

Chapter 104. Amusements

Article IV. Public Shows, Exhibitions and Events

§ 104-25. License required.

Except as otherwise permitted or excluded elsewhere in Chapter 104, Article IV, no person shall set up, promote, exhibit or maintain any theatrical exhibition, public show, public amusement or exhibition of any description to which admission is obtained by the payment of money, or by the delivery of any ticket or voucher obtained for money or by the delivery of any other valuable thing without first obtaining a license therefor from the City Council. Regardless of whether a fee is charged, no person shall set up, promote, exhibit or maintain a public event, which is defined as any event open to the public, such as a carnival, festival, fair, or other outdoor event at which the public will gather, without first obtaining a license therefor from the City Council.

§ 104-26. Application.

- A. The application for such a license shall be in writing at least 30 days prior to the scheduled date(s) and shall fully and specifically describe the conditions of the proposed public event, exhibition, show, or amusement and the premises upon which the proposed public event, exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health or order. The application shall include written proof of permission from the owner of the property where the event will take place [including documentation pursuant to § 104-27A(4)], copies of any event agreements, including leases and contracts for entertainers, performers, sound, stage, cleaning, security, vendor, catering or food services, and proof of adequate insurance coverage. The application shall also include the number of anticipated attendees' total parking spaces available on site or arrangements for off-site parking, any charges or fees for parking, plans for solid waste disposal and recycling collection, and the number of public restrooms available, permanent or portable.
- B. Upon request of any City official reviewing the application or the City Council, the applicant shall, in addition, furnish reasonable information concerning the conditions of the premises and actions to be taken in order to prevent danger to the public safety, health, or order. The application shall be submitted to the Police Chief, Fire Chief, Health Inspector or Board of Health, Building Inspector and Public Works Director for review and comment prior to the City Council hearing.
- C. For those applications where the anticipated persons attending is 1,000 or more, the City Clerk's office shall notify all direct abutters, as determined by the City Assessor, no less than 48 hours before the scheduled hearing date of the nature of the hearing along with the location, date and time of the hearing by use of the City's electronic message service system(s).

§ 104-27. Hearing.

- A. Within 27 days following receipt by the City Clerk's office of a completed license application, the City Council shall open a hearing and upon conclusion of said hearing shall either grant or deny such license upon a finding that issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

- (1) Unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located; or
 - (2) Increasing the potential or opportunity for illegal or disruptive conduct in the area in which the premises are located; or
 - (3) Unreasonably increasing the level of noise in the area in which the premises are located; or
 - (4) Failing to provide the City Council with proper prior approval from the department or oversight authority of land that is protected or restricted by agreement with the state or federal government; or
 - (5) Negatively impacting the quality of life in the surrounding area; or
 - (6) Violation of federal, state and local laws, regulations or ordinances.
- B. No applicant having been denied a license as aforesaid shall submit the same or a similar application within one year of said denial without including in said new application facts showing that the circumstances upon which the original denial was based have substantially changed.

§ 104-28. Conditions on issuance of license.

Licenses for public events, theatrical exhibitions, public shows, public amusements and exhibitions of every description shall be granted subject to all the provisions of law and to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance, or to insure adequate safety and security for patrons or the affected public which are not inconsistent with law or ordinance as the City Council may from time to time determine and impose. No licensee shall exceed the number of attendees listed on the license without the express approval of the Police Chief or his/her designee.

§ 104-29. Application fee; maximum number of licenses.

- A. The nonrefundable application fee for public events, theatrical exhibitions, public shows, public amusements and exhibitions shall be as follows:

Anticipated Persons Attending (Single Event)	Fee
Less than 500	\$50
Less than 1,000	\$100
Less than 2,500	\$150
Less than 5,000	\$300
More than 5,000	\$500

*see attached
amended ordinance
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- B. For reoccurring, substantially similar events of four or more held by a single registered nonprofit group in a calendar year on property owned by the nonprofit group, public property or a religious society, the single nonrefundable application fee for public events, theatrical exhibitions, public shows, public amusements and exhibitions shall be as follows:

Anticipated Persons Attending (Multiple Events)	Fee
Less than 500	\$100
Less than 1,000	\$200
Less than 2,500	\$300
Less than 5,000	\$400
More than 5,000	\$500

- C. The City Council may increase the above fee for any application for which the actual expenses of a review and hearing process exceed those fees stated above.

- D. The City Council may waive the above fees for any City-sponsored event or for registered nonprofit groups who are conducting the public events, theatrical exhibitions, public shows, public amusements and exhibitions for a wholly charitable purpose.
- E. In any calendar year, the City Council may grant a maximum of three public event licenses, with a minimum of 60 days between events, on any privately owned land parcel(s) throughout the City.
- F. In addition, any licensee licensed under the above provisions shall be responsible for the cost of any damage that occurs to public property or extraordinary expense necessary for public safety as a result of the public event, exhibition, show, or amusement.

§ 104-30. Cancellation of license.

Failure or neglect on the part of any licensee licensed under the above provisions to observe and obey the laws of the commonwealth, the ordinances of the City or the rules, regulations and orders of the City Council conditioning or relating to such license, or to observe and obey any order of the Mayor or of the Chief of Police in relation to the discontinuance, alteration, modification or removal of any performance, act, feature, picture or event according to the provisions of § 104-31 shall operate as a cancellation and determination of the license granted to the licensee.

§ 104-31. Right of entry; assignment of police officers.

