

TOWN OF WILLISTON, VERMONT

Temporary Events Ordinance

Williston Selectboard

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The purpose of this ordinance is to protect the public health, safety and welfare through the issuance of Temporary Event permits for temporary uses and events occurring on, or having the potential to negatively impact, public and private property, including but not limited to public highways, private roads, sidewalks, parks, parcels of land, buildings or portions of buildings, and sites. Further, the purpose of this ordinance is to ensure the health, safety, and welfare of participants, observers, abutters and other members of the general public at and adjacent to these events.

Table of Contents

Article I.	Authority and Intent	2
Article II.	Repeal of Public Festivals Ordinance	2
Article III.	Definition of a Temporary Event.....	2
Article IV.	Zoning Requirements	3
Article V.	Permit Required.	3
Article VI.	Application Requirements.	4
Article VII.	Fire Safety Requirements.....	4
Article VIII.	Fire Safety Requirements- Large Events.	5
Article IX.	Fire Safety Requirements- Tents.....	5
Article X.	Application Notice.....	6
Article XI.	Application Review.....	6
Article XII.	Action on Temporary Event Permit Applications.....	6
Article XIII.	Permit Revocation.....	7
Article XIV.	Ordinance Designation; Enforcement Personnel; Penalties.....	8
Article XV.	Ordinance Designation.....	9
Article XVI.	Severability.....	9
Article XVII.	Effective Date.....	9

Article I. Authority and Intent

The Town of Williston Selectboard hereby ordains:

The Selectboard of the Town of Williston, Vermont (“Town”), hereby adopts the following ordinance for the purpose of regulating Temporary Events taking place in the Town.

This ordinance is adopted pursuant to 24 V.S.A. § 2291, Williston Town Charter §§ 3 and 5 (24 Appx. VSA §§ 156-3, 156-5), 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 Temporary Event permits for temporary uses and events occurring on, or having the potential to negatively impact, public and private property, including but not limited to public highways, private roads, sidewalks, parks, parcels of land, buildings or portions of buildings, and sites. Further, the purpose of this ordinance is to ensure the health, safety, and welfare of participants, observers, abutters and other members of the general public at and adjacent to these events.

Article II. Repeal of Public Festivals Ordinance.

Upon the effective date of this Ordinance, the Williston Ordinance For The Regulation Of Public Festivals adopted May 20, 1971, shall be repealed and of no further force and/or effect.

Article III. Definition of a Temporary Event.

A “Temporary Event” is a temporary use, of a street, sidewalk, parcel of land, a building or portion of a building, or a site that occurs for a limited duration and frequency, not to exceed the maximums below. Events that occur with more frequency or for a longer duration than these maximums, or are actively associated with a home business, cannot be permitted as Temporary Events. They are subject to the requirements of the Williston Unified Development Bylaw. A Temporary Event is one that takes place:

- a. in any zoning district in Williston:
 - i. for a duration not to exceed 8 hours AND
 - ii. no more than 12 times per calendar year,

OR

- b. in the Business Park Zoning District, Gateway Zoning Districts North and South, Industrial Zoning Districts East and West, Mixed Use Commercial Zoning District, Mixed Use Residential Zoning District, Gateway Zoning Districts North, South and West, and Taft Corners Zoning District:
 - i. for a duration not to exceed 60 days AND
 - ii. no more than two (2) times per calendar year.

Subject to the foregoing limitations, Temporary Events include, but are not limited to, the following: parade, fair, show, festival, carnival, rally, party, filming of movie, video or television

show, motorcade, run, street dance, bike-a-thon, race, walk, athletic event, circus, carnival, menagerie, play, concert, entertainment, exhibition, celebration, and tent sale.¹

Article IV. Zoning Requirements.

Any permanent facilities including but not limited to parking lots, fencing, stages, assembly halls, signage, or storage buildings, or uses including but not limited to indoor or outdoor storage, sales offices, rehearsals or staff training that will not be terminated or removed at the expiration of a Temporary Event Permit are subject to the requirements of the Williston Unified Development Bylaw.

Article V. Permit Required.

