



ARTICLE I. PURPOSE

To maintain order, protect property, and support the safety and welfare of the public, the City of Winooski requires certain events conducted on City property to be regulated. This Chapter includes provisions for obtaining approval of certain events held within the City of Winooski and contains special regulation and enforcement standards for these events.

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ARTICLE III. GENERAL

SECTION 26.01. DEFINITIONS

CITY RIGHT OF WAY – Shall mean any and all City property including streets, sidewalks, and parks.

EVENT – is defined to include any public gathering using or affecting any city street, sidewalk, park, publically owned building or office, places of public access, or public place to which the public is invited, including, without limitation, parades, festivals, concerts, trade shows, walks, runs, bicycle rides, sporting events, and similar activities.

LICENSE - The word “license” or “licensed” as used in this Chapter shall mean a license granted by the City Council.

PARK - is defined to include all recreation facilities and lands regarding which the City of Winooski holds a legal interest for open space and recreation use, whether such lands are developed or undeveloped. “Park” includes, but is not limited to, playgrounds, open spaces, conservation areas, recreation and bicycle paths, trails, beaches, pathways, as well as public parks. “Park” shall also include property regarding which another person holds a legal interest and at such time provides the City Council with written authority to regulate conduct on such property and the Council by resolution accepts said authority. Recreation and bicycle paths shall not include roadways identified by the City as “bicycle routes” where a bicycle path or lane is not specifically defined on such roadway.

PERSON - as used in this Ordinance shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

PLACE OF PUBLIC ACCESS - means any place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, bars and cabarets, retail stores, grocery stores, salons, laundromats, shopping malls, museums, art galleries, nursing homes, hospitals, resorts, hotels and motels, including the lobbies, hallways, elevators, restaurants, restrooms and cafeterias.

PUBLIC PLACE - public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall also include but not be limited to any store, shop, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate areas of the above. For the purposes of this chapter, no licensed establishment that sells malt, spirituous or

alcoholic beverages for consumption on the premises shall be considered as public.

PUBLICLY OWNED BUILDINGS AND OFFICES - publicly owned buildings and offices means enclosed indoor places or portions of such places owned, leased, or rented by state, county, or municipal governments, or by agencies supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county, or municipal taxes.

SIDEWALK - shall mean that improved portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use, or routinely used, by pedestrians.

SECTION 26.02. FEES

Permit fees for all events regulated in this chapter are described below and summarized in Chapter 28 of Winooski Municipal Code. All fees must be paid to the City at the time of permit issuance.

ARTICLE IV. REGULATIONS

SECTION 26.03. GENERAL PROVISIONS

- A. All applicants requesting an event permit shall submit the event permit application to the City no less than thirty (30) days prior to the event if the anticipated attendance will exceed two hundred (200) people or if the event will require closure of City streets for any period of time. For all other events the event permit application may be submitted no less than five (5) business days prior to the event.
- B. Any event with anticipated attendance of more than two hundred (200) people or that will require closure of City streets for any period of time shall require approval by the City Council.
- C. No musical instrument, phonograph, sound-making device or sound producing system or vocal activity shall exceed 100 decibels as recorded from the curb line outside of the permitted space, or a reasonable distance from the sound-producing activity, as applicable.
- D. The City reserves the right to establish any additional restrictions that may be necessary, in its sole opinion, to protect the health, safety or welfare of the public.
- E. All permits required will be subject to all conditions imposed at the time of issuance, to include the requirement that the applicant be responsible for any and all costs associated with the approved event unless otherwise specified.

SECTION 26.03.01 PERMITS RESTRICTED

The City Council may, if it finds it to be in the best interest of the City, restrict the number of permits issued under the provisions of this chapter.

SECTION 26.04. LICENSE FOR ALCOHOL

- A. Licensing for any event requesting to sell alcohol shall be as set forth in Statute as described in Chapter 5 of the Winooski City Code.
- B. It shall be unlawful for any person to possess an open container of alcoholic beverages or consume any alcoholic beverages on City property, except for where the City has approved a permit and the distribution and consumption of alcohol are managed by a person licensed by the State of Vermont as set forth in Statute.

ARTICLE IV. PERMITS

SECTION 26.05. PERMITS REQUIRED

A permit is required for the use of City streets, sidewalks, buildings, and parks, and places of public access for any event. It shall be a standard condition of each permit that the applicant shall comply with all City ordinances and regulations, and all applicable State and Federal laws.

SECTION 26.06. APPLICATION

A person seeking issuance of a permit required by this chapter shall file an application with the City on forms provided by the City.

SECTION 26.07. STANDARDS FOR ISSUANCE

The City shall issue a permit required by this article when it finds:

1. That the proposed event will not unreasonably interfere with or detract from the general public's use of the space;
2. That the proposed event will not unreasonably interfere with or detract from the promotion of public health, welfare, and safety;
3. That the proposed event is not unreasonably anticipated to incite violence, crime or disorderly conduct;
4. That the proposed event will not entail unusual, extraordinary or burdensome expense by the City;
5. That the facilities desired have not been reserved for other use at the day and hour required in the application;

6. That all City obligations for which the applicant is responsible have been satisfied, including, but not limited to, all taxes, utility bills or fines levied by the City for violations of City Ordinances; and
7. That the event permit application is complete and does not contain any material misrepresentation.

No change to layout or conditions approved in the permit will be made without prior written approval from the City.

SECTION 26.08. APPLICANT TO BE NOTIFIED OF PERMIT APPLICATION REFUSAL; APPEAL

For events not requiring City Council approval, the City shall apprise an applicant in writing of its reasons for refusing a permit within five (5) business days after the receipt of an application. Any aggrieved person shall have the right to appeal in writing within two (2) business days to the City Manager which shall consider the application under the standards set forth in this chapter and sustain or overrule the decision. The decision of the City Manager shall be final. For events requiring City Council approval as set forth in this chapter, the decision of City Council shall be final.

SECTION 26.09. LIABILITY OF PERMITTEE

The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person to whom such permit shall have been issued.

SECTION 26.10 PERMITS TO BE PRODUCED UPON REQUEST

No person shall fail to produce and exhibit any permit from the City they claim to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

SECTION 26.11. REVOCATION OF PERMIT

The City shall have the authority to revoke a permit upon a finding of a violation of any rule or ordinance, or upon good cause shown, including, but not limited to, the following:

1. The owner of the permit is in violation of any ordinance or law, or any other condition of the permit;
2. The owner of the permit has misrepresented or failed to disclose any material information on the application; and/or
3. The activities governed by the permit have resulted in any increase in disturbances on the premises or in the immediate vicinity of the premises, in the sole opinion of the City.

ARTICLE V. PENALTIES

Unless otherwise stated, any violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.

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