- A. The Mayor, the City Council, individually or collectively, the Chief of Police and any police officer while engaged in the performance of his/her duty shall have the right to enter any public event, theater, exhibition hall, public show or other place of public amusement or exhibition at any time.
- B. The City Council may direct, either as a condition of the granting of a license or at any time in the interest of public peace, public morals or public safety, that one or more police officers and/or firefighters shall be assigned, at the expense of the licensee, to attend any licensed public event, theatrical exhibition or performance or other public show, exhibition or amusement for the purpose of seeing that the laws of the commonwealth, the ordinances of the City and the rules, regulations and orders of the City Council are observed and obeyed.

§ 104-32. Censorship.

All licensed theatrical or other public performances, acts, features, pictures or parts thereof performed or presented at any theatre, exhibition hall, public show, public event or other place of public amusement shall be subject to the censorship of the Mayor or the Chief of Police, and any person licensed under the provisions above shall forthwith discontinue, alter, modify or remove any such performance, act, feature or picture as may be determined by them to be injurious to the public peace, morals or safety, or in violation of any federal, state and local laws, regulations or ordinances.

§ 104-33. Applicability.

The provisions of §§ 104-25 to 104-32 shall apply to dance halls, skating rinks, picnic groves and other places of public amusement in which the public may take an active part, but to which admission is obtained by the payment of money or some other valuable consideration.

§ 104-34. Exemptions.

The provision of Article IV shall not apply to public events, theatrical exhibitions, public shows, public amusements and exhibitions by religious societies conducted on property owned by them, or to public shows and exhibitions given in school buildings by or for the benefit of the pupils thereof, or to any events on public

property properly permitted and approved by the appropriate permit granting authority, or to enterprises holding appropriate entertainment licenses from the License Commission or to road races licensed pursuant to § 185-4.



DOCUMENT 82

CITY OF HAVERHILL

In Municipal Council June 20 2017

~~ORDERED~~

MUNICIPAL ORDINANCE

CHAPTERS 36, 104 & 191

**AN ORDINANCE RELATING TO FEES AND RECEIPTS; AMUSEMENTS -
PUBLIC SHOWS AND EXHIBITIONS; and, PEDDLING AND SOLICITING**

BE IT ORDAINED by the City Council of the City of Haverhill that Chapter 36 of the Code of the City of Haverhill, as amended, being and is hereby further amended as follows:

§ 36-7. Waiver of Fee or Charge

By deleting this section in its entirety and inserting in place thereof the following:

“The City Council and Mayor shall have authority to waive fees or charges due to the City of Haverhill which are set by order, ordinance or state law. No fees or charges due to the City of Haverhill shall be waived where prohibited by state law. The waiving of any fee or charges by the City Council and Mayor shall be subject to the conditions below:

- A. Only nonprofit organizations seeking approval for projects or events for the benefit of the public where at least 80% of the labor is being performed by volunteers shall qualify.
- B. The applicant shall provide the name and address of the organization, along with the names of the executive officers and board members. The application shall include the specific fees or charges sought to be waived and a dollar total. The applicant shall provide any documentation or information requested, including but not limited to project and/or organizational financial information.”

BE IT ORDAINED by the City Council of the City of Haverhill that Chapter 104, Article IV. Public Shows and Exhibitions, of the Code of the City of Haverhill, as amended, being and is hereby further amended as follows:

§ 104-29. Application fee; maximum number of licenses.

By deleting this section in its entirety and inserting in place thereof the following:

82

"The application fee for nonprofit organizations conducting public events, theatrical exhibitions, public shows, public amusements and exhibitions shall be \$50. Otherwise fees shall be as follows:

A. The nonrefundable application fee for public events, theatrical exhibitions, public shows, public amusements and exhibitions shall be as follows:

Anticipated Persons Attending (Single Event)	Fee
Less than 500	\$50
Less than 1,000	\$100
Less than 2,500	\$150
Less than 5,000	\$300
More than 5,000	\$500

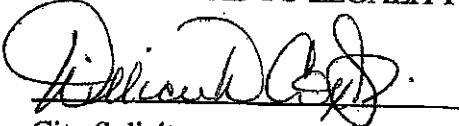
- B. The City Council may increase the above fee for any application for which the actual expenses of a review and hearing process exceed those fees stated above.
- C. In any calendar year, the City Council may grant a maximum of three public event licenses, with a minimum of 60 days between events, on any privately owned land parcel(s) throughout the City.
- D. In addition, any licensee licensed under the above provisions shall be responsible for the cost of any damage that occurs to public property or extraordinary expense necessary for public safety as a result of the public event, exhibition, show, or amusement.

BE IT ORDAINED by the City Council of the City of Haverhill that Chapter 191 of the Code of the City of Haverhill, as amended, being and is hereby further amended as follows:

§ 191-12. Special Events.

By deleting sub-section "B" in its entirety.

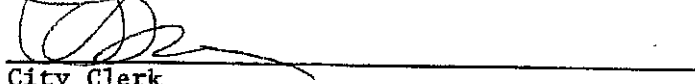
APPROVED AS TO LEGALITY



City Solicitor

PLACED ON FILE for at least 10 days

Attest:



City Clerk

IN CITY COUNCIL: July 11 2017

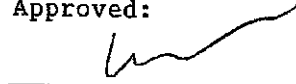
PASSED

Attest:



City Clerk

Approved:



Mayor