

CHAPTER NINE

AN ORDINANCE FOR THE REGULATION OF PUBLIC ASSEMBLAGES

Pursuant to the authority of 24 V.S.A. § 2291, and Section 11 of the Charter of the City of Vergennes, the City of Vergennes hereby enacts the following ordinance:

SECTION 1. DEFINITIONS

1. **Public Assemblage** means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any rally or demonstration, or any similar display in or upon any public place which constitutes an exclusive or prevailing use of the place; or in or upon any private property where such assemblage can reasonably be expected to constitute a public nuisance, or present a clear and present danger of substantial injury or harm to persons or property, or an imminent threat to the public health or safety.
2. **Public Place** means any street, highway, sidewalk, park, building, or other place owned by, or under the authority and control of the City.
3. **Public Nuisance** means an assemblage whose size, location, duration, or nature is such that:
 - a it will substantially impair, restrict, or alter the normal and customary use of a public place, or
 - b it will occupy, block, restrict, or deny to the public the normal and customary use of a public right of way, or
 - c it will require the diversion of so great a number of police officers as to interrupt normal police protection of the City, or
 - d interfere substantially with normal fire-fighting and ambulance service to the City.
4. **Person** includes a corporation, partnership, unincorporated association, or any other legal entity.
5. **A First Class Permit** means a permit to hold a public assemblage in a public place where the assemblage is a normal and customary use of the public place.
6. **A Second Class Permit** means a permit to hold a public assemblage where, without appropriate arrangements, such assemblage can reasonably be expected to constitute a public nuisance.
7. **A Third Class Permit** means a permit to hold a public assemblage which, without appropriate arrangements, can reasonably be expected to present a clear and present danger of substantial harm or injury to persons or property, or an imminent threat to the public health or safety.

SECTION 2. PERMIT REQUIRED

1. A person shall not organize, sponsor, promote, participate in, aid, form, or start a public assemblage without a permit, as required by this ordinance.
2. The provisions of this ordinance shall not apply to a permanent place of worship, a stadium, athletic field, arena, auditorium, theater, or similar place, nor to any other permanently established place of assembly which regularly holds meetings, entertainment, sports, or similar activities, providing that the assembly in such place does not exceed the carrying capacity of the place, and is a normal and customary use of the place.

SECTION 3. APPLICATION PROCEDURE

1. A person wishing to hold a public assemblage shall file with the City Manager an application containing: (a) the name, address, and phone number of the applicant and property owner; (b) the hour, date and estimated duration of the assemblage; (c) the location of the public place or other place of the assemblage; (d) the purpose of the assemblage; and (e) the applicant's proposed arrangements for parking, crowd control, traffic safety, and such other measures as will maintain the security and safety of the persons involved in the assemblage and the general public.
2. The application shall be filed at least fifteen days prior to the assemblage. However, the City Manager may waive this requirement if he determines upon receipt of the application that the applicant's arrangements for safety and control of the assemblage are adequate.
3. If the City Manager determines that a public assemblage is to be held which can reasonably be expected to require a Second or Third Class permit, and that no application has been made therefor, he shall request the person organizing or sponsoring such assemblage to file application for an appropriate permit. Such request shall be prima-facie evidence that a permit is required under Section 2.1 of this ordinance.

SECTION 4. OFFICIAL ACTION ON THE PERMIT

1. The Manager shall determine whether the applicant requires a First, Second, or a Third Class Permit. He shall:
 - a. Grant a First Class Permit at least five days prior to the assembly date unless he finds that:
 1. A Second or Third Class Permit will be required, or
 2. The hour, day, and location of the assemblage will conflict with a previously scheduled assemblage.
 - b. Grant a Second Class Permit at least five days prior to the assemblage unless he

finds that:

1. The arrangements offered by the applicant for the maintenance of safety and control are inadequate to prevent personal injury or destruction of property.
- c Refer any application requiring a Third Class Permit to the City Council, who shall hold a hearing on the application, at which the applicant may be present. The City Council shall grant a Third Class Permit only if the arrangements for control and safety, whether proposed by the applicant, or attached as conditions by them, are sufficient to protect the public safety, and the safety of the persons involved in the assemblage.
2. If the City Manager does not grant or deny the application for a permit under Section 4.1 (a and b) of this ordinance within not less than 4 days prior to the assembly date, he shall be deemed to have granted the permit on the terms requested. If the City Council does not grant or deny the application for a permit under Section 4.1 (c) within not less than 4 days prior to the assembly date, the applicant shall consider the permit to have been denied.
3. The City Manager under Section 4.1 (a and b) and the City Council under (Section 4.1 a) may attach such conditions to a permit as will best protect the public safety and the safety of the persons involved in the assemblage, including but not limited to:
 - a. an alternate time or location for the assemblage,
 - b. the installation of temporary sanitation facilities or provision for emergency medical service,
 - c. effective crowd and traffic control procedures,
 - d. seating, standing or marching arrangements,
 - e. surety bonds and liability insurance.
4. The City Manager may revoke or amend a First or Second Class Permit, and the City Council a Third Class Permit, if it appears that the arrangements contained in the permit will no longer prevent injury to persons or property due to a change in the circumstances under which the assemblage was to be held.

SECTION 5. APPEAL PROCEDURE

1. A person may appeal to the City Council the denial of an application for a First or Second Class Permit by filing a written notice of appeal within 5 days of the denial of the permit. The City Council shall forthwith consider the appeal at a hearing at which the applicant may be present. The City Council may affirm or reverse the City Manager's decision, or attach such additional conditions to the permit as well in their judgment best protect the public safety and the safety of the persons involved in the assemblage.

SECTION 6. OBLIGATIONS UNDER PERMIT: PENALTIES

1. A person who organized, sponsors, promotes, aids, forms, or starts a public assemblage for which a Second or Third Class Permit is required, without having obtained a permit therefor, shall be fined not more than \$500 for each violation.

2. A person who obstructs or otherwise interferes with a public assemblage for which a permit has been obtained shall be fined not more than \$100 for each violation.
3. A person who willfully participates in a public assemblage for which no permit has been obtained shall be fined not more than \$100.
4. A person who willfully violates any of the terms or conditions attached to a permit for public assemblage shall be fined not more than \$500 for each violation.
5. Neither the City Manager nor the City Council may issue any permit if the proