

The Village of Hyde Park, Vermont

Ordinance: EVENT PERMITS

Authority: 24 V.S.A. Section 2291, (1), (5), (9), (11), (14), (17), (18), (15). It shall constitute a civil ordinance within the meaning of 24 VSA Chapter 59.

Section 1 – Purpose

It is the purpose of this ordinance to suitably balance vitality with quality of life by defining, limiting and permitting certain events held within the Village of Hyde Park.

Section 2 – Definitions: For purposes of this Ordinance

EVENT is a gathering of people for purposes which may include, but not limited to, performances, entertainment, parades; recreation, charitable, community, ceremonial, cultural and/or social events, as well as display or sales of products/materials/services.

USE OF PROPERTY FOR SALES OR DISPLAY is the use of land and the buildings thereon for the purpose of any display, public sale or offering for sale of personal property by a person or persons. Examples include Tag Sale, Yard Sale, Garage Sale, Barn Sale, Trunk Show and any other similar activity.

PUBLIC ENTERTAINMENT is defined as an event that is advertised or promoted and offered for a fee, which may be defined as a ticket sale, cover charge or donation.

TRAVELLING ORGANIZATIONS PROVIDING PUBLIC ENTERTAINMENT applies to a company or organization not based in the Village of Hyde Park which travels to various locations to provide public entertainment for a limited time period of no more than 365 days.

Section 3 – Criteria, Permit Requirements and Fees

Criteria define those events that may reasonably cause disturbance of the peace or an unsafe condition. If you have any questions, please call 888-2310.

Criteria: A PERMIT is required if a single one of the following four criteria is met for an EVENT:

1. any outdoors or indoors activity which may be expected to disturb the quiet enjoyment of any person in the Village of Hyde Park after the hour of 9:00 P.M. or before 9:00 A.M., on Sunday through Thursday and after Midnight on Friday and Saturday,
2. any outdoor use of an amplified public address system,
3. any activity which may reasonably be expected to result in a large public gathering that overflows onto the sidewalks, pathways, public areas, parks and recreational facilities of the Village,
4. any activity which may reasonably be expected to result in vehicular traffic congestion or unsafe traffic conditions on the roads.

Permit Requirements and Fees:

- a. Should a permit be required, an application and a minimum non-refundable fee of \$50 must be submitted to the Village office at least 30 days prior to the event.
- b. Final approval of a permit is dependent upon Board approval.
- c. Traffic control, security services, portable facilities and clean-up contractors may be required. Proof of adequate services may be required.
- d. All cost must be borne by the applicant; deposits may be required.

Section 4 – USE OF PROPERTY FOR SALES OR DISPLAY

- a. Use of Property for Display or Sales shall comply with the “Village of Hyde Park Land Use and Development Regulations”, commonly referred to as the “Village Zoning Bylaws”.
- b. Use of Property for Display or Sales will not be permitted during Noticed Events conducted by the Village of Hyde Park.

Section 5 – Exemptions

- a. This Ordinance does not apply to boards, departments, committees and organizations created by and under the governance / authority of the State of Vermont or the Select Board of the Town of Hyde Park that wish to hold EVENTS within the Village of Hyde Park.
- b. This Ordinance does not apply to the use of the Hyde Park Opera House.
- c. This Ordinance does not apply to places of worship, schools or 501(C) organizations that are located within the Village of Hyde Park.
- d. This Ordinance does not apply to those commercial businesses in compliance with the “Village of Hyde Park Land Use and Development Regulations”, commonly referred to as the “Village Zoning Bylaws”.
- e. Exemptions are granted acknowledging that these entities are individually responsible for all issues related to their activities, including but not limited to property damage, public safety, crowd control, noise control, and adequate parking.
- f. By granting exemption, the Village of Hyde Park bears no responsibility and/or liability for any and all actions of exempt organizations.
- g. The Village of Hyde Park will not bear any undue expense due to events conducted by exempt organizations. Any such costs will be billed to the responsible party and are due when rendered.

Section 6 – PUBLIC ENTERTAINMENT

Public Entertainment requires a permit.

- a. Filing an application for public entertainment in advance of the 30 day requirement is strongly advised in order to provide for a coordinated review and to provide for communication on any special needs.
- b. Although non-profits and/or charitable organizations are not exempt from this Ordinance, other than as defined in 3.c., the “for a fee” provisions of the Ordinance will not be interpreted as instances where charitable donations are made or accepted voluntarily.
- c. The Ordinance does apply where payment of money is compulsory to attend to the public entertainment/show whether or not said funds will be used for non-profit and/or charitable means.
- d. Traffic control and/or security services may be required.

Section 7 – TRAVELLING ORGANIZATIONS PROVIDING PUBLIC ENTERTAINMENT

Filing an application for public entertainment in advance of the 30 day requirement is strongly advised to provide for a coordinated review and to provide for communication on any special needs.

