

**West Windsor Ordinance
Regarding the Conduct of Large Public or Private Events**

SECTION 1. Purpose

The purpose of this ordinance is to set standards and conditions governing the conduct of large public or private events in West Windsor. For the purpose of this ordinance a large public or private event shall be one at which the organizers expect an assembly of one hundred (100) or more attendees.

SECTION 2. Regulation of Large Public or Private Events

- (a) Except as provided for in Section 8 below, no large public or private event shall be organized in the Town of West Windsor unless a license is obtained from the Selectboard, nor shall any such event be conducted in violation of the provisions of this Ordinance.
- (b) A license issued under this Ordinance shall be effective on issuance and shall remain in effect for such time as is specifically set forth in said license based upon the application provided for in Section 3 herein.
- (c) Any license issued under this Ordinance may be revoked by the Selectboard, for just cause, after notice to the license holder and provision of an opportunity for a hearing before the Selectboard.

SECTION 3. Application for License

- (a) An application for a license under the provisions of this Ordinance shall be filed with the Selectboard at least 30 days before the date set for the planned event date. An application for an event at which more than 100 persons, but less than 400 persons, are expected to attend may be abbreviated at the Selectboard's discretion consistent with Section 5 herein. Public or private events at which less than 100 persons are expected are not subject to the license obligations of this Ordinance.
- (b) Such application shall include:
 - (1) The name of the organizer(s).
 - (2) A site plan indicating: location, and distance from the nearest residence, fire hydrants, state and local highways, overhead electrical and communication wires, and entrances and exits to the site.
 - (3) The intended hours of operation, and the day(s) when the event will be conducted.
 - (4) The estimated number of persons expected to participate in or attend the event.
 - (5) The general nature of the event and the arrangements made to protect the public health and safety during the entire period it is held, including

arrangements with respect to traffic direction, crowd control, and sanitation facilities.

- (6) The specific schedule planned for events to be repeated regularly over the ensuing six months.
- (7) The applicant's plan for notifying the public and abutters of the primary location, nature, timing and scope of the event.
- (8) Any other information required by the Selectboard.

SECTION 4. Approval Standards

Prior to the issuance of any license under this Ordinance, the Selectboard shall determine that the proposed event, as conditioned in accordance with Section 6 if necessary, satisfies the following standards:

- (a) The organization and conduct of the proposed event conforms with all applicable Town Ordinances including, but not limited to, parking, highway access, and animal control ordinances.
- (b) The proposed event will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads or trails.
- (c) The proposed event will not present or create a threat to the safety of persons or property because of fire, explosion or other hazard.
- (d) The proposed event will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.
- (e) The proposed event will not unduly interfere with the use of neighboring property for its customary use prior to, during, or after it is held by the creation of noise, dust, noxious odors, lighting or other activities, which extend beyond the boundary of the activity unless such impacts are adequately mitigated by the imposition of approval conditions by the Selectboard as authorized under Section 6.
- (f) The proposed event will not overburden the public infrastructure of the Town. Special attention shall be given to the cumulative impacts of other activities, which may be occurring at the same time.
- (g) The proposed event will not have an undue adverse effect on the public health, safety, welfare and convenience of the inhabitants of the Town.
- (h) The person or entity applying for the event license has obtained any and all required State permits in advance.
- (i) The person or entity applying for the event license has adequate liability insurance to cover the event.

The Selectboard may decide, at its discretion, to warn a hearing to elicit public comment on a proposed event before reaching its decision on the application.

SECTION 5. Number of Persons Attending/Participating in a Public or Private Event

Events at which less than 100 persons are expected to attend and/or participate are not subject to the license obligations of this Ordinance. Events at which more than 100 persons, but less than 400 persons, are expected are subject to the terms and conditions of this Ordinance but may, at the discretion of the Selectboard, submit abbreviated applications for license approval and may be subject to simplified approval standards. Events at which more than 400 persons are expected are subject to the terms and conditions of this Ordinance in its entirety. Final determination of the actual number of persons expected is reserved to the Selectboard, notwithstanding the application information.

