

**TOWN OF FAIRLEE, VERMONT  
PUBLIC FESTIVAL ORDINANCE**

1. ***Purpose and Authority***

The purpose of this ordinance is to regulate public festivals and public festival facilities to ensure and promote the health and safety of the public and to prevent nuisance arising from such festivals or facilities. Under authority granted in 24 VSA 1971-1977 and 24 VSA 2291 (11), the Selectboard of the Town of Fairlee hereby adopts the following ordinance regulating public festivals.

2. ***Definitions***

For purposes of this Ordinance, the following words and phrases shall apply:

**Public Festival** means a gathering in an outdoor place where 100 or more individuals are expected, invited, or can reasonably be expected to attend for the purpose of observing or participating in an event of entertainment, sports, education of religious observance, where the event is not regularly and routinely scheduled and conducted at such a place.

**Public Festival Facilities** can include, but is not limited to, camping, parking, sanitation, or outdoor eating facilities for a public festival.

3. ***Permit for Public Festival Required***

- A. It shall be unlawful for a person, group, organization, firm, or corporation to hold a public festival, or provide public festival facilities, in the Town of Fairlee without first obtaining a permit to do so from the Selectboard.
- B. No such permit will be issued for a period of more than three (3) consecutive days per event.

4. ***Application for Permit Required***

- A. An application for a permit shall be made at the office of the Town Clerk at least sixty (60) days prior to the commencement of the public festival. A shorter period of time may be permitted by a majority vote of the Selectboard.
- B. The application shall be on forms provided by the Town Clerk and shall be completed with all information requested on the Town of Fairlee Public Festival Application (PFA), including the Town of Fairlee Public Festival Emergency Action Plan (PFEAP).

5. ***Emergency Plan Required***

- A. The promoter of any Public Festival must complete the Town of Fairlee Public Festival Emergency Action Plan and include it with the Town of Fairlee Public Festival Application.

**6. *Permit Application Fee***

- A. The permit application fee shall be \$50 for single events and \$100 for a series of events. The permit fee shall be paid at the time of the filing of the application.
- B. The permit application fee may be waived in the event that the festival is conducted solely for charitable or non-profit fund-raising purposes, by the Rivendell School District or is a Town sponsored and sanctioned event.

**7. *Receipt of the Application***

- A. Upon receipt of the application for a permit for a festival, the town clerk shall note the date of the filing and shall forthwith transmit a copy of the same to the Selectboard, to the Health Officer, Fire Chief, and the Police Chief.

**8. *Action on the Application***

- A. The Selectboard may, but shall not be required to, hold a public hearing upon the application. If a public hearing is held, it shall be on not less than seven (7) days prior notice. The notice shall be published in one local newspaper of general circulation, posted in three (3) public places and announced on the Town Web Site.
- B. The permit shall be granted or denied within forty-five (45) days of the date of the filing of the application. If no action is taken within said forty-five (45) day period, the application shall be deemed granted.
- C. Prior to acting on the permit, the Selectboard shall confer with the Health Officer, Fire Chief, and the Police Chief regarding making special provisions for sanitation and security.
- D. The Selectboard shall act upon each application and render a decision in writing. The Selectboard shall give notice thereof to the applicant. The Selectboard shall also inform the Health Officer, Town Clerk and Chief of Police if the application is granted.

## ***9. Decision of the Selectboard***

- A. The Selectboard may deny the application, may approve the application, or may approve the application with conditions to protect the public health and safety.
- B. If the permit is approved with conditions, these conditions may include, but are not limited to, special provisions for:
  - 1. Sanitation facilities.
  - 2. Security, crowd, and noise control.
  - 3. Off-street parking and traffic control.
  - 4. Service of food and water.
  - 5. Emergency medical facilities and fire protection.
  - 6. Minimum size area for the festival.
  - 7. Removal of trash and litter resulting from the festival.
- C. The Selectboard may require that the State standards be followed in lieu of, or in addition to, conditions specified in the permit.

## ***10. Penalties***

- A. Any person who violates a provision of this Ordinance or who violates any condition of a Public Festival Permit issued under this Ordinance shall be subject to a civil penalty as detailed in the Town of Fairlee Fee Schedule; Public Festival.
- B. The Town may apply to the Superior Court to enjoin the holding of the public festival of due application for a permit has not been made, or it appears reasonably probable that the conditions imposed by the permit will not be complied with.

## ***11. Judicial Review***

- A. 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 a permit. Thereupon, upon motion duly made and seconded, it was unanimously voted that said ordinance shall become effective sixty (60) days for said day of , unless a permissive referendum is called for in accordance with 24 VSA §1973.

## **Adoption History**

Agenda item at regular selectboard meeting held on 0/00/2024  
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Agenda item at regular selectboard meeting held on 00/00/2024  
Agenda item at regular selectboard meeting and discussed on 9/16//2024  
Read and approved at selectboard meeting held on 00/00/2024  
Entered in the minutes of that meeting which were approved on 00/00/2024  
Posted in public places on 00/00/2024  
Notice of adoption published in the newspaper on 0/00/2024with a notice of the right to  
petition.