



## Town of Merrimac POLICIES AND PROCEDURES

**Subject:** Use of Town Owned Property  
**Effective Date:** January 1, 2010, as amended

Purpose:

To establish rules relating to the use of all Town owned property.

Policy:

As our Town has grown and many groups, officials and volunteers, have the need to use space to perform their various functions, the Board of Selectmen has determined that a general policy for the use of Town owned property should be established. This policy will be adhered to by all persons or groups who intend to use Town property for any reason other than the intended use of the property.

It is not the intent of this policy to dissuade groups from using the property but rather to place all Town owned property use on equal footing with all users following the same rules. These rules are established through a combination of Town by-laws, Massachusetts General Laws, as applicable, and common sense, to protect the Town from liability and increased expenses associated with the use of Town owned property

Chapter 40, Section 3, of the Massachusetts General Laws clearly states that property, other than that described in Section 9 for use by Veterans Organizations, comes under the control of the Board of Selectmen. Additionally, Chapter 270, Section 22, of the Massachusetts General Laws states that smoking in public buildings is prohibited unless the Board of Health has designated an area that will then be posted as the designated smoking area. Also, the use of alcoholic beverages, as described in Massachusetts General Laws Chapter 138, et seq., will be prohibited at all times. Finally, the use of alcohol or drugs by any employee or Board, Commission or Committee member while acting in an official capacity as a representative of the Town could result in disciplinary actions which could include dismissal from employment or appointed positions.

The procedure for the use of Town owned property will now be as follows and may require additional commitments from the users as the Board of Selectmen deem necessary:

1. Approval for the use of Town owned property may only be given by the Board of Selectmen on a signed, dated 'Town of Merrimac Property Use Permit' ("Permit"). The person signing the Permit will be held responsible for payment of any rent or other charges. PLEASE NOTE that authorized users of town property shall not install or construct signs, bleacher seating, portable bathrooms or objects of any nature, including the planting of plants and trees on any town property or buildings, and shall not alter or change any town property or building without first requesting approval of the Board of Selectmen.
2. The Town shall not be responsible for any costs associated with any use allowed by Permit. The Town retains the right to charge Permit applicants fees to cover any potential costs to the Town caused by the use, which include, but are not limited to, utilities, repairs, use of supplies, and anything outside of the Town's routine maintenance of the property.

In addition to any costs associated with this Provision #2, the Board of Selectmen shall charge any "For-Profit" business, group, individual, or organization not certified as a 501(c)(3), an additional fee to use Town Owned Property at a rate of \$\_\_\_\_.00 per hour

3. In all cases where it shall be deemed desirable, the user will be required to furnish public liability insurance issued by a responsible insurer indemnifying the Town against any public liability claims for personal injury or property damage alleged to have resulted during the use or occupancy or both of properties owned by the Town, in addition to a Lessee Indemnification Agreement. It will be necessary for each applicant to provide such insurance before a Permit can be issued. The insurance must provide coverage of at least \$1,000,000 General Liability. The insurance policies and the companies writing them are subject to approval by the Board of Selectmen.
4. Any applicable licenses required by State or Federal law will be obtained by the applicant at their expense.
5. Any permits required by the Town of Merrimac will be obtained by the applicant at their expense.
6. The Board of Selectmen shall reserve the right to waive any costs associated with provision #2 of this policy or may require additional assurances not listed at their discretion.