

**Town of St. Albans Municipal Code
Chapter 8**

Regulating Public Festivals & Assemblages

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SECTION 1. PURPOSE. To protect public health, safety and well being by regulating the assemblage of large numbers of people within the Town of St Albans and to ensure that adequate health, sanitary, fire, police, and other services and infrastructure are in-place during any approved assemblage.

SECTION 2. AUTHORITY. This Code of Ordinances is adopted by the Selectboard of the Town of St. Albans under the authority granted in 24 V.S.A. Chapter 59 and 24 V.S.A. Chapter 61 which provides the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate activities within the Town Of St Albans.

SECTION 3. APPLICABILITY AND EXCEPTIONS. This ordinance applies to all persons desiring to permit, maintain, promote, conduct, advertise, act as agent or entrepreneur, undertake, organize, manage, or sell or give tickets for an actual assembly or an assembly that is reasonably anticipated to take place within the confines of the Town of St Albans.

3.1 Exception. The provisions of this ordinance shall not apply to a permanent place of worship, a stadium, hockey arena, athletic field, auditorium, theater, or similar place, nor to any other permanently established place of assembly that has been designed to hold assemblies, meetings, or events of any nature and has a rated occupancy level. Any and all events at these excepted facilities shall not exceed their prescribed occupancies.

SECTION 4. SEVERABILITY. The sections of this ordinance and its parts are separable. If any portion of this ordinance or application thereof to any person or circumstance shall be held invalid, the remainder of this ordinance shall not be affected. If any matter mentioned in this ordinance is said to be controlled by a specific State Statute, the reference to the State Statute shall apply.

SECTION 5. ENFORCEMENT & PENALTIES. The Town Manager or his/her designated town enforcement officer shall have authority to regulate the activities set forth in this Ordinance. The Town Manager is responsible for the issuance of permits prescribed in this Ordinance and all appeals of permit decisions will be heard and adjudicated by the Selectboard.

5.1 Fines. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977. The Town Manager or enforcement officers will request immediate cessation to any activities in violation of this ordinance and issue a municipal complaint ticket for five hundred dollars (\$500.00). Each day that an unauthorized assembly continues will be considered a separate offense.

5.2 Judicial Bureau. A violation of this ordinance may lead to superior court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. § 1974a.

5.3 Waiver Schedule of Fines. A person who is charged and ticketed with committing a violation of offenses set forth in this ordinance may waive appearance and trial and plead "admitted" or "no contest" by a signed statement within twenty (20) days of issuance. The person shall submit a waiver fee in the amount of two hundred dollars (\$200.00) to the Judicial Bureau as outlined on the reverse of the Municipal Complaint Form and provide written evidence that the original violation has been abated.

5.3.1 Any law enforcement officer or code enforcement officer who issues a municipal ticket or summons for a violation of an offense citing this ordinance shall advise the alleged violator of the schedule of fines set forth in this ordinance and further advise the offender of the waiver process.

SECTION 6. DEFINITIONS. Whenever in this chapter the following terms are used, they shall have the meanings respectively given in this section.

- 6.1 Assembly. A gathering of 15 or more people for an activity that is anticipated to continue for 10 or more hours.
- 6.2 Enforcement Officer. Any constable, police officer, health officer or zoning administrator or such other person(s) appointed by the Selectboard to enforce the provisions of this ordinance.
- 6.3 Person. Any individual, corporation, partnership, association, society, group, or any other legal entity desiring to conduct an assembly.
- 6.4 Private Property. Any property within the Town of St Albans that is not owned and maintained by the Town of St Albans.
- 6.5 Public Facilities. Buildings, parks, forests, lands, highways, or rights of ways owned and maintained by the Town of St Albans.

SECTION 7. LICENSE REQUIRED. It shall be unlawful for any person to conduct an assembly on private property or on public facilities within the Town of St Albans without a permit.

SECTION 8. APPLICATION: Application for a permit shall be made to the Town Manager at least 45 days prior to any anticipated event and shall state thereon the name and mailing address of the applicant, the description and purpose for the event, the date or dates and times of the event, numbers of persons expected to attend and/or participate with a description of the means to limit participation to a maximum number, and any additional items expected to be sold at the event. The applicant will also provide the Town Manager with:

- 8.1 Documentation. Copies of any and all other federal, state and local permits necessary to conduct business as set forth in the application including, but not limited to, State of Vermont sales and use tax certificates, meals and rooms tax certificates and Vermont State Health permits to operate a food establishment.
- 8.2 Location. A description and/or map of the location the person expects to conduct the event. Applicants requiring the use of public facilities will require the permission and signature of the Town Public Works Director. For events anticipated to be conducted on private property, written permission of the landowner must be attached to the application.
- 8.3 Bond Requirement. The applicant shall provide the Town Manager with any such other information as may be reasonably required. The Town Manager may require the applicant to post a performance bond not to exceed two thousand dollars \$2000.00 to assure clean-up of the area in which the event is to be conducted. This bond requirement will be paid at the time of permit approval.
- 8.4 Health and Safety Requirements. Any and/or all of the requirements listed in subsections 8.4.1 thru 8.4.12 below may be imposed prior to issuance of the permit. The Town Manager will determine which requirements are applicable and advise the applicant at the time of application. Any requirements imposed by the Town Manager will need to be met prior to issuance of the permit.
 - 8.4.1. A fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds.

