

Town of Georgia, Vt.
Ordinance Regulating Mass Gatherings and Special Events

At their Regular Meeting held April 10, 2017 under the authority of Title 24 Vermont Statutes Annotated, Sections 1972-1973 and Title 24 Sections 1971(a) and 2291, the Town of Georgia Selectboard adopted an ordinance for the purpose of regulating mass gatherings and special events.

Section 1 – Authority

This Ordinance is enacted pursuant to the authority granted to the Town of Georgia under Title 24 Vermont Statutes Annotated, Sections 1971 and 2291.

Section 2 – Title

The title of this ordinance shall be “Town of Georgia, Vermont, Ordinance Regulating Mass Gatherings and Special Events.”

Section 3 – Purpose

Whereas gatherings and events that are attended by large numbers of people have the potential to create significant traffic, noise, sanitation and safety issues that impede the health, safety and convenience of the public and place a strain on municipal services, the Selectboard enacts this Ordinance to promote and protect the public health, safety, welfare, convenience and resources of the residents and visitors of the Town of Georgia.

Section 4 – Definitions.

Section 5 – Permit Requirements and Exemptions.

Section 6 – Application for Permit.

Section 7- Consideration by the Selectboard.

Section 8 – Approval Standards.

Section 9 – Approval Conditions.

Section 10 – Denial / Revocation of Permit.

Section 11 – Permit Fee.

Section 12 – Additional fees and permits needed.

Section 13 – Limitation on Permits.

Section 14 – Violations.

Section 15 – Enforcement in the Judicial Bureau.

Section 16 – Enforcement in Superior Court.

Section 17 – Other Relief.

Section 18 – Severability.

Section 19 – Publication / Posting / Implementation / Effective Date.

This Ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A. 1973, that Statute shall govern the taking effect of this ordinance.

The full text of this Ordinance may be viewed at the Town Clerk’s Office 47 Town Common Road North, Georgia, Vermont, during regular posted office hours. Questions regarding this action may be referred to the Town Administrator, Michael R. McCarthy, who can be contacted at 802-524-9794, or in person, at the above listed address. At least five percent of the legal voters of the Town of Georgia may, within 44 days of this action by the Selectboard, petition for a full Town vote to disapprove this action by the Selectboard. If such petition is received, the Selectboard must warn a Special Town Meeting to vote on this proposed ordinance within 60 days.

Published by Authority

Georgia Town Selectboard

Chris Letourneau, Chairman

FINAL / AS ADOPTED 4-10-2017

Town of Georgia, Vermont Mass Gatherings and Special Event Ordinance

Pursuant to the provisions of Title 24 Vermont Statutes Annotated Sections 1971(a) & 2291, it is hereby enacted by the Town of Georgia Selectboard that the following "Town of Georgia Vermont Mass Gathering and Special Event Ordinance" is adopted for the Town of Georgia, Vermont.

Section 1 – Authority

This Ordinance is enacted pursuant to the authority granted to the Town of Georgia under Title 24 Vermont Statutes Annotated, Section 2291.

Section 2 – Title

The title of this ordinance shall be: "Town of Georgia, Vermont Mass Gatherings and Special Event Ordinance."

Section 3 – Purpose

The purpose of this Ordinance is to promote the public health, safety, welfare, and convenience of the Town of Georgia, to define what constitutes a Mass Gathering or Special Event, and to promote and permit safe gatherings and events while regulating the conduct of such gatherings and events in order to protect the public health, the resources of the Town of Georgia, and the safety, welfare and convenience of the residents and visitors of the Town of Georgia.

Section 4 – Definitions

Mass Gathering and / or Special Event: A group of 350 or more persons temporarily assembled together, on public or private property, including all or part of any waterway, building, park, street, parking lot or other similar open space for a meeting, festival, social gathering, scheduled event, demonstration or other similar purpose which at the sole discretion of the Town of Georgia Selectboard is determined to create a health, public resource or safety concern in the Town of Georgia.

