

SPECIAL EVENT ORDINANCE

The Selectboard of the Town of Berlin, Vermont, hereby adopts the following ORDINANCE for the purpose of regulating special events taking place in the Town of Berlin. This ORDINANCE, is adopted pursuant to applicable statutory law and with particular reference to 24A V.S.A. § 105-32 et. seq. and 24 V.S.A. Chapter 59.,

The **Purpose** of this ORDINANCE is to protect the public health, safety and welfare through the issuance of special event permits for special events occurring on, or having the potential to negatively impact, public property, including but not limited to public highways and public rights of way; and to ensure the safety of participants, observers and other members of the general public at special events.

31§ 1. **Definition.**

For purposes of this Ordinance, a “special event” is defined as follows:

any parade, fair, show, festival, carnival, rally, party, filming of movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walks, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or a public right-of-way, or, if held wholly upon private property, will affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. Special event shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or public rights-of-way where merchandise or services are offered for sale, whether by for profit or nonprofit organizations.

31§ 2. **Permit Required.**

Any person desiring to conduct or sponsor a special event shall first obtain a special event permit from the Town of Berlin Selectboard. No person shall conduct or sponsor a special event without first obtaining a special event permit.

Section 3. The following shall be exempt from the requirement to obtain a permit:

- a. Any event sponsored by the Town of Berlin or any of the town’s departments;
- b. Any event sponsored by a municipal school district located within the geographical limits of the Town of Berlin.

31 § 3. Application Requirements.

Not less than twenty-one (21) days prior to the occurrence of any special event, the sponsor shall apply for a Special Event permit, on forms provided by the Town, and shall provide, at a minimum, the following information:

- a. the name of the applicant and/or sponsoring organization, the special event chairperson, and the address and telephone number of each;
- b. the purpose of the special event, the date when it is proposed to be conducted, the location and the hours of operation;
- c. a site map or maps, schedule of events and location of events;

The application for a Special Event permit shall be accompanied by a filing fee in the amount of Fifty Dollars (\$50) for each day that the Special Event shall be held or conducted. The Selectboard shall be authorized to reduce or waive applicable fees for nonprofit applicants or in other appropriate circumstances, as the Selectboard may determine.

31 § 4. Action on Permit.

The Berlin Selectboard shall act to approve or deny an application for a special event permit. The Selectboard may deny an application if, after consideration of all information submitted by the applicant or other pertinent information, the Selectboard determines that:

- a. Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail; or
- b. The applicant fails to complete the application form after having been notified of the additional information or documents required; or
- c. The applicant refuses to agree to abide or comply with all of the conditions and terms of the permit; or
- d. The time, route, hours, location, or size of the special event will unnecessarily disrupt the movement of other traffic within the area; or
- e. The Special Event is of the size or nature that it would be impossible for the Town's police department to properly police the event or would otherwise place undue burdens on the Town; or
- f. The location of the Special Event would cause undue hardship for adjacent businesses or residents; or

- g. The event would endanger public safety or health; or
- h. The event would seriously inconvenience the general public's use of public property, services or facilities; or
- i. The applicant fails to comply with any liability insurance requirements that may be imposed by the Selectboard as a condition of any permit; or
- j. The event would create or constitute a public nuisance or would be likely to cause significant damage to public property or facilities; or
- k. The event would engage in or encourage participants to engage in illegal acts.

31§ 5. Conditions.

The Selectboard, in granting any application, may impose conditions on a permit, in order to protect public health and safety. Such conditions may include the following:

- a. Alteration of the date, time, route or location of the event proposed on the event application;
- b. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the Town;
- c. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- d. Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way;
- e. Requirements for the use of traffic cones or barricades;
- f. Requirements for the use of Town personnel and equipment, at the sole cost of the applicant;
- g. Requirements for the provision of first aid or sanitary facilities;
- h. Requirements for the use of event monitors and providing notice of permit conditions to event participants;
- i. Requirements to provide notice to surrounding property owners;
- j. Restrictions on the number and type of participants, vehicles or structures at the event, and inspection and approval of floats, structures and decorated vehicles for fire safety;
- k. Requirements for the use of garbage/recycling containers, and cleanup and restoration of any involved Town property;
- l. Restrictions on the use of amplified sound;

- m. Compliance with any other relevant ordinance or law and obtaining any legally required permit or license;
- n. Requirements for obtaining adequate levels of liability insurance coverage for the Special Event, including the furnishing to the Town of applicable certificates of insurance or other acceptable proof of adequate insurance coverage;
- o. Any other restriction or requirement deemed necessary to ensure public safety and well-being.

31 § 6. Permit Revocation

Any permit issued pursuant to this Ordinance may be revoked by action of the Selectboard, at an emergency, special or regular meeting, if the Selectboard determines, through information obtained following the issuance of a permit, that the safety of the public or property requires such revocation, or if the Selectboard determines that the permit was issued based upon false information or the permittee has exceeded the scope of the permit and/or any of the permit's conditions. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in the application.

31 § 7. Ordinance Designation; Enforcement Personnel; Penalties.

This ORDINANCE is designated to be a civil ORDINANCE pursuant to Vermont Statutes Annotated. Violators of this ORDINANCE may be subject to a civil penalty to be assessed and collected in the amount of Two Hundred-fifty Dollars (\$250.00) for each day during which any Special Event is held without permit. Civil penalties shall be assessed and collected in accordance with Vermont Statutes Annotated pertaining to civil ordinance penalties and violations. Additionally, the Town of Berlin shall be entitled to obtain appropriate injunctive relief to the full extent allowed under the laws of the State of Vermont.


31 § 8. Severability.

In the event that any part or portion of this ORDINANCE is determined to be invalid, such determination and invalidation shall not affect the validity or enforceability of the remaining provisions of this ORDINANCE.


31 § 9 Effective Date.

This ORDINANCE shall become effective sixty (60) days following adoption by the Selectboard.

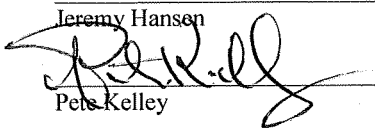
Adopted this 4th Day of April, 2016. To be effective June 3, 2016



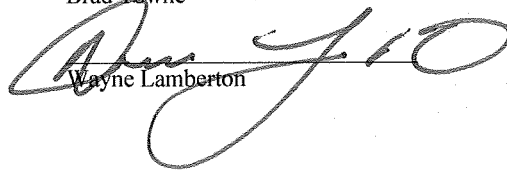
Ture Nelson



Brad Towne

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Selectboard of Berlin

TOWN OF BERLIN
RECEIVED

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BERLIN, VERMONT

JUN 21 2016

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