



By Order of the Mayor of Framingham Policy on Use of City Facilities

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Policy Statement

This policy applies to any public event proposed to take place at any of the following locations in the City of Framingham (“Venue”):

1. The front steps of the Memorial Building and/or the plaza area in front of the Memorial Building at the intersection of Union Avenue and Concord Street;
2. The Town Commons in the Framingham Centre Historic District or in Downtown Framingham;
3. Conference rooms located in the Memorial Building, including the Ablondi Room, the Blumer Room, Conference Room 1 and Conference Room 2; or
4. Nevins Hall

These Venues are intended for use for public, non-commercial events and activities only, with the exception of Nevins Hall, which can be reserved for private events. Where possible, the City of Framingham, acting through the Capital Projects and Facilities Management Department (“CPFMD”) will endeavor to accommodate all applicants seeking to use a Venue.

This policy supersedes all prior policies regarding the use of these City facilities, including the Selectmen Policy on Nevins Hall Rental, as last amended March 2014, and the Selectmen Policy on Town Common Usage.

References

Framingham Home Rule Charter, Article III, Section 2 (Mayor's Executive Power Authority).

Special Terms

"Demonstration Event": non-commercial expressive conduct such as but not limited to demonstrating or rallying, picketing, speechmaking, marching, holding of vigils and all other gatherings and like forms of conduct for the purpose of communication or expression of views or grievances.

Policy Description

Applicants requesting the use of a Venue must complete an Event Application Form available at the CPFMD office at 10 Nicholas Rd. Completed forms should be mailed to Memorial Building, 150 Concord Street, Room 133 or dropped off in person at 10 Nicholas Rd. Each applicant at the time of submission of the completed form must designate an authorized person that will be responsible for the applicant's use of the Venue and for receiving notice from the City relative to the use of the Venue. The authorized person must be present throughout the applicant's use of the Venue and will be the only person authorized to make changes to any arrangement details for the use of the Venue between the applicant and the City.

Applicants are encouraged to submit applications as far in advance as practicable for proposed events, particularly if additional permits or licenses will be required for the contemplated event, but at least fourteen (14) business days in advance to allow the City time to evaluate and plan for any potential safety issues that may arise from the proposed event. The City reserves the right to deny any application based on non-compliance with this application submittal timeline. To maximize the availability of the Venues to as many members of the public as possible, applicants may have no more than one active application, either pending or approved, at any one time for the use of Nevins Hall, conference rooms located in the Memorial Building and the front steps of Memorial Building. Applicants requesting the use of the Town Commons may submit more than one application for multiple uses.

The CPFMD will review the request and respond to the applicant within five (5) business days. The CPFMD may make further inquiries of the applicant and require additional documentation from the applicant. Unless there are specific reasons for denying the request, the request will be approved. Applicants will be responsible for meeting with any other departments or agencies specified by the CPFMD as well as for pursuing and obtaining all necessary permits and licenses as required and necessary to operate the contemplated event, and must fully comply with the appropriate application procedures for said permits and licenses. Any approval issued by the CPFMD may be revoked upon the failure of the applicant to meet with the departments or agencies specified or to obtain any permits and licenses required by other City departments and agencies to operate the contemplated event.

The Memorial Building was constructed in 1926. Due to the age and historical significance of this building, the primary use and function of the Memorial Building is for City government operations. The building's aged infrastructure in some cases may limit the possible use and activities in Nevins Hall. For example, the preexisting electrical infrastructure provides limited capacity for additional electrical requirements such as amplified equipment and additional lighting.

a. Supporting Materials for Certain Applications.

Applications for any events with an estimated attendance of 250 people or more for the use of all Venues must include the following:

1. Parking Plan- a complete list of parking lots that applicant has received permission to park in from property owners during the time of event. If shuttle buses have been hired, the application must also include the quantity of shuttle buses, location and drop off points and a map showing the bus route(s).
2. Layout – a complete floor plan or site layout for all facilities (including the stage area in Nevins Hall) including placement and quantity of tables, chairs, signage, tents, food vendors, food trucks, and any other additional equipment or supplies being brought. Any items that need electricity will need to be listed on the floor plan/site layout.
3. Complete list of equipment being brought into the facility such as instruments, tables, chairs, stage, restrooms, etc.
4. References may be required upon request by the CPFMD.

b. Grounds for Denial of Request to Use Venues.