- a. Applicant must provide the Village with a current Certificate of Commercial General Liability insurance with a minimum coverage amount of \$1 million and with the Village of Hyde Park, Inc. listed as the named insured.
- b. Upon filing an application and payment of a non-refundable fee of \$100.00 and a permit fee of \$50.00 per day, paid in advance, and after investigation by the Sheriff and review by the Board, the Board may issue a permit to an individual or organization authorizing the sale of alcoholic beverages only during the performance of a show by a traveling company providing public entertainment under the following conditions:
 - i. The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption;
 - ii. All applicants and permit holders must comply with all state and local statutes governing the sale of alcoholic beverages and all sections of this Code and other ordinances governing such sales;
 - iii. Said permit shall last for a period set by the Board; not to exceed 365 days;
 - iv. The permit will allow the sale of alcoholic beverages beyond the premises described in the annual license only in the areas specifically described in the application and only during the period specified in the application;
 - v. The area in which the special event is held must be fenced or visibly defined by suitable barriers;
 - vi. The applicant must submit a site plan for the event;
 - vii. The applicant must provide a traffic plan and a security plan, and said plan must be approved by the Sheriff; and the applicant may be required to hire off-duty police;
 - viii. The applicant must submit a plan for removal of trash and provision of toilet facilities;
 - ix. Food must be served during any period of time that alcoholic beverages are served.

Section 8 – Terms, Conditions and Continuance

The terms and conditions of each permit are established by the Board.

- a. “Village of Hyde Park Land Use and Development Regulations”, commonly referred to as the “Village Zoning Bylaws” should be reviewed for additional regulations that may apply.
- b. An event permit issued pursuant to this ordinance may be denied, suspended or revoked by the Board for due cause.
- c. An event permit may be immediately suspended or revoked by the Sheriff for due cause for a violation when such violation results in an emergency situation in which continued operations of the premises by the permit holder endangers the health, safety and/or welfare of the public. A hearing on the suspension or revocation shall be held at the next regularly scheduled meeting of the Board.
- d. Applications and fees must be submitted to the Village office at least 30 days prior to the event. Final approval of a permit is dependent upon Board approval.
- e. The Board retains the right, but not the obligation, to return certain fees that are collected from charitable organizations.
- f. The Board retains the right to waive certain penalties in the event that waiver is deemed to be in the best interest of the Village. The Board regularly meets the 2nd Wednesday of each month at 6 p.m. For information, please call 888-2310.

Section 9 – Severability

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

- b. Where the provisions of this ordinance impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, by-law, rule or regulation, the provisions of this ordinance shall control.

Section 10 – Penalties

- a. Penalties may be separately defined by an individual agreement authorized by the Board and the applicant;
- b. A written warning may be issued for the first offense and the offensive action is expected to cease immediately. If the offensive action does not immediately cease, it is defined as a second offense;
- c. A second offense and subsequent offense(s) may be issued verbally and documented in writing to the offender, with a copy provided to the property owner;
- d. A second offense or any subsequent offense(s) shall be fined one-hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00);
- e. Each day the violation continues shall constitute a separate offense.
- f. At the close of the event, the site is expected to be returned to its previous good condition. The applicant will bear the full cost should the Village be required to provide any additional services such as trash removal, repairs or replacements due to damage.

Effective on May 13, 2015

Enacted and ordained this 11th day of February 2015.

Fredericka French, Chair of the Village of Hyde Park Board of Trustees

Recorded on February 17, 2015

Carol Robertson, General Manager, Village of Hyde Park

This ordinance was adopted on 11th day of February 2015 at a duly warned Village of Hyde Park Board of Trustees Meeting at the Lanpher Memorial Library on Main Street. The signed and recorded minutes are available for review at the Village office. The signed ordinance was recorded and is available for review at the Village office. The adopted minutes of the meeting and the ordinance were posted on the website: www.hydeparkvt.com on February 16, 2016. The ordinance was posted in the Hyde Park Town Office, Hyde Park Village Office and the Hyde Park Post Office on February 20, 2015, together with the required notice of petitions to be received by the General Manager by asking for a vote to disapprove the ordinance. There were no petitions; therefore the ordinance is effective on May 13, 2015.

EVENT PERMIT

Village of Hyde Park, Inc., Vermont

IMPORTANT NOTICE: Public Display is required.

This permit is not valid unless posted in full and clear view; at all times.

Authority: 24 V.S.A. Sections 2291, (1), (5), (9), (11), (14), (17), (18), (15). It shall constitute a civil ordinance within the meaning of 24 VSA Chapter 59

TYPE OF EVENT: _____

DATES APPROVED: _____

LOCATION APPROVED: _____

Stipulations and Conditions:

NAME OF RESPONSIBLE PERSON; COMPANY NAME or ORGANIZATION NAME

PRINT) _____

SIGNATURE OF PERSON LISTED ABOVE: _____

The signer acknowledges receipt of the EVENT PERMIT ORDINANCE, an understanding of the ordinance and agrees to observe all conditions and provisions of this ordinance as well as any and all ordinances of the Town and Village of Hyde Park and the laws of Vermont.

Signer's Address: _____

Signer's Business Address: _____

Business Phone: _____ Cell Phone: _____

Insurance Provider: _____ Policy # _____

Granted by the Village of Hyde Park Board of Trustees (date) _____