and all private property must be removed at the conclusion of an event.

13.8 In the event that contracted entertainment services are to be provided, the application form shall be forwarded to the Police Chief for review & approval with whatever conditions are deemed to be essential in order to maintain public safety.

13.9 There shall be no flames, fire, grills or barbecues within any building or underneath any roof structure.

13.10 It shall be the responsibility of the applicants to maintain sanitary conditions in the public bathrooms of the facility at all times during events. Equipment malfunctions should be reported to the Police Department immediately. The use of portable toilets may be allowed (or required) under special circumstances as determined by the Town Administrator.

13.11 The authority of the Town Administrator as set forth herein may be delegated to a designee. All decisions made are subject to appeal by written submission to the Board of Selectmen.

13.12 Applicants must familiarize themselves with the maximum number of persons allowed in meeting rooms as set forth in the posted Place of Assembly permit. These limits must not be exceeded, except by written authorization of the Town of Gilford Bureau of Fire Prevention, under such terms and conditions as may be established.

13.13 Facilities are subject to being closed due to inclement weather, loss of electrical service or other emergencies.

13.14 Applicants (or event organizers) are strongly encouraged to notify all participants of locations for exits and restrooms and the Town's carry-in/carry-out trash policy.

13.15 The selling of food, beverages or any other products on Town property shall require a Vendor Permit (available from the Department of Planning & Land Use) in addition to the authorization provided under this policy for use of Town facilities and any other applicable state or local health regulations.

13.16 Applicants (or event organizers) shall be solely responsible for any lighting, sound amplification, tables, chairs or other needs to the extent that the Town is not able to provide such items. The relocation or modification of Town lighting and electrical fixtures is strictly prohibited.

13.17 The use of Town tables, chairs or other items for private parties at off-premise locations shall not be allowed, except for special occasions that require approval of the Selectmen.

13.18 The Town encourages scheduled tours of its facilities and operations by appointment as a means of educating taxpayers, residents, students and other interested persons in the delivery of government services.

IN WITNESS WHEREOF, this policy governing the use of Town property is approved and adopted this 12th day of August, 2009. ATTEST:

Gus Benavides, Chair

J. Kevin Hayes, Vice-Chair

John T. O'Brien, Clerk

UNDER SEAL OF THE TOWN, received and recorded on this the 13th day of August, 2009, by:

~~Office of the~~ Town Clerk – Tax Collector

RECEIVED
AUG 13
TOWN CLERK - TAX COLLECTOR
GILFORD, NH

Selectmen's Office
47 Cherry Valley Road
Gilford NH 03249
TEL: (603) 527-4700
FAX: (603) 527-4711
selectmen@gilfordnh.org

"The Recreation Center of New Hampshire"

TOWN OF GILFORD
USE OF MUNICIPAL FACILITY - REQUEST FORM

APPLICANT'S NAME (& TITLE IF APPLICABLE)

NAME OF ORGANIZATION

AGENCY ADDRESS

APPLICANT'S ADDRESS

BUSINESS PHONE – CELL PHONE - FAX - EMAIL

TYPE OF ORGANIZATION [INDICATE IF 501(C)3]

FACILITY REQUESTED

DESCRIPTION OF EVENT

DATE(S) & TIME REQUESTED

APPROXIMATE NUMBER OF PARTICIPANTS

SPECIAL REQUESTS

"I hereby acknowledge that I have read and understand the Town of Gilford Policy Governing the Use of Town Property and that I will be responsible for the use of the Town of Gilford facility in accordance with that Policy. Furthermore, I hereby agree to indemnify, hold harmless and release the Town of Gilford and its agents from any claims, liability, injuries and damages that may result from the use of the property by any of the participants and/or guests that may be present upon permission by the Town for the requested use."

Signature Date

FOR TOWN USE ONLY

APPROVED/DENIED/SPECIAL CONDITIONS SIGNATURE OF TOWN OFFICIAL

FEES/DEPOSIT/AMOUNT PAID/REFUND MADE (INDICATE DATES/CHECK NUMBER, ETC.)

[ ] INSURANCE CERTIFICATE REQUIRED/ATTACHED

cc: BOARD OF SELECTMEN; POLICE, APPLICANT; OTHER _____