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CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-THREE

SPONSORED BY: *Kassandra Gove* **BILL No. 2023-040**
Kassandra Gove, Mayor

An Ordinance to update various Special Event usage fees and amend the Amesbury Code of Ordinances Chapter 396 Special Events.

Summary: The intention of this ordinance is to update usage fees for special events in the City of Amesbury. These fees were adopted in Bill No. 2005-104. Well-designed charges and fees reimburse the City for the costs of particularized services and promote service efficiency. It is expected that these fees will be periodically reviewed and updated.

Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

That various Special Event Schedule of Fees be amended as follows:

1. That various usage fees be updated in accordance with the attached Schedule of Usage Fees and the same is hereby adopted.
2. That this Special Event Schedule of Usage Fees will replace any existing Special Event Schedule of Usage Fees.
3. That the Amesbury Code of Ordinances Chapter 396 Special Events is hereby amended inserting new Section 396-22, entitled Usage Fees as follows:

Type	Fee
Amesbury Youth Athletic Leagues	\$5 per hour from 1-500 hours, \$10 per hour for 501+ hours. Rates apply per season.
Non-resident Athletic Leagues	\$25 per hour
Adult Athletic Leagues	\$10 per hour
Events Run by City Departments	\$0
Special Events up to 25 people	\$25 per hour
Special Events 26-50 people	\$30 per hour
Special Events 51-200 people	\$100 per hour
Special Events 200+	\$200 per hour
Waiver of Fees	The mayor or their delegate is authorized to grant full or partial waivers of any fee for any reason.

4. This Ordinance shall become effective upon passage.



AMESBURY

MASSACHUSETTS

MEMORANDUM

TO: Amesbury City Council

FROM: Cassandra Gove, Mayor *KG*

DATE: April 3, 2023

RE: Special Event Usage Fees

Please see below for updated Special Event usage fees, prepared by Jimmy Olsen, Assistant Director at Amesbury Youth Recreation. These fees were determined through conversations with athletic organizations in Amesbury as well as a comparative analysis with surrounding communities.

Usage fees assist the city with the care and maintenance of our public spaces, which include parks, athletic fields, buildings and streets.

Type	Current Fee	Proposed Fee
Amesbury Youth Athletic Leagues	\$0	\$5 per hour from 1-500 hours, \$10 per hour for 501+ hours. Rates apply per season.
Non-resident Athletic Leagues	\$25 per hour	\$25 per hour
Adult Athletic Leagues	\$10 per participant	\$10 per hour
Events Run by City Departments	\$0	\$0
Special Events up to 25 people	\$25 per hour	\$25 per hour
Special Events 26-50 people	\$25 per hour	\$30 per hour
Special Events 51-200 people	\$25 per hour	\$100 per hour
Special Events 200+	\$25 per hour	\$200 per hour
Waiver of Fees		The mayor or their delegate is authorized to grant full or partial waivers of any fee for any reason.



AMESBURY
IN THE YEAR TWO THOUSAND FIVE

SPONSORED BY: David T. Hildt, Mayor BILL No. 2005-104

At the meeting of the Amesbury Municipal Council held on November 15, 2005 in the Town Hall Auditorium the following action was taken:

An Order to request the Municipal Council accept and approve usage fees for Town fields and facilities under the jurisdiction of the Parks & Recreation Commission.

Be it Ordained by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:

That the Municipal Council vote to accept and approve usage fees for Town fields and facilities under the jurisdiction of the Parks & Recreation Commission as recommended and described in the attached letter from the Town's Youth Recreation Director and Parks and Recreation Commission.

Councilor Christopher Lawrence moved the Ordinance Committee recommendation to approve as amended changing 1 to one under Time Use (Ball fields only). Councilor James D. Chandler seconded.

Roll Call Vote – 7-Yes, 1-Not in Room for Vote, Benson (7 members present)

Witness my hand and seal for the Town of Amesbury this 18th day of November, 2005

Town Clerk

David T. Hildt, Mayor

Date



Amesbury

Office of Community & Economic Development
Kathleen Crowley
9 School Street
Amesbury, MA 01913-2892

Tel: (978) 388-8137
Fax: (978) 388-0597
Email: kathleen@ci.amesbury.ma.us

Wednesday, July 18, 2005

To Mayor Hildt and concerned parties,

Amesbury's Parks and Recreation Commission, along with the Town's Youth Recreation Director, have been reviewing for the past several months how many Massachusetts cities and Town's utilize event fees and group use fees for the Town's fields and facilities (under the Parks and Rec. Commission's designated areas). As a result, a subcommittee was formed to evaluate fee structures from other towns and formulate a structure for the City of Amesbury. In the Parks and Recreation Commission's last vote on May 19, 2005, the presented fee structure was voted on and all members agreed.

The Parks and Recreation Commission advise and recommend to the Mayor that the following fee structure be utilized in the Town of Amesbury.

Usage Fees recommended By Parks and Recreation Commission:

Youth Recreation, Youth Organizations and Amesbury Public Schools:

Priority to Youth Recreation, School, and then Youth Organizations in that order
Resident: No Charge- must have 85% residency
Non-Resident - N/A (No out of Town- not enough space)

Adult Organizations (currently there are none but it has been asked): Must have 85% minimum residency

Resident: \$10/per player/per season
Non Resident: N/A (No out of Town- not enough space)

1- Time Use (Ball fields only):

Resident: \$30 per field/ hour with a minimum of 2 hours
Non resident: \$50 per field per hour, with a minimum of 2 hours

One Time Use: (Camp Kent, Woodsom Farm)

Resident, Non-Resident, For Profit and Non Profit: \$50/hour with 2 hour minimum

Camps or clinics (week long)- Must have permit from Health Department
\$500/wk based on Monday through Friday 9am - 3pm

No light Fees, on timer

Other comments:



Office of Mayor David T. Hildt
Town Hall, 62 Friend Street
Amesbury, MA 01913-2884

2005-104

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Amesbury

(978) 388-8121
Fax: (978) 388-6727
Mayor@ci.amesbury.ma.us

MEMORANDUM

TO: Municipal Council
CC:
DATE: Wednesday, September 14, 2005
FROM: David T. Hildt, Mayor
RE: Proposed Usage Fee/Parks & Recreation

I have reviewed the proposed usage fees for Town fields and facilities which come under the jurisdiction of the Parks & Recreation Commission.

I am in complete agreement with the proposal and hope that the Municipal Council will accept and approve the usage fees as described in the information attached to the Order I have submitted.

Thank you for your consideration.

David T. Hildt
Mayor

DTH/dlm

§ 396-1. Title.

This chapter shall be referred to as the "Special Events Ordinance."

§ 396-2. Purpose.

- A. It is the purpose of the City Council to establish a comprehensive process for permitting special events conducted by the private sector using City streets, facilities or services and in some cases private facilities. It is recognized that these special events provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as part of governmental services. However, since certain special events will have minor and major impacts on the community in general, and on the neighborhood of the venue in particular, a central purpose of this chapter is to reasonably regulate those situations where major impacts can reasonably be expected to occur.
- B. By recognizing the potential impacts of special events on venues, it is further intended to:
 - (1) Provide a coordinated process for the regulation of certain activities conducted in conjunction with special events;
 - (2) Ensure the health and safety of patrons of special events;
 - (3) Prohibit illegal activity from occurring within a special event venue on private or public property;
 - (4) Protect the rights and interests granted a special event permit holder, while at the same time reasonably holding them accountable for justified responsibilities;
 - (5) Create a mechanism for cost recovery for special events without having an adverse effect on those special events that contribute to the community;
 - (6) Protect the rights of its citizens to engage in protected free speech expression activities, allowing the least-restrictive and reasonable time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services.

§ 396-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, livestock, or property of any kind.

