

**A CIVIL ORDINANCE FOR THE REGULATION
OF PUBLIC DISPLAYS AND PUBLIC ASSEMBLAGES**

Pursuant to the authority of 24 V.S.A 2291 (14) the Town of Bristol (Town) hereby enacts the following ordinance:

SECTION 1. DEFINITIONS

1. **Display** means an exhibit, kiosk, sign, booth, stand, stall or any other similar structure in or upon any public place. This does not include sandwich signs under six square feet on each side (per Bristol Zoning Regulations).
2. **Public Assemblage** means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any rally or demonstration, or any similar display in or upon any public place which constitutes an exclusive or prevailing use of the public place.
3. **Public Place** means any street, highway, sidewalk, park, building or other place owned by, or under the authority and control of the Town.
4. **Public Nuisance** means an assemblage or display whose size, location, duration, or nature is such that:
 - a. It will substantially impair, restrict, or alter the normal and customary use of a public place, or
 - b. It will occupy, block, restrict or deny to the public the normal and customary use of a public right of way, or
 - c. It will require the diversion of so great a number of police officers as to interrupt normal police protection of the Town, or
 - d. That it will interfere substantially with normal fire-fighting and ambulance service to the Town, or
 - e. Public sanitation, food, water and emergency medical facilities are inadequate.
5. **Person** means an individual, corporation, partnership, unincorporated association, or any other legal entity.
6. **First Class Permit** means written authorization to hold a public assemblage or erect a display in a public place where the assemblage or display is a normal and customary use of the public place. A First Class assemblage cannot involve more than 100 individuals or last longer than 24 hours.
7. **Second Class Permit** means written authorization to hold a public assemblage or erect a display in a public place where, without appropriate arrangements, such assemblages or display can reasonably be expected to constitute a public nuisance. A Second Class assemblage cannot involve more than 200 individuals or last longer than 48 hours.
8. **Third Class Permit** means written authorization to hold a public assemblage or erect a display on public property, where without appropriate arrangements, such assemblage or display can reasonably be expected to constitute a public nuisance or a clear and present danger of substantial harm or injury to person or property, or an imminent threat to public health or safety. A Third Class assemblage involves 200 or more individuals or last longer than 72 hours.
9. **Permit Officer** means the Town of Bristol Selectboard, Town Administrator or their designee, or Recreation Department Director or their designee, as designated by this ordinance to issue permits.
10. **Issuing Municipal Officer** means the Bristol Police, Town of Bristol Selectboard, Town Administrator or their designee, or Recreation Department Director or their designee, as designated by this ordinance to issue municipal complaints.

SECTION 2. PERMIT REQUIRED

1. A person shall not erect a display in a public place without a permit, as required by this ordinance.
2. A person shall not organize, sponsor, promote, participate in, aid, form, or start a public assemblage without a permit, as required by this ordinance.

SECTION 3. RULES & REGULATIONS

1. No display shall have a footprint larger than 200 square feet and shall not have any portion that is higher than 8 feet.
2. No display shall remain in place longer than 20 days.
3. Any display shall post a sign 8 ½" X 11" stating its owner or sponsor.

SECTION 4. APPLICATION PROCEDURE

1. A person wishing to erect a display shall file with the Recreation Department an application containing:
(a) the name and phone number of the applicant(s). (b) The location of the proposed display. (c) the dates that the display will be at the location. (d) a picture or drawing of the display including dimensions. (e) a copy of the content that will be on display.
2. A person wishing to hold an assemblage shall file with the Recreation Department an application containing: (a) the name and phone number of the applicant(s). (b) the location of the proposed assemblage. (c) the date and hours the assemblage is to occur. (d) the purpose of the assemblage. (e) proposed arrangements for parking, crowd control, traffic safety, sanitation facilities and such other measures as will maintain the security and public safety of the persons involved in the assemblage and the general public. (f) the estimated number of persons expected to participate in or attend the assemblage.
3. Applications shall be filed at least 30 days before the assemblage is to occur or the display is to be erected.

SECTION 5. OFFICIAL ACTION ON PERMIT

1. The Recreation Department Director shall determine whether the applicant requires a First, Second or Third Class Permit.
 - a. A First Class Permit shall be approved by the Recreation Department Director, acting as a permit officer, at least 5 days prior to the assembly date or date the display is to be erected unless it is found that the hour, day and location of the assemblage or display will conflict with a previously scheduled assemblage or display. A copy of the approved or denied application will be provide to the Town Administrator.
 - b. A Second Class Permit shall be approved by the Town Administrator or their designee, acting as the permit officer, at least 5 days prior to the assembly date or date the display is to be erected unless it is found:

