



Select Board

# Rules and Regulations for Use of Town Property

The following proposed fee changes will take effect September 1, 2021 (approved applications with a deposit in place will be grandfathered under the Usage Fee at the time of approval).

## Use of Town Properties Fee Schedule

**Non-Profit Organization** - Non-Profit fees only apply to organization's who are registered Non-Profits.

Town Hall Grounds, Bas Relief, First Landing Park, Town Parking Lots	July – August	May – June Sept – Oct	Nov – April
Usage Fee per day	\$300	\$150	\$75
Multi-day discount (subsequent days*)	\$100	\$75	\$25
Town Officer	\$35/hr.	\$35/hr.	\$35/hr.
Parking Fee – Bradford St. Town Hall Spaces (4)	\$20 / space	\$10 / space	No charge
Deposit (100% of Usage Fee)	100%	100%	100%
Cancellation Fee (within 4 months of the event)	Deposit total	Deposit total	Deposit total
<b>Lopes Square, Suzanne's Garden</b>	No charge	No charge	No charge

## For-Profit Organization and Individuals

Town Hall Grounds, Bas Relief, First Landing Park, Town Parking Lots, Suzanne's Garden	July – August	May – June Sept – Oct	Nov – April
Usage Fee per day	\$1000	\$500	\$250
Multi-day discount (subsequent days*)	\$300	\$200	\$100
Town Officer	\$35/hr.	\$35/hr.	\$35/hr.
Parking Fee – Bradford St. Town Hall Spaces (4)	\$20 per space	\$10 per space	No charge
Deposit (100% of Usage Fee)	100%	100%	100%
Cancellation Fee (within 4 months of the event)	Deposit total	Deposit total	Deposit total
<b>Lopes Square</b>	No charge	No charge	No charge

\* Multi-day events are consecutive days of a single event and not exceeding more than seven days. Please see the Town of Provincetown's Zoning Regulations for additional information.



# Regulations for Use of Town Properties

Adopted July 26, 2021 and effective September 1, 2021

## **PURPOSE**

The Town of Provincetown is fortunate to have a vast array of historic and natural resources for all to enjoy. The purpose of these regulations is to preserve the existing landscape and fragile resources of the Town, as well as minimize any impacts to vehicle and pedestrians, and ensure that others may be able to enjoy these properties for years to come.

These regulations apply to the following properties:

1. Town Hall Grounds
2. Bas Relief Park
3. Lopes Square<sup>1</sup>
4. Suzanne's Gardens
5. First Landing Park
6. VMCC Parking Lot

## **FILING PROCESS**

The application for the Use of Town Properties for any event (public or private) is to be filed with the Provincetown Event Coordinator, who in turn is responsible for managing all requests. These regulations are administered by Town Administration on behalf of the Select Board. Required fees must be paid and ancillary permits associated with the work approved prior to the event.

## **RULES AND REGULATIONS**

1. An application and permit will be required when an individual or group requests use of a Town Facility (i.e. the above mentioned properties) for the purpose of (but not limited to) the following:
  - a. A non-profit event (i.e. fundraiser, concert, training, etc.)
  - b. A for-profit event (i.e. performance, concert, show, etc.)
  - c. Wedding
  - d. Photography Shoot
  - e. Other
2. The use of Town property by an organization and/or individual for the purpose of marketing a private product or company is prohibited.
3. Proper liability insurance will be required in the amount of at least One Million Dollars (\$1,000,000.00). An original certificate indemnifying the "Town, its officers, agents, and employees" must be submitted with the application, or provided to the Town a minimum of 21 days prior to the event to avoid forfeiture of the deposit.
4. For each permitted use, a representative will be designated as the responsible party. The responsible party must provide a Certificate of Liability Insurance for the event with the Town of Provincetown named as an additional insured. The General Liability limits shall be \$1,000,000 per occurrence/\$2,000,000 General Aggregate, and proof of

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<sup>1</sup> Re-routing of traffic for an event at this area and/or any facility may require additional permitting

Worker's Compensation Insurance (if applicable) in the amount of the state statutory limit. An insurance waiver may be required.

