

## **Town of Pownal**

### **Large Gathering Ordinance**

#### Section 1: PURPOSE

1.1 The Town of Pownal is supportive of charitable events and other large gatherings but finds it is necessary for the protection of the health, Safety and welfare of the general public and the quality of life within the town and to prevent the degradation of the environment to enact this ordinance.

1.2 Under 24 V.S.A. § 2291. Enumeration of powers:

(11) To regulate, license, tax or prohibit circuses, carnivals and menageries, and all plays, concerts, entertainments or exhibitions of any kind for which money is received.

1.3 Large gatherings have resulted in nuisances to private citizens and the public at large. Such gatherings have included loud, unpleasant noise, congestion on municipal roads, unsafe driving, litter and rubbish, improper sanitation and unsafe parking on public roadways and private property.

#### Section 2: DEFINITION & REGULATION

2.1 It shall be unlawful for any person or entity to allow, permit, encourage, promote, organize, conduct or advertise any fundraising event, festival, exhibition, amusement show, fair, theatrical performance, road event (including, but not limited to foot race, bicycle ride or race, motorcycle ride or race), music concert, parade or other entertainment event for 350 or more people without first obtaining a permit to do so from the Town of Pownal Select Board. Application for the permit must be submitted at least forty-five (45) days before the planned event.

2.2 Events with more than 2000 people will require both a Vermont State assembly permit and the Town of Pownal large gathering permit.

The state assembly permit information can be found at the following state Website:

<http://vsp.vermont.gov/permit/assembly>

2.3 Exempted from this ordinance are events held, sponsored or promoted by the Town of Pownal on public property, youth sports and recreation games, and school events. However, coordinators of these events are required to notify the Town of Pownal of the event. The town could request that the event holder have emergency services available at these functions even if they do not require a permit from the Town of Pownal under this ordinance.

2.4 Anyone holding a private party on private, residential property for 350 or more people not covered by section 2.1 above is required to notify the select board at least forty-five (45 days) before the event, and the select board will determine whether a formal application for a large assembly permit is required.

2.5 The Select Board shall have authority to grant or deny each permit application, and require certain conditions deemed necessary for the protection of the public health, safety and welfare. The Select Board shall have authority to limit the number of simultaneous large gatherings and shall issue a timely, written response for a permit denied or one issued with conditions. All permits approved shall be published on the Town of Pownal website within forty-eight (48) hours.

2.6 Any person or entity whose application has been denied or approved with conditions may appeal the decision through the Vermont Judicial Bureau. Any citizen who opposes a permit may likewise appeal the decision to Vermont Judicial Bureau.

2.7 Any application not submitted at least thirty (30) days before the event must be submitted to the Town Select Board, which shall have sole authority to grant or deny a late application.

### Section 3: Penalty/Enforcement

3.1 Any person who violates any provision of this civil Ordinance shall be subject to a civil penalty of up to \$800 per day for each day the violation continues. The Town of Pownal Selectboard Chairman or their designee shall be authorized to act as the Issuing Municipal Official, to issue and pursue complaints before the Vermont Judicial Bureau pursuant to Title 24 Vermont Statutes Annotated Section 59.

A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance. Violations enforced in the Vermont Judicial Bureau shall be in accordance with the provisions of 24 V.S.A Section 1974(a) and 1977 et. seq. The Municipal attorney may also be the appearing officer at the hearing at the direction of the Selectboard.

3.2 The town police or their designee is granted authority to enforce this ordinance including Initiating prosecution.

### Section 4: fees

A non-refundable application fee for a permit is \$100 which shall be paid at the time of filing the application.

### Section 5: Additional fees and permits needed

Nothing in this ordinance shall be deemed a waiver of the requirements for the applicant/ operator to have to obtain any other permits or licenses as deemed necessary by the Federal Government or by State of Vermont rules, regulations or Statutes.

### Section 6: Waiver fee

An Issuing Municipal Official is authorized to recover a waiver fee in lieu of a civil penalty, in the following listed amounts or as otherwise established by the Vermont Judicial Bureau, for any person who declines to contest a municipal complaint identifying a violation of this ordinance and pays the waiver fee.

First Offense.....	\$250
Second Offense.....	\$350
Third Offense.....	\$500
Fourth Offense.....	\$650
Fifth and Subsequent Offense.....	\$800 as of September 13, 2016.

Section 7: Civil Penalties

In any contested case, an Issuing Municipal Official is authorized to recover civil penalties in the following amounts, or as otherwise established by the Vermont Judicial Bureau for each violation of this ordinance:

Violations enforced in Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Office or Selectboard may pursue all appropriate injunctive relief, in addition to a civil penalty as specified below or as otherwise established by Vermont law or rule:

- First Offense.....\$400
- Second Offense.....\$450
- Third Offense.....\$500
- Fourth and Subsequent Offense \$800 as of September 13, 2016.

For both waiver fee and Civil Penalties, offenses shall accumulate on a twelve-month basis, dating from the earliest offense during any twelve-month period.

Section 8: Other Relief

In addition to the enforcement procedures available through the Vermont Judicial Bureau, the Selectboard through the Chairman or their designee, is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of the permit or to pursue any other remedy authorized by law.

Section 9: Severability

The invalidity of any section or provision of this Ordinance shall not invalidate any other part thereof.

Section 10: Publication/ Posting/ Implementation/ Effective Date

This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A Section 1973, that statute shall govern the taking effect of this ordinance.

End of Ordinance Requirements



Large gathering permit application

<u>Name of Applicant</u>		
<u>Mailing Address</u>		
<u>Contact Person</u>	<u>Contact Person who will be at Event</u> <sup>1</sup>	
<u>Contact Person Phone</u>	<u>Contact Person will be present at event phone Number</u>	
<u>Contact Person Cell</u>	<u>Contact Person will be present at event cell phone Number</u>	
<u>Description of Event</u>	<u>Please attached addition sheets of paper if description cannot fit in space</u>	
<u>Location of Event</u>		
<u>Date of Event</u>	<u>Day(s)/Hours of event</u>	<u>Start time</u>
		<u>End time</u>
<u>Estimated Attendance</u>	<u>Minimum No:</u>	<u>Maximum No:</u>
<u>Types of Alcohol Being Served</u>		

<sup>1</sup> Applicant must be reachable during entire event at a moment's Notice

Large gathering permit application

The following Facilities will be available for the event

Sanitation:	No. of Units:	Male:	Female:
Water Supply from:			
Food will be served from and/or by:			
Beverages will be served from and/or by:			
Illumination after dark will be provided by:			
Medical and First Aid Provided by:			
Traffic Control Provided by:		Crowd control by & No. of officers:	
Parking for _____ is planned.			
Attach plan of exact parking location and exact route to be kept open for emergency vehicles			
If this is not applicable to this permit explain:			

Name of Promoter	Applicant
Mailing address:	Mailing address
Phone:                      Cell:	Phone:                      Cell:
Email:	Email:
<p>I _____, do here by accept all responsibility for the above-described event. I agree to adhere to all laws and regulations of the Town of Pownal and the state of Vermont. I do hereby consent to the entry, at any time, in the course of his/her duties, any official of the Town in the performance of their official duties, including but not limited to inspection. I also agree to provide surety that the Town deems necessary. Under the Penalty of perjury, I do here by certify that the above is true.</p> <p>Signature: _____ Date: _____</p>	
<p>Name of Property Owner (The following MUST BE completed by the owner of the property involved)</p>	
Mailing address:	Phone Number:
Email:	Cell Phone:
<p>I _____, have thoroughly discussed the above event with the Promoter and am in agreement with him/her in all areas. I do hereby give my consent to use my property for this event. I do hereby consent to the entry, at any time, in the course of his/her duties, any official of the Town in the performance of their official duties, including but not limited to inspection. I also agree to provide surety that the Town deems necessary. Under the Penalty of perjury, I do here by certify that the above is true.</p> <p>Signature: _____ Date: _____</p>	

Departmental Approvals: Please attach any comments or special requirements to this application	
Fire Chief Signature of Approval:	Date: Comments:
Sheriff Department Approval:	Date: Comments:
Road Foreman Approval:	Date: Comments:
Rescue Squad:	Date: Comments:
Applicant: I do hereby agree to the additional requirements:	
Applicants Signature: _____ Date: _____	

For town use only do not write below this line.	
Permit Number _____	Date: _____
Approved	Reason:
Denied	Reason
Select Board Signatures:	
_____	_____
_____	_____
_____	_____



## HOW TO ADOPT OR AMEND AN ORDINANCE

- 1. Adopt.** The legislative body of the municipality must adopt the new ordinance or amendments at a regular or special meeting of the board. The ordinance must be **adopted by a majority of the members of the board**, and the ordinance and vote must be reflected in the minutes of the meeting.
- 2. Post.** After adoption by the legislative body, a copy of the ordinance must be **posted in five conspicuous places** within the municipality.
- 3. Publish.** The full text or a concise summary of the ordinance, including the source of authority to adopt, a statement of purpose, principal provisions, and a table of contents or list of section headings, must be **published in a newspaper of general circulation** in the municipality on a day not more than 14 days after the adoption of the ordinance or amendment. The published notice must also include a statement that explains where in the municipality the full text of the ordinance can be reviewed, the name, address and phone number of a person to contact for more information about the ordinance, and an explanation of the right of citizens to petition for a vote on the ordinance at an annual or special meeting.
- 4. Effective date.** Unless a petition is filed for a permissive referendum, an ordinance or amendment becomes effective 60 days after the date of its adoption (or a later date, if set by the legislative body). If there is a vote on the particular ordinance or amendment, then the ordinance will become effective at the conclusion of the meeting at which the vote is taken, unless a majority of the voters vote to disapprove the ordinance.
- 5. Recording.** All ordinances and amendments must be recorded by the town clerk in the records of the municipality.