



# TOWN OF FALMOUTH

Approved: August 8, 2011

## Office of the Town Manager & Selectmen

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### BEACH USE POLICY

1. Purpose. The Board of Selectmen may permit the use of Falmouth beaches for private events or public events for civic, educational, recreational, celebratory or other lawful purposes. Permitted events shall always be subordinate to the primary use of public beaches which are swimming, sunbathing and other usual and customary shore and water related activities.
2. Reservation Procedures. Reservations for events shall be made on such application form as the Town Manager shall provide and shall be submitted, together with all requested supporting documentation, materials and appropriate fees and security deposits at least 60 days before the requested use date. Individuals and organizations may apply for up to 2 permits per month for a particular time slot per calendar year and the granting of any permit shall not imply an obligation on the part of the Board to grant other permits to the applicant in the future or to grant permits for the same purpose on a regular basis. The Board of Selectmen will make reasonable effort to act upon an application within 21 days of receiving the application.
3. Rules for Reservation. Beach Committee activities and other events sponsored by a town department shall have priority and a permit may be denied or withheld if the event or requested use date would interfere with one of these activities or events. Applications shall be accepted and acted upon in the order in which they are received. All applications, fees and security deposits must be filed in the office of the Town Manager during regular business hours. The failure to exercise a granted permit, except for good cause, may result in the denial of a future application by the same applicant.
4. Rules for Use. Events shall not be for entrepreneurial or commercial purposes or for the solicitation of business or the sale of goods or services. All posted rules and regulations of the Beach Committee remain in full force and effect unless specifically waived in the permit. All events shall be conducted free of charge and open to the public, except for weddings and memorial services which may be limited to invited guests within a designated area. Athletic events may charge an entrance fee. Performers who are not compensated for appearing at an event may accept, but not solicit, donations. No activity shall be conducted which uses amplification for voice or music unless the Board of Selectmen determines that such use will not unreasonably disturb other beach users or nearby residential neighborhoods. Refreshments and food items may be brought onto the public beaches by event participants to the same privilege other beach users enjoy, but

no refreshments or food may be prepared on the beach or in the adjoining parking lot unless the permit specifically allows. No alcoholic beverages are allowed on the beach or beach parking areas.

5. Hours. No event shall be permitted before 4:00 p.m. on any day from Falmouth Beach Opening Day to Labor Day. After Labor Day and before Falmouth Beach Opening Day events may be permitted on any day of the week from one half hour before sunrise until one half hour after sunset or the posted closing time of the beach, whichever is later. Time for set up and take down of event equipment shall be arranged with the Beach Committee.
6. Fees. The Board of Selectmen will establish appropriate fees in accordance with Chapter 119 of the Code of Falmouth. Fees are non refundable after the seventh day before the requested use date, except for weather cancellations. Insurance and indemnification agreements and security deposits may be required on the same terms and conditions as non-beach events on other town property.
7. Parking. All persons attending a permitted event shall park in the beach parking lot, if available, and pay any fee applicable depending on the season or time of day. Parking on nearby streets is permitted subject to all posted limitations.
8. Miscellaneous Provisions. In its discretion, the Board of Selectmen may ask the Chief of Police to determine if police detail presence is required, and the Chief's decision shall be final. The Board may reject any application if the requested event is too large for the available beach area or is likely to be disruptive or disorderly or unreasonably interfere with the rights of the public to use the beach for usual and customary purposes. In determining whether such likelihood exists, the Board may take into consideration information from the application, the applicant's history of beach use or use of similar facilities elsewhere, the recommendations of town officials and department heads and other information it deems appropriate.