

Board of Selectmen

Policy on Use of Town Property & Fees

Original Date: November 22, 1989

1989-1

Revised: April 19, 1994

Reaffirmed: February 17, 1998

Reaffirmed: January 16, 2001

Reaffirmed: March 9, 2004 1989-2

Revised: March 23, 2010

Revised August 11, 2015

Revised March 22, 2016 (fee change)

The Board of Selectmen shall permit use of Town property by individuals or groups for only those activities which are not detrimental to public safety and convenience and which are completely in accordance with all relevant laws and regulations. Insurance coverage and potential liability exposure will be considerations whenever the use of Town property is requested.

Fees are established for use of Town property in order to balance the Town's responsibility to manage the assets entrusted to it by the voters, including Town real estate, in a manner that is consistent with the need to insure that Town government operations can be conducted and citizens access to Town property is preserved while balancing community needs for exclusive use of Town property for specific events. In order to balance these competing needs the Wellfleet Board of Selectmen adopts the following fee structure:

This fee structure applies only to properties under the control, care and custody of the Board of Selectmen. It therefore excludes from its operation properties such as the Wellfleet Elementary School which is under the care, custody and control of the School Committee and the Wellfleet Public Library which is under the care, custody and control of the Library Trustees.

Application fee: \$20.00 until June 30, 2016; \$50 thereafter. The application fee is required for all applications regardless of the event or sponsoring organization and is intended to partially cover the time required to review and process the application.

Reimbursement of direct costs: In addition to the application fee and the use fee, the sponsoring organization shall reimburse the Town for the cost of all Town services requested by the applicant or required by the Town as a condition of approval. The cost of services shall include any equipment charges, required minimum payment to employees for callbacks, private duty fees, etc. to which will be added an administrative surcharge to cover the administrative costs associated with furnishing services.

Insurance: As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish proof of liability insurance covering the interests of the Town with such coverage limits as the Town shall require.

Bond or deposit: As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish a bond or security deposit to insure the payment of all costs and the restoration of the property to its original condition.

Other conditions: As a condition of approving any application, the Town, in its sole discretion, may impose such additional conditions as it determines are reasonably necessary to protect the interests of the Town.

Basic use fee per day (or portion thereof) per parcel (or portion thereof): Between zero (\$0.00) and one thousand (\$1,000) dollars depending on the application of the following criteria. Parcel as used in this document means a parcel shown on the Town of Wellfleet assessing atlas in use at the time of the application.

In determining the fee to be charged for a specific application the Selectmen shall consider the following criteria:

First: The nature of the parcel or parcels for which application is made. Parcels which are heavily used by the public warrant a higher fee than parcels not as frequently or as intensively used by the public. An example of a heavily used parcel is the Town Hall parking lot which is used by persons having business at Town Hall or with Main Street merchants, employees, persons parking in order to travel on public transportation, etc. Less heavily used parcels would warrant a fee toward the lower end of the fee scale.

Second: The degree of exclusivity required. An application that requires the use of an entire parcel or a significant portion of a parcel to the exclusion of all others warrants a higher fee than uses which do not exclude the public or requires only a small portion of a parcel. In evaluating this criterion the Board may also consider whether and the extent to which adjacent public streets will be used by the event. An example of a use that warrants a high fee is one which requires use of the Town Hall parking lot and adjacent streets to the exclusion of the public for a day or more. An example of a use that warrants a lower fee is one that uses a beach parking lot to stage a road race during the early morning hours before the lot is manned by the Beach Department staff.

Third: The nature of the organization and its relationship to the Town.

- No fee is required of Town departments, boards, commissions or committees.
- Not for profit organizations formed solely to support Town government operations, such as the PTA, Friends of Recreation and Friends of the Library, would qualify for a reduced fee or no fee.
- Not for profit organizations formed to support a specific segment of the community or region as opposed to directly supporting Town operations would pay a larger fee than not for profits which directly support Town government.
- Organizations with commercial or quasi commercial purposes pay a larger fee. An example would be a commercial film crew.

Fourth: Whether an admission fee is charged by the event organizers for entrance into the event and for what purpose.

Fifth: Whether the event includes as participants businesses which pay a fee to the event organizers in order to participate in the event.

The five criteria taken together provide a basis for establishing a fee which reflects the importance of the public space, the degree to which the public is displaced from that space and the degree to which the Town benefits, directly, indirectly or not at all.