

Town of Fairfax

Civil Ordinance

AN ORDINANCE TO LICENSE AND REGULATE SPECIAL EVENTS

Pursuant to the provisions of Title 24, Vermont Statutes Annotated, §§ 1971 and 2291, it is hereby enacted by the Select Board of the Town of Fairfax that the following "An Ordinance to License and Regulate Special Events" is adopted for the Town of Fairfax, Vermont.

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Section 1 – Authority

This ordinance is enacted pursuant to the authority granted to the Town of Fairfax to promote the public health, safety, welfare and convenience, and for the betterment of the community, as contained in Title 24 VSA 2291. This ordinance shall be a civil ordinance within the meaning of Title 24 VSA Chapter 59.

Section 2 – Title

An Ordinance to License and Regulate Special Events

Section 3 – Purpose

The Town of Fairfax will review Special Event applications for the purpose of assisting the event organizer in complying with various applicable public safety requirements, as well as to protect the safety and welfare of the public, and resources owned by the public in the Town of Fairfax.

Section 4 – Definition

“Special event” means a temporary gathering of people on public or private property and involving at least one of the circumstances listed below. The Town Selectboard, or their designee, shall have the exclusive authority to determine whether or not an event meets the definition of “Special Event.”

1. Exclusive use of all or part of waterways, or Town or County-owned facilities, within the Town boundaries such as buildings, parks, open spaces, streets, parking lots, athletic fields, etc., but does not include normal park shelter (pavilion) rentals;
2. Will involve the closing of a public street, alley, or public right of way;
3. Over 250 people at any one time attending the event on private property, except those situations meeting the definition of a “public assembly;”
4. Temporary installation or construction of structures, including but not limited to tents;
5. Town ordinances and rules require public safety support by Town employees;

6. Will require Extraordinary Services by any Town Department;
7. Alcohol, beverages, food, and/or merchandise will be offered.

Examples of Special Events include but are not limited to activities such as running/jogging/walking events, bicycle, running or road races and other forms of competition and athletic events, music, theater, film performances or concerts, air shows, carnivals, equipment shows, cultural events such as art fairs, antique shows, religious services, classes, meetings, parties, and other gatherings meeting the above criteria. A Special Event is not intended to include events such as a family gathering; nonprofit organization, business, or company picnic; or other similar events unless other criteria listed above apply.

Section 5 – Regulation of Special Events

A) No Special Event shall be conducted in the Town of Fairfax unless a license has been obtained from the Select Board, nor shall any Special Event be conducted in violation of the provisions of this Ordinance.

B) Any license issued under this Ordinance may be revoked by the Select Board, for just cause, after notice to the license holder and provision of an opportunity for a hearing before the Select Board.

Section 6 – Application for License

An application for a license under the provisions of this Ordinance shall be filed with the Select Board office at least twenty-one (21) days before the date set for the opening of the Special Event.

Such application shall include:

- (a) The name of the owner and operator.
- (b) A site plan indicating: location, and distance from the nearest residences, fire hydrants, state and local highways, overhead electrical and telephone wires, entrances and exits to shopping centers and other public places.
- (c) A satisfactory parking plan.
- (d) The intended hours of operation, and the number of days that the Special Event will be conducted.
- (e) A detailed description of the event, including a list of each item of proposed exhibit or entertainment.
- (f) Any other information required by the Select Board.

Section 7 – Approval Standards

Prior to the issuance of any license under this ordinance, the Select Board shall determine that the proposed Special Event satisfies the following standards:

- a) The proposed Special Event is in conformance with any applicable Town ordinances including the Town of Fairfax Development Regulations.
- b) The proposed Special Event will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.
- c) The proposed Special 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 Special Event will not create unhealthy conditions regarding water supply, sewage

disposal or solid waste disposal.