5. Non-profit requests must be made by a non-profit and include a current IRS 501(c) (3) form letter. The application must be signed by the Town Authorized Officer of the non-profit, or include a letter containing the non-profit's letterhead appointing an authorized agent for the purposes of the application and declaring that the event's proceeds benefit for the non-profit, and that the non-profit will collect the funds associated with the activity. Subletting is strictly prohibited and will result in the loss of use of the property, forfeiting of any deposit, and suspension from future use of the property.
6. If more than one person (up to two) is authorized to be responsible for access and security, their name, address and telephone number must be submitted in advance to the Event Coordinator.
7. Town Hall Land is available for use seven (7) days a week subject to availability. Events will not be permitted which interfere with the normal routine of Town business or normal use of the premises concerned. If a permitted event interferes, the Event Coordinator will work with the representative of the event to determine the best solution. In the event of a conflict, failing such resolution, the use permission will be suspended or revoked in favor of the Town's needs without the Town incurring any resultant liability.
8. In the event of a conflict, Town business will prevail, with no resultant liability incurred by the Town.
9. In the event of an emergency, the Authorized Town Representative takes on the role as the Person in Charge. In the case where a member of the law enforcement is present, this person will take on the role as the Person in Charge.
10. The applicant agrees to pay for the repair of any damage to the premises or its contents, or to pay for the replacement of any contents damaged, as a result of the permitted use, and to cover any potential legal costs associated with the recovery of damages. There shall be no alteration or modifications made to Town property, either temporary or permanent. Anchoring into sidewalks, lawns, memorials, and modifications of existing landscaping are forbidden, will result in loss of a deposit, and may accrue other penalties, including loss of future use of the property.
11. Advertising, decorations, etc. must be approved by the Town Authorizing Officer and are subject to local zoning by laws, licensing regulations, and any additional required permits. The Town Authorized Officer will be the Town Event Coordinator, Custodian, or other Designated Town Employee. Items are strictly prohibited from being attached to Town Property that will permanently destroy or mark the finish.
12. If signs will be on display, a Temporary Sign Permit needs to be submitted and approved by the Building Commissioner prior to approval. Please note that Sandwich Boards are considered signs.
13. A designated Town Officer will have the authority and responsibility to oversee and regulate permitted uses. Once an application has been approved, the responsible party for the event will arrange to meet with the Event Coordinator to discuss specific access times and setup requirements. This meeting must take place no later than two weeks prior to the permitted use.
14. In addition to the usage fee, a Town Officer fee shall be assessed in accordance with the current rate schedule (at an hourly rate). The person appointed as the Town Officer is dependent on the scope of the proposed event.
15. All permitted users must provide a description of the event or function at the time an application is submitted. A detailed agenda must be provided a minimum of 21 days prior to the event.

16. The public use of Town Properties where liquor is sold and/or with 100 anticipated attendees or more requires a special duty Police Detail subject to the Police Chief's discretion. This detail must be scheduled for the duration that the event is open to the public. Arrangements should be made directly with Police Department and confirmed with the Event Coordinator. Please contact the Police Department 14 days in advance of the event at 508-487-1212 to schedule the detail. Associated fees are not covered in the application fee.
17. At the discretion of the Town Officer, the presence of additional staff may be required during the permitted use, or if additional access time is required for delivery, set up or break down of equipment. Additionally, if during the scheduled event the Special Duty Officers determine additional Police Detail is necessary then an officer(s) will be detailed. Associated costs for these additional personnel will be at the expense of the party with no advance notice required.

#### Reservations and Cancellation:

1. Town Properties may be reserved based on the following:
  - a. With the understanding that events where greater than 99 people in attendance are proposed, Police Chief Approval and Police Detail will be required. The scheduling of any Police Detail may only be reserved 14 days in advance of the event and is the responsibility of the applicant.
  - b. Up to 18 months in advance of an event.
  - c. No later than 60 days prior to an event when beer or wine is requested. Please see the Town's rules and regulations regarding the serving of alcohol at any proposed event. Additional liability insurance and permissions are required for this use and must be approved by the Licensing Board. Please contact the Licensing Agent to determine hearing dates and deadlines. The Licensing Agent will schedule the applicant for the Licensing Board if alcohol will be requested on premise.
    - i. Beer and Wine may be served at an event only upon the expressed approval of the Town Manager and pursuant to Provincetown Licensing Board's Regulations. Beer, Wine and/or All-Alcohol may only be served at a Private Individual event which:
      - a. Has a host; and
      - b. Has restricted access to invited guests only; and
      - c. Was not publicly advertised or at a non-profit event, if 100% of the sales go directly to the non-profit applicant on record and only upon the expressed approval of the Town Manager and pursuant to approval by the Provincetown Licensing Board.

