

Town of Bradford Public Assemblies Ordinance

Section 1. Definitions (Assemblies of 250+ people)

- (1) "Permit means a written permit form, issued by the 1st Constable authorizing the holding of a public assembly under stated conditions as to the time, place and manner.
- (2) "Permit Officials" means the 1st Constable designated to issue permits and Selectboard for permit petitions.
- (3) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- (4) "Political subdivision" means a city, town, village, gore or other incorporated place.
- (5) "Public Assembly" or "assembly" means a gathering of 250 or more individuals in a public place which the general public is permitted or invited to attend and where a State Commercial Public Assembly is not required.
- (6) "Promotional Activity" means purchasing paid advertisements in any media of communication, or circulation of printed material advertising the assembly.
- (7) "Public Place" means an open area where patrons cannot be accommodated inside a permanent building, other than a stadium used for sporting events, or a fairground having permanent seats for patrons, with respect to which a private person permits use by the general public.

Section 2. Permit; When to obtain

- (a) Any person who intends to hold or organize or promotes a public assembly shall obtain a permit to do so.

Section 3. To whom application made; Time

An application for a permit to hold an assembly shall be filed with the 1st Constable not less than sixty (60) days before the date of the assembly. If application is properly filed, a decision shall be rendered not less than thirty (30) days prior to the scheduled assembly. The 1st Constable may act on an application not filed in time if the public health and safety will not be jeopardized by such action.

Section 4. Contents of application

- (a) An application for a permit to hold an assembly shall be in writing and signed by an individual authorized to act for the person sponsoring it (see appendix A for instructions and Application for Public Assembly Permit).
- (b) The application shall state:
 - (1) The date and hours the assembly is to be held;
 - (2) The name, residence address, and the telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the applicant in applying for the permit.
 - (3) The designation and the location of the public place where the assembly is to be held;
 - (4) That the requested use by the applicant of the designated place has been granted by the person having the authority to grant the use of the public place;
 - (5) The estimated number of persons expected to participate in or attend the public assembly;
 - (6) The general nature of the assembly and the arrangements made to protect the public health and safety during the conduct of the assembly, including arrangements with respect to traffic control, crowd control, and sanitation facilities;
 - (7) Any additional information the applicant wished to furnish.

Section 5. Receipt of application

- (a) Upon receipt of an application for a permit to hold assembly, the 1st Constable shall note the time of filing on the application and shall forthwith mail or otherwise deliver a copy of the application to the Selectboard and the Town Clerk of Bradford.

Section 6. Action on application

- (a) The 1st Constable shall:
 - (1) issue the permit as requested, or
 - (2) issue the permit subject to any conditions authorized in Section 7, which the 1st Constable deems necessary to protect the public health and safety, or
 - (3) apply to the county court for an order enjoining the holding of the public assembly if conditions cannot be imposed which protect the public health and safety.
- (b) The 1st Constable shall give the applicant immediate notice in writing of action on the application;
- (c) By agreement in writing the applicant and 1st Constable may modify the time requirements of this ordinance.

Section 7. Criteria for imposing conditions on permit

- (a) If there is reasonable likelihood that the assembly will substantially harm the public health or safety, the 1st Constable shall grant the permit upon the conditions reasonably necessary to avoid substantial harm to the public health and safety.
- (b) The 1st Constable may impose conditions to ensure that (see appendix B for detail explanation)
 - (1) public sanitation, food, water and emergency medical facilities are adequate;
 - (2) the time, place and duration of the assembly is suitable in view of the number of persons to attend;
 - (3) measure for controlling the crowd and managing the assembly are adequate;
 - (4) the assembly will not substantially impair provisions of fire and police protection, medical and other essential public services;
 - (5) the assembly shall not unreasonably interfere with the quiet and enjoyment of a residential community;
 - (6) a reasonable effort will be made to remove and dispose of liter incidental to the assembly;
 - (7) the person holding the public assembly furnishes a certificate of liability insurance at an amount determined by the Selectboard and such certificate is in place at least ten (10) days prior to the assembly;
 - (8) The Town of Bradford is compensated under its public assembly policy.

Section 8. Judicial review

- (a) If there is a reasonable likelihood that an assembly will substantially harm the public health and safety and this cannot be avoided by imposition of conditions, or if no permit for such assembly has been applied for, the 1st Constable / Selectboard shall forthwith apply to the Superior Court for an order enjoining the applicant, other interested persons, or those persons the 1st Constable / Selectboard believes intend to hold an assembly without permit, from holding the assembly.

