

**MASS GATHERING ORDINANCE FOR THE REGULATION OF PUBLIC FESTIVALS AND
OTHER EVENTS SIGNIFICANTLY AFFECTING PUBLIC CONVENIENCE
IN GLOVER, VERMONT**

- I. Purpose and Authority
- II. Definitions
- III. Permit Required
- IV. Determining the Need for a Permit
- V. Timetable for Submitting Application, Public Hearing, and Permit Approval
- VI. Contents of Application and Plan for Event
- VII. Bonding (including performance bonds)
- VIII. Issuance of Permit
- IX. Revocation of Permit
- X. Enforcement Procedures
- XI. Miscellaneous

I. Purpose and Authority

- A. This civil ordinance is adopted to protect the health, safety and welfare of all residents of, and visitors of Glover. It will regulate events and the assemblage of large numbers of people having a significant adverse impact on the public health, safety, welfare, or convenience of the people of Glover. This ordinance is adopted pursuant to the provisions of Title 24, Chapter 59; and Title 24, Section 2291 (11), (14), and (15) of Vermont Statutes Annotated.
- B. It is not the intent of this ordinance to control or limit normal family or regular community events, unless they have a significant adverse impact on the public health, safety, welfare or convenience in the Town of Glover.

II. Definitions – the following definitions shall apply for this ordinance:

- A. Person – any individual human being, partnership, limited partnership, corporation, firm, company, limited liability company, association, society or other entity or group.
- B. Assembly – a company or group of 2000 or more persons gathered together at any location at any single time for any purpose in an open area, where patrons cannot be accommodated inside a permanent building, other than stadium or fairground having permanent seats, for which any money is received by payment of cash, entry fees, subscriptions or donations.
- C. Public Convenience – refers to the normal flow of daily activities in town by residents, uninterrupted by disturbances, delays in traffic, inaccessibility to public services and other disruptions to normal daily activity.
- D. Project Proponent – the permit applicant or spokesperson for such a person.

III. Permit Required

- A. No person shall allow, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly that would have a significant adverse impact on the public health, safety, welfare, and convenience, whether such assembly is to be held on public or private property. A permit to hold such an assembly, or a waiver of such permit may be issued by the Board of Selectmen of Glover, if it can be demonstrated to the satisfaction of the Selectmen, that such potential adverse impact will be mitigated by preparations of the project applicant or proponent. The Board of Selectmen shall determine whether a significant adverse impact will result from a proposed event or assembly as provided in Section IV. (A) of this ordinance.
- B. Application for a permit must be made at least 60 calendar days in advance of the event or assembly, unless the Board of Selectmen finds good cause to reduce the requirement to not less than 30 days.
- C. The Board of Selectmen may require a separate permit for each day and each location.
- D. A permittee shall limit the assembly to only the maximum number of people or days or hours stated in the permit. The permittee shall not permit to assemble at the permitted location more than the maximum number of people stated in the permit.
- E. A proposed event or assembly is exempt from this requirement if it is a Glover family social gathering not undertaken for profit, and for which no charge is made for admission, and if all of the following conditions are met:
 - the assembly is of less than 2000 people;
 - the event or assembly occurs entirely between 7 AM and 10 PM; and
 - the event or assembly does not occur for two consecutive days or for five or more days in a calendar month.
- F. Permit Fee – The application for a permit shall be accompanied by a non-refundable fee of \$250. The Board may reduce the application fee for an orally presented application, for which no written application is required, when the need for a permit is subsequently waived by the Board.

IV. Determination of Need for Permit

- A. The applicant shall present to the Board of Selectmen (or its designee) a description of the event or assembly for which a permit may be required, using the official application form. This description must be written, but can be presented orally to the Selectboard at a regularly scheduled meeting of that Board if it is the intention of the applicant to ask for a waiver of the permit. Sufficient information must be provided for determining whether the event or assembly could have a significant adverse impact on the public health, safety, welfare or convenience of Glover residents. If the Board determines that no significant adverse impact is anticipated, the Board may issue a letter waiving the requirement of a permit.

- B. The criteria that will be considered in the application review are summarized on the official application form, and include:
1. The size of the assembly and its duration;
 2. The time, date, and location of the event or assembly, and its possible conflict with other normal activities of the residents of the town;
 3. The effect on normal traffic flow, resident accessibility to usual community services, possible demand on municipal or private emergency preparedness services (fire, police, water supply, highways), or use of municipal facilities and public land;
 4. The potential effect of noise, lights, odors, or other potential nuisances;
 5. Potential effect upon the normal operations and daily activities of individual residents and businesses;
 6. Miscellaneous other information concerning the intended event as specified on the application form.

V. Timetable for Submission of Application, Public Hearing, and Permit Approval

- A. Before a permit may be issued, the applicant shall first consult the Selectboard concerning the scope and contents of the plan required under Article VI of this ordinance.
- B. The applicant will meet with the Selectboard, other appropriate municipal officials, and likely affected residents or businesses of Glover, at the proposed site(s) of the assembly. The purpose of such site visit will be to answer questions and provide details concerning the event.
- C. The procedure to be followed during the application process will follow the schedule outline below, unless the Board has modified this schedule, for cause, as provided in Section IV:

Day/Action

- 0 Submittal of description of proposed assembly. The time frame for consideration of an application will not commence until the Board determines that the description is adequate to make a determination of whether an assembly may have a significant adverse impact upon public health, safety, welfare or convenience. The application process may be postponed or terminated by the Board if an application is found to be incomplete or improper.
- 7 Notices of the filing of an application to hold a proposed assembly shall be published in a newspaper of general circulation in the Town of Glover, mailed to the owners of property abutting the area of the assembly and posted at the Town Office.
- 10-15 A meeting shall be held at the proposed site(s) with the project proponent and interested parties, including a Project Coordinator designated by the Board.