An application for beer and wine and/or All-Alcohol service must also be signed off by the Police Chief. Licensing Board approval may be required, consult the Licensing Agent for the Licensing Board meeting schedule. Events with beer and wine and/or All-Alcohol service shall comply with the following additional liability insurance requirements:

- a. Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 general aggregate with the Town named as "Additional Insured"

- b. Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 general aggregate with the Town named as "Additional Insured"
    - c. Provide a copy of the certificate of insurance showing that a Workers' Compensation policy is in effect. The Town would NOT be an additional insured on this policy.
    - d. Ensure that all bartenders are TIPS trained
  - d. Service of food of any kind requires a permit from the Health Department. A food service permit is applied for with the Health Department. Please contact the Health Department to determine any dates and deadlines which may be necessary to meet. The approved permit must be posted in a visible location at the time of and for the duration of the event.
  - e. No later than 60 days prior to an event when entertainment is proposed. Entertainment must comply with the Town of Provincetown Noise By-Law. Any proposed entertainment is subject to Licensing Board Regulations and requires a hearing with the Licensing Board. Please contact the Licensing Agent for restrictions, dates, and deadlines regarding this use.
  - f. The Event Coordinator shall have discretion in the event of a scheduling conflict. Annual recurring events scheduling for at least 3 consecutive years at the same time each year will have a preference to scheduling.
2. Reservations require a 100% deposit of the Usage Fee for each reserved day/night. Deposits accompanied by a completed and signed application form must be submitted to the Event Coordinator at the time the reservation is made. Failure to pay deposit or other fees due within the required time period will result in automatic cancellation.
  3. After the application and deposit is received, the Event Coordinator will submit the form for approval to the Town Manger and Chief of Police (when applicable). Expect up to 21 days for processing. Once approved the Event Coordinator will confirm the reservation with the applicant.
  4. Reservations cancelled within four (4) months of the permitted use are subject to a cancellation penalty of 100% of the deposit total. Cancellation notices must be received in writing.

### Property Rules and Guidelines

Although the locations of the Town properties as listed above vary, please see the following rules regarding their use.

1. Access, including set up and break down, to any Town Property, is from 8am until 12am.
2. All permitted uses of Town Properties must be accessible to the public, pursuant to the Americans with Disabilities Act (A.D.A.) of 1990 (42 U.S.C. 1201 et seq.), which prohibits discrimination against disabled individuals in private and public employment, public accommodations, public transportation, government services, and telecommunications. By contracting for the Use of Town Property, the responsible party assures the Town that it complies with the Americans with Disabilities Act and does not discriminate against the disabled. The responsible party shall also include this requirement in agreements entered into with any subcontractors associated with the permitted use.
3. Any use of Town Property must comply with the Building Department's *Place of Assembly Fire Safety Inspection Checklist*.
4. When the use of a temporary structure is proposed, the structure must be stake-less and cannot exceed seven days. Please see the Town's Zoning Regulations for additional information. A temporary structure permit application must be submitted to the Building

Department for their approval. Tents erected must remain within the perimeter of the park and grounds, and cannot include any anchoring into the sidewalk, landscaping, or other natural features. A Site Plan showing the proposed structure location as well as the size must be included with the application.

5. Access to the permitted space and limitations on the space permitted shall be as specified by the Town Authorized Officer.
6. Permission for use includes the normal installed electrical outlets only. Additional lighting or electrical equipment of any nature must be approved and inspected by the Wiring Inspector in advance of the event. Unusual loading of other types or the use of additional equipment of any nature must be approved and inspected by the Building Inspector and the Town Officer on duty.
7. The use of Town property does not include the use of any Town technical equipment, lights, or podiums (in whole or in part). All equipment to be used for the proposed event must be provided by the responsible party.
8. If the use of Portable Toilets is proposed, all must be placed in such a manner that they are accessible from the street. The driving of any vehicles on the sidewalk or lawns is strictly prohibited.
9. Limited reserved parking may be available from May to October for up to 4 spaces on Bradford Street, requires an additional fee, and is subject to availability. Please see the fee schedules for rates. Parking for unloading and loading of materials for an event must be scheduled with the Event Coordinator, may require an additional fee, and is subject to availability. All other parking areas are subject to fees as designated by the Parking Department.
10. The Department of Public Works maintains the Town properties on a regularly scheduled routine basis. Mowing or additional landscape requests will not be honored. Arrangements must be made with a private hauler to dispose of trash and debris. The site must be returned in the condition which it was received.
11. Approval of an application to use Town Properties does not relieve any applicant of its responsibility to obtain any other necessary licenses or permits, and does not constitute independent approval of any such licenses or permits.
12. Violation of any regulations or specific conditions of permitted use may cause permission to be suspended or revoked, and may be cause for refusal to grant permission for future use of Town Property.
13. If the application for Use of Town Property is denied, the applicant may request a review by the Select Board.

Copies of the regulations and fee schedule are available on the Town's website at:  
<https://www.provincetown-ma.gov/1146/Event-Coordinator>

## ALCOHOL SERVICE

Pursuant to the Regulations for the Public Use of Town Hall, beer and wine service may be permitted subject to the following restrictions: Beer and Wine may be served at an event only upon the expressed approval of the Town Manager and pursuant to Provincetown Licensing Board's Regulations. Beer, Wine and/or All-alcohol may only be served at a Private Individual event which: a) Has a host; and b) Has restricted access to invited guests only; and c) Was not publicly advertised or at a non-profit, if 100% of the sales go directly to the non-profit applicant on record and only upon the expressed approval of the Town Manager and pursuant to approval by the Provincetown Licensing Board.

An application for beer and wine service and/or All-alcohol must be signed off by the Police Chief prior to being sent to the Board of Selectmen. Licensing Board approval may be required, consult the Licensing Agent for the Licensing Board meeting schedule. Please allow minimum of 60 days prior to event for licensing approvals.

No beer or wine service and/or All-alcohol shall be permitted in Town Hall after Midnight. (A waiver of 1:00 am on New Year's Eve may be approved by the Town Manager). In order to serve beer or wine, you must hire a caterer with proper licenses or obtain a Special Alcoholic Beverage License from the Provincetown Licensing Board.

According to ABCC Regulations, Special License ("1-Day License"): "The Local Licensing Authority may issue special licenses for the sale of wines and/or malt beverages to any enterprise, however, special licenses for the sale of all alcohol beverages may be issued to non-profit organizations only." No person may hold special licenses for more than 30 days per calendar year.

Special Licenses must purchase alcoholic beverages from a licensed supplier. Special licensees CANNOT purchase alcoholic beverages from a package store and CANNOT accept donations of alcoholic beverages from anyone. Caterers without a state liquor license are not authorized purchase, sell or resell alcoholic beverages. Beer and wine and/or All-alcohol may only be SOLD in town hall by an event with a Special "1-Day License".

The following additional requirements apply to applicants seeking to serve wine or beer and/or All-alcohol in the auditorium:

1. Applicants must provide a copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as "Additional Insured".
2. Applicants must provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as "Additional Insured".
3. Applicants must provide copy certificate of insurance showing that a Workers' Compensation policy in effect. The Town would NOT be an additional insured on this policy.
4. Applicants must ensure that all bar tenders are TIPS trained.

## THE 12C CATERER'S LIQUOR LICENSE

My caterer tells me that they have a liquor license. What does that mean for my event?

The Caterer's License is an on-premises, state issued alcoholic beverages license, which allows a caterer to sell alcoholic beverages at private events for no more than 5 hours in a city or town that permits on-premises licenses under M.G.L.c. 138, §12. Licensed Caterers cannot sell or deliver alcoholic beverages at events which occur in a licensed premises, i.e. a restaurant, hotel, club, etc.

Before the event a Licensed Caterer MUST:

1. Purchase its inventory of alcoholic beverages from licensed wholesalers
  2. Maintain liquor liability insurance in a minimum amount of \$250,000/\$500,000\*
  3. Only permit individuals who have been certified by a nationally recognized alcoholic beverages server program to serve alcoholic beverages.
  4. At least 48 hours before any private event:
- Notify the police chief and the local licensing authority that the licensed caterer will be serving alcoholic beverages in the city/town.
  - Provide a copy of the caterer's license to the police chief and the local licensing authority.
  - Provide proof of insurance to the police chief and the local licensing authority; and
  - Provide an emergency contact number for the license manager to the police chief and the local licensing authority.

\* - Please refer to the Regulations for rental of Town Hall for local requirements regarding minimum required liquor liability amounts.

What constitutes a private event?

The ABCC defines a private event as one that is "not open to the public" for purposes of a caterer's 12c license which:

1. Has a host; and
2. Has restricted access to invited guests only; and
3. Was not publicly advertised.

What happens if my event is open to the public?

If your event is open to the public and/or publicized and you are using a caterer with a caterer's license from the state you must apply for a special one-day license. Either you or your caterer may apply for the one-day license.

**If you have any questions, please contact the Licensing Agent at (508) 487-7000 ext. 535**





# Use of Town Properties Application Checklist

Town of Provincetown

Attention: Event Coordinator

260 Commercial Street Provincetown, MA 02657

508-487-7000 x 595 [thess@provincetown-ma.gov](mailto:thess@provincetown-ma.gov)

<http://www.provincetown-ma.gov/1146/Event-Coordinator>

*Fees are calculated by the scope of the work. Please review the Regulations for Use of Town Properties to determine the fee(s) for your proposed event(s).*

## CHECKLIST: PLEASE SUBMIT THIS WITH YOUR APPLICATION

<input type="checkbox"/>	Application filed with the Town of Provincetown	<i>This must be submitted to the Provincetown Events Coordinator a minimum of sixty (60) days prior to the proposed event(s)-see Regulations for Use of Town Property for additional timeline requirements.</i>
<input type="checkbox"/>	Facility Use Fee	<i>This is required when using any Town-owned property. Applications can be submitted up to 18 months in advance of the proposed event. Please expect up to 21 days for processing.</i>
<input type="checkbox"/>	Submitted Proof of Insurance Form. The following name and address should appear on the certificate: <b>Town of Provincetown 260 Commercial Street Provincetown, MA 02657</b>	<i>All Uses of Town Property are required to submit an original, signed Certificate of Insurance. The General Liability limits shall be \$1,000,000 per occurrence/\$2,000,000 General Aggregate, and proof of Worker's Compensation Insurance (if applicable) in the amount of the state statutory limit, valid for the duration of the production, with the "Town of Provincetown" listed as additional insured.  Certificates can be emailed to: <a href="mailto:thess@provincetown-ma.gov">thess@provincetown-ma.gov</a> or mailed to the Town of Provincetown, Attention: Event Coordinator, 260 Commercial Street, Provincetown, MA 02657.</i>

## THE FOLLOWING ARE ONLY APPLICABLE IN CERTAIN CIRCUMSTANCES. PLEASE CHECK ALL THAT APPLY

<input type="checkbox"/>	Police Detail	<i>This will be required when a police officer presence is necessary for management of an event where greater than 100 people will be in attendance. The Event Coordination will determine whether or not this is necessary. The scheduling of any Police Detail may only be reserved 14 days in advance of the event, and is the responsibility of the applicant. Fees apply.</i>
<input type="checkbox"/>	Health Department Applications	<i>A food permit will be required when providing any food service.</i>
<input type="checkbox"/>	Liquor Service	<i>This request must be received <b>a minimum of 60 days prior to the proposed event</b>, and requires the approval of the Licensing Board. A public hearing with the Licensing Board will be required. Fees apply.</i>
<input type="checkbox"/>	Entertainment	<i>This request must be received <b>a minimum of 60 days prior to the proposed event</b>. This will be required when entertainment is proposed. This may require a waiver of the Town's Noise By-Law. Contact the Licensing Agent for guidelines. A public hearing with the Licensing Board will be required. Fees apply.</i>
<input type="checkbox"/>	Tent or Temporary Structure Use <sup>2</sup>	<i>This request includes the filing of a Temporary Structure Application with the Building Department. The Building Commissioner must review and approve all applications. Any use of Town Property must comply with the Building Department's Place of Assembly Fire Safety Inspection Checklist. Fees apply.</i>
<input type="checkbox"/>	Parking and Use of Town Parking Lots	<i>This will be required when requesting parking reservations, meter bagging requests, etc. Fees apply.</i>
<input type="checkbox"/>	Public Works Services	<i>This will be required when requesting road closures, street clean ups, etc. Fees apply.</i>
<input type="checkbox"/>	Use of a Drone	<i>The Provincetown Police Department must be notified when use of a drone is proposed.</i>

<sup>2</sup> Please see the Provincetown Zoning By-Laws regarding Temporary Structures