This definition is not all inclusive or exclusive, the sole final determination that an event in the Town of Georgia does or does not meet the requirement for a mass gathering / special event, or is exempt from the requirements is the exclusive authority of the Town of Georgia Selectboard.

Mass Gathering / Special Event Permit: A written statement, issued by the Selectboard of the Town of Georgia authorizing the holding of a Mass Gathering or Special Event under stated conditions as to time, place and manner.

Section 5 – Exemptions

For purposes of this definition, a mass gathering and / or special event shall NOT include any Town sponsored function including but not limited to, Selectboard or any other Town Department, Board, or Committee or School Board meetings or hearings, Town or Town School sponsored events and sporting events including soccer, baseball and softball or Town sponsored parades, or locally sponsored church events or funerals.

Section 6 – Application for Permit

Applications for Mass Gatherings / Special events must be submitted to the Town of Georgia Selectboard at last 45 days in advance of the event. No Mass Gathering or Special Event shall be conducted in the Town of Georgia unless a permit has been issued by the Selectboard at least 21 days in advance of the event. Applications can be obtained from the Town Clerks office. The permit application must contain the following information:

- a). Name address and a working phone number of the person submitting the application.

- b). Name address and working phone number of the person / organization representative who will be operating the event and responsible for compliance with all local and State requirements if different than a).
- c). Full description of the Mass Gathering or Special Event.
- d). Site plan drawn to no more than 100 feet to the inch including site location and size, all roadways, parking areas, entrances and exit both vehicle and pedestrian for the event, fire hydrants or water supplies, food service areas, alcoholic beverage service areas.
- e). Anticipated start and end dates and times.
- f). Estimated number of attendees.
- g). Copies of certified mail receipts showing that all abutting landowners have been notified of the event if required by the Selectboard.
- h). Proof of active liability insurance for property damage and bodily injury of no less than \$1million for this event, with the Town of Georgia listed as an additional insured.
- i). Proof of all other required inspections and licenses, permits having been procured and are in full force and effect including but not limited to liquor permits / licenses, safety inspections, sanitary inspections, Coast Guard and or State Police inspections and permits as required if a marine event.
- j). Parking and traffic control plan.
- k). Sufficient sanitary facilities and their location, and plans for the collection and disposal of refuse if required by the Selectboard.
- l). First aid – EMS facilities and staffing levels.
- m). Evacuation routes and plans.
- n). Security Bond or Escrow account to ensure compliance with applicable ordinance and permitting conditions to assure there is NO COST to the Town of Georgia associated with the gathering / event, before, during or after the gathering / event.
- n). Any other information or proof of services as required by the Selectboard.

Upon consideration of the approval standards set forth in Section 7 of this Ordinance, the Town of Georgia Selectboard may:

- 1). Approve the Application.
- 2). Approve the Application with conditions / modifications.
- 3). Deny the Application.

Section 7 – Approval Standards

Prior to the issuance of any permit under this ordinance, the applicant shall be required to satisfy the following standards:

- a). The proposed gathering / event is in conformance with all applicable Town ordinances.
- b). The proposed gathering / event is in conformance with all applicable State Statutes.
- c). The proposed gathering / event will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.
- d). The proposed gathering / event will not present or create a threat to the safety of persons or property because of fire, explosion or other hazard.
- e). The proposed gathering / event will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.
- f). The proposed gathering / event will not interfere with the Towns or neighboring property owners usual and customary use of their property due to noise, dust, odor, lighting or other activities which extend beyond the boundary of the gathering / event.
- g). The proposed event will not over burden public safety, EMS resources in the community, and that all costs for additional fire, rescue, law enforcement, certified parking and traffic control or other public health or safety organizations as required by the Town of Georgia, State of Vermont and or U.S. Government are totally borne by the applicant / operator and that there is sufficient funding placed in an escrow account, of the Town of Georgia to fully cover these costs regardless of the financial success or failure of the event.

h). If alcoholic beverages are to be present, it is only through use of a Vermont Department of Liquor Control licensed vendor, there is no "bring your own" allowed.