- 20 Deadline for request for public hearing to be received by the Board. Formal application and plan is submitted to the Selectboard, which may choose to hold a public hearing. If a public hearing request is not received or required by the Board, a decision on the application by the Board is required on or before thirty days from the application filing date.
- 30 Deadline for public hearing to be held with project proponent in attendance. A decision on the application is to be made public by the Selectboard within ten days after the conclusion of the public hearing.

VI. Contents of Application and Plan for Event

- A. Application for a permit to hold an anticipated assembly shall be made in writing to the Board in the time provided in Section III.B.
- B. The application shall contain a signed statement made upon oath or affirmation that the information contained therein is true and correct to the best knowledge of the project proponent. This statement shall contain documentation evidencing the authority of the project proponent to act for the applicant.
- C. The application shall contain and disclose:
1. The name, residence address, and telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the applicant.
 2. The address and legal description of all properties upon which an assembly is to be held, together with the name, residence and address of the owner(s) of record of such property;
 3. Proof of ownership of all such properties upon which an assembly is to be held a statement made upon oath or affirmation by the owner(s) of record of such property that the applicant has permission to use such property for an assembly;
 4. The nature or purpose of the assembly;
 5. The total number of days or hours during which the assembly is to continue;
 6. The maximum number of persons that the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, having consideration for the nature of the assembly, and the numbers of persons reasonably accommodated for sleeping purposes within the boundaries of the assembly location, if the assembly is to continue overnight;
 7. The maximum number of tickets to be sold, if any; and
 8. The required permit fee.
- or
- D. The plan accompanying the application shall include, as appropriate, provision for the following, and any other information as requested by the Board of Selectmen:
1. The plan to limit the maximum number of persons attending;
 2. The plan for fencing the location of the event;
 3. The plan for supplying potable water, including the source, amount available and location of outlets, with adequate assurance that it meets Vermont State requirements for purity;
 4. The plan for providing toilet and lavatory facilities, including the source, number and location, type and the means of disposing of solid waste deposited;

5. The plan for holding, collection, and a sanitary method of disposing of solid waste in compliance with Vermont laws and regulations;
6. The plan for providing medical facilities, including the location and construction plan for a treatment facility, the names and addresses and hours of availability of physicians, nurses, emergency care attendants, paramedics, or EMTs, and provisions for emergency ambulance services;
7. The plan to illuminate the location of the assembly including the source and amount of power, and the location of lamps;
8. The plan for parking vehicles for the maximum number of people to be assembled, at the rate of at least one parking space for every four persons anticipated;
9. The plan for telephone service;
10. The plan for camping facilities if the event is to continue overnight;
11. The plan for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability, in a number sufficient to provide adequate security;
12. The plan for fire protection including the number, type and location of all protective devices, including alarms, extinguishing devices and fire lanes, and escapes, sufficient to meet all Vermont State standards;
13. The plan for sound control and sound amplification; and
14. The plan for food concessions and concessionaires.

VII. Security

A. Insurance

1. Unless waived for good cause by the Board, a permit holder shall secure and maintain insurance covering liability for personal injury or death, and property damage in such amounts as the Selectboard shall determine will be necessary or appropriate, which insurance shall provide coverage for liability for personal injury not less than \$100,000 for a single occurrence, and \$300,000 in aggregate. Such insurance shall be obtained no less than ten days before the commencement of the assembly, for which a permit has been issued.

B. Security

1. Unless waived for good cause by the Board, a permit holder will provide security to the Town in such amount as the Selectboard determines to be necessary or appropriate.
2. Security may be provided in cash to be held in escrow by the Town Treasurer, or its agent, or by furnishing to the Town (in form and substance satisfactory to the Town) a performance or surety bond or a letter of credit or guaranty, signed by a bank or other person having comparable credit and payable to the Town on presentation of a letter stating the nature and amount required to compensate the Town for any costs incurred by the Town of Glover, incident to any violation of the permit.

VIII. Issuance of Permit

The formal application for a permit shall be granted, approved conditionally or denied within thirty days of receipt of the application and plan, if there is no public hearing. If there is a

public hearing, it shall be granted or approved conditionally, or denied within ten days after such hearing. In the case of an adverse determination by the Board, the applicant may be permitted to resubmit the application and plan, if all criteria and conditions for submittal of an acceptable application are met.

IX. Revocation of Permit and Injunctive Relief

A permit may be revoked by the Board at any time if any of the conditions imposed as a prerequisite for issuance of a permit are not complied with, or if any condition previously complied with ceases to be met. If there is a reasonable likelihood that an assembly will substantially harm the public health or safety, and this cannot be avoided by imposition of conditions, or if no permit application for such an assembly has been submitted to the board, the Town may apply to the superior court for an order enjoining the applicant, other interested persons, or those persons the Town believes intend to hold an assembly with a permit, from holding the assembly.

X. Enforcement

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of Title 24, Section 1974 and Section 1977 et seq of Vermont Statutes Annotated. A civil penalty of \$500.00 shall be imposed for a violation. Each day that a violation continues shall constitute a separate violation.

XI. Miscellaneous

All existing Town of Glover ordinances or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

XII. Effective Date of Ordinance

This Ordinance shall be in full force and effect sixty (60) days from the date of its adoption unless a petition is filed in accordance with Title 24, Section 1973, VSA, in which case the effective date shall be as governed by Title 24, 1973 (e), VSA.

The within and foregoing Ordinance was adopted pursuant to law by the Selectboard of the Town of Glover on April 20, 2000.

John Urie
Nicholas M. Ecker-Racz
H. Harvey Dunbar
Selectboard, Town of Glover, Vermont

A True Record:

Attest:
Donna Sweeney
Clerk, Town of Glover