EVENT ORGANIZER — Any person who conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or noncommercial special event. The event organizer will be responsible for all details concerning the application, including fees, plans, and paperwork; in the event that the event organizer is not an individual but a host organization, such event organizers shall designate an individual person as being

the responsible party for said event organizer.

FACILITY(IES) — Any City-owned or -operated property or property interest.

GOODS — Goods, wares, personal property, merchandise or any other similar items that are generally sold.

HIGHWAY — A way or place of any nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes streets.

HOST ORGANIZATION — The sponsoring organization that has overall authority of the special event venue.

PRIVATE PROPERTY — Any property other than that which the City owns or operates or has property interest in.

SERVICES — The use of City employee time required for safe operation of an event.

SPECIAL EVENT —

- A. Use of any City park, building, street or other facility or private property when an organized activity is conducted, to which the public is invited or admitted, with a common purpose and under the direction or control of a person, and any one or more of the following factors exist:
- (1) A fee is charged or money is collected;
 - (2) Alcohol and/or food will be sold;
 - (3) Temporary structures are constructed;
 - (4) A City facility will be closed to general use by the public or use by the general public will be denied in part or in whole;
 - (5) The location will be used beyond its normal capacity or typical range of uses;
 - (6) The proposed use is likely to infringe on other users' activities at that location;
 - (7) The activity on a street or other public place is impacted in a manner which disrupts the normal or usual traffic patterns, regulations or controls;
 - (8) The Mayor reasonably determines that the event will result in substantial impact on City resources, facilities or public safety services in response thereto.
- B. Examples of special events include, by way of illustration and without limitation, concerts, dances, assemblages, processions, parades, marching band reviews, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments, obstacle course races), spectator sports or other organized activity conducted for a common or collective use.
- C. Special events do not include normal City-sponsored programs or activities or regular sporting events or tournaments held inside a building or at a facility

qualified as a "place of public assembly" and intended for that purpose.

SPECIAL EVENT PERMIT — A permit issued under this chapter.

SPECIAL EVENT VENUE — That area for which a special event permit has been issued.

STREET — A way or place of any nature, publicly maintained and open to use of the public for purposes of vehicular travel. "Street" includes highway, alley, and other public ways.

VENDOR — Any person who sells or offers to sell any goods, food, or beverages within a special event venue.

§ 396-4. Enforcement authority.

The Mayor is authorized to administer and enforce the provisions of this chapter. In doing so, the Mayor and/or his/her designee(s) may exercise any enforcement powers available to the City under all applicable state laws, City ordinances and other applicable laws and regulations.

§ 396-5. Delegation of Mayor's authority.

The Mayor may delegate any or all of his or her functions under this chapter to designated department heads and/or subordinates as the Mayor may reasonably determine. Whenever the term "Mayor" is used herein, the term shall include any designee of the Mayor as the Mayor may reasonably determine.

§ 396-6. Permit required.

- A. It is unlawful for any person to conduct, promote, manage, aid, or solicit attendance at a special event without first obtaining a special event permit from the Mayor or his/her designee.
- B. The Mayor is authorized to issue permits for special events occurring within the City limits of the City pursuant to this chapter. The Mayor is authorized to determine the special event venue. The Mayor shall set reasonable boundaries for the special event venue, balancing the special event requirements and public health, safety, and welfare. The Mayor is authorized to coordinate the issuance of a special event permit with other public agencies under whose jurisdiction or property the event or portion thereof occurs. The Mayor is authorized to grant exceptions and waivers as set forth immediately below and elsewhere in this chapter.

§ 396-7. Exceptions to permit requirement.