Section 8 – Denial / Revocation of Permit

The Selectboard shall deny / revoke a permit if they find any of the following conditions:

- a). The permit application is incomplete or was not submitted at least 45 days in advance of the event to allow for full consideration and review by the Selectboard.
- b). One or more of the approval standards has not been met.
- c). The applicant or operator of the proposed gathering / event has a prior history of conducting gatherings / events that have posed a threat to the public, were not permitted, or has other unsatisfactory history regarding mass gatherings / public events.
- d). Where it is found that there is material falsehood or misrepresentation in the application or information, attachments or submissions regarding the proposed gathering / event.
- e). Where there is a previously executed and approved permit for the same place and time from another applicant.
- f). Where the Town of Georgia Selectboard determines that the gathering / event intended by the applicant would present an unreasonable danger to the health or safety of the applicant, operator, or other users of the property, Town of Georgia employees or residents, or the general public.
- g). Where the applicant has not or cannot comply with Ordinance, Statute or permitting requirements. Written notice of the reason for the revocation shall be delivered to the applicant or their agent personally, or by mail service.

Section 9 – Permit Fee

A non-refundable application fee for a permit is \$250 which shall be paid at the time of filing the application.

Section 10 – Additional fees and permits needed

Nothing in this ordinance shall be deemed a waiver of the requirements for the applicant / operator to have to obtain any other permits or licenses as deemed necessary by the Federal Government or by State of Vermont rules, regulations or Statutes.

Section 11 – Limitation on Permits

No more than one permit under this ordinance shall be issued to any single operator or group, within any 60 day period.

Section 12 – Violations and Enforcement

A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Superior Court, at the election of the Selectboard. Each day that a violation continues shall constitute a separate violation of this ordinance.

Any person who violates any provision of this civil Ordinance shall be subject to a civil penalty of up to \$800 per day for each day the violation continues. The Town of Georgia Selectboard Chairman or their designee shall be authorized to act as the Issuing Municipal Official, to issue and pursue complaints before the Vermont Judicial Bureau pursuant to Title 24 Vermont Statutes Annotated Section 59.

A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A Section 1974(a) and 1977 et. seq. The Municipal attorney may also be the appearing officer at the hearing at the direction of the Selectboard.

Section 13 – Waiver fee

An Issuing Municipal Official is authorized to recover a waiver fee in lieu of a civil penalty, in the following listed amounts or as otherwise established by the Judicial Bureau, for any person who declines to contest a municipal complaint identifying a violation of this ordinance and pays the waiver fee.

First Offense.....\$200
Second Offense.....\$350
Third Offense.....\$500
Fourth Offense.....\$650
Fifth and Subsequent Offense.....\$ Maximum penalty allowed by Vermont Statute at the time of the offense.
Currently \$800 as of September 13, 2016.

Section 14 – Civil Penalties

In any contested case, an Issuing Municipal Official is authorized to recover civil penalties in the following amounts, or as otherwise established by the Judicial Bureau for each violation of this ordinance:

Violations enforced in Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Office or Selectboard may pursue all appropriate injunctive relief, in addition to a civil penalty as specified below or as otherwise established by Vermont law or rule:

First Offense.....\$350
Second Offense.....\$500
Third Offense.....\$650
Fourth and Subsequent Offense..\$ Maximum penalty allowed by Vermont Statute at the time of the offense.
Currently \$800 as of September 13, 2016.

For both waiver fee and Civil Penalties, offenses shall accumulate on a twelve month basis, dating from the earliest offense during any twelve month period.

Section 15 – Other Relief

In addition to the enforcement procedures available through the Vermont Judicial Bureau, the Selectboard through the Chairman or their designee, is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of the permit or to pursue any other remedy authorized by law.

Section 16 – Severability

The invalidity of any section or provision of this Ordinance shall not invalidate any other part thereof.

Section 17 – Publication / Posting / Implementation/ Effective Date

This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A Section 1973, that statute shall govern the taking effect of this ordinance.