

TOWN OF LUDLOW, VERMONT

PUBLIC FESTIVALS ORDINANCE

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ARTICLE 1. INTENT

- 1.01 It is the purpose of the Select Board of the Town of Ludlow to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the Town of Ludlow, in order that the health, safety and welfare of all persons in the Town of Ludlow, residents and visitors alike, may be protected.
- 1.02 It is the intent of this Select Board that all section and provisions of this Ordinance have an independent existence and, should any section or provision be declared invalid and unconstitutional by a court of competent jurisdiction, it is the intent of this Select Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the Ordinance.

ARTICLE 2. LICENSE REQUIRED

- 2.01 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 assembly of 50 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Board of Selectmen of the Town of Ludlow, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- 2.02 As used in this legislation:
 - a. Person means any individual natural human being, partnership, corporation, firm, company, association, society or group;
 - b. Assembly means a company of persons gathered together at any location at any single time for any purpose.
- 2.03 A separate license shall be required for each day and each location in which 50 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$250.00.

- 2.04 A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
- 2.05 The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
- 2.06 This legislation shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed more than 250 people the maximum seating capacity of the structure where the assembly is held.
- 2.07 This legislation shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other laws, ordinances, and regulations of the Town of Ludlow.

ARTICLE 3. CONDITIONS FOR ISSUING LICENSE

- 3.01 Before he may be issued a license the applicant shall first:
 - a. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the Town of Ludlow.
- 3.02 Provide proof that he will furnish at his own expense before the assembly commences:
 - a. A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass;
 - b. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day;
 - c. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
 - d. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate

of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;

- e. Physicians and nurses license to practice in Vermont sufficient to provide the average medical care enjoyed by residents of Vermont for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;
- f. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;
- g. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
- h. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons;
- i. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Vermont Statutes Annotated and Rules and Regulations promulgated there under and ordinances of the Town of Ludlow, sufficient to provide camping accommodations for the maximum number of people to be assembled;
- j. Security guards, either regularly employed, duly sworn, off-duty Vermont peace officers or private guards, licensed in Vermont, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people;
- k. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Vermont Statutes Annotated and Rules and Regulations promulgated there under and ordinances of the Town of Ludlow, and sufficient emergency personnel to efficiently operate the required equipment;
- l. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;
- m. A bond, filed with the clerk of the Town of Ludlow, either in cash or underwritten by a surety company licensed to do business in Vermont at the rate of \$1.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the Town of Ludlow or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

ARTICLE 4. APPLICATION

4.01 Application for a license to hold an actual or anticipated assembly of 50 or more

persons shall be made in writing to the Select Board of the Town of Ludlow at least 60 days in advance of such assembly.

- 4.02 The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural, human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.
- 4.03 The application shall contain and disclose:
- a. The name, age, residence and mailing address of all persons required to sign the application by IV(B) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation;
 - b. The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;
 - c. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of 50 or more persons;
 - d. The nature or purpose of the assembly;
 - e. The total number of days and/or hours during which the assembly is to last;
 - f. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the Town of Ludlow if the assembly is to continue overnight;
 - g. The maximum number of tickets to be sold, if any;
 - h. The plans of the applicant to limit the maximum number of people permitted to assemble;
 - i. The plans for fencing the location of the assembly and the gates contained in such fence;
 - j. The plans for supplying potable water including the source, amount available and location of outlets.
 - k. The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited;
 - l. The plans for holding, collection, and disposing of solid waste material;
 - m. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;
 - n. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the locations of lamps;

- o. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- p. Source, number and location of telephones;
- q. The plans for camping facilities, if any, including facilities available and their location;
- r. The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
- s. The plans for fire protection including the number type and location of all protective devices including alarms and extinguishers and the number of emergency fire personnel available to operate the equipment;
- t. The plans for sound control and sound amplification if any, including number, location and power of amplifiers and speakers;
- u. The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

4.04 The application shall include the bond required in III (B) (13) and the license fee.

ARTICLE 5. ISSUANCE

5.01 The application for a license shall be processed within 30 days of receipt and shall be issued if all conditions are complied with.

ARTICLE 6. REVOCATION

6.01 The license may be revoked by the Select Board of the Town of Ludlow at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

ARTICLE 7. ENFORCEMENT

7.01 Civil Violation: A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974 a. and 1977 et seq.

7.02 The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

7.03 The holding of an assembly in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

7.04 Any person who violates II (A) or who violates any condition upon which he is granted a license may be fined not less than \$100.00 nor more than \$500.00. Each day of violation shall be considered a separate offense.

ARTICLE 8. SEVERABILITY

8.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision

shall not effect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 9. PUBLICATION AND EFFECTIVE DATE

- 9.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 9.02 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 9.03 This ordinance shall become effective on August 14, 1971, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by July 30, 1971, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the ordinance may be directed to the Municipal Manager, Ludlow, Vermont or by calling telephone number (802)228-2841.

The foregoing ordinance is hereby adopted by the Select Board of the Town of Ludlow, Vermont on this fourteenth day of June, 1971.

TOWN OF LUDLOW, VERMONT SELECT BOARD

Herbert B. Van Guilder
John K. Wu
Richard P. Tilton
O. F. Tucker
Donald Devereux

ARTICLE 9 above is amended to read:

- 9.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 9.02 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 9.03 This ordinance shall become effective on April 4, 2008, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the

Town Clerk by March 19, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

The foregoing ordinance is hereby re-adopted by the Select Board of the Town of Ludlow, Vermont on this fourth day of February, 2008.

TOWN OF LUDLOW, VERMONT
SELECT BOARD

Howard Barton, Jr., Chair

John Neal, Vice Chair

Brett Sanderson

Bruce Schmidt

Earl Washburn