- i. The hour, day and location of the assemblage or display will conflict with a previously scheduled assemblage or display.
 - ii. The arrangements offered by the applicant for the maintenance of public health and safety are inadequate to prevent personal injury or destruction of property.
 - iii. It may create a public nuisance as defined by this ordinance.
- c. A Third Class Permit shall be approved by the Selectboard, acting as the permit officer, at a duly warned, regularly scheduled meeting, at least 5 days prior to the assembly date or date the display is to be erected unless it is found
 - i. The hour, day and location of the assemblage or display will conflict with a previously scheduled assemblage or display.
 - ii. The arrangements offered by the applicant for the maintenance of public health and safety are inadequate to prevent personal injury or destruction of property.
 - iii. It may create a public nuisance as defined by this ordinance.
- 2. The Recreation Department Director, Town Administrator and the Selectboard may attach such conditions to a permit as will best protect the public health and safety and the health and safety of the persons involved in the assemblage or display, including but not limited to:
 - a. An alternate time or location for the assemblage or display.
 - b. The installation of temporary sanitation facilities or provisions for emergency medical services.
 - c. Effective crowd and traffic control measures.
 - d. Seating, standing or marching arrangements.
 - e. Surety bonds and liability insurance.
 - f. That litter incidental to the assemblage or display will be removed and properly disposed of.

The cost of these conditions will be paid by the applicant.

- 3. The Recreation Department Director, Town Administrator or Selectboard may revoke a permit under their purview, if it appears that the arrangements contained in the permit will no longer prevent injury to persons or property, or prevent a public health issue, due to a change in the circumstances under which the assemblage or display was originally permitted.
- 4. Neither the Recreation Department Director, Town Administrator or Selectboard may issue any permit if the proposed assemblage or display would be in violation of any Town rule, regulation or ordinance.
- 5. The foregoing shall not be construed to limit the authority of a law enforcement officer in enforcing the criminal law of the Town or the State of Vermont, or orders of any Court.
- 6. Any public assembly of 2,000 or more individuals may be subject to 20 V.S.A 4501

SECTION 6. APPEAL PROCEDURE

- 1. A person may appeal to the Selectboard the denial of an application for a permit by filing a written notice of appeal within 5 days of the denial of the permit. The Selectboard shall consider the appeal at a hearing during a duly warned, regularly scheduled meeting within 30 days of appeal being filed, at which the applicant may be present. The Selectboard may affirm or reverse the original decisions to deny the permit or attach such additional conditions to the permit that in their judgment best protect the public health and safety and the safety of the person(s) involved in the assemblage or display.

SECTION 7. ENFORCEMENT

1. This ordinance is enacted by the Bristol Selectboard to promote the public health, safety and welfare of the Town under the authority it is granted to regulate as set forth in 24 V.S.A. Section 2291. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 1974.

- a. Waiver Fee: An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount for any person who declines to contest a municipal complaint and pays the waiver fee.

First Offense	WARNING
Second Offense	\$100
Third & Subsequent Offenses	\$200

- b. Civil Penalties: An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation.

Second Offense	\$300
Third & Subsequent Offenses	\$500

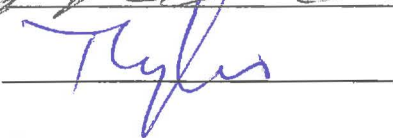
SECTION 8. SEVERABILITY

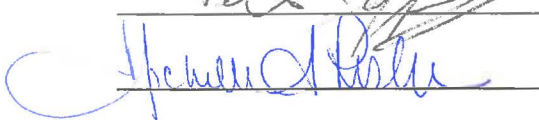
1. If any part of this ordinance shall be held void, invalid, or unconstitutional either under the laws of the constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portions shall be in full force and effect.

SECTION 9. EFFECTIVE DATE

1. This ordinance shall become effective on June 16, 2017, after its adoption by the Bristol Selectboard. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

Adopted by the Bristol Selectboard on April 17, 2017.

 (Chair)


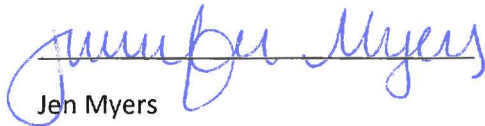
Adoption History:

1. Agenda item at regular Selectboard meeting held on April 17, 2017.
2. Read and approved at regular Selectboard meeting on April 17, 2017 and entered in the minutes of that meeting which were approved on May 1, 2017.
3. Posted in public places on April 24, 2017.
4. Notice of adoption published in the Addison Independent newspaper on May 1, 2017 with a notice of the right to petition.
5. Other actions (petitions, etc)

Certificate of the Clerk: I certify this ordinance was adopted as detailed above and filed / recorded on

16th day of June 2017

Bristol Town Clerk


Jen Myers