

**Town of Pownal**  
**Large Gathering Ordinance**

**Section 1: PURPOSE**

1.1 The Town of Pownal is supportive of charitable events and other large gatherings but finds it is necessary for the protection of the health, Safety and welfare of the general public and the quality of life within the town and to prevent the degradation of the environment to enact this ordinance.

1.2 Under 24 V.S.A. § 2291. Enumeration of powers:

(11) To regulate, license, tax or prohibit circuses, carnivals and menageries, and all plays, concerts, entertainments or exhibitions of any kind for which money is received.

1.3 Large gatherings have resulted in nuisances to private citizens and the public at large. Such gatherings have included loud, unpleasant noise, congestion on municipal roads, unsafe driving, litter and rubbish, improper sanitation and unsafe parking on public roadways and private property.

**Section 2: DEFINITION & REGULATION**

2.1 It shall be unlawful for any person or entity to allow, permit, encourage, promote, organize, conduct or advertise any fundraising event, festival, exhibition, amusement show, fair, theatrical performance, road event (including, but not limited to foot race, bicycle ride or race, motorcycle ride or race), music concert, parade or other entertainment event for 350 or more people without first obtaining a permit to do so from the Town of Pownal Select Board. Application for the permit must be submitted at least forty-five (45) days before the planned event.

2.2 Events with more than 2000 people will require both a Vermont State assembly permit and the Town of Pownal large gathering permit.

The state assembly permit information can be found at the following state Website:

<http://vsp.vermont.gov/permit/assembly>

2.3 Exempted from this ordinance are events held, sponsored or promoted by the Town of Pownal on public property, youth sports and recreation games, and school events. However, coordinators of these events are required to notify the Town of Pownal of the event. The town could request that the event holder have emergency services available at these functions even if they do not require a permit from the Town of Pownal under this ordinance.

2.4 Anyone holding a private party on private, residential property for 350 or more people not covered by section 2.1 above is required to notify the select board at least forty-five (45) days before the event, and the select board will determine whether a formal application for a large assembly permit is required.

2.5 The Select Board shall have authority to grant or deny each permit application, and require certain conditions deemed necessary for the protection of the public health, safety and welfare. The Select Board shall have authority to limit the number of simultaneous large gatherings and shall issue a timely, written response for a permit denied or one issued with conditions. All permits approved shall be published on the Town of Pownal website within forty-eight (48) hours.

2.6 Any person or entity whose application has been denied or approved with conditions may appeal the decision through the Vermont Judicial Bureau. Any citizen who opposes a permit may likewise appeal the decision to Vermont Judicial Bureau.

2.7 Any application not submitted at least thirty (30) days before the event must be submitted to the Town Select Board, which shall have sole authority to grant or deny a late application.

### Section 3: Penalty/Enforcement

3.1 Any person who violates any provision of this civil Ordinance shall be subject to a civil penalty of up to \$800 per day for each day the violation continues. The Town of Pownal Selectboard Chairman or their designee shall be authorized to act as the Issuing Municipal Official, to issue and pursue complaints before the Vermont Judicial Bureau pursuant to Title 24 Vermont Statutes Annotated Section 59. A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance. Violations enforced in the Vermont Judicial Bureau shall be in accordance with the provisions of 24 V.S.A Section 1974(a) and 1977 et. seq. The Municipal attorney may also be the appearing officer at the hearing at the direction of the Selectboard.

3.2 The town police or their designee is granted authority to enforce this ordinance including Initiating prosecution.

### Section 4: fees

A non-refundable application fee for a permit is \$100 which shall be paid at the time of filing the application.

### Section 5: Additional fees and permits needed

Nothing in this ordinance shall be deemed a waiver of the requirements for the applicant/ operator to have to obtain any other permits or licenses as deemed necessary by the Federal Government or by State of Vermont rules, regulations or Statutes.

### Section 6: Waiver fee

An Issuing Municipal Official is authorized to recover a waiver fee in lieu of a civil penalty, in the following listed amounts or as otherwise established by the Vermont Judicial Bureau, for any person who declines to contest a municipal complaint identifying a violation of this ordinance and pays the waiver fee.

First Offense.....	\$250
Second Offense.....	\$350
Third Offense.....	\$500
Fourth Offense.....	\$650
Fifth and Subsequent Offense.....	\$800 as of September 13, 2016.

Section 7: Civil Penalties

In any contested case, an Issuing Municipal Official is authorized to recover civil penalties in the following amounts, or as otherwise established by the Vermont Judicial Bureau for each violation of this ordinance:

Violations enforced in Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Office or Selectboard may pursue all appropriate injunctive relief, in addition to a civil penalty as specified below or as otherwise established by Vermont law or rule:

- First Offense.....\$400
- Second Offense.....\$450
- Third Offense.....\$500
- Fourth and Subsequent Offense \$800 as of September 13, 2016.

For both waiver fee and Civil Penalties, offenses shall accumulate on a twelve-month basis, dating from the earliest offense during any twelve-month period.

Section 8: Other Relief

In addition to the enforcement procedures available through the Vermont Judicial Bureau, the Selectboard through the Chairman or their designee, is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of the permit or to pursue any other remedy authorized by law.

Section 9: Severability

The invalidity of any section or provision of this Ordinance shall not invalidate any other part thereof.

Section 10: Publication/ Posting/ Implementation/ Effective Date

This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A Section 1973, that statute shall govern the taking effect of this ordinance.

Adopted per Board of Selectmen on June 14, 2018

Effective August 14, 2018

- Nelson Brownell, Chairman
- Jason Olansky, Vice Chairman
- Ronald Bisson, Clerk
- Jen Dewar
- Bob Jarvis

Pownal, VT Town Clerk's Office

Received for Record

August 30th A.D. 2018  
of 10 o'clock 30 minutes A M  
and recorded in Book 171 Page 380

Attest: Julie M. Weber  
Town Clerk