



Town of New Durham New Hampshire

Incorporated in 1762

POLICY CONCERNING APPLICATIONS FOR LIVE ENTERTAINMENT

I. PARTIES

- A. The Establishment, Organization or other Party intending to offer live entertainment to the public (herein after referred to as the Applicant)
- B. Town of New Durham Board of Selectmen (hereinafter referred to as the Town)
- C. Town of New Durham Chief of Police (hereinafter referred to as the Police Chief)
- D. Town of New Durham Fire Chief (hereinafter referred to as the Fire Chief)
- E. Town of New Durham Town Administrator (hereinafter referred to as the Town Administrator)

II. PURPOSE OF PROCEDURES AND RULES

- A. To establish policies, guidelines and procedures governing the authorization for live entertainment for the Establishment as granted by the Town.

III. INTENT OF PROCEDURES AND RULES

The intent of these procedures and rules is to establish a fair and equitable process by which the Establishment or Organization may operate its business or events and conduct its business activity without unreasonable interference, and which process assures the Town that the applicable Statutes, laws and ordinances of the State of New Hampshire

and of the Town are complied with, and which process addresses the concerns of the Town that the public safety of the Town, its citizens, and visitors are satisfied.

The Town reserves the right to waive any or all of the provisions of this policy if it is deemed appropriate to do so.

IV. DEFINITIONS

Entertainment (*Defined per RSA 179:19 Entertainment and Entertainers*)

- (a) "Dancer" means a person or group of people who, with or without compensation, move their feet, or body, or both, to the accompaniment of music in a premises approved to sell alcoholic beverages. "Dancer" shall not be construed to mean a person or group of individuals who perform dances based upon ethnic, cultural or historical customs.
- (b) "Entertainer" means a person who, with or without compensation, performs in a premises licensed to sell alcoholic beverages. "Entertainer" shall not include a "dancer" as defined above.

In determining whether a police detail is necessary or justified, the Police Chief shall take into consideration the type of entertainment scheduled, the time the entertainment is scheduled to occur, the length of the said entertainment, the number of patrons the entertainment is likely to attract, and whether the scheduled event is a matter of public safety for the Town, its citizens and visitors.

V. PROCEDURES AND POLICIES

- A. The Establishment shall provide to the Police Chief or his designee in his absence its Entertainment Schedule no less than 25 days in advance of a planned event or, in the case of ongoing activities, every three months (quarterly) with no less than 25 days advance notice for any single event.
- B. A failure to provide a minimum 25 days advance notice for any planned event may be considered a violation of this policy.
- C. The Police Chief may, if deemed necessary in his judgment, assign a detail to the Establishment during the period of time such entertainment is scheduled. The detail so assigned may be for the entire time of the scheduled entertainment or for a portion thereof as determined by the Police Chief.
- D. The cost of the Detail shall be at the rate of \$35.00 per hour, and any detail shall be billed for a minimum of four (4) hours.

- E. The cost of the Detail shall be the responsibility of the Establishment. The Town shall submit invoices to the Establishment with respect to the cost of said Detail.
- F. The Establishment shall notify the Police Chief of a cancellation of any scheduled entertainment a minimum of 48 hours prior to the scheduled date(s). Failure to provide such notification shall result in a minimum of two (2) hours of detail rates being charged to the Applicant.
- G. All invoices shall be paid within thirty (30) days of the date of the invoice. Failure to pay such invoice in a timely manner may be considered a violation of these Procedures and Rules.
- H. A violation of these Procedures and Rules by the Establishment may be considered as grounds for revoking the authority for live entertainment.

VI. VIOLATIONS OF POLICY

In the event the Town, the Fire Chief or the Police Chief or their designees or agents determines that there has been a violation by the Establishment of any of the terms and conditions of the authorization for entertainment as set forth in this Policy, the Town has the authority to revoke the authorization for live entertainment previously granted. If a revocation is being considered, the following procedures shall apply:

- A. The Fire Chief and/or the Police Chief or their designees or agents shall verbally notify the designated individual in charge for the Establishment, with a follow-up in writing, of their intention to recommend the revocation of the Town's authorization for live entertainment, and the basis for their recommendation.
- B. It is the intention of the Town to have the notice of violation and recommendation to revoke considered and addressed at the next regular scheduled meeting of the Board of Selectmen, or at the next earliest date convenient to the Board of Selectmen.
- C. The Town will issue a written decision to the Establishment at its earliest convenience. The Town may, in its decision, revoke the authorization for entertainment immediately; modify the terms of the Town's current authorization for live entertainment; place the Establishment on probation and define the terms of said probation; or deny the request for revocation.

VI COMMUNICATION

The Establishment shall provide the Town with the name and address of the individual responsible for the operations and compliance with this policy. The name and address provided by the Establishment shall serve as the formal address for all communication and correspondence from the Town, including invoices.

The Town shall utilize the name and address provided by the Establishment, and notice shall be considered served upon the Establishment at that address.

VII POLICE CHIEF AUTHORITY

Nothing in the above Procedures and Rules is intended to supercede the provisions of NH RSA 105.

This policy shall remain in effect until either modified, amended or revoked by a vote of the Board of Selectmen at a properly noticed and posted meeting of the Board.

The Town of New Durham Board of Selectmen has adopted these Procedures and Rules on this 16th day of February 2000.


Brenda L. Fontaine, Chairman


Paul R. Gelinas, Jr., Selectman


Carleton W. Woods, Selectman
NEW DURHAM BOARD OF SELECTMEN