- A. The following activities are exempt from the special event permit requirement:
 - (1) Activities sponsored and conducted entirely by the City;
 - (2) Activities cosponsored by the City;
 - (3) Activities conducted pursuant to a City Council approved contract between the

City and the event organizer;

- (4) Activities conducted by a governmental agency acting within the scope of its authority;
 - (5) Activities conducted at private facilities which have a use permit that allows such activities;
 - (6) Funeral processions;
 - (7) Lawful picketing on sidewalks;
 - (8) Demonstrations of 100 people or more that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment, including sound equipment, provided that:
 - (a) No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and
 - (b) The Chief of Police is notified and a special event checklist is completed at least 72 hours in advance of the commencement of the demonstration;
 - (9) Demonstrations of fewer than 100 people and that comply with traffic and noise laws;
 - (10) Spontaneous events for the purpose of expressive activity that occur in response to breaking news that has occurred less than 72 hours prior to the event; and
 - (11) Activities and events reasonably determined by the Mayor in writing (including e-mails) as not requiring a special event permit due to their minimal impact on the community.
- B. Although not required to get a special event permit, an event organizer of an activity exempted pursuant to Subsection A of this section is required to comply with general regulations governing public health and safety as applicable, including, without limitation, use permits for City property and parks and public safety details (fire, police, etc.).

§ 396-8. Issuance of permit does not obligate City services.

- A. Issuance of a special event permit pursuant to this chapter does not obligate or require the Mayor or any City department or official to provide City services, equipment or personnel in support of an event.
- B. The Mayor may, in his reasonable judgment, determine that the City will provide City services, equipment, or personnel for special events. If City services, equipment, or personnel are provided, the event organizer shall provide the City with cost recovery; but in the case of a protected free speech expression activity, such cost recovery shall be in accordance with all applicable law regarding the same.

§ 396-9. Time for filing application for permit; notifying Mayor of demonstration.

- A. For special events, an application for a special event permit shall be filed with the Mayor not less than 60 calendar days nor more than one year prior to the date(s) when the special event is proposed to be conducted.
- B. Any individual or organization organizing a demonstration shall submit a special event checklist to the Mayor not less than 72 hours before the time when the individual or organization proposes to conduct the demonstration.

§ 396-10. When application deemed complete.

An application for a special event permit is deemed complete when the applicant has provided all of the information required in § 396-11 and has paid all the required fees set in § 396-21. All other City fees that may also apply must have been paid as well. The applicant shall be notified in writing when the application is deemed complete.

§ 396-11. Contents of application.

The application for a special event permit shall be in a form prescribed by the Mayor and will include but not be limited to the following, as applicable to the event:

- A. The name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any, and shall contain certification that the responsible party for the event organizer is at least 18 years of age;
- B. A statement of the purpose of the special event;
- C. The proposed location for the special event;
- D. The date(s) and times when the special event is to be conducted;
- E. The specific proposed site or route, including a map and written narrative of the route;
- F. The approximate number of persons and/or vehicles that will constitute the special event;
- G. The number of vendors, suppliers and entertainers and the nature of goods to be provided or sold, including but not limited to the type of food and drink;
- H. The number and location of portable sanitation facilities and a recycling plan and waste management plan;
- I. Other equipment or services necessary to conduct the event with due regard for participant and public health and safety;
- J. Insurance and/or surety bond information; and
- K. Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed event activity.

§ 396-12. Contents of permit.

A special event permit may contain but is not limited to the following information or conditions, as applicable to the event:

- A. The location of the special event venue identified by a map attached to the special event permit.
- B. The dates, assembly area, times for assembly, and starting and ending time of the special event.
- C. The specific route plan to the special event.
- D. The minimum and maximum speeds of the special event.
- E. The number and types of persons, animals and/or vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement.
- F. The portion of the street and sidewalk that is to be occupied by the event.
- G. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer.
- H. Conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event. Proof of full liquor liability insurance and a license to dispense alcohol from the Liquor Commission must be provided if alcohol is sold.
- I. Provisions for any required emergency medical or rescue services. Any person or agency providing such service will be approved by the Fire Chief or designee.
- J. Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for the on-site presence of the event organizer or its designated representative for all event coordination and management purposes.
- K. As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions for cleaning up the area or route of the event both during and upon completion of the event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the event, and to pay for the cost to repair any damages caused by the event.
- L. At the discretion of the Mayor, a surety bond (or other reasonable means of providing financial assurance) may be required, as well as any other reasonable event permit conditions.

