

West Windsor Ordinance  
Regarding Licensure & Regulation of Public Assemblies

**SECTION 1. Definitions**

“Public Assembly” as used herein shall mean any circus, carnival, menagerie, play, concert, entertainment, or exhibition of any kind, open to the public, for which money is received, directly or indirectly, if the numbers of persons expected to attend is as set forth in Section 5 of this Ordinance.

**SECTION 2. Regulation of Public Assemblies**

- (a) No public assembly shall be conducted in the Town of West Windsor unless a license has been obtained from the Selectboard, nor shall any public assembly 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 60 days before the date set for the opening of the public assembly. An application for a public assembly for more than 100 persons, but less than 400 persons may be abbreviated at the Selectboard’s discretion consistent with Section 5 herein. Public assemblies of less than 100 persons are not subject to the license obligations of this Ordinance.
- (b) Such application shall include:
  - (1) The name of the owner and operator.
  - (2) A site plan indicating: location, and distance from the nearest residence, fire hydrants, state and local highways, overhead electrical and telephone wires, and entrances and exits to the site.
  - (3) The intended hours of operation, and the number of days that the public assembly will be conducted.

- (4) The estimated number of persons expected to participate in or attend the public assembly.
- (5) The general nature of the public assembly and the arrangements made to protect the public health and safety during the conduct of the public assembly including arrangements with respect to traffic direction, crowd control, and sanitation facilities.
- (6) 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 public assembly, as conditioned in accordance with Section 6 if necessary, satisfies the following standards:

- (a) The proposed public assembly is in conformance with any applicable Town Ordinances including, but not limited to, parking, highway access, and animal control ordinances.
- (b) The proposed public assembly will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads or trails.
- (c) The proposed public assembly will not present or create a threat to the safety of persons or property because of fire, explosion or other hazard.
- (d) The proposed public assembly will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal prior to, during, or after the event.
- (e) The proposed public assembly will not unduly 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 unless such impacts are adequately mitigated by the imposition of approval conditions by the Selectboard as authorized under Section 6.
- (f) The proposed public assembly 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 public assembly 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 public assembly license has obtained any and all required State permits in advance.

- (i) The person or entity applying for the public assembly license has adequate liability insurance to cover the event.
- (j) Approval standards herein may be simplified for a public assembly of less than 400 persons at the Selectboard's discretion.

**SECTION 5. Number of Persons Attending/Participating in Public Assemblies**

Public assemblies of less than 100 persons are not subject to the license obligations of this Ordinance. Public assemblies of more than 100 persons, but less than 400 persons, 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. Public assemblies of more than 400 persons are subject to the terms and conditions of this Ordinance in its entirety. The determination of the actual number of persons attending public assemblies 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 public assembly;
- (b) establishing noise limits;
- (c) requiring the provision of traffic control personnel and/or signage 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 fire fighting equipment and personnel at no cost to the Town;
- (f) requiring the posting of security bonds or escrow accounts to ensure compliance with applicable Ordinances and license conditions;
- (g) requiring that trash and litter attributable to the proposed activity be collected and removed at no cost to the Town;
- (h) restricting or prohibiting the consumption of alcoholic beverages in connection with any regulated activity;

- (i) prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area;
- (j) 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.

**SECTION 8. Exemptions**

Activities 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.

**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 public assembly if an application for such assembly 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 this 15<sup>th</sup> day of December, 2014, and shall be effective 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 within 44 days following the date of adoption in accordance with 24 V.S.A. §1973.

WEST WINDSOR SELECTBOARD

  
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