

AN ORDINANCE TO LICENSE AND REGULATE ENTERTAINMENT

Pursuant to the provisions of Title 23, Vermont Statutes Annotated, Section 1007 and 1008, and Title 24, Vermont Statutes Annotated, Sections 1971 and 2291(1) (4) and (5), and the Charter of the Town of Milton, it is hereby ordained by the Select Board of the Town of Milton that the following “An Ordinance to License and Regulate Entertainment” is adopted for the Town of Milton, Vermont.

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Section 1 Authority
 This ordinance is enacted pursuant to the authority granted to the Town of Milton to promote the public health, safety, welfare and convenience, and for the betterment of the community, as contained in Title 24 VSA § 2291 and Section 104 of the Town of Milton Charter. This ordinance shall be a civil ordinance within the meaning of Title 24 VSA Chapter 59.

Section 2 Title
 An Ordinance to License and Regulate Entertainment

Section 3 Purpose
 It is the purpose of this ordinance to regulate, license, or prohibit all forms of public entertainment or exhibition for which money is received.

Section 4 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, dance reviews, clowns, magicians, or comedians.

Section 5 Regulation of Shows
 (a) No show shall be conducted in the Town of Milton unless a license has been obtained from the Select Board, 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 Select Board 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 new license is pending before the Select Board on April 30.

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

Section 6 Application for License

(a) An application for a license under the provisions of this Ordinance shall be filed with the Town Manager at least twenty-one (21) days before the date set 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) A detailed description of the event, including a list of each item of proposed exhibit or entertainment.

(5) Any other information required by the Select Board or the Town Manager.

Section 7 Approval Standards

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

(a) The proposed show is in conformance with any applicable Town ordinances including the Town of Milton Zoning Regulations and Subdivision 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, nor will it offend prevailing community standards of decency and morality.

Section 8

Approval conditions

When issuing a license under this ordinance, the Select Board 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;
- (d) requiring the provision of crowd control and medical personnel at no cost 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;
- (l) prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area.

Section 9 License Fee

The fee for any license shall be \$25 which shall be paid at the time of filing the application.

Section 10 Exemptions

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

Section 11 Enforcement

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day or each day that such violation continues. Police Officers of the Town of Milton shall be authorized to act as Issuing Municipal Officials to issue and pursue complaints before the Judicial Bureau, pursuant to title 24 VSA Chapter 59.

Section 12 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, except as provided in Section 12 below.

First offense	\$	50
Second offense	\$	125
Third offense	\$	200
Fourth offense	\$	275
Fifth offense and subsequent offenses.	\$	350

Offenses shall be counted on a twelve month basis, dating from the earliest offense during any twelve-month period.

Section 13 Civil Penalties

(a) In any contested case, an issuing Municipal Official is authorized to recover civil penalties on the following amounts for each violation:

First offense	\$	100
Second offense	\$	200
Third offense	\$	300
Fourth offense	\$	400
Fifth offense and subsequent offenses.	\$	500

Offenses shall be counted on a twelve month basis, dating from the earliest offense during any twelve-month period.

- (b) Notwithstanding the above schedules for waiver fees and civil penalties, in any case where an issuing municipal official determines that an offense is deliberate or flagrant in nature, there shall be no waiver fee, and the issuing municipal official is authorized to recover a civil penalty in the maximum amount of \$500 per day for each day that the violation continues.

Section 14 Other Relief

In addition to the enforcement procedures available before the Judicial Bureau, the Town Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of a license by the Select Board or to pursue any other remedy authorized by law.

Section 15 Severability:

The provisions of this ordinance are declared to be severable, and if any provision hereof be adjudged invalid, such judgment shall not affect the validity of any other provision.

Section 16 Publication /Posting/Implementation:

A public hearing shall be held March 19, 2001 at 7:30 p.m.

The Ordinance shall be published in the Milton Independent on March 8, 2001.

This Ordinance shall become effective on *April 28, 2001*.

This Ordinance is adopted by the Select Board of the Town of Milton at its Adopted at Milton, Vermont this 19 day of March, 2001, and to be effective upon adoption.

Milton Select Board:

Louis F. Mossey III

Lilly B. Thompson

Michael J. ...

Samuel J. ...

