

AMENDMENT OF THE WATERBURY TOWN  
ENTERTAINMENT ORDINANCE REGARDING  
LICENSURE AND REGULATION OF CIRCUSES,  
CARNIVALS AND OTHER SHOWS

ENACTMENT PROVISION:

The Ordinance to Regulate Public Entertainment within the Town of Waterbury, adopted November 1, 1993, is hereby amended in its entirety to state:

Section 1. Definitions

"Show" as used herein shall mean any circus, carnival, menagerie, street show or itinerant show. "Show" shall also mean any form of live entertainment or performance open to the public such as, but not limited to, concerts, plays, dances with live music or a disc jockey, dancers, dance reviews, clowns, magicians, or comedians.

Section 2. Regulation of Shows

(a) No show shall be conducted in the Town of Waterbury, unless a license has been obtained from the Town Selectboard, nor shall any show be conducted in violation of the provisions of this Ordinance.

(b) A license issued under this ordinance shall be effective on issuance and shall remain in effect until midnight on the next occurring April 30th unless the Town of Waterbury provides for expiration on an earlier date. A license which expires on April 30 shall remain in effect beyond April 30 if the holder of the license applies for a new license before April 30 and the application for the new license is pending before the Selectboard, on April 30.

(c) Any license issued under this Ordinance may be revoked by the Selectboard, for just cause, after notice to the license holder and provision of an opportunity for a hearing before the Selectboard.

Section 3. Application for License

(a) An application for a license under the provisions of this ordinance shall be filed with the Manager at least thirty (30) days before the date for the opening of the show.

(b) Such application shall include:

(1) The name of the owner and operator.

(2) A site plan indicating: location and distance from the nearest residences, fire hydrants, state and local highways, overhead electrical and telephone wires, entrances and exits to shopping centers and other public places.

(3) The intended hours of operation, and the number of days that the show will be conducted.

(4) Description of the show, including a list of each item of proposed exhibit or entertainment.

(5) Any other information required by the Selectboard, or the Manager.

#### Section 4. Approval standards

Prior to the issuance of any license under this ordinance, the Selectboard, shall determine that the proposed show satisfies the following standards:

(a) The proposed show is in conformance with any applicable Town ordinances including the Zoning Regulations.

(b) The proposed show will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.

(c) The proposed show will not present or create a threat to the safety of persons or property because of fire, explosion or other hazard.

(d) The proposed show will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.

(e) The proposed show will 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 show will 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 show will not have an adverse effect on public health, safety, welfare and convenience of the inhabitants of the Town or Village.

#### Section 5. Approval conditions

When issuing a license under this ordinance, the Town 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) establishing specific hours for the proposed show;
- (b) establishing noise limits;
- (c) requiring the provision of traffic control personnel at no cost to the Town or Village;
- (d) requiring the provision of crowd control and medical personnel at no costs to the Town;
- (e) requiring the provision of fire fighting equipment and personnel at no cost to the Town;
- (f) requiring the posting of security bonds or escrow accounts to ensure compliance with applicable ordinances and license conditions;
- (g) requiring that trash and litter on public streets attributable to the proposed activity be collected and removed at no cost to the Town;
- (h) restricting or prohibiting the consumption of alcoholic beverages in connection with any regulated activity;
- (i) prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area.
- (j) "Prohibiting physical contact between performers and patrons and requiring that a minimum separate distance be maintained between performers and patrons."

#### Section 6. License Fee

The fee for any license shall be \$25.00 which shall be paid at the time of filing the application.

#### Section 7. Exemptions

Activities conducted by schools licensed by the State Department of Education and/or churches, on school or church grounds, and on municipal lands are exempt from the requirement to obtain a license and pay a permit fee.

#### Section 8. Enforcement

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Police

Officers of the Village of Waterbury shall be authorized to act as issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

Section 9. 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	\$ 50.00
Second offense	125.00
Third offense	200.00
Fourth offense	275.00
Fifth and subsequent offenses	350.00

Offenses shall be counted on a calendar year basis.

Section 10. Civil Penalties

An issuing Municipal Official is authorized to recover civil penalties in the following amounts for violation:

First offense	100.00
Second offense	200.00
Third offense	300.00
Fourth offense	400.00
Fifth and subsequent offenses	500.00

Offenses shall be counted on a calendar year basis.

Section 11. Other Relief

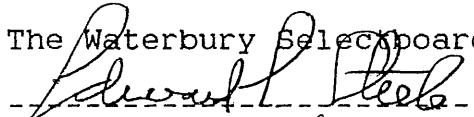
In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of a license by the Selectboard or Village Trustees or to pursue any other remedy authorized by law.

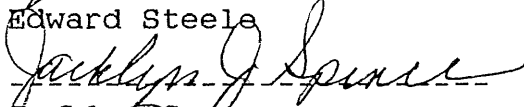
Section 12. Authority

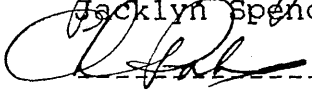
This ordinance is enacted by the Town Selectboard to promote the public health, safety and welfare of the Town under the authority it is granted to regulate public entertainment activities set forth in 24 V.S.A. Section 2291 . This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

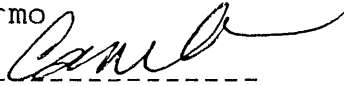
Adopted at Waterbury, Vermont this 2<sup>nd</sup> day of March 1998, and to be effective upon adoption.


The Waterbury Selectboard

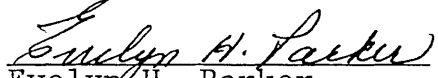
  
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Edward Steele

  
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Jacklyn Spence

  
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Chris Palermo

  
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Carol Miller

  
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John Vincent

  
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Evelyn H. Parker  
Town Clerk