



TOWN OF EXETER, NEW HAMPSHIRE

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POLICY GOVERNING THE USE OF TOWN PROPERTY

SECTION 1. AUTHORITY

- 1.1 The Exeter Select Board hereby adopts this policy pursuant to the provisions of RSA 41:8 and 41:11-a. The Town Manager's role with respect to property management is outlined in RSA 37:5 and RSA 37:6.

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 Exeter, 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 Exeter municipal building, except for specifically designated exterior areas.

Section 3. REPEAL OF PREVIOUS POLICIES

- 3.1 This policy supersedes and replaces the Property Use Policy as previously adopted.

Section 4. ADDITIONAL REGULATIONS

4.1 This policy is intended to serve as a main policy on use of town property, and as the parent policy to any other Town Hall Regulations, Senior Center Regulations, Library Use Regulations, Rules for Use of Swasey Parkway, and Conservation Commission land use 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 Select Board shall review the policy and either recommend a change for consistency, or refer it to the appropriate authority (Parks & Recreation, Library Trustees) for review and comment.

4.3 Special authorization from the Select Board shall be required for any long-term use (more than 1 month), lease or proposed rental agreement for Town facilities.

4.4 The use of town buildings including the Swasey Pavilion (downtown bandstand structure), shall be limited to four uses by the same user. Reapplication for subsequent uses is permitted providing the facility is available.

4.5 The Select Board may authorize the Town Manager to execute applications for use of Town buildings, structures, and public property under their jurisdiction.

SECTION 5. ALLOWABLE USERS (IN ORDER OF PREFERENCE)

- a. Town of Exeter – Municipal Functions including Town Sponsored Events
- b. School Administrative Unit 16
- c. Other
- d. Commercial Activities (subject to conditional approval, see also Section 11.2)

NOTE: Town sponsored events require a letter from the sponsoring department.

A town sponsored event will still require the completion of a Town of Exeter Event Application form and approval by the Select Board or their designee. Town sponsored events include events run and sponsored by the Exeter Parks and Recreation Department.

5.1 The Town reserves the right to “bump” scheduled groups in the event a Town of Exeter-Municipal Function or Town Sponsored Event 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.

5.2 The Town will review requests to use municipal property and if more than one request for a particular date/time/location creates a conflict, the above order of preference will be utilized to render a decision. If no such conflict exists, the Town will grant requests on a first come, first serve basis.

5.3 As of the date of adoption of this policy, the town will confirm a list of Town Sponsored Events considered grandfathered under this policy. These events will be considered to have had some form of official town sponsorship and endorsement for public property under the authority of the Select Board. These events are considered priority over other groups/events.

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 Exeter 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.

6.3 Signage. No signage is allowed on town property with the exception of properly permitted signage including the sign board cases to the left and right of the Town Hall. Specific requirements for these venues are found in the sign regulations and Select Board sign policy. Town ordinance 502 governs the placement of signage and banners in the town rights of way. No banners are allowed other than those properly permitted as part of the Town of Exeter Event Application form approval process. Unapproved signs will be subject to removal by the Code Enforcement Officer or their designee.

SECTION 7. ACCESSIBILITY

7.1 The Town of Exeter 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, 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 Manager 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 to use the Town Hall, Town Hall second floor and adjacent room, municipal parking lots, Swasey Parkway (see section 8.3), or indoor facilities at the Town Office, including the Nowak Room and Wheelwright Room, shall be submitted in writing to the Exeter Parks and Recreation Department at least thirty (30) days in advance, to the extent practical. These permits and others as may be required shall be submitted to the Exeter Parks and Recreation Department at least thirty (30) days in advance, to the extent practical.

8.2 Requests to use outdoor recreation facilities, including, but not limited to the Recreation Park at 4 Hampton Road, 32 Court Street Recreation Building, Brickyard Park, and the Senior Center, shall be submitted in writing to the Parks and Recreation Department at least thirty (30) days in advance, to the extent practical.

- 8.3 Requests to use Exeter 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 Swasey Parkway (public grounds only) shall be administered by the Select Board, and subject to these rules and regulations and additional regulations "Rules of Swasey Parkway." This includes the closure of the Parkway on a temporary basis, which is within the authority of the Select Board or its designee.
- 8.5 Requests to use the Raynes Barn and conservation properties shall be administered by the Conservation Commission, subject to their rules and regulations in addition to the requirements set forth herein.
- 8.6 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, as described in Section 5 herein. In addition, all such permission may be revoked at anytime as determined solely by the Town.
- 8.7 No facility shall be permitted more than 12 months in advance of a scheduled event, unless for government use or as a town sponsored event.

SECTION 9. INSURANCE & INDEMNIFICATION

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

- (a) All uses and events.
- (b) For events that involve the consumption of alcohol, upon specific request and authorization; and subject to all laws pertaining to such use. A rider covering alcohol service shall be required along with all state and local permits.
- (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.
- (e) All of the above will require either a complete Town of Exeter Event Application form or use form related to the space (Town Hall, Town Hall second floor, Swasey Parkway, Senior Center, etc.) An event sketch must be included with each application. Event sketches will include any information needed by the town and will be required prior to the approval of any event. Updated event sketches may be submitted but in no case shorter than 30 days prior to the event. Substantive changes from a preliminary to a final sketch will require approval of town departments, as applicable.

9.3 All requests to use Town facilities shall require the event organizers to indemnify and hold harmless, the Town of Exeter 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.

9.4 Applicants will sign all needed forms and accept the responsibilities outlined on those forms in addition to this policy.

SECTION 10. MAINTENANCE

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 including time when the key is still outstanding. 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.

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. Making holes in walls at town facilities is prohibited.

The Town requests that all groups using municipal facilities be responsible for disposal of trash. 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.

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

Fees may be charged for use of town facilities according to the town's fee schedule. See fee schedule for details.

SECTION 12. WAIVERS & EXEMPTIONS

12.1 The Select Board 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 facility.

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 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 12:00 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 applicant 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 Manager.

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

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 Exeter Fire Department, 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 may require a Vendor Permit (available from the Parks and Recreation Department) in addition to the authorization provided under this policy for use of Town facilities and any other applicabl state or local health regulations.

13.16 Provision or offering of food shall be identified in the Town of Exeter Event Application form.

13.17 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.

13.18 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 Select Board.

13.19 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 15th day of October, 2018.

Revised and Adopted 8/12/19

ATTEST: