

**TOWN OF WATERBURY**

**Public Entertainment and Vendors Regulations Civil Ordinance**

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DRAFT 5-14-26

## TOWN OF WATERBURY

### Public Entertainment and Vendor Regulations Civil Ordinance

**SECTION 1. AUTHORITY** This Ordinance is adopted by the Town of Waterbury Selectboard under authority granted by 24 V.S.A. § 2291(9), (14), and (15) and 24 V.S.A. Chapter 59. This is a Civil Ordinance.

This **Public Entertainment and Vendor Regulations Civil Ordinance** supersedes the previous 1998 *Amendment of the Waterbury Town Entertainment Ordinance Regarding Licensure and Regulations of Circuses, Carnivals and other Shows* as well as the 2019 *Town of Waterbury Ordinance Regulating Vendors* ordinances.

**SECTION 2. PURPOSE** The purpose of this Ordinance is to regulate public entertainment and vendor activities to protect public health and safety, prevent traffic congestion, manage municipal resources, and ensure the quiet enjoyment of residents and visitors.

### SECTION 3. DEFINITIONS

**Vendor:** Any person, firm, or corporation engaged in the temporary sale of goods, food, or services from a fixed location on public property or door-to-door.

**Public Entertainment/Special Event (“Event”):** Any circus, carnival, fair, festival, concert, or gathering on public property expected to attract **more than 200** people.

**Selectboard:** The Town of Waterbury Selectboard.

**Town Official:** The municipal manager, health officer, zoning administrator, or other appointed staff member.

### SECTION 4. PERMIT APPLICABILITY

A. **Applicability:** No person or organization shall host a public entertainment event or engage in vendor activities on public property without first obtaining the applicable permit or license from the Town of Waterbury Selectboard.

The sale of alcohol is prohibited at the Event site or by the Vendor unless a valid liquor license is issued by the State of Vermont and the Town of Waterbury.

Vendors sanctioned and permitted by organizers of an Event shall not be required to apply for a Vendor License nor pay a Vendor fee to operate at the Event. The Selectboard may impose other reasonable conditions on Vendors at Events that are not specifically described in this ordinance.

#### 1. Special Event Application Applicability

A Special Event Application is required when a gathering of more than 200 people is expected and/or a temporary town road closure is to be required.

If Event attendance is expected to exceed 2,000 persons, admission will be charged, and/or the event is not a cycling or road running event, a State of Vermont Department of Public Safety [Public Assembly Permit](#) will be required. A copy of the issued permit must be provided the Town Clerk's office at least 10 days prior to the event.

The duration of the Event is limited to activities that will run three (3) consecutive days or fewer.

Letters of support, confirming notification of the Event, determination of adequate coverages, and availability and ability to support the event, are required from the Waterbury Fire Department, Waterbury Ambulance and state or county policing services, if needed. Provide letters with the Application submission.

## **2. Vendor License Applicability**

A Vendor License is required and must be first obtained by any Vendor who wishes to sell, display or offer for sale any food or beverages within the limits of the Town of Waterbury, is required to first obtain a Town of Waterbury Vendor License as provided herein.

Vendor Licenses are required to sell Agricultural Products as defined by the State of Vermont.

### **B. Insurance.**

Special Event: A Certificate of Liability Insurance demonstrating \$1,000,000 general liability insurance per occurrence, \$2,000,000 aggregate must be provided to the Town. If the event is held on Town Property the Certificate must name the Town of Waterbury as additional insured. The Certificate of Insurance must be filed with the Town at least ten (10) days prior to the event.

Vendor License: A Certificate of Liability Insurance demonstrating \$1,000,000 general liability insurance per occurrence, \$2,000,000 aggregate for liability, product s liability, property damages and injuries, including injury resulting in death, caused by the operation of the vending business must be provided to the Town. If the event is held on Town Property the Certificate must name the Town of Waterbury as additional insured. The Certificate of Insurance must be filed with the Town at least ten (10) days prior to the event.

### **C. Fees.**

The Selectboard shall establish a fee schedule for Permits and Licenses for Applicants requesting a Special Events Permit or a Vendor License by this ordinance. The fee structure is not part of this Ordinance and may be amended at any time by the Selectboard. Once established, the fee schedule shall remain in force until amended by the Select board. The fee structure shall not be amended more often than one time in any given 12-month period. **Fees may be waived for registered non-profit organizations or town-sponsored events.**

No fee may be charged for a Vendor License issued to sell Agricultural Products as defined by the State of Vermont.

**D. Process:** Applications, accompanied with the application fee, for a Special Event Permit or a Vendor License must be submitted to the Town Manager, with a copy to the Selectboard Chair at least [30] days prior to the event. Each Event will require a separate permit.

The applicable permit/license application form can be found on the Town website on [TITLE] webpage

## SECTION 5. APPLICATION REQUIREMENTS

- 1. Special Events Application.** The following must be provided in the application:
  - a. The Property owner and Event operator's name and contact information.
  - b. A site plan indicating the location and distance from the nearest residences, fire hydrants, state and local highways, overhead utility wires, entrances and exits to shopping centers and other public places.
  - c. A traffic control plan and security detail that will serve for the duration of the Event or the hours specified. Provide details on the plans for law enforcement on site during specific hours. Provide a copy of a signed contract or agreement with this application. The Selectboard may require additional coverage if determined that it is needed.
  - d. A detailed plan for the location of portable toilets, trash, recycling and other waste material including material that may be found off site that is generated at the Event.
  - e. The intended hours of operations and the number of days the Event will be conducted.
  - f. Description of the Event, including a list of each item of proposed exhibit or entertainment.
  - g. Any other information requested by the Municipal Manager or Selectboard.
- 2. Vendor License Application.** The following must be provided in the application:
  - a) Proof of identity along with business address and contact information.
  - b) If employed by another, the name and business address of the employer.
  - c) A description of the goods offered for sale or to be sold.

- d) Descriptions of and the license plate number of any registered vehicles, including registered trailers that will be used in conducting the vending operation.
- e) Descriptions, including dimensions of any stand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be registered as a vehicle, which is used for the display, storage, promotion or transportation of articles or services that will be used in conducting the vending operation.
- f) Proof of valid state licenses, permits, or certificates, when required, for the vending operation and proof that all required state taxes being collected.
- g) Proof of all necessary vehicle or stand Retail, Temporary, or other Food Service Licenses as required by the Vermont Department of Health.
- h) Acknowledge that the issuance and continued possession of a Vendor License shall be subject to review by the Municipal Manager or Town Health Officer.

## **SECTION 6. APPROVAL STANDARDS**

Prior to the issuance of any Permit or Vendor License under this ordinance, the Selectboard, shall determine that the proposed Event or Vendor satisfies the following standards:

- a) The proposed Event or Vendor activity is in conformance with all other applicable Town ordinances including the Zoning Regulations.
- b) The proposed Event or Vendor activity shall not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.
- c) The proposed Event or Vendor activity shall not present or create a threat to the safety of persons or property because of fire, explosion or other hazard.
- d) The proposed Event or Vendor activity shall not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.
- e) The proposed Event or Vendor activity shall not interfere with the use of neighboring property for its customary use by the creation of noise, dust, noxious odors, lighting or other activities which extend beyond the boundary of the activity.
- f) The proposed Event or Vendor activity shall not overburden the public infrastructure of the Town. Special attention shall be given to the cumulative Impacts of other activities which may be occurring at the same time:
- g) The proposed Event or Vendor activity shall not have an adverse effect on public health, safety, welfare and convenience of the residents of the Town.

- h) The proposed Event or Vendor shall provide receptacles for trash, compost, and recyclables generated in the course of their operations. All trash generated as a result of the Event or Vendor activity within the vicinity of their operation shall be picked up by Permittee or Licensee. Vendors shall take the trash and trash receptacles with them when they leave and shall be responsible for its proper disposal.

## SECTION 7. OPERATIONAL STANDARDS

When issuing a Permit or License under this ordinance, the Selectboard may attach such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the Approval Standards set forth above.

Such conditions may include but are not limited to:

- (a) Hours of operation shall only occur between 7am – 9:30pm, unless otherwise authorized. All Event or Vending vehicles or equipment must be removed from public streets, sidewalks, and all property owned by the Town of Waterbury outside of the permitted hours.
- (b) Established noise limits; Permittees and Licensees may not shout, make any cry out, blow a horn, ring a bell, or use any sound device, including any loud speaker or radio, or sound amplifying system upon any public places or private premises where a sound of sufficient volume is emitted or produced capable of being plainly heard in other public places for the purpose of attracting attention.
- (c) Permittees and Licensees may be required to provide traffic control personnel and provisions at no cost to the Town;
- (d) Permittees and Licensees may be required to provide crowd control provisions and/or medical personnel at no cost to the Town;
- (e) Permittees and Licensees may be required to provide fire fighting or other public safety staffing and equipment at no cost to the Town; Provide details on the plans for law enforcement on site during specific hours. Provide a copy of a signed contract or agreement with this application. The Selectboard may require additional coverage if determined that it is needed.
- (f) Permittees and Licensees may be required to post of security bond or escrow account to ensure compliance with applicable ordinances and license conditions;
- (g) Permittees and Licensees are responsible for the collection and removal of all trash generated by the Event or Vendor activity at no cost to the Town.
- (h) For events over **[X] people**, the applicant must provide portable toilets.
- (i) Permittees and Licensees may be restricted or prohibited from the consumption of alcoholic beverages in connection with any regulated activity;

- (j) Permittees and Licensees are prohibited from the sale of admission or tickets in excess of the established capacity of the location.
- (k) Permittees and Licensees shall not block sidewalks, fire hydrants, or interfere with the flow of traffic.
- (l) Vendors must be in the possession of the Vendor License issued to persons engaged in vending operations authorized by under the License. The License, health certificate, and state license to serve alcohol if applicable must be displayed at all times and visible on any vehicle or stand used in conducting the proposed vending operation.

### **SECTION 7.1 SPECIFIC VENDOR OPERATIONAL CONDITIONS**

A vehicle or stand that will be used in the conducting the proposed vending operation shall be subject to the following:

- a) Permitted Locations include any legal parking space in the Town of Waterbury, excluding those designated as handicap only and/or marked with time limits; Town sidewalks and Town of Waterbury public parks. No vending will be allowed at the Anderson Recreation Field or at the Swimming Pool.
- b) No vehicle or stand to be used in conducting the proposed vending operation shall impede pedestrian or vehicular travel or access to the entrance to any building, driveway, loading zone, or alley, whether in public or private ownership and shall not be located within five feet of a crosswalk or fire hydrant.
- c) Vendor License's unattended equipment or automated devices designed to offer wares for sale shall be prohibited in all public locations within the Town of Waterbury, unless at a public park as defined in this ordinance and only with the express written permission of the Town of Waterbury
- d) No vehicle or stand to be used in conducting the proposed vending operation shall be located within one hundred (100) feet of the front door of a permanent restaurant during its normal business hours.
- e) Generators used to power the operations of a vehicle or stand shall not run on diesel fuel. Providing electric power to the stand by connecting to the battery or other power source of a motor-vehicle with its engine running is likewise prohibited.
- f) Electrical service provided to a vehicle or stand must run through a meter assigned to the vendor operating such vehicle or stand. No vehicle or stand shall connect to a pole on property owned by the Town of Waterbury or the Edward Farrar Utility District, even if the property in question is in the highway right-of-way.

## SECTION 8. ENFORCEMENT & PENALTIES

This ordinance may be enforced by a Town Official or Police Officer. The Town is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of a permit or license by the Selectboard or to pursue any other remedy authorized by law.

**Civil Violation:** Any person or organization who violates this Ordinance shall be subject to a civil penalty of up to \$[500/800] per day.

Offenses shall be counted on a calendar year basis.

**Waivers:** 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: [Insert a rate schedule]

**Revocation:** The Selectboard reserves the right to revoke a Permit of License immediately if a public safety hazard is identified.

**SECTION 9. SEVERABILITY** If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall remain in full force.

**SECTION 10. EFFECTIVE DATE** This Ordinance shall become effective 60 days after its adoption by the Selectboard.

Selectboard Signatures.