

**TOWN OF FAYSTON
ORDINANCE ON PUBLIC ASSEMBLIES**

Section 1. Definitions

1. "Public assembly" or "assembly" means a gathering of seven hundred and fifty (750) or more individuals in a public place which the general public is permitted or invited to attend.
2. "Permit" means a written statement, issued by the Selectboard or its designee, authorizing the holding of a public assembly under the stated conditions as to time, place, and manner.
3. "Person" means an individual, corporation, government, governmental subdivision or agency, estate, trust, partnership, association, or any other legal entity.
4. "Promotional activity" means purchasing paid advertisements in any media of communication, or circulation of printed material advertising the assembly.
5. "Public place" means an open area where patrons cannot be accommodated inside a permanent building, other than a stadium used for sporting events, or a fairground having permanent seats for patrons, with respect to which a private person permits use by the general public.

Section 2. Permit Required

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated public assembly in the Town of Fayston unless a permit to hold the assembly has first been issued.

Section 3. Application for Permit

1. An application for a permit shall be made at the office of the Town Clerk at least sixty (60) days prior to the date of the assembly.

2. The application shall be in writing, signed by an individual authorized to act for the person sponsoring the assembly, and shall contain the following information:

- a. 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;**
- b. the date(s) and hours the assembly is to be held;**
- c. the designation and location of the public place where the assembly is to be held**
- d. that the requested use by the applicant of the designated place has been granted by the person having authority to so grant;**
- e. the number of tickets to be printed, number of people invited, and number of people reasonably expected to attend;**
- f. a schedule and copies of all promotional activity the applicant has engaged in or intends to engage in;**
- g. general nature of the assembly including the performers scheduled to appear and the program;**
- h. the arrangements made to protect the public health and safety during the conduct of the assembly, including arrangements with respect to traffic control, crowd control, and sanitation facilities;**
- i. the arrangements made for food and beverages, if any, and the name(s) of the provisioner(s).**

Section 4. Permit Fee

1. The permit fee shall be one hundred dollars (\$100.00) for each day of the assembly, which shall be paid at the time of filing the application.

2. The permit fee may be waived, by decision of the Selectboard, in the event that the assembly is conducted solely for charitable purposes.

3. Except for a \$25.00 retainage, the fee shall be refunded if the application is denied.

Section 5. Receipt of Application

Upon receipt of an application for a permit to hold an assembly, the Town Clerk shall note the date of filing on the application and shall forthwith transmit copies of the same to the Selectboard, to the Health Officer, and to the Planning Commission.

Section 6. Action on Application

- 1. The Selectboard may deny the application, may approve the application, or may approve the application with any conditions that are deemed necessary to protect the public health and safety.**
- 2. The permit shall be granted, granted subject to conditions, or denied within thirty (30) days of the date of filing the application. If no action is taken within said thirty (30) day period, the permit shall be deemed granted.**
- 3. If the permit is approved with conditions, these conditions may include, but are not limited to, special provisions for:
 - (a) sanitation facilities,**
 - (b) security, crowd, and noise control,**
 - (c) off-street parking and traffic control,**
 - (d) service of food and water,**
 - (e) emergency medical facilities,**
 - (f) minimum size of the area for the assembly,**
 - (g) removal of trash and litter resulting from the assembly.****
- 4. If a permit is granted, a bond shall be posted in an amount sufficient to provide adequate security for compliance by the applicant with the terms of the conditions imposed by the permit, if any, to reimburse the Town of Fayston for the cost of fulfilling any conditions not observed by the applicant, and for the cost of repair of any damage to public property.**

Section 7. Penalties

- 1. Anyone found guilty of violating any provisions of this Ordinance shall be fined not more than five hundred (\$500.00) or imprisoned for**

not more than one year for each offense.

2. The Town of Fayston may apply to the Superior Court to enjoin the holding of a public assembly if due application for a permit has not been made, or if it appears reasonably probable that the applicant will not comply with the conditions imposed by the permit.

Section 8. Judicial Review

An applicant may petition the Superior Court for review of the reasonableness of any conditions imposed in a permit, or the reasonableness of a denial of such permit.

Section 9. Separability

The invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other section, clause, or provision thereof.

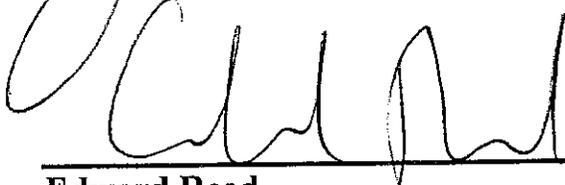
Dated this 24th day of May, 2004.



Robert Vasseur, Chair



Jared Cadwell



Edward Read