

TOWN OF BOLTON SPECIAL EVENTS ORDINANCE



Adopted by the Bolton Board of Selectmen:

**John Devine, Chair
Donald Jenkins
Ronald Lafreniere, Sr.
Gerard Mullen
M. Peter Siegel**

**On April 02, 2001
Effective date: June 01, 2001**

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SECTION 1. PURPOSE AND AUTHORITY

This ordinance is adopted to promote the public health, safety, welfare and convenience of the inhabitants of the Town of Bolton. By regulating special events within the Town of Bolton requiring a permit for each event, proper coordination of public services is ensured and overburdening of local infrastructure is prevented. This ordinance is adopted pursuant to authority granted to the Town by 24 V.S.A., 2291.

SECTION 2. PERMIT REQUIREMENT

No circus, carnival, fair, exhibit, menagerie, entertainment, concert or similar activity shall be conducted outdoors or in temporary structures in the Town of Bolton unless a special event permit has been obtained from the Selectboard in accordance with this ordinance. Events with fewer than 250 participants (including staff, volunteers, attendees, etc.) are not required to obtain a special event permit.

- A) An application for a special event permit, which may be for a series of activities undertaken by a single permittee, under the provisions of this ordinance shall be filed with the Bolton Selectboard at least forty five (45) days before the date set for the event. Each event will require a separate permit.
- B) An application for a special event permit shall include:
- 1) the name, address and telephone number of the event sponsor
 - 2) if the permittee is not the owner of the premises where the event is to take place, the name of the owner shall be given and the owner's consent to the event must be attached to the application
 - 3) a site plan indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area
 - 4) the intended dates and hours of operation and the number of days the event will be conducted
 - 5) the maximum total number of people anticipated including staff, volunteers, attendees, etc. and provisions for accommodating the total
 - 6) a description of the event
 - 7) details as to what arrangements have been made to protect the public health, safety, welfare and convenience during the event including arrangements for traffic control, crowd control and sanitation
 - 8) provisions for food and beverage, if any
 - 9) other information deemed necessary by the Selectboard
- C) The Selectboard, at a public meeting, may approve with conditions/modifications, or deny each application upon consideration of the approval standards set forth in section 4. Prior to any action, the Board may cause the application to be reviewed by Town departments including, but not limited to, police, fire, rescue and sewer. The Board shall render a decision within thirty (30) days of receipt of a completed application for a special event permit. If no action is taken with the thirty (30) days, the permit shall be deemed granted.

SECTION 3. APPROVAL STANDARDS

Prior to the issuance of any permit under this ordinance, the Selectboard shall determine that the proposed activity satisfies the following standards:

- A) The proposed use is in conformance with any applicable Town ordinance including the Bolton Zoning Regulations, the Bolton Sub-Division Regulations, and the Municipal Plan (goals and objectives):
- B) The proposed activity will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads,
- C) The proposed activity will not present or create a threat to the safety of persons or property because of fire, explosion or other hazard.
- D) The proposed activity will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.
- E) The proposed activity 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 activity will not over burden 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 activity will not have an adverse effect on public health, safety, welfare and convenience of the inhabitants of Bolton.

SECTION 4. APPROVAL CONDITIONS

When issuing a permit under this ordinance, the Selectboard may attach such reasonable conditions as it may deem appropriate to mitigate or eliminate any impacts reviewable under the Approval Standards set forth above. Such conditions may include but are limited to:

- A) establishing specific hours for the proposed use;
- B) establishing noise limits;
- C) requiring noise limits;
- D) requiring the provisions 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 permit conditions;
- G) requiring that trash and litter on public streets 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.

SECTION 5. PERMIT FEES

- A) The fee for granting of any permit shall be one hundred (\$100) dollars for each day of operation for any single event.
- B) The fee for a permit shall be paid at the time of filing the application. In the event that the application is rejected, the fee shall be refunded to the applicant at 75% of the original fee amount.

C) Fees for coverage by the town fire department, will be at an hourly rate equivalent to the pay rate of the personnel of the town's highway department. This will be deducted from the performance bond.

D) If a performance bond is required, it shall be paid to the Town prior to the approval of the permit

SECTION 6. EXEMPTIONS

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

SECTION 7. REVOCATION

The permit required under this ordinance shall not replace or eliminate any requirements to obtain approval under any other applicable laws or ordinances.

The Selectboard may revoke a permit issued under this ordinance for failure to comply with any conditions contained in such permit, or any disturbances of the public peace or for occurrences detrimental to the public health.

SECTION 8. ENFORCEMENT

A) Any person who violates a provision of this civil ordinance shall be subject to civil penalties as set forth below for each day that such violation continues. The Zoning Administrator of the Town of Bolton shall be authorized to act as the Issuing Municipal Official to issue and pursue before the Judicial Bureau a municipal complaint.

B) In addition to the enforcement procedures available before the Judicial Bureau, the Town may seek to enjoin any violation of this Ordinance or request any other relief available under the laws of the State of Vermont by instituting an appropriate action in a court of competent jurisdiction.

SECTION 9. WAIVER FEE

The Issuing Municipal Official is authorized to recover a waiver fee of Three Hundred (\$300) dollars for a violation of Section 2 of this ordinance or a waiver fee of seventy-five (\$75) dollars for a violation of Section 4 of this Ordinance for any person who declines to contest a municipal complaint and pay the waiver fee.

SECTION 10. CIVIL PENALTIES

The Issuing Municipal Official is authorized to recover a civil penalty of five hundred (\$500) dollars for each violation of Section 2 of this Ordinance or a civil penalty of one hundred (\$100) dollars for each violation of Section 4 of this Ordinance.

SECTION 11. PUBLICATION AND POSTING

This ordinance shall be posted in five (5) conspicuous places in Town, published in the local newspaper on Sunday April 8, 2001 and shall be filed with the Bolton Town Clerk on April 3, 2001.

SECTION 12. EFFECTIVE DATE

This ordinance shall take effect sixty (60) days from the date hereof, unless a petition pursuant to 24 V.S.A., Section 1973 is filed seeking a permissive referendum.

SECTION 13. SEVERABILITY

If any portion of this ordinance and amendments is held unconstitutional or invalid by a court or competent jurisdiction, the remainder of the ordinance and amendments shall not be affected.

Dated at Bolton, Vermont, this 2nd. day of April, 2001
Town of Bolton Selectboard

John Devine, Chair
Donald Jenkins
Ronald Lafreniere, Sr.
Gerard Mullen
M. Peter Siegel

Received for record at the Bolton Town Office on this 3rd. day of April, 2001

Deborah LaRiviere
Town Clerk/Treasurer