- e) The proposed Special Event will not interfere with the use of neighboring property for its customary use by the creation of noise, dust, noxious odors, lighting or other activities which, extend beyond the boundary of the activity.
- f) The proposed Special 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 Special Event will not have an adverse effect on public health, safety, welfare and convenience of the inhabitants of the Town, nor will it offend prevailing community standards of decency and morality.

Section 8 – Approval Conditions

When issuing a license under this ordinance, the Select Board, in its sole discretion or through the various town officials such as the Zoning Director, Fire Chief, Road Foreman, or other agents of the Town) 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 Special Event;
- b) establishing noise limits;
- c) requiring the provision of traffic control personnel at no cost to the Town;
- d) requiring the provision of crowd control and medical personnel at no cost to the Town;
- e) requiring the provision of security personnel as needed, 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 trash and litter on public streets attributable to the proposed activity be collected and removed at no cost to the Town.
- i) restricting or prohibiting the consumption of alcoholic beverages in connection with any regulated activity;
- j) prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area.

Section 9 – License Fee

The fee for a license is \$50 which shall be paid at the time of filing the application.

Section 10 – Exemption

- Activities conducted by schools licensed by the State Department of Education and/or churches, on school or church grounds, are exempt from the requirement to obtain a license and pay a permit fee.
- Activities conducted by the Town of Fairfax.

Section 11 – Enforcement

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day or each day that such violation continues. The Chair of the Select Board (or his/her Board member designee), Zoning Director, Road Foreman and/or Health Safety Officer of the Town of Fairfax shall be authorized to act as Issuing Municipal Officials to issue and pursue complaints before the Judicial Bureau, pursuant to title 24 VSA Chapter 59.

Section 12 – Waiver Fee

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee, except as provided in Section 12 below.

First offense.....	\$50
Second offense	\$125
Third offense	\$200
Fourth offense	\$275
Fifth offense and subsequent offenses.....	\$maximum penalty allowed by Vermont Statutes Annotated at the time of the offense

Offenses shall be counted on a twelve month basis, dating from the earliest offense during any twelve-month period.

Section 13 – Civil Penalties

In any contested case, an issuing Municipal Official is authorized to recover civil penalties on the following amounts for each violation:

First offense.....	\$50
Second offense	\$125
Third offense	\$200
Fourth offense	\$275
Fifth offense and subsequent offenses.....	\$maximum penalty allowed by Vermont Statutes Annotated at the time of the offense

Offenses shall accumulate on a twelve month basis, dating from the earliest offense during any twelve-month period.

Section 14 – Other Relief

In addition to the enforcement procedures available before the Judicial Bureau, the Town Clerk is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of a license by the Select Board or to pursue any other remedy authorized by law.

Section 15 – Severability

The provisions of this ordinance are declared to be severable, and if any provision hereof be adjudged invalid, such judgment shall not affect the validity of any other provision.

Section 16 – Publication/Posting/Implementation

Publication/Posting/Implementation:

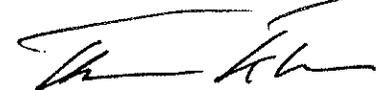
A public hearing shall be held June 20, 2016

The Ordinance shall be published in the St. Albans Messenger on June 23, 2016

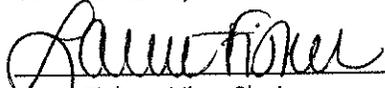
This Ordinance shall become effective on August 19, 2016

This Ordinance does not relieve the applicant from obtaining the necessary State of Vermont or other required permits required under the laws of the State of Vermont.

This Ordinance is adopted by the Select Board of the Town of Fairfax at its Adopted At Fairfax, Vermont this 20 day of June, 2016, and to be effective upon adoption.

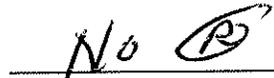


Tom Fontaine, Chair

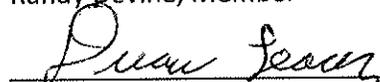


Lauri Fisher, Vice-Chair

Lee Beth Lemieux, Member



Randy Devine, Member



Duane Leach, Member