- (b) An applicant may petition the Selectboard for review of the reasonableness of any conditions imposed in the permit. After a decision by the Selectboard, the applicant may petition the Superior Court for a review of the reasonableness imposed in the permit. A person who desires to organize or promote any outdoor public gathering may also petition the court for an order declaring the gathering is not subject to this act. The petition shall contain a copy of the application. A copy of the permit, if any, and state the grounds for the decision requested.

Section 9. Judicial order relating to an assembly

When the Selectboard applies to the Superior Court for a restraining order, injunctive relief, or other order, or a person applies for judicial review under subsection (b) of Section 8, the court shall expedite the proceedings to afford a timely relief, cause appropriate notice to be given, and hear the case without jury. Upon a hearing, the court may enter an order declaring no permit is required, grant the permit as requested, grant the permit upon specified conditions, or enjoin the holding of the assembly, if there is a reasonable likelihood that the assembly will substantially harm public health or safety and this cannot be avoided by the imposition of conditions on the permit.

Section 10. Appeals

A party may obtain a review of a final judgment of the Superior Court by appeal to the Supreme Court. The appeal shall be taken as in other civil cases. The taking of an appeal does not operate to stay the order of Superior Court, but the Supreme Court may stay the order pending determination of the appeal.

Section 11. Penalties

- (a) A person who;
- (1) Violates a condition imposed in a permit to hold a public assembly, or
 - (2) Conducts, organizes or promotes an assembly without applying for a permit, a civil penalty of not more than \$500.00 per day per violation may be imposed for each violation of the civil ordinance;

Fines: 1 st	\$ 50.00
2 nd	\$100.00
3 rd and subsequent daily fines	\$500.00

Thomas Unkles, Chair

Daniel A Perry III

Randy Moore

Ryan Chase

David Chipman

Date Adopted

**Town of Bradford
Public Assembly Ordinance**

Fee \$10.00

APPLICATION FOR A PUBLIC ASSEMBLY PERMIT

1. a. Applicant Name & Address: _____

- b. Applicant Home Phone: _____ Work Phone: _____
- c. Name, Address and phone of person authorized to represent the applicant in applying for the permit (if different or in addition to name above): _____

- d. If acting for a corporation, governmental agency or other organization, list officers of the organization on a separate sheet and attach hereto. Include all of their addresses and telephone numbers. _____

2. a. Date and time assembly will begin _____
- b. Date and time assembly will end _____
3. Will attendees be permitted to camp out at or near the assembly location? _____
- a. Date and time attendees will start to arrive _____
- b. Date and time attendees will have departed _____
4. a. Exact location of assembly (property owner, name of street or road)

- b. Dimensions of assembly location _____
- c. Dimensions of parking lot(s) _____
- d. Dimensions of camping area(s) _____
5. Has the registered property owner or government agency, which controls the property, granted permission to hold an assembly on the property? _____
A copy of said written approval must be attached to this application.
6. a. How many people are expected to attend the assembly? _____
- b. Number of entertainers who will participate in the assembly? _____
- c. What types of costs will be charged to attendees? _____
7. What is the general nature or purpose of the assembly? (Church fair, concert, dairy festival, agricultural fair etc)? _____

8. What arrangements have been made for traffic control and security? (Attach statement of agreement from the State Police, County Sheriff, Chief of Police or Constable indicating their willingness to provide a specific number of police officers to police the assembly and related activities.) _____

9. What arrangements have been made for crowd control and parking? (Attach statement of agreement from service provider indicating the agencies / departments willing to provide service.) _____

10. What arrangements have been made for emergency medical service? (Attach a copy of the written agreement made by an emergency medical service.) _____

11. What arrangements have been made for emergency fire service? (Attach a copy of the written agreement made with an emergency fire service to provide fire protection.) _____

12. What arrangements have been made for food and water? _____

13. What arrangements have been made for toilet facilities? _____

14. What arrangements have been made to assure that litter, incidental to the assembly will be cleaned up and disposed of? _____

15. Remarks: Please include any information that you believe will be of assistance in evaluating this application - such as; have you conducted a similar assembly before, have other assemblies been conducted at the location you plan to hold an assembly, what type of crowd do you anticipate attracting, has there been a history of problems, etc.) _____

Date: _____ Signature of Applicant (or Authorized Agent) _____

Approved: Date: _____ First Constable: _____

Approved on Appeal: Date: _____ Selectboard Chair: _____