

TOWN OF HARDWICK
PUBLIC ASSEMBLY ORDINANCE

Town of Hardwick
Public Assemblies Ordinance

Section 1. Definitions

- (1) "Permit" means a written statement, issued by the Chief of Police or his/her designee, authorizing the holding of a public assembly under stated conditions as to time, place and manner;
- (2) "Permit Officer" means the Chief of Police or officer designated by him/her to issue permits;
- (3) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;
- (4) "Political Subdivision" means a city, town, village, gore or other incorporated place;
- (5) "Public Assembly" or "assembly" means a gathering of two thousand or more individuals in a public place which the general public is permitted or invited to attend and where a State Commercial Public Assembly Permit is not required.
- (6) "promotional activity" means purchasing paid advertisements in any media of communication, or circulation of printed material advertising the assembly;
- (7) "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; when to obtain

- (a) Any person who intends to hold or organizes or promotes a public assembly shall obtain a permit to do so.

Section 3. To whom application made; time

An application for a permit to hold an assembly shall be filed with the permit officer not less than sixty (60) days before the date of the assembly. If application is properly filed, a decision shall be rendered not less than thirty (30) days prior to the scheduled assembly. The permit officer may act on an application not filed in time if the public health and safety will not be jeopardized by such action.

Section 4. Contents of application

- (a) An application for a permit to hold an assembly shall be in writing and signed by an individual authorized to act for the person sponsoring it (see appendix A for Instructions and Application for Public Assembly Permit).

Town of Hardwick
Public Assemblies Ordinance

- (b) The application shall state:
- (1) the date and hours the assembly is to be held;
 - (2) the name, residence address, and the 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 in applying for the permit;
 - (3) the designation and location of the public place where the assembly is to be held;
 - (4) that the requested use by the applicant of the designated place has been granted by the person having authority to grant the use of the public place;
 - (5) the estimated number of persons expected to participate in or attend the public assembly;
 - (6) the general nature of the assembly and the arrangements made to protect the public health and safety during the conduct of the assembly, including arrangements with respect to traffic direction, crowd control and sanitation facilities;
 - (7) any additional information the applicant wishes to furnish.

Section 5. Receipt of application

- (a) Upon receipt of an application for a permit to hold an assembly, the permit officer shall note the time of filing on the application and shall forthwith mail or otherwise deliver a copy of the application to the principal officers of the applicant named in the application, to the Town Manager, the Select Board and the Town Clerk of Hardwick .

Section 6. Action on application

- (a) The permit officer shall:
- (1) issue the permit as requested, or
 - (2) issue the permit subject to any conditions authorized in Section 7, which he deems necessary to protect the public health and safety, or
 - (3) apply to the county court for an order enjoining the holding of the public assembly if conditions cannot be imposed which will protect the public health and safety.
- (b) The permit officer shall give the applicant immediate notice in writing of his action on the application.
- (c) By agreement in writing the applicant and the permit officer may modify the time requirements of this ordinance.

Town of Hardwick
Public Assemblies Ordinance

Section 7. Criteria for imposing conditions on permit

- (a) If there is a reasonable likelihood that an assembly will substantially harm the public health or safety, the permit officer shall grant the permit upon conditions reasonably necessary to avoid substantial harm to the public health or safety.

- (b) The permit officer may impose conditions to ensure that (see appendix B for detail explanation):
 - (1) public sanitation, food, water and emergency medical facilities are adequate;
 - (2) the time, place and duration of the assembly is suitable in view of the number of persons expected to attend;
 - (3) measures for controlling the crowd and managing the assembly are adequate;
 - (4) the assembly will not substantially impair the provision of fire and police protection and medical and other essential public services;
 - (5) the assembly will not unreasonably interfere with the quiet enjoyment of a residential community;
 - (6) a reasonable effort will be made to remove and dispose of litter incidental to the assembly;
 - (7) the person holding the public assembly furnishes a certificate of liability insurance at a minimum amount determined by the permitting officer and such certificate is in place at least 10 days prior to the assembly.
 - (8) the person holding the public assembly furnishes an adequate bond or arranges other financial security in a reasonable amount to insure reimbursement to the Town for costs incurred under the Town's Special Events Policy;
 - (9) the Town of Hardwick is compensated under its public assembly policy.

