

**PUBLIC FESTIVAL ORDINANCE  
TOWN OF BRAINTREE, VERMONT**

Pursuant to 24 VSA, Chapter 59, section 1971 et seq. at a meeting of the Board of Selectmen of the Town of Braintree held on May 12, 1998, upon motion duly made and seconded, the Selectmen adopted the following civil ordinance pertaining to the licensing and regulation of public festivals:

**Section 1. Authority:**

This ordinance is enacted pursuant to the authority granted by 24 VSA, Section 1971-1977 and 24 VSA, Section 2291 (11).

**Section 2 Purpose:**

The purpose of this ordinance is to regulate public festivals and public festival facilities to ensure and promote the health and safety of the public and to prevent nuisance arising from such festivals or facilities.

**Section 3 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 4 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 Braintree without first obtaining a permit from the Board of Selectmen.

B. No such license shall be issued for a period of more than three consecutive days.

**Section 5 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, 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, or alternate dates, time or times, duration of the program, and the place where the 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 to utilize public festival facilities.
  - 5. Specific arrangements proposed to be made for off-street parking, camping, sanitation facilities, traffic control, security, crowd and noise control, food and beverage service, if any.
  - 6. General description of advertising and sign material.
  - 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(s) of provisioner(s).

**Section 6 Permit Application Fee:**

- A. The permit application fee shall be \$25.00 for each 250 persons expected to attend the festival, which shall be payable 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 7 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 notify the Board of Selectmen, the Health Officer and the First Constable.

### **Section 8 Action on Application:**

- A. The Board of Selectmen may, but shall not be required to, hold a public hearing on the application. The notice shall be published in one local newspaper of general circulation, or posted at no less than three (3) public places, and the permit shall be granted or denied within twenty-one (21) days of the date of 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 application, the Board of Selectmen shall confer with the Health Officer and the First Constable 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, notice of which decision is to be given to the applicant, to the Health Officer and to the First Constable, if the application is granted.

### **Section 9 Decision of the Board of Selectmen:**

- A. The Board of Selectmen may deny the application, or 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:
  - Sanitation facilities
  - Security
  - Crowd and noise control
  - Off-street parking
  - Camping
  - Traffic Control
  - Food and water service
  - Emergency medical facilities
  - Fire protection
  - Minimum size of area for festival
  - Trash and litter removal 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 and 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 noncompliance 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 10 Penalties:**

- A. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA, Sections 1974(a) and 1977, et seq. A civil penalty of not more than \$500.00 may be imposed for each violation of this civil ordinance. The waiver fee shall be set at \$250.00. Each day that the violation continues will constitute a separate violation of this ordinance.
- B. The Town may apply to a court of competent jurisdiction 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 a permit will not be complied with.

In the event that any provision of this ordinance shall be found invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision.

THEREUPON, UPON Motion duly made and unanimously VOTED:

The Selectboard ordered the said Ordinance be printed in the Minutes of said meeting and that the Ordinance be posted in at least three places within the municipality within fourteen (14) days of said 12<sup>th</sup> day of May, 1998, and in The Herald, a newspaper published in Randolph, Vermont.

THEREUPON, upon motion duly made and seconded, it was voted that said ordinance shall become effective sixty (60) days from said May 12, 1998 unless a permissive referendum is called for in accordance with 24 VSA, Section 1973.

Citizens may require a Permissive Referendum—that is, a vote on the Ordinance—at the annual or special Town Meeting by means of a petition signed by not less than five per cent of the qualified voters of the municipality and presented to the Selectboard or Town Clerk within 44 days following the date the Ordinance was adopted. The Selectboard shall schedule the vote within 60 days from the date the petition is received.

The Ordinance may be reviewed by the public at the Town Clerk's Office between 9:00am and 4:30pm, Tuesday and Thursday and between 1:30pm and

4:30pm on Wednesday. Town Clerk Janice Thresher may be contacted at the  
Town Clerk's Office (728-9787) to answer questions about the ordinance.

Dated May 12, 1998

BRAINTREE BOARD OF SELECTMEN

/s/ Gary D. Kellogg  
Gary D. Kellogg, Chairman

/s/ Kip Stockwell  
Kip Stockwell