SECTION 6. Approval Conditions

When issuing a license under this Ordinance, the Selectboard may attach such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the Approval Standards set forth above. Such conditions may include but are not limited to:

- (a) establishing specific hours for the proposed event;
- (b) establishing notice requirements for the event which may include, but are not limited to, meetings with identified abutters, advertisements in local media, signs and posters, banners in public places and along an event route (if applicable).
- (c) establishing noise limits;
- (d) requiring the provision of traffic control personnel and/or signage at no cost to the Town;
- (e) requiring the provision of crowd control and medical personnel at no cost to the Town;
- (f) requiring the provision of firefighting equipment and personnel at no cost to the Town;
- (g) requiring the posting of security bonds or escrow accounts to ensure compliance with applicable Ordinances and license conditions;
- (h) requiring that signs, trash, litter and any other such evidence of the event be collected and removed immediately after the event at no cost to the Town;
- (i) restricting or prohibiting the consumption of alcoholic beverages in connection with the event;
- (j) restricting or prohibiting the setting of fires or fireworks of any sort in connection with the event;
- (k) prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area;
- (l) any other condition deemed reasonably necessary by the Selectboard to protect the public health, safety and welfare.

SECTION 7. License Fee

The fee for any license shall be \$25.00 for events of 100 to 400 people and \$50.00 for an event with more than 400 people, which shall be paid at the time of filing the application. Fees may be waived by the Selectboard at its sole discretion.

SECTION 8. Exemptions

Events conducted by the Town, a school licensed by the State Department of Education, and/or a church, on town, school or church grounds, are exempt from the requirement to obtain a license and pay a permit fee. Once licensed, activities to be repeated on a regular schedule during the ensuing six months which may result in large assemblies of (i.e. over 100) participants are exempted from the requirement to obtain additional licenses and pay additional fees for these repeated gatherings. Any reoccurrence after six months will require a new license.

SECTION 9. Enforcement

Any person who violates a provision of this Civil Ordinance shall be subject to a civil penalty of up to \$800.00 per day for each day that such violation continues. Any law enforcement officer employed by the Windsor Police Department, or any other law enforcement officer, shall be authorized to act as Issuing Municipal Official to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

SECTION 10. Waiver Fee

Any law enforcement officer employed by the Windsor Police Department, or any other law enforcement officer, is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense:	\$200.00
Any subsequent offense	\$400.00 per offense

Offenses shall be counted on a calendar year basis.

SECTION 11. Denial

Nothing contained herein shall prevent the Selectboard of the Town of West Windsor from denying a license for a proposed public or private event if an application for such an event as required herein does not comply in part or in whole with the approval standards and approval conditions set forth in Sections 3, 4, 5 and 6.

SECTION 12. Other Relief

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Selectboard is authorized to commence a civil action to obtain injunctive and other appropriate relief, to revoke a license, or to pursue any other remedy authorized by law. The provision of false, misleading, or inaccurate information; the failure to comply with any

requirements or conditions; and/or the violation of the provisions of this Ordinance shall constitute due cause for the revocation of any license issued.

SECTION 13. Severability

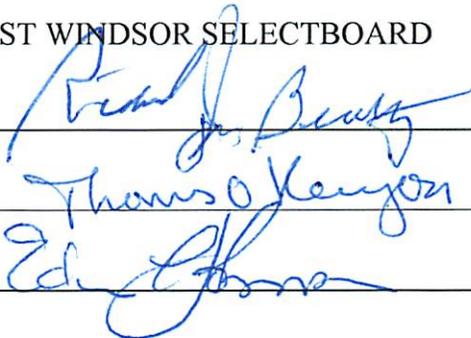
The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any person or circumstances or within any part of the Town of West Windsor is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

SECTION 14. Authority

This Ordinance is enacted by the Selectboard to promote the public health, safety, and welfare of the residents of the Town of West Windsor under the authority it is granted to regulate public entertainment activities set forth in 24 V.S.A. §2291. This Ordinance shall constitute a Civil Ordinance within the meaning of 24 V.S.A. Chapter 59.

This Ordinance was adopted at West Windsor, Vermont on November 7, 2016, and shall be effective on January 6, 2017 (sixty (60) days after adoption), unless a petition to disapprove the ordinance, signed by not less than 5% of the qualified voters of the municipality, is filed with the Town Clerk or the Selectboard by December 21, 2016 (within 44 days following the date of adoption) in accordance with 24 V.S.A. §1973. On the effective date of this ordinance, the West Windsor Ordinance Regarding Licensure & Regulation of Public Assemblies is hereby repealed.

WEST WINDSOR SELECTBOARD



For more information about this ordinance, contact Martha Harrison at the West Windsor Town Office; P.O. Box 6; Brownsville, VT 05037; or by phone at (802) 484-3520.