To maximize the efficient use of the City's Venues and ensure the safety and convenience of the applicants and the general public, access to the City's Venues must be regulated. To this end, the CPFMD may deny a request for the following reasons:

1. The proposed use or activity is prohibited by applicable federal, state or local laws, regulations, ordinances or bylaws.
2. A fully executed prior Event Application Form for the same time and location has been received and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular Venue. In such cases, the City will propose an alternative Venue or space, if available.
3. The proposed use or activity would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place. In such cases, the City will propose an alternative space, if available.

4. The Applicant has another pending or approved application (for an event that has not yet taken place) for use of one of the Venues.
5. The proposed use or activity would present an unreasonable danger to the health and safety of the applicant or other users of the area, City employees, or the public or to City property. In making this determination, the CPFMD may take into consideration the information included in the application form, the history of the applicant's use of City venues, the history of the applicant's use of facilities elsewhere, and such other information as the CPFMD may deem appropriate.
6. The application seeks to hold the event on a date when the City's venues are closed to any events, such as all legal holidays, the day after Thanksgiving, Christmas Eve, or New Years Eve.
7. The applicant has not complied with applicable license or permit requirements, ordinances, bylaws, regulations or rules of the City.
8. The application contains a material falsehood or misrepresentation.
9. The applicant has made on prior occasions material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits or licenses issued to or on behalf of any applicant in the City of Framingham or other communities.
10. The application is not fully completed and executed.
11. The applicant has failed to tender the required insurance certificate, if any.
12. The applicant is not legally competent to contract, to sue or to be sued.
13. The applicant or person or group on whose behalf the application for permit was made has on prior occasions damaged property, and has not paid for such damages, whether in the City of Framingham or other communities, or has other outstanding and unpaid debts to the City of Framingham.
14. The anticipated event is likely to be too large for the available capacity of the Venue, disorderly, or dangerous to persons or property.

c. Rules of Use of City Venues.

In addition, applicants whose requests have been granted will be required to comply with the following rules of the CPFMD governing the use of designated City venues, as set forth below:

1. Events taking place at or outside the Memorial Building during Memorial Building operating hours must allow paths for reasonable ingress and egress for City employees and members of the public visiting the Memorial Building.

2. The applicant is responsible to ensure there is no illegal activity at the Venue. The applicant and all persons attending the event at the Venue shall comply with all requests by City staff and, if applicable, the Framingham Police or Fire Department. Individuals who fail to comply will be required to leave the Venue. Applicants who fail to comply, or whose leaders fail to comply, will be prohibited from using City venues in the future.
3. Subject to any additional restrictions provided by City ordinances or alcohol regulations, no alcoholic beverages may be served or consumed on City property without a proper license for the same.
4. No food or merchandise may be sold on City property without a proper license for the same.
5. The applicant will be responsible for any damage to public property. With the exception of Demonstration Events, for events in Nevins Hall with attendance anticipated in excess of 100 people, the City will charge a deposit of \$500 to the applicant, due at the time the application is approved. The deposit will be returned to the applicant provided there is no damage to City property as a result of the applicant's use of the Venue. The deposit will be refunded if the event is cancelled prior to the date of the event.
6. No digging is permitted at the City's outdoor venues, given the danger posed by utility lines located at shallow depths in certain parts of the outdoor venues. The applicant will be responsible for set up and removal of any equipment. No vehicles or large equipment are permitted at the Venue except with prior coordination with CPFMD. Applicant's equipment left at the Venue is the responsibility of the applicant. The City assumes no responsibility for any loss, theft or damage to personal property. Except for events in Nevins Hall or the Memorial Building conference room spaces, no tables, chairs, furniture or other City equipment may be used in connection with an applicant's use of the Venue.
7. Indoor events in the Memorial Building may only take place on Mondays through Fridays during City operating hours with the exception of Nevins Hall, which is available Monday-Saturday 8:30am-10:00pm and Sunday 8:30am-7:00pm. Outdoor events at any City venue may only take place between 7:00 a.m. and dusk. Events at any outdoor City Venue with amplified sound must conclude (or discontinue the use of amplified sound) by dusk out of respect to nearby residents.
8. The applicant will be responsible for removing any trash left at the Venue at the end of the event, unless arrangements have been made with CPFMD to have the City's custodial staff perform such tasks, which will be at cost to the applicant, payable in advance of the event at the time the Event Application Form is approved by CPFMD.