§ 396-13. Amendments to an approved application.

- A. Once an application has been approved, an amendment shall be filed at least 10

calendar days prior to the event if any of the conditions have changed, including but not limited to:

- (1) Number of attendees;
 - (2) The boundaries, course, or location of the event;
 - (3) Admission charged vs. free event;
 - (4) Alcohol vs. nonalcohol event;
 - (5) Loss of insurance coverage;
 - (6) Addition of live music or dance; and
 - (7) Addition of animals, livestock, fireworks, water or air activities or other uses that would significantly change the permit conditions.
- B. The Mayor has the discretion to revoke the permit due to changed conditions.

§ 396-14. Mayor's action on permit application.

- A. Except as provided in subsections below, the Mayor or his designee shall take final action upon a completed application for a special event permit within 30 calendar days.
- B. The Mayor or his designee is not required to take final action upon any special event permit application prior to 10 months before the event.
- C. The Mayor or his designee is not required to take final action on an incomplete or untimely special event permit application.
- D. Final action on a completed special event permit application shall consist of one of the following:
- (1) Issuance of a special event permit in accordance with the terms of the application; or
 - (2) Issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the Mayor and the applicant; or
 - (3) Denial of the special event permit application by the Mayor.
- E. Notwithstanding the Mayor's acceptance of a completed application, no date shall be considered confirmed until a special event permit is actually issued.

§ 396-15. Reasons for denial of a permit.

- A. The Mayor or his designee shall deny a special event permit to an applicant who has not:
- (1) Provided for the services of a sufficient number of personnel authorized to

direct traffic who are trained, certified and appointed; or

- (2) Provided sufficient monitors or security guards and/or specialized "event staff" for crowd control and safety; or
- (3) Provided sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for public health and the safety of participants and/or attendees; or
- (4) Provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or
- (5) Obtained permits and/or public safety (police/fire) details from other relevant authorities, as required in § 396-17; or
- (6) Provided adequate proof of insurance covering the event; or
- (7) Paid fees, other required deposits, damages or other costs from prior events or for this event.

§ 396-16. Display of permit required.

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the Mayor applicable to the particular event and shall be exhibited upon demand of any City official.

§ 396-17. Other permits and licenses.

- A. The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to this chapter or by any other public entity with jurisdiction over the event, including but not limited to the Amesbury Police Department, Amesbury Fire Department, Conservation Commission and the Board of Health.
- B. The issuance of any other permit or license issued pursuant to this chapter does not relieve any person from the obligation to obtain a special event permit pursuant to this chapter.

§ 396-18. Emergency and general powers of public safety officials.

As provided in applicable provisions of Massachusetts General Laws, public safety and public health officials are empowered to exercise all such emergency powers as granted to them, and nothing in this chapter shall in any way restrict any such emergency and general powers.

§ 396-19. Cost recovery for unlawful special event.

Whenever a commercial or noncommercial special event is conducted without a special event permit when one is required, or an event is conducted in violation of the terms of

an issued special event permit, the event organizer/host organization shall be responsible for all City costs incurred. The Mayor shall charge and bill the event organizer/host organization for personnel and equipment involved in any public safety response caused by, growing out of or necessitated by the adverse impacts of the event or the violation of the special event permit upon public safety.

§ 396-20. Severability.

The invalidity of one or more phrases, sentences, clauses or articles contained in this chapter shall not affect the remaining portions of this chapter or any part thereof; and in the event that any one or more of such phrases, sentences, clauses or articles should be declared invalid by the final order, decree or judgment of a court of competent jurisdiction, this chapter shall be construed as if such invalid phrases, sentences, clauses or articles had not been inserted in this chapter.

§ 396-21. Permit fee.

The special event permit fee shall initially be \$25 or as set periodically by the Mayor or his designee, subject to the approval of the City Council.