Section 8. Judicial review

- (a) If there is a reasonable likelihood that an assembly will substantially harm the public health or safety and this cannot be avoided by imposition of conditions, or if no permit for such an assembly has been applied for, the permit officer shall, with the concurrence of the Select Board, forthwith apply to the superior court for an order enjoining the applicant, other interested persons, or those persons the permit officer believes intend to hold an assembly without a permit, from holding the assembly.

Town of Hardwick
Public Assemblies Ordinance

- (b) An applicant may petition the Select Board for review of the reasonableness of any conditions imposed in a permit. After a decision by the Board, the applicant may petition the superior court for review of the reasonableness of any conditions imposed in a permit. A person who desires to organize or promote any outdoor public gathering may also petition the court for an order declaring that the gathering is not subject to this act. The petition shall contain a copy of the application, a copy of the permit, if any, and state the grounds for the decision requested.

Section 9. Judicial order relating to an assembly

When a permit officer applies to the superior court for a restraining order, injunctive relief, or other order, or a person applies for judicial review under subsection (b) of Sec. 8, the court shall expedite the proceedings to afford timely relief, cause appropriate notice to be given, and hear the case without a jury. Upon a hearing, the court may enter an order declaring no permit is required, grant the permit as requested, grant a permit upon specified conditions, or enjoin the holding of the assembly, if there is a reasonable likelihood that the assembly will substantially harm public health or safety and this cannot be avoided by the imposition of conditions on the permit.

Section 10. Appeals

A party may obtain a review of a final judgement of the superior court by appeal to the supreme court. The appeal shall be taken as in other civil cases. The taking of an appeal does not operate to stay the order of the superior court, but the supreme court may stay the order pending determination of the appeal.

Section 11. Penalties

- (a) A person who:
- (1) Violates a condition imposed in a permit to hold an assembly; or
 - (2) conducts, organizes or promotes an assembly without applying for a permit, a civil penalty of not more than \$500.00 per day per violation may be imposed for each violation of this civil ordinance.

Town of Hardwick
Public Assemblies Ordinance

Appendix A

INSTRUCTIONS AND APPLICATION FOR PUBLIC ASSEMBLY PERMIT
INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR A PUBLIC ASSEMBLY
PERMIT

Any person who intends to hold or organizes or promotes a Public Assembly shall obtain a permit to do so.

DEFINITIONS - "Public Assembly" or "Assembly" means a gathering of two thousand or more individuals in a public place which the general public is permitted or invited to attend and a State Commercial Public Assembly Permit is not required."

"A 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.

NOTICE - A permit is required ONLY when there will be two thousand (2,000) or more in attendance and when a State Commercial Public Assembly Permit is not required.

APPLICATION

1. BEFORE deciding to apply for a permit, please read this entire sheet, the attached minimum health requirements, and the minimum safety requirements.
2. Except in rare exceptional cases, applications that have not been received at least sixty (60) days prior to the scheduled assembly will not be processed. If properly filed, a decision will be rendered a minimum of 30 days prior to the scheduled assembly date.
3. An application will not be considered as being submitted unless all spaces on the application have been filled in. When a section does not apply, it should be marked "N/A".
4. An application will not be considered as being submitted unless all required documentation, as listed below, is submitted with the application:
 1. List of officers, with addresses and telephone numbers, of the organization, IF acting for a corporation, governmental agency or other organization.
 2. Written permission from the registered property owner or governmental agency which controls the use of the assembly place.
 3. Letter from the State Police, Chief of Police or County Sheriff who has agreed to provide or approve security and traffic control.
 4. Letter from the service provider that has agreed to provide crowd control and parking?
 5. Letter from the agency which has agreed to provide emergency medical service.
 6. Letter from the Fire Department Chief who has agreed to provide fire service.

Town of Hardwick
Public Assemblies Ordinance

APPLICATION FOR A PUBLIC ASSEMBLY PERMIT

1.
 - a. Name of Applicant _____
 - b. Address of Applicant _____
 - c. Telephone Number of Applicant _____
 - d. Name and address of person authorized to represent the applicant in applying for the permit (if different or in addition to "a" above)

Telephone Number _____
 - e. If acting for a corporation, governmental agency or other organization, list officers of the organization on a separate sheet and attach hereto. Include all of their addresses and telephone numbers.
2.
 - a. Date and time assembly will begin _____
 - b. Date and time assembly will end _____
3. Will attendees be permitted to camp out at or near the assembly location? _____
 - a. Date and time attendees will start to arrive _____
 - b. Date and time attendees will have departed _____
4.
 - a. Exact location of assembly (name of street, road, and property owner):

 - b. Dimensions of assembly location _____
 - c. Dimensions of parking lot(s) _____
 - d. Dimensions of camping area(s) _____
5. Has the registered property owner or governmental agency, which controls the property, granted permission to hold an assembly on the property? _____
(A copy of said written approval must be attached to this application).
6.
 - a. How many people are expected to attend the assembly? _____
 - b. Number of entertainers who will participate in the assembly? _____
 - c. What types of costs will be charged to attendees? _____
7. What is the general nature or purpose of the assembly? (Church fair, concert, dairy festival, agricultural fair, etc.)

Town of Hardwick
Public Assemblies Ordinance

8. What arrangements have been made for traffic control and security? (Attach statement of agreement from the State Police, County Sheriff, Chief of Police or constable indicating their willingness to provide a specific number of police officers to police the assembly and related activities.)

9. What arrangements have been made for crowd control and parking? (Attach statement of agreement from service provider indicating the agencies/departments willingness to provide service)

10. What arrangements have been made for emergency medical service? (Attach a copy of the written agreement made by an emergency medical service.)

11. What arrangements have been made for emergency fire service? (Attach a copy of the written agreement made with an emergency fire service to provide fire protection.)

12. What arrangements have been made for food and water?

Town of Hardwick
Public Assemblies Ordinance

13. What arrangements have been made for toilet facilities?
14. What arrangements have been made to assure that litter, incidental to the assembly, will be cleaned up and disposed of?
15. REMARKS: (Include any information that you believe will be of assistance in evaluating this application - such as, have you conducted a similar assembly before, have other assemblies been conducted at the location you plan to hold an assembly, what type of crowd do you anticipate attracting, has there been a history of problems, etc.).

Date: _____

Signature of Applicant
(or Authorized Agent)

Town of Hardwick
Public Assemblies Ordinance

Appendix B
MINIMUM PUBLIC HEALTH AND SAFETY REQUIREMENTS FOR A PUBLIC
ASSEMBLY

NOTICE The following safety requirements are the absolute MINIMUM requirements for any type of assembly. It should be understood that more stringent requirements will be imposed on certain types of assemblies, such as, rock concerts or assemblies with a history of problems.

1. LAW ENFORCEMENT

As determined by the permitting officer and the Vermont State Police, there must be an adequate number of sworn police officers on duty during the assembly and/or the period of permitted camping.

2. EMERGENCY MEDICAL SERVICE

There must be at least one (1) properly equipped emergency medical service vehicle with qualified personnel available for service during the assembly and/or the period of permitted camping.

3. EMERGENCY FIRE SERVICE

There must be at least one (1) fire truck with qualified personnel available for service during the assembly and/or the period of permitted camping.

4. ASSEMBLY SITE REQUIREMENTS

- a. Assembly Center - there must be at least one (1) acre of suitable, cleared land for every four thousand (4,000) assembled participants.
2. Camping Area - there must be at least one (1) acre of suitable, cleared land for every fifteen hundred (1,500) campers.
3. Parking Area - There must be at least one (1) acre of suitable, cleared land for every two hundred (200) vehicles to be parked.

Town of Hardwick
Public Assemblies Ordinance

5. WATER SUPPLY, KITCHEN, AND GARBAGE

Applicant must submit a plan for minimum water supply, kitchen codes and garbage removal that has been approved by the State of Vermont Department of Health and the Town Health Officer.

6. SEWAGE DISPOSAL

A minimum of one (1) privy per one hundred fifty (150) people, tightly constructed and screened. A minimum of 5% of the privies will be handicapped accessible. Rental privies can also be used as long as they are maintained regularly by the rental service. A statement from the Vermont Department of Health should be attached accepting the plan for the regular maintenance of the privies during the event.

Adopted: November 18, 1998
Revised: January 17, 1999

