

WAITSFIELD PUBLIC FESTIVAL ORDINANCE

At a regular meeting of the Board of Selectmen of the Town of Waitsfield held on the 18th day of April, 1977 in accordance with 24 V.S.A. Sections 1971-1977, upon motion duly made and seconded, the Selectmen unanimously adopted the following ordinance pertaining to the licensing and regulation of public festivals.

"Section 1. Definitions:

A. "Public festival" shall mean a gathering in an outdoor place where 250 or more individuals, are expected to, or invited to, attend for the purpose of observing or participating in an event of entertainment, sports, education or religious observance, where the event is not regularly and routinely scheduled and conducted at such place.

B. "Public festival facilities" shall mean camping, parking, or outdoor eating facilities for a public festival.

Section 2. Permit for Public Festival Required:

A. It shall be unlawful, for a person, group, organization, firm, or corporation to hold a public festival, or provide public festival facilities, in the Town of Waitsfield without first obtaining a permit to do so from the Board of Selectmen.

B. No such license shall be issued for a period of more than three (3) days, in any six (6) months period, which days shall be consecutive.

Section 3. Application for Permit:

A. An application for a permit shall be made at the office of the Town Clerk at least sixty (60) days prior to the commencement date of the festival. A shorter period of time may be permitted by unanimous vote of the Board of Selectmen.

B. The application shall be on forms provided by the Town Clerk, and shall be completed with the following information:

(1) Name of sponsor of festival; if other than an individual, then the name of the sponsor and the individual principals thereof.

(2) If the sponsor is not the owner of the premises where the festival is to take place, the name of the owner shall be given, and the owner's consent to the festival must be attached to the application.

(3) The date or dates, time or times, duration of program, and place public festival is to be held.

(4) Number of tickets to be printed, number of persons invited, number of persons reasonably expected to attend the festival or utilize public festival facilities.

(5) Specific arrangements proposed to be made for off-street parking, sanitation facilities, traffic control, security, crowd and noise control, food and beverage service, if any.

(6) Summary of advertising and sign material, including scope, general description, and estimated budget therefor.

(7) General nature of the festival, persons scheduled to appear, and program.

(8) If food and beverage is to be provided, arrangements made therefor, and name of provisioner.

Section 4. Permit Application Fee:

A. The permit application fee shall be \$25 for each 250 persons expected to attend the festival, which shall be paid at the time of the filing of the application.

B. The permit application fee shall be waived in the event that the festival is conducted solely for charitable or non-profit purposes.

Section 5. Receipt of Application:

A. Upon receipt of an application for a permit for a festival, the Town Clerk shall note the date of filing, and shall forthwith transmit a copy of the same to the Board of Selectmen, to the Health Officer, and to the Chief Constable.

Section 6. Action on Application:

A. The Board of Selectmen may, but shall not be required to, hold a public hearing upon the application. If a public hearing is held, it shall be on not less than seven (7) days prior notice. The notice shall be published in one local newspaper of general circulation, or posted at not less than five (5) public places; and the permit shall be granted or denied within twenty-one (21) days of the date of the filing of the application. If no action is taken within said 21 day period, the application shall be deemed granted.

B. Prior to acting on the permit, the Board of Selectmen shall confer with the Health Officer and with the Chief Constable of the Town with regard to making special provisions for sanitation and security.

C. The Board of Selectmen shall act upon each application and render a decision in writing. The Board shall give notice thereof to the applicant and to the Health Officer and Chief Constable, if the application is granted.

Section 7. Decision of the Board of Selectmen:

A. The Board of Selectmen may deny the application, may approve the application, or may approve the application with reasonable conditions to adequately protect the public health and safety.

B. If the permit is approved with reasonable conditions, these conditions may include, but are not limited to, special provisions for:

- a) Sanitation facilities.
- b) Security, crowd, and noise control.
- c) Off-street parking and traffic control.
- d) Service of food and water.
- e) Emergency medical facilities and fire protection.
- f) Minimum size of area for the festival.
- g) Removal of trash and litter resulting from festival.

C. In any case in the event of the granting of a permit, a bond shall be posted in an amount specified by the Board of Selectmen sufficient to provide adequate security for compliance by the applicant with the terms of the conditions imposed by the permit, if any; to reimburse the Town for the cost of fulfilling any conditions not observed by the applicant; the cost of any Court proceedings necessitated by non-compliance therewith; and for the cost of repair of any damage to public property.

D. The Board of Selectmen may require that the State standards be followed in lieu of, or in addition to, conditions specified in the permit.

Section 8. Penalties:

A. Anyone violating this ordinance shall be prosecuted, and if found guilty shall be fined \$250 for the first offense and \$500 for second and subsequent offenses. In lieu of prosecution, any person may voluntarily sign a waiver and pay the fine directly to the Town Clerk.

B. The Town may apply to Superior Court to enjoin the holding of the public festival if due application for a permit has not been made, or if it appears reasonably probable that the conditions imposed by the permit will not be complied with.

Section 9. Judicial Review:

A. An applicant may petition the Superior Court for review of the reasonableness of any conditions imposed in a permit, or the reasonableness of a denial of such permit.

Thereupon, upon motion duly made and seconded, it was unanimously voted that said ordinance shall become effective sixty (60) days from said 18th day of April, 1977 unless a permissive referendum is called for in accordance with 24 V.S.A. Section 1973.

WAITSFIELD BOARD OF SELECTMEN

By

Keith Moriarty
Clerk