Any person desiring to conduct or sponsor a Temporary Event shall first obtain a Temporary Event Permit from the Town Selectboard or its designee. No person shall conduct or sponsor a Temporary Event without first obtaining a Temporary Event Permit. Where a series of events are proposed such as performances, weekend sales, or other sequences of events that are not continuous in time, each event in the series shall constitute a separate Temporary Event subject to the requirements, enforcement provisions and limitations herein but may be permitted through a single Temporary Event Permit application for the series. An event that does not require a permit must still obtain all other applicable permits and licenses required by Vermont law, and other Town ordinances and/or regulations. The following shall be exempt from the requirement to obtain a permit for the event:

- a. Any event sponsored by the Town or any of the Town's departments.
- b. Any event sponsored by a public school district located within the geographical limits of the Town.
- c. Any event, structure, site development, establishment or change of use, or other land development that has a permit issued under the Williston Unified Development Bylaw, including usual and customary accessory uses.
- d. Events contained to private property unless the event is:
 - i. open to the general public, or
 - ii. advertised outside the immediate neighborhood of the private property hosting the event, or
 - iii. attended by more than forty people, or
 - iv. likely to 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.
- e. Events described in Section 6.13(B) and (C) of the Town's Noise Control Ordinance, which provisions shall be incorporated herein by reference as if more fully set forth herein.

The Town leases and licenses Town-owned property to organizations and individuals. Where the lease or license makes specific provision for when a Temporary Event Permit is required for events on the same Town-owned property, those specific provisions shall apply for the purpose of administering this

¹ Note, a sale of household goods at a "garage sale" is regulated subject to chapter 20.19.2 of Williston's Unified Development Bylaw, which defines frequency, duration, signage and parking for these occurrences. A tent sale for the purpose of this definition is a sale event associated with a commercial business not located at a home.

Ordinance. Notwithstanding the foregoing, the licensee or leaseholder remains subject to all remaining provisions of this Ordinance.

Article VI. Application Requirements.

For events that will be attended by an estimated total of between 40-199 people, the applicant shall submit an application for a Temporary Event Permit no fewer than forty-five (45) calendar days prior to the commencement of a proposed Temporary Event.

For events that will be attended by an estimated total of 200 or more people, the applicant shall submit an application for the Temporary Event Permit no fewer than sixty (60) calendar days prior to the commencement of the Temporary Event.

Applications not received within the minimum days prior to the commencement of the proposed event, as outlined above, will not be considered unless the Town Manager makes an exception at their sole and complete discretion.

All Temporary Event applications shall be submitted through the Town Manager's Office, 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 name and signature of the owner(s) of any property on which the event will take place, and the address and telephone number of each.
- b. The purpose of the proposed Temporary Event, the date(s) when it is proposed to be conducted, the location and the hours of operation.
- c. Approximate number of attendees.
- d. A site map or maps, schedule of events and location of events.
- e. Information regarding the provision of Town personnel, services and/or facilities needed to maintain public health and safety during the proposed event.
- f. The filing fee determined by the Selectboard. The Selectboard shall be authorized to reduce or waive applicable fees for nonprofit applicants or in other appropriate circumstances, as the Selectboard may determine.
- g. A list of the names and mailing addresses of owners of property within 500 feet of the boundaries of the parcel(s) where the Temporary Event is proposed, and an accompanying set of business-size envelopes with postage paid addressed to each owner.

An organization or individual who has a license or lease on Town-owned property that allows them to hold events on the same Town-owned property shall follow the requirements set out in this article unless the license or lease specifies alternative requirements.

Article VII. Fire Safety Requirements.

Applicants for Temporary Event Permits must demonstrate that they will meet the following requirements related to Fire Safety and Emergency Services. Applicants are encouraged to communicate with Williston Fire Department staff prior to submitting their application and must obtain approval from the Fire Chief or designee where required prior to submitting their Temporary Event Permit Application.

- a. The promoter of any Temporary Event shall comply with the adopted fire codes, maintain adequate fire lanes, and have the Fire Chief or designee approve the location and size of all fire lanes, booths, stages, and other structures and equipment.
- b. The Williston Fire Department is charged with sole responsibility of providing fire protection and EMS coverage for such events in the Town. The Williston Fire Department may modify these requirements based on the promoter's history of compliance with the requirements of the adopted fire codes and adherence to the requirements of the codes.

