

TOWN OF NEWMARKET, NEW HAMPSHIRE

BY THE NEWMARKET TOWN COUNCIL

ORDINANCE NO. 7 – 2020/2021

**AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE TOWN OF
NEWMARKET, NH; ESTABLISHING LICENSES AND PERMITS FOR LIVE
SHOWS AND EVENTS**

THE TOWN OF NEWMARKET ORDAINS:

1. **Purpose**

The purpose of this ordinance is to require licenses for certain live performances and events, as well as create a Town Licensing Board.

2. **Amendment**

Chapter 18 is hereby amended by adding the following article:

ARTICLE VI: LICENSES AND PERMITS FOR SHOWS AND EVENTS

129. **Purpose**

A Licensing Board for the Town of Newmarket is hereby constituted under the provisions of RSA 286 and any other powers granted by State statute, to consist of the Council Chair, the Chief of Police and the Town Manager or his/her designee.

The Board shall investigate and decide the question of granting licenses and permits and may grant revocable blanket licenses to fraternal and other like organizations, the subject matter of which is within the jurisdiction of this chapter. The Board may also hear and decide applications for permits to conduct organized activities on or about public properties. The Board may also grant licenses and permits on private property when the regulations of the show, event or dance thereon is authorized by State statute.

Any individual may appeal the decision of the Licensing Board to the Town Council.

130. **Permits.**

Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Erect banners above public ways.
2. Tag days.
3. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
4. Conduct a carnival, tent show, fair, circus or demonstration, or any open-air public meeting, outdoor live music shows including public dance, disc jockey, karaoke, or other amplified outdoor music event in which the public is invited for pay.
5. Movie theater.
6. The temporary closing of any Town street for the purpose of community related or private events. names the Town of Newmarket as an additional insured shall be

required. The Licensing Board, at its discretion, may require additional conditions at no cost to the Town to include, but not limited to, an insurance binder that names the Town of Newmarket as an additional insured, police or fire details, or other measures to ensure the public safety.

131. Fees

Each applicant representing a for profit entity shall pay in advance for such license as follows:

1. Annual Fee – a yearly license may be issued for an annual fee of \$100.00 for dances or live entertainment, unless specifically waived by the Licensing Board. Annual fees for dances shall only apply to the ordinary and usual entertainment referred to in the license. Any sexually explicit dancing shall not be included within the annual dance fee and requires separate application.
2. Daily Fee - A license for an event in any place may be issued for a daily fee of \$15.00, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
 - i. License fees for carnivals, circuses, traveling tent shows and the like shall be determined by the Board within the limits of said Chapter 286 RSA.
3. The annual license fee for a movie theater shall be \$150.00.

132. Expiration

Licenses granted shall be issued by the Licensing Board, and annual licenses shall be valid for one year, expiring on the 30th of April, unless specified in Chapter 286.

133. Application and Permits

A written application for a permit must be submitted seven days prior to the date of the event. This may be suspended by a quorum of the licensing board. The application shall contain the following information:

1. Name or Name of Organization
2. Name, address and telephone number of Person in Charge
3. Purpose
4. Dates and times
5. Specific location(s)
6. Names of authorized people and participants
7. If the request would require a temporary waiving of Planning and Zoning ordinances of the Town of Newmarket, the Licensing Board shall first refer the application to the applicable board for review and recommendation prior to deciding on the application.
8. The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, and telephone number of the responsible person.
9. Permits and licenses issued under this chapter are not transferable and are of limited duration unless otherwise specified in the permit or license.
10. Permits and licenses issued may be rescinded or revoked at any time.

11. A police officer(s) may be assigned to a particular function when deemed necessary and proper in the interest of public safety. The expenses shall be borne by the individual or organization sponsoring the event.
12. All live music, dances, public exhibitions and shows set forth herein shall be discontinued and the hall and location closed as set forth in the permit but must be discontinued on or before the hour of 1:30 a.m. unless otherwise waived by the Chief of Police for good cause.

134. **Penalty.**

Any person, organization or corporation who violates any of the provisions of this chapter may be fined not less than \$100.00 for each offense.

135. **Severability.**

It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

3. **Takes Effect**

This ordinance shall take effect fourteen (14) days after passage and publication of notice as required by RSA 47:18

First Reading: *April 7, 2021*

Second Reading/Public Hearing: *April 21, 2021*

Amendment: *April 21, 2021*

Third Reading *May 5, 2021*

Final Action by Council: *May 5, 2021*

VOTING RECORD

Date of Vote:	YES	NO	ABSTAIN
Vice-chair Zachary Dumont	✓		
Councilor Helen Sanders	✓		
Councilor Scott Blackstone	✓		
Councilor Megan Brabec	✓		
Councilor Jonathan Kiper	✓		
Councilor Katanna Conley	✓		
Chair Toni Weinstein	✓		
Total Votes:	7	0	0
Ordinance: <u>Does</u> Does Not pass.			

Approved:

Toni Weinstein
Toni Weinstein, Chair Newmarket Council

A True Copy Attest:

Terri Littlefield
Terri Littlefield, Town Clerk

