



**TOWN OF LEXINGTON
SELECTMEN'S OFFICE**

**APPLICATION FOR
BATTLE GREEN PERMIT**

The Board of Selectmen issues permits for the use of the Battle Green (see attached regulations). Please fill in this form completely and return to the Selectmen's Office no less than two weeks prior to the requested date.

NAME, PHONE NUMBER, and EMAIL ADDRESS OF A RESPONSIBLE CONTACT: _____

DATE AND TIME OF EVENT: _____

NATURE OF EVENT: _____

EXPECTED NUMBER OF PARTICIPANTS, SPECTATORS, AND VEHICLES: _

DURATION OF EVENT: _____

STATEMENT OF EQUIPMENT AND FACILITIES TO BE USED: _____

SECTION OF THE GREEN DESIRED: _____

ADDITIONAL INFORMATION: _____

Authorized Signature

Federal Identification No. or

Social Security Number

BOARD OF SELECTMEN REGULATION

USE OF THE BATTLE GREEN

Date Approved by BOS:

Signature of Chair:

March 10, 2014

Deborah N. Mauger

The following rules and regulations have been adopted in accordance with the Code of the Town of Lexington, Chapter 100-10, as amended. Any otherwise legal activities not explicitly prohibited by these regulations, including the gathering of groups on the Battle Green for the sole purpose of exploring its history and which do not remain for more than four hours, are allowed. If these regulations, or portions thereof, conflict with the Code, the Code shall take precedence.

1. Definitions

- a. "Audio device" means any electronic or amplified radio, television set, computer, telephone, electronic music player, musical instrument, or other device that produces sound.
- b. "Battle Green Reenactment Organization" is a chartered group, dedicated to the reenactment of the events that occurred on the Battle Green on April 19, 1775, using historically accurate period appropriate weapons and costumes.
- c. "Compromised turf" shall mean any condition that would make the Battle Green vulnerable to excessive damage by heavy wear or use; for example, heavy rains, reseeding, and drought conditions.
- d. "Disorderly conduct" means any action intended to cause inconvenience, annoyance or alarm, or which recklessly creates a risk thereof; which includes, but is not necessarily limited to, fighting, threatening or violent behavior; unreasonable noise; abusive language directed toward any person present; wrestling in vicinity of others; throwing of breakable objects; malicious throwing of dangerous objects or stones; open fires, burning objects or spitting.
- e. "Powerless flight" means any device used to carry persons or objects through the air; for example, sailplanes, gliders, balloons, body kites, hang gliders.
- f. "Public use limit" means the maximum number of people or the amount, size, or type of equipment permitted on the Battle Green at one time, as established by the Board of Selectmen.
- g. "Responsible Party" is a person filing an application for a permit for an activity on the Battle Green, who shall be responsible for compliance with these rules and regulations.
- h. "Special event" means demonstrating, picketing, speechmaking, marching, holding of vigils, and all other similar forms of conduct which involve the active communication or expression of opinions or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers.
- i. "Weapon" is an instrument or device that can inflict serious bodily injury and includes but is not limited to: firearms, rifles, shotguns and antiques as defined by MGL Chapter 140, §121; air rifles and BB-guns as regulated by MGL Chapter 269, §12B; paintball guns; edged weapons; explosive material or devices; muskets and weapons that discharge an arrow or bolt.

2. Permit Required Activities

- a. The purpose for requiring permits for certain activities is to promote the use of the Battle Green in a manner consistent with its nature and history; to protect the Battle Green from harm; to ensure adequate notice of the event so that arrangements can be made to protect the public health and safety and to minimize interference with the event by the public.
- b. Permits are required for any of the following activities, singly or in combination:
 - i. Any group activity reasonably likely to exceed the public use limit established by the Board of Selectmen.
 - ii. Special events, public meetings, assemblies, gatherings, demonstrations, parades and other similar activities, not to exceed four hours in duration.
 - iii. Pageants, reenactments, entertainments or other public spectator attractions.
 - iv. Structures and/or signs of a ceremonial nature in connection with special events and limited in duration to the period required for such events.
 - v. Use of public address systems, electrical lighting, or other electrical or amplified devices.
 - vi. Distribution of non-commercial printed matter.
 - vii. Possession and/or use of unconcealed weapons, in compliance with all federal, state and local laws, at events conforming to the following:
 - a) Events and ceremonies conducted by United States Armed Forces and/or law enforcement agencies;
 - b) Reenactments of the events on the Battle Green on April 19, 1775, honor guard ceremonies or related activities conducted by a Battle Green Reenactment Organization; and
 - c) The applicant shall provide evidence of training and competency in the display and use of such weapons to the satisfaction of the Board of Selectmen.
 - viii. Use or possession of fireworks or firecrackers.
 - ix. Planting of any trees/plants.
 - x. Parked or moving vehicles on any grassy areas, except those necessary for Town maintenance activities.
 - xi. Use of powered models.