Article VIII. Fire Safety Requirements- Large Events.

Any Temporary Event with an estimated attendance of one thousand (1,000) persons or more shall be required to have Williston Fire/EMS personnel specially and exclusively assigned to the Temporary Event. The applicant shall be responsible for the cost of this additional coverage, including but not limited to wages, personnel supplies, equipment, vehicles, and materials which shall be repaid based on the current rate schedule set by the Fire Chief.

- a. A minimum of two (2) firefighters/EMTs shall be hired for a minimum of three (3) hours. The number of firefighters/EMTs and the time required for staffing shall be set by the Fire Department based on an assessment of the nature of the event, including but not limited to its location, size, weather, time, traffic impact, availability of alcohol, history of the event, identifiable safety factors, and the requirements of the adopted fire codes.
- b. The applicant shall secure a signed staffing agreement with the Fire Department not less than fourteen (14) business days, which excludes weekends and federal, state, and local holidays, prior to the event.

Article IX. Fire Safety Requirements- Tents.

Temporary Events that will utilize tents as described below are subject to additional requirements as follows:

- a. A tent one thousand two hundred (1,200) square feet or larger, regardless of location, may require a tent permit from the Vermont Division of Fire Safety. Permittees shall comply with the requirements of Chapter 25 of NFPA 1, Fire Prevention Code, currently adopted by the State of Vermont.
- b. The applicant for a Temporary Event will identify the number, size, and proposed maximum occupancy of any tents that will be used as part of the proposed Temporary Event. The applicant will also identify any tents in which alcohol will be served.
- c. Applications for Temporary Events using tents may incur additional fees, as determined by a fee schedule to be set by the Selectboard.

Article X. Application Notice.

Upon receipt of a complete application for a Temporary Event Permit, the Selectboard, Town Manager (“Manager”) or their designee shall:

- a. Determine whether the proposed Temporary Event must be reviewed and approved by the Selectboard prior to the issuance of a Temporary Event Permit, or in the alternative, if the application is eligible for approval solely by the Manager or its designee without Selectboard review pursuant to the criteria in Section 12, below. The Manager or its designee may also refer the review of any Temporary Event Permit application to the Selectboard.
- b. Notwithstanding the foregoing, for Temporary Events anticipated to involve 200 or more persons, any series of events, or for events that will take place over a time span of more than 30 calendar days, the Manager or its designee shall refer applications to the Selectboard for its review as specified below.
- c. When the Manager or its designee determines that Selectboard review is required or chooses to refer the review of a Temporary Event Permit application to the Selectboard, the Selectboard shall place the application on the next available Selectboard agenda and notify the applicant of the time and place of the Selectboard meeting when the application will be reviewed.
- d. The Manager or its designee will use the postage-paid envelopes supplied by the applicant to send notice of the event application, by regular mail, to the abutting property owners. Notice will, at a minimum, include:
 - i. The name, date, and location of the proposed Temporary Event.
 - ii. The proposed duration of the proposed Temporary Event.
 - iii. If the proposed Temporary Event will be reviewed by the Manager, a date by which the Manager expects to issue a decision.
 - iv. If the proposed Temporary Event will be reviewed by the Selectboard, the date and location of the Selectboard meeting when the review will take place.

An organization or individual who has a license or lease on Town-owned property that allows them to hold events on the same Town-owned property shall follow the requirements set out in this article unless the license or lease specifies alternative requirements.

Article XI. Application Review.

The Selectboard, Manager or their designee may consult other Town departments such as Planning and Zoning, Fire, Police, and Public Works when reviewing a Temporary Event Permit application.

Article XII. Action on Temporary Event Permit Applications.

The Selectboard, Manager or their designee shall act to approve, conditionally approve, or deny an application for a Temporary Event Permit.

