



Town of Plaistow

145 Main Street
Plaistow, NH 03865
603-382-5200

Use of Town Property Policy

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 taxpayer of Plaistow, in such a way as to be fair, consistent and in the best overall interest 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 Plaistow municipal building, except for specifically designated exterior areas.

SECTION 3 ADDITIONAL REGULATIONS

3.1 This policy is intended to serve as a supplement to adopted ordinances addressing the use of specific parks, conservation areas, rights of way and other properties. When there is a conflict between this policy and such an adopted ordinance the terms of the adopted ordinance shall govern.

SECTION 4 RESERVING PUBLIC FACILITIES

4.1 The properties listed in Section 7.3 may be reserved by the organizations listed below, in the following order of preference:

- a. Town of Plaistow— Municipal Functions
- b. Civic Organizations/Associations based in Plaistow
- c. Other Government Agencies
- d. Private Family Events (preference given to Plaistow residents)
- e. PACE (Plaistow Area Commerce Exchange)
- f. Out-of-Town Civic Organizations (IRS 501 (c) 3 Only)
- g. Commercial Activities (subject to conditional approval, see also section 10.3)

4.2 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 hours (72) notice to the extent practical.

SECTION 5 RESTRICTED AREAS

5.1 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 Plaistow may enter any work area within a municipal building except upon official business. These restricted areas include, but are not limited to: offices, maintenance areas, mechanical rooms, police facilities, storage areas, tool sheds, garages, vehicles, equipment areas, any site that is posted as “closed” and places where confidential information is kept.

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

SECTION 6 ACCESSIBILITY

6.1 The Town of Plaistow 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.

6.2 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 Head 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.

6.3 All complaints about barriers to accessibility shall be directed to the Town Manager.

SECTION 7 SCHEDULING TOWN PROPERTIES FOR PRIVATE FUNCTIONS

7.1 Unless otherwise noted, reservations are not required for the use of the properties listed below. However, organizations and groups listed in Section 4.1 who wishes to use any of the Town properties listed below for weddings, family reunions and other private functions of 15 persons or more are encouraged to reserve the property in advance. In the event that more than one group wishes to use one of the properties listed below at the same time, preference will be given to the group which has reserved the property in advance.

7.2 Delivery of normal Town services by town employees or the conducting of normal town operations will not be restricted or curtailed due to the scheduling of Town properties for private functions. These include:

- a. Meetings of Town Boards and Committees for both public and non-public sessions at the Town Hall or Public Works Garage
- b. Winter weather operations of the Highway Department during the cold weather months or during icy road conditions.
- c. Town sponsored ceremonies on the Town Green (Memorial Day, September 11th Observance; July 4th, Veteran's Day, Old Home Day, etc.)
- d. Town hosting of Deliberative Session, Primaries, Town and Presidential elections at the Public Works Garage
- e. Other events determined by the Board of Selectmen

7.2 Except as noted below, reserving a property does not guarantee exclusive use of that property by the reserving party; unless otherwise noted all properties remain open for use by the general public during the period of the private function.

7.3 The following properties may be reserved for special events by organizations listed in Section 4 of this policy:

- a. Plaistow Town Green
- b. Plaistow Town Hall – Great Hall meeting room at Town Hall, reservation required
- c. Public Works Garage

7.4 Requests by organized groups, private or commercial parties to use the above listed properties shall be submitted in writing to the Office of the Selectmen at least thirty (30) days in advance, to the extent practical.

7.5 Permission to use Town facilities shall be issued in writing, at the sole discretion of the Board of Selectmen, 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 any time as determined solely by the Town.

SECTION 8 INSURANCE & INDEMNIFICATION

8.1 All requests to use Town facilities shall require the event organizers to indemnify and hold harmless, the Town of Plaistow 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 a Town official.

8.2 The Town may require users to provide a certificate of insurance that names the Town of Plaistow 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.

SECTION 9 MAINTENANCE

9.1 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 \$50. 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 expense.

9.2 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.

9.3 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.

9.4 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 General Government Building Supervisor immediately.

SECTION 10 FEES

10.1 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.

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

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

SECTION 11 WAIVERS & EXEMPTIONS

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

SECTION 12 MISCELLANEOUS INFORMATION

- 12.1 Alcohol use in Town buildings is not normally allowed except in cases with advanced authorization.
- 12.2 All facilities and events must close by 9:00 pm.
- 12.3 Camping and other overnight use of town facilities and properties without prior approval of the Board of Selectmen is prohibited.
- 12.4 The selling of food, beverages or any other products on Town property shall require a Vendor Permit (available from the Health Department) in addition to the authorization provided under this policy for use of Town facilities and any other applicable state or local health regulations.
- 12.5 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.
- 12.6 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.
- 12.7 No person shall install any device which requires penetration of a wall or paved surface without written permission of the Board of Selectmen. 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.
- 12.8 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.
- 12.9 There shall be no flames, fire, grills or barbecues within any building or underneath any roof structure.
- 12.10 It is 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 General Government Building Supervisor immediately. The use of portable toilets may be allowed (or required) under special circumstances as determined by the Board of Selectmen.
- 12.11 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 Plaistow Fire Department under such terms and conditions as may be established.
- 12.12 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.
- 12.13 The authority of the Board of Selectmen as set forth herein may be delegated to a designee.
- 12.14 Facilities are subject to being closed due to inclement weather, loss of electrical service or other emergencies.
- 12.15 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.
- 12.16 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.
- 12.17 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.

February 12, 2021

Use of Town Property Policy – Ordinances, Regulations, Procedures – Plaistow, New Hampshire

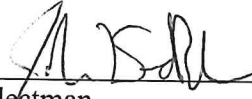
12.18 Any person found to have been in violation of this policy may be denied permission to use Town facilities for future events.

IN WITNESS WHEREOF, this policy governing the use of Town property is approved and adopted this

1st day of March, 2021.



Select Board Chair

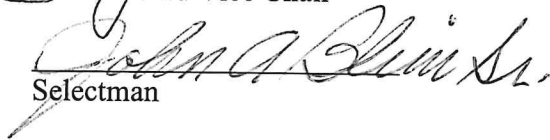


Selectman



Select Board Vice Chair

Selectman



Selectman

Referenced RSAs

41:8 Election and Duties. – Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases.

41:11-a Town Property. –

I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

155:68 Written Policies. –

I. If smoking is completely prohibited in any enclosed workplace, enclosed place of public ownership, or enclosed place accessible to the public, then the written policy shall state that smoking is prohibited in the entire facility.

II. If smoking-permitted areas are to be designated in any enclosed area identified in RSA 155:66, then the written policy shall state, in addition to the requirements of RSA 155:69, that smoking is permitted only in designated smoking-permitted areas and shall specify the area or areas where smoking is permitted in the building or facility.

III. Written policies regarding smoking restrictions shall be provided to, or posted, or otherwise made available to any person who works in or routinely uses any enclosed building or facility.

IV. Staff or employees subject to written policies regarding smoking restrictions in any enclosed building or facility shall receive orientation regarding the written policy to which they are required to adhere.