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**TOWN OF NEW BOSTON**  
**Licenses and Permits**

**1. License Required**

Pursuant to the powers granted to the Town to enact bylaws, under RSA 31:39 and 31: 100; To require licenses, under RSA 286, and the 1972 Town vote under Article 18 to enact a licensing requirement, licenses are required for any event or person which falls within one or more of the following definitions:

- A** Any event involving use of the public parks, commons, roads, town or school buildings, and other public property;
- B** Any public event involving the use of private property, which falls within one or more of the categories, listed in C-J and where 500 people or more are expected,
- C** Public dances or musical performances;
- D** Community events, including the sale of merchandise by commercial retailers or by community associations conducting street fairs or other promotions;
- E** Public performances by one or more showmen, tumblers, rope dancers, ventriloquists, or any other person exhibiting feats of agility, horsemanship, sleight of hand, rope dancing or feats with cards, animals, wax figures, puppets or other show;
- F** Public competitions;
- G** Public theatrical or dramatic presentations;
- H** Public parades or processions;
- I** Public open-air meetings;
- J** Public circuses or amusement rides.

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## **2. Application Procedure and Requirements**

An application for a license, together with the required fee, shall be filed at least 30 days in advance of the proposed event with the Town Administrator, and shall be reviewed by the Board of Selectmen at its next regularly scheduled meeting. The Board shall determine whether the license may be granted, and what conditions may be required, consistent with public convenience and safety. Conditions may include:

- A** Proof of workers' compensation, comprehensive general liability, and/or motor vehicle insurance in the appropriate limits, listing the Town as an additional insured. Homeowners insurance will extend coverage with a binder/certificate of insurance. Renter will call their/it's agent and agent shall mail or fax information to the Town;
- B** Recommendations of the Police and Fire Chiefs addressing issues of public safety and specifying the number of police and fire personnel necessary to attend the event;
- C** Documentation evidencing compliance with all other applicable ordinances and statutes, e.g. state carnival ride licenses, fireworks permits, etc.;
- D** Recommendations of the Health Officer concerning the adequacy of sanitary facilities and any food service facilities;
- E** Restriction of hours and area of operation.

Provided that, the Board of Selectmen shall have discretion to waive the 30-day notice requirement where strict compliance is not necessary to protect the Town's interests, and fairness to the applicant so requires.

## **3. Time Limit for Recommendations of Town Agencies**

In the event that the granting of a license is conditional upon recommendations of other Town agencies or officials, such recommendations shall be issued promptly, within one week of the receipt of a written request for a review and recommendation by the license applicant, and the Board shall review the recommendations at its next regularly-scheduled meeting after receipt of said recommendations.

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#### **4. Denial of Application**

A license application shall be denied if the Board, by a majority, finds that granting it is inconsistent with public convenience and safety. Denial of an application shall be in writing and shall identify the specific reason or reasons justifying the denial. In making its determination, the Board may consider

- A** Any record of criminal convictions on the part of the applicant or persons involved in the event or performance;
- B** Failure by the applicant or persons involved to comply with all federal, state, and local ordinances applicable to the event or performance;
- C** Proximity to schools, churches, public housing, public playgrounds and parks, or recreation areas;
- D** Any other facts which would adversely and unreasonably affect the public safety and convenience of the citizenry of the Town;

#### **5 Revocation or Revision of License.**

A license granted pursuant to this Ordinance may be revoked or revised by the Board of Selectmen, after written notice of at least five days, followed by a public hearing before the Board, for the following reasons:

- A** The event or performance violates any local, state or federal law or ordinance;
- B** The premises at which the event or performance is being held does not comply with applicable building and fire codes;
- C** There were material omissions or misrepresentations of fact by the applicant at the time the license was applied for;
- D** There has been a violation of any requirement or condition of the license which is harmful to the public convenience or safety;
- E** The event or performance, or the premises at which it is held, create a public nuisance, as defined in RSA 544:1 and RSA 318-B:16.

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**6 Procedure for Revocation Without Prior Notice**

Should the Selectmen determine that an immediate danger of irreparable harm exists if a license is not revoked immediately, the requirements of prior notice and hearing may be waived, and the license revoked immediately. In that event, the Board of Selectmen shall issue a written order specifying the reasons for its decision, and written notice and the opportunity for a hearing shall be provided by the next regularly scheduled meeting of the Board.

**7 Inspection of Premises**

Any member or designee of the Board of Selectmen, the Police Chief or designee, or the Fire Chief or designee, may enter upon any premises licensed under this article, at reasonable times, to ascertain the manner in which the license is exercised, and to preserve order.

**8 Fee**

Each application must be accompanied by a \$25.00 fee, with the exception that there shall be no fee for local nonprofit organizations, or organizations which are nonprofit, and serve religious, charitable, educational or governmental purposes. Proof that the organization has been recognized by the Internal Revenue Service as tax-exempt under §501(c)(3) of the Internal Revenue Code shall suffice as proof that it is entitled to have the fee waived.

**9 Penalty**

- A** A violation of this Ordinance, or of any condition or Order imposed by the Board (or its designee) pursuant to this Ordinance shall be subject to a penalty of up to \$1,000.00, to be determined by the Board based on the circumstances. The Town shall have the power to enforce an Order not complied with by appropriate court action, including a request for payment of attorneys' fees and costs.
- B** In addition, any violation of RSA 286 shall be prosecuted as a misdemeanor for a natural person, or a felony for any other person.

**10 Appeal of Licensing Decision**

All decisions of the Selectmen shall be final, subject to review by the New Hampshire Superior Court by a petition for certiorari, filed within thirty days of the date of the Selectmen's decision. The appeal will be limited to the issues of whether the findings of fact by the Selectmen could have reasonably been made, and whether the Selectmen acted illegally in respect to jurisdiction, authority, or observance of law