- a. Denial. The Selectboard, Manager or their designee may deny an application if, after consideration of all information submitted by the applicant or other pertinent information, they determine that:
 - i. the application is incomplete; or

- ii. the applicant has failed to complete the application within ten (10) calendar days after having been notified of the additional information or documents required; or
 - iii. the applicant refuses to agree to abide by or comply with all of the conditions and terms of the permit; or
 - iv. the time, route, hours, location, or size of the proposed Temporary Event will unnecessarily disrupt the movement of other traffic within the area; or
 - v. the proposed Temporary 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 an undue burden on the Town; or
 - vi. the location of the proposed Temporary Event would cause undue hardship for adjacent businesses or residents; or
 - vii. the proposed Temporary Event would endanger public safety or health; or
 - viii. the proposed Temporary Event would have an adverse impact on the general public's use of public property, services, or facilities; or
 - ix. the applicant fails to comply with any liability insurance requirements that may be imposed as a condition of any permit; or
 - x. the proposed Temporary Event would create or constitute a public nuisance or would be likely to cause significant damage to public property or facilities; or
 - xi. the proposed Temporary Event will generate a level of noise that requires a variance from the Williston Noise Ordinance that has not been granted by the Selectboard; or
 - xii. The applicant has failed to arrange for Fire Department staffing as required herein.
- b. Approval and Permit Conditions. The Selectboard, Manager or their designee, in granting any application, may impose conditions of approval on a Temporary Event Permit to protect public health, safety and welfare, to ensure compliance with all other applicable Town ordinances, and to ensure that demand on Town services created by the proposed Temporary Event can be met. Such conditions may include but are not limited to the following:
- i. limits on hours of operation,
 - ii. limits on the number of attendees,
 - iii. requirements for lavatory facilities,
 - iv. plans for solid waste disposal, recycling and composting,
 - v. limits on sound amplification,
 - vi. restriction or prohibition of open fires,
 - vii. plans for parking and access, including emergency access,
 - viii. requirements for fire protection and event security, and/or
 - ix. additional notice to surrounding property owners.

Article XIII. Permit Revocation.

Any Temporary Event Permit issued pursuant to this Ordinance may be revoked by action of Town public safety officials, including but not limited to the Fire Chief, Police Chief or their designees, in their sole and complete discretion and upon their determination that the event an imminent or substantial threat

to public health or safety that cannot be immediately remedied upon verbal notice to the event holder, or by action of the Selectboard if the Selectboard determines, through information obtained following the issuance of a permit, that:

- a. the health, safety and welfare of the public or an imminent or substantial threat of damage to public property requires such revocation, or
- b. if the Selectboard determines that the Temporary Event Permit was issued based upon false information, or
- c. that the permittee has exceeded the scope of the Temporary Event Permit and/or any of its conditions.

Notice of the Selectboard meeting and of any action revoking a Temporary Event Permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in its application.

Article XIV. Ordinance Designation; Enforcement Personnel; Penalties.

- a. Violators of this Ordinance may be subject to a civil penalty to be assessed and collected in the amount of up to Eight Hundred Dollars (\$800.00) for each violation of this Ordinance. Each day the violation continues shall be a separate violation. In addition, the following shall constitute a separate violation:
 - i. Each day during which any Temporary Event or an event meeting the definition of “Temporary Event” is held without permit, or
 - ii. Each individual event of noncompliance with provisions of a Temporary Event Permit or this Ordinance, or
 - iii. Each unpermitted event attendee above either the capacity authorized by a Temporary Event Permit or above forty attendees for an unpermitted event.Civil penalties shall be assessed and collected, and injunctive relief may be sought, in accordance with Title 24, Chapter 59 of the Vermont Statutes Annotated pertaining to civil ordinance penalties and violations.
- b. The Manager, law enforcement officer, Fire Chief, Selectboard Chair or their designee 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	\$ 100.00
Second Offense	\$ 250.00
Third Offense and subsequent Offenses	\$ 500.00

- c. The Manager, law enforcement officer, Fire Chief, Selectboard Chair or their designee is authorized to recover civil penalties in the following amounts for each violation of this Ordinance:

First Offense	\$250.00
Second Offense	\$500.00
Third Offense and subsequent Offenses	\$800.00

Article XV. Ordinance Designation.

This Ordinance is designated to be a civil ordinance pursuant to Title 24, Chapter 59 of the Vermont Statutes Annotated.

Article XVI. Severability.

If 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.

Article XVII. Effective Date.

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