8.4.2. Potable water meeting all federal and state requirements for purity. Supply of water must be sufficient to provide drinking water for the maximum number of people to be assembled at the rate of one gallon per person per day. If the event is more than one day and includes overnight camping, water will be available at a rate of 10 gallons per day per person.

8.4.3. Separate enclosed toilets for male and females meeting all state and local specifications, conveniently located throughout the grounds and sufficient to provide facilities for the maximum number of people to be assembled at a rate of at least one toilet for every 200 females and at least one toilet for every 300 males. Arrangements must be made for a sanitary means of waste disposal that meets state and federal regulations. A lavatory with running water under pressure and a continuous supply of soap and towels shall be provided.

8.4.4. A sanitary method of disposing of solid waste that is in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day. A plan for collecting and holding all such waste at least once each day of an event.

8.4.5. Physicians and nurses licensed to practice in Vermont sufficient to provide the medical care enjoyed by the residents of Vermont for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1500 people. There will also be an enclosed covered structure where treatment can be rendered for each required physician and emergency ambulance service available for use at all times.

8.4.6. If the assembly is to continue during hours of darkness, illumination of the grounds will be required that is sufficient to light the entire assembly area at the rate of five foot candles, but not to shine unreasonably beyond the boundaries of the event area.

8.4.7. A free parking area inside the assembly grounds sufficient to provide parking space for the maximum number of people assembled at the rate of at least one parking space for every four persons.

8.4.8. Telephone capability to provide service for the maximum number of people to be assembled at a rate of one phone number for each 1,000 persons.

8.4.9 Security guards, either regularly employed, duly sworn, off-duty Vermont peace officers or private guards, licensed in Vermont, sufficient to provide adequate security for the maximum number of people to be assembled at a rate of at least one security guard for every 750 people.

8.4.10 Fire protection capability to include alarms, extinguishing devices, and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in Vermont Statutes and local ordinances.

8.4.11 All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the boundaries of the enclosed location of the assembly.

SECTION 9. ISSUANCE OF PERMIT. Prior to issuing a permit, the Town Manager shall require a completed application together with any and all fees and copies of all necessary federal, state and local permit requirements as required by Section 8 above.

9.1 Process. Within fifteen (15) working days, the Town Manager shall act on the permit application. If the permit is denied, the reasons for the denial shall be made in writing to the applicant and delivered by certified mail sent to the address indicated on the application. If the permit is approved, the applicant will be notified and instructed to proceed to the Town Clerk to pay the applicable fees and receive the permit.

9.2 Appeals. A person may appeal to the Selectboard the denial of a permit by filing a written notice of appeal with the Town Manager within five (5) days of receipt of notification that the permit is denied. The Selectboard shall consider the appeal at the next scheduled Selectboard meeting after notice to the applicant at which the applicant is entitled to be present. The Selectboard may affirm or reverse the Town Manager's decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public's health, safety and welfare and to prevent the damage of public and private property.

9.3 Fees. The fee for a permit on private property shall be \$25.00 for each day of the proposed assembly in the Town of St Albans. Fees for assemblies using public facilities shall be \$500.00 for each day of the event. Fees may be waived by the Selectboard for non-profit organizations upon request.

9.4 Display of Permit. The permit shall at all times be visibly posted at the location at which the assembly is to be conducted. Permits will be valid for only the assembly days listed in the permit.

SECTION 10. EFFECTIVE DATE. 60 days after passage by the Town of St Albans Selectboard.

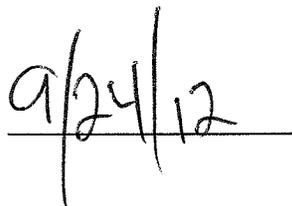

Bernie Boudreau, Chair


William Nihan, Vice Chair


Joseph Montagne


Steve Coon


Brent Palmer

Attest By  Date: 
Anna Bourdon, Town Clerk

Adoption History – Public Festivals and Assemblages Ordinance

1. Agenda item at regular Selectboard meeting on 9/24/2012.
2. Read and approved at regular Selectboard meeting on 9/24/2012 and entered in the minutes of that meeting which were approved at the meeting of 10/8/2012.
3. Posted in public places on 9/25/2012.
4. Notice of adoption published in the St. Albans Messenger newspaper on 9/28/2012 with a notice of the right to petition.
5. No petitions received.
6. Ordinance effective 11/24/2012.

ST. ALBANS TOWN CLERK'S OFFICE
RECEIVED FOR RECORD / DISCHARGE

December 11 A.D. 2012
at 12 o'clock 00 minutes PM
and recorded in Book Ord 2 Pages 42-47
Attest: P. Roy Asst. Town Clerk