9. Events with anticipated attendance of 100 people or less (except for Demonstration Events):

The applicant shall indemnify and hold harmless the City of Framingham, its officers, employees and representatives from any and against any and all claims, suits, liabilities, or costs arising from any bodily injuries or property damage caused by the negligent acts or omissions of the applicant or its agents or representatives relative to its use of the Venue or by reason of any violation of the terms and conditions of any permits issued to applicant for the Venue.

10. Events with anticipated attendance of more than 100 people (except for Demonstration Events):

The applicant shall indemnify, defend and hold harmless the City of Framingham, its officers, employees and representatives from any and against any and all claims, suits, liabilities, or costs arising from any bodily injuries or property damage caused by the negligent acts or omissions of the applicant or its agents or representatives relative to its use of the Venue or by reason of any violation of the terms and conditions of any permits issued to applicant for the Venue. In addition, the applicant shall be required to obtain general liability insurance covering any bodily injury or property damage due to the negligence of the applicant, its agents or representatives, with limits of liability of at least \$1,000,000 per occurrence and \$1,000,000 aggregate. The insurance policy must include the City of Framingham as an additional insured. A certificate of insurance demonstrating compliance with these requirements must be provided to CPFMD at least three (3) business days prior to the event. Indigent applicants, or applicants who cannot secure the required insurance without substantially impacting the applicant's mission, operations or existence, may request an exemption for the insurance requirement from the CPFMD.

11. Except as set forth below, the City does not charge a fee for general use of the Venues. The Nevins Hall rental fee schedule and other terms are as follows:

- a. Commercial Rental: \$1,500.00, plus Nevins Hall Restoration Fee of \$100.00, plus 10% additional surcharge fee per ticket sold

- b. Non-Profit Rental: \$750.00, plus Nevins Hall Restoration Fee of \$50.00, plus 5% additional surcharge fee per ticket sold. Non-profit organizations must provide proof of status with either their 501(c)(3) documentation or tax exempt documentation.

- c. Nevins Hall Supervisory Fee – CPFMD Employee(s) - \$55.00 per employee per hour. The CPFMD will determine the number of personnel needed for each event.

- d. A Police and Fire detail may be required, and except as provided below must be hired by and paid for by the applicant. The total number of detail personnel will be determined by both the Police and Fire Department.

- e. Final payment of rental fees is due 3 days prior to rental date.

f. Cancellations must be made in writing and received by CPFMD at least 48 hours prior to function.

12. Charges for Demonstration Events. In no event shall any City Department charge the organizer or participants in a "Demonstration Event" any fees, expenses or costs for police or emergency services required for public safety in connection with any Demonstration Event in any of the Venues. Unless there are grounds for denial as set forth in Section b. above, the City shall timely honor all requests for permits for such Demonstration Events, except that the City may reasonably specify the time, place and manner of the Demonstration Event to accommodate competing demands for public use of the Venues and to protect the public safety and convenience.

d. Appeals.

Applicants who are aggrieved by the denial of an application for an event, denial of an exemption from the City's insurance requirements for the event, or by any terms or conditions of an approved application may file a written appeal to the Mayor's office within two (2) business days of the denial or notice of the terms/conditions at issue, stating the grounds for the applicant's appeal and the relief requested. The Mayor or her designee shall review and act on the appeal within five (5) business days of receipt. Unless the Mayor or her designee determines that the CPFMD's actions relative to the appeal are arbitrary and capricious, she shall deny the appeal.

e. Waivers

The Mayor may waive this policy in whole or in part if she deems it in the public interest to do so.

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