

## **WATERFORD PUBLIC FESTIVAL ORDINANCE**

At a regular meeting of the Board of Selectmen of the Town of Waterford held on the 8th day of August, 2011 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 100 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, sanitation, 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 Waterford without first obtaining a permit to do so from the Board of Selectmen.

B. No such permit shall be issued for a period of more than three (3) days. In any six (6) months period, only one event shall be permitted at one location.

### **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 the 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 the place public festival is to be held.
- (4) Number of tickets or invitations 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 on-site and off-street parking, sanitation facilities, traffic control, security, crowd and noise control, food and beverage service, if any. The Selectmen may waive/amend parking restrictions.
- (6) Summary of advertising and sign material, including scope, general description, and estimated budget thereof.
- (7) General nature of the festival, persons scheduled to appear, and program.
- (8) If food and beverage is to be provided, arrangements made thereof, and name of provider.
- (9) Certification that the abutting landowners have been notified that an application for an event is being filed with the Town Clerk.

#### **Section 4 Permit Application Fee**

- A. The permit application fee shall be \$25 for each 100 persons expected to attend the festival, which shall be paid at the time of the filing of the application.
- B. The permit application fee may 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 the 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 three (3) public places; and the permit shall be granted or denied within forty-five (45) days of the date of the filing of the application. If no action is taken within said 45 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, Town Clerk, 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 conditions to protect the public health and safety.
- B. If the permit is approved with 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 Selectman 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 the 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 10th day of October, 2011 unless a permissive referendum is called for in accordance with 24 V.S.A. Section 1973.

WATERFORD BOARD OF SELECTMEN

*Adopted 8-8-11*

**Town of Waterford**  
**Public Festival Permit Application**

**Instructions:** This application must be received at the Town Office at least sixty (60) days prior to the commencement date of the festival. Applications are reviewed and permits issued by the Selectboard. The application fee must be paid upon submission of the application, unless the festival is conducted solely for charitable or non-profit purpose and the applicant is seeking a waiver of the fee from the Selectboard.

- 1. Name of Festival \_\_\_\_\_
- 2. Date(s) of Festival \_\_\_\_\_
- 3. Location of Festival \_\_\_\_\_
- 4. Hours of Festival \_\_\_\_\_
- 5. Sponsor of Festival \_\_\_\_\_
- Address \_\_\_\_\_
- Phone and E-mail \_\_\_\_\_
- 6. Owner of Premises \_\_\_\_\_
- Address \_\_\_\_\_
- Phone \_\_\_\_\_

Owners written consent to use premises for the festival – consent must include location and date(s) - must be submitted with the application

- 7. Please provide names of principal individuals responsible for the festival:

Name	Name
Title	Title
Address	Address
Phone	Phone

Name	Name
Title	Title
Address	Address
Phone	Phone

8. Attendance Information:

Number of tickets to be printed, if applicable: \_\_\_\_\_

Number of persons reasonably expected to attend \_\_\_\_\_

Is Festival to be advertised Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, in what publications?

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9. Fees

The Permit Fee is \$25.00 for each 100 people, or portion thereof, expected to attend the Festival. Fees must be paid when the application is submitted.

We are requesting a fee waiver as a charitable organization. Our organization is a \_\_\_\_\_

We are requesting a fee waiver as a Non-profit organization. A copy of our IRS Determination Letter is attached.

10. Event Arrangements

- a. Specific arrangements proposed to be made for 1) on-site and off-street parking, 2) sanitation facilities, 3) traffic control, 4) security and crowd control, 5) noise control, and 6) food & beverage service, if any. ATTACH SEPARATE SHEET IF NEEDED.

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b. General nature of the festival, persons scheduled to appear, and description of program. ATTACH SEPARATE SHEET IF NEEDED.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. If food and beverage are to be provided, indicate name and address of provider(s). ATTACH SEPARATE SHEET IF NEEDED.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Notification of Abutters

The abutters to the property have been notified that this application is being filed and provided a description of the event. Notification was by Hand delivery \_\_\_\_\_ First Class mail \_\_\_\_\_.

I hereby represent that to the best of my knowledge and belief the information provided in this application is true, correct and complete:

\_\_\_\_\_  
Signature Printed Name Date

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Date Received \_\_\_\_\_ Fees Paid \$ \_\_\_\_\_ Initials \_\_\_\_\_  
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**Disposition of Application - For Town Use Only**

Denied: \_\_\_\_\_ Granted: \_\_\_\_\_ Date of Selectboard Action: \_\_\_\_\_

Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: Waterford Selectboard

\_\_\_\_\_  
Gary Allard

\_\_\_\_\_  
Brent Beck

\_\_\_\_\_  
Fred Saar