3. Impermissible Activities

The following activities are strictly prohibited:

- a. Destruction, injury, defacement, removal, or disturbance of any building, sign, equipment, monument, statue, marker, animal or plant.
- b. Distribution or display of commercial advertising; or soliciting of business; or any other commercial transactions.
- c. Remaining on the Battle Green for more than four hours.
- d. Abandonment of any vehicle or personal property.
- e. Unreasonably loud operation of audio devices.
- f. Delivery of any person or thing by parachute or helicopter.
- g. Powerless flight activities.
- h. Begging.

- i. Disorderly conduct.
- j. Use or display of unconcealed weapons, except as provided in 2b.
- k. Use of metal detecting devices.
- l. Gambling of any form or operation of gambling devices.
- m. Picnicking in groups exceeding seven people.
- n. Consumption of alcoholic beverages or use of unlawful substances.
- o. Use of rollerblades, scooters and skateboards.
- p. Placement on the Battle Green of any unattended structure or commemorative planting of any trees/plants by a private party.
- q. Signs posted on poles such as telephone or light poles.
- r. Climbing on the Minuteman Statue, Hayes Fountain, its base, or any public monument or structure.
- s. Bicycle riding.

4. Permit Process

- a. Application for permit to conduct activities on the Battle Green, specified in 2, above, shall be filed no later than two weeks prior to the requested date. Late and/or incomplete applications will be considered at the discretion of the Board of Selectmen.
- b. Permit applications shall include the following information:
 - i. Name and phone number of the Responsible Party to serve as contact
 - ii. Date and time of event.
 - iii. Nature of event.
 - iv. Expected number of participants, spectators, and vehicles.
 - v. Duration of event.
 - vi. Statement of equipment and facilities to be used.
 - vii. Section of the Battle Green desired.
- c. The Responsible Party is to keep the permit, a copy of which must be available for inspection upon request. The Responsible Party may be required by the Board of Selectmen, as a condition of issuing the permit, to pay for detail police officers if the Board determines that such officers are necessary for public safety.
- d. Permits are issued upon express condition that the Battle Green is to be left in a clean and orderly condition.
- e. The responsible party will be charged by the Board of Selectmen, as a condition of issuing the permit, for any damages directly resulting from the permitted activity.
- f. Permits are non-transferable; and are only valid for date and time specified. For cause, the Police Chief or the Chief's designee may extend a permit for up to 2 hours.
- g. The Board of Selectmen may set reasonable permit conditions and restrictions, including but not limited to duration and area occupied, as are necessary for protection of the Green and public use thereof.

5. Grounds for Revocation of Permit

- a. At the discretion of the Board of Selectmen, a permit may be revoked or further conditioned upon a finding of compromised turf of the Battle Green.
- b. The Selectmen may suspend or revoke a permit to use the Battle Green based on reasonable expectations that there may be an imminent threat to public safety because of a weather or man-made event.

- c. A permit shall be revoked if a sanctioned event includes impermissible activities and may be revoked if the permit group engages in activities that are not within the specifications of the permit.

6. Grounds for Denial of Permit Request

- a. Application creates a scheduling conflict with a previously filed application by another person or group.
- b. Event presents a clear and present danger to public health or safety.
- c. Event is of such nature or duration that it cannot reasonably be accommodated in the area applied for; or the expected number of participants exceeds the public use limit.
- d. Event will, in the opinion of the Board of Selectmen, cause unacceptable interference with use and enjoyment of the Battle Green by the general public.
- e. Event is requested for a date that conflicts with official Town events by Battle Green Reenactment organizations.
- f. Event is more appropriately held at other available Town facilities, such as recreational facilities.

7. Patriots' Day

Other than official Town-sponsored activities and permitted activities by Battle Green Reenactment Organizations, no activity or event otherwise requiring a permit shall be scheduled to take place at, nor shall any other permit be issued for use of, the Battle Green from April 12 through April 26 of each year. During such time, the Battle Green is reserved for Town activities and events, permitted activities conducted by Battle Green Reenactment Organizations and for activities for which no permit is required under Section 2.

8. Penalties

Penalties for violations of these regulations shall be in accordance with Chapter 1, Article II, Sections 1-4 and 1-6 of the Code of the Town of Lexington.

9. Severability

If any section, paragraph or part of these regulations be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Approved by the Board of Selectmen July 15, 1986.

Amended July 24, 2000.

Amended December 21, 2009.

Amended August 1, 2011.

Revisions to the Use of the Battle Green Regulation were approved by the Board of Selectmen on February 3, 2014.

Selectmen approved minor revisions to the Use of the Battle Green Regulation on March 10, 2014.