

CHAPTER 88

GATHERINGS, LARGE

[HISTORY: Adopted 3-13-2007 Town Meeting Article No. 3. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 143.

Site plan review — See Ch. 203.

§ 88-1 LICENSE

A. In accordance with New Hampshire Revised Statutes Annotated, Chapter 286, and pursuant to the general police powers granted to the Town of Pembroke by RSA 31:39, every person or entity who sponsors, promotes, operates or holds any festival, exhibition, amusement show, fair, theatrical performance, music concert, parade or other activity at which 200 or more people are reasonably expected to be present for a period of two hours or greater shall obtain a large gathering license from the Board of Selectmen at least 30 days prior to said event. Such license shall specify the location, date, time and duration of the event. The procedure for obtaining a large gathering license shall be as follows:

(1) The license applicant shall submit a written application to the Town Administrator at least 60 days in advance of the proposed event. The application shall be in the form of a plan describing the planned date, time, duration and location of the event as well as the number of people reasonably expected to attend the event. The license applicant shall indicate in the plan the number, capacity and location of facilities which will be provided to safeguard the health and public safety of attendees as well as neighbors and the general public; including, but not limited to:

- (a) Adequate waste disposal and sanitation facilities.
- (b) Adequate drinking water supplies.
- (c) Adequate first aid facilities.
- (d) Adequate fire fighting response and coverage.
- (e) Adequate presence of police officers or security personnel, the number and type of which shall be determined by the Chief of Police. Any required police/security coverage shall be the financial responsibility of the applicant.

- (f) Adequate emergency communication facilities.
- (g) Adequate cleanliness and sanitation facilities for food service if food is to be served.
- (h) Adequate parking facilities as to not impede the flow of traffic on municipal ways.
- (i) The applicant shall also submit written permission from the landowner (if different than the applicant) where the event will be held, as well as written permission of any land owners whose land will be used for parking or entry/exit from the site of the event.

(2) The Town Administrator shall forward the application to the relevant Town Officials for review; including, but not limited to the Police Chief, Fire Chief, and Health Officer. After reviewing the application, relevant Town officials shall forward to the Town Administrator their recommendations on the adequacy of facilities listed in the plan with respect to the proposed location, date, time, duration and attendance of the event. The Town Administrator shall then deliver to the Board of Selectmen the written application as well as the recommendations from relevant Town Officials.

(3) The Board of Selectmen, after receiving the written application and considering the advice from relevant Town officials, shall have the authority to grant or deny the large gathering license. In determining whether to grant such licenses, the Board of Selectmen shall consider the welfare of the attendees, neighbors, and residents of Pembroke, the danger of potential property damage or personal injury, general public safety, prevention of the unsafe or inconvenient obstruction of public ways, and the adequacy of the planning and safeguards taken by the applicant to protect the attendees, neighbors and residents of Pembroke. The Board of Selectmen may grant the large gathering license subject to certain conditions as they deem necessary and reasonable for the protection of the public health, safety and welfare; including, but not limited to:

- (a) Requiring the applicant to increase the number or capacity of facilities listed in the application (plan) to adequate levels as determined by the Board of Selectmen.
- (b) Requiring the applicant to post a bond in such amount and on such conditions as deemed necessary to insure compliance with terms and conditions of the license and insure adequate cleanup of the site after the event, where applicable.

- (c) Requiring the applicant to notify any relevant town, county or state officials as determined by the Board or [sic] Selectmen.

§ 88-2 Fee.

In accordance with RSA 286, the non-refundable application fee for a large gathering license shall be \$100. This fee shall be submitted to the Town Administrator with the large gathering license application. The application fee may be waived by the Board of Selectmen in special cases where:

- A. The event is conducted for not-for-profit and serves to benefit the residents of the Town of Pembroke as a whole. OR
- B. A compelling financial difficulty can be demonstrated on the part of the applicant.

§ 88-3 Violations and penalties.

In accordance with RSA 286:5, any violation of this ordinance is punishable as a misdemeanor in the case of a natural person or as a felony for any other person.

§ 88-4 Exemptions.

Any festival, exhibition, amusement show, fair, theatrical performance, music concert, parade or other activity which is sponsored, promoted, operated or held by the Town of Pembroke or the Pembroke School District shall be exempt from the licensing requirements of § 88-1. This ordinance is intended to apply to single, non-recurring events of a temporary nature. Any series of exhibitions, amusement shows, fairs, theatrical performances, music concerts, parades or other activities as described in § 88-1A, which are held in the same location more than once within a three-month period shall be considered of a recurring and permanent nature and shall be exempt from the licensing requirements of § 88-1. Events of this nature must instead follow all applicable zoning ordinances and site plan regulations of the Town of Pembroke. Facilities which have received site plan approval from the Pembroke Planning Board which allows large gatherings of the type that would otherwise require a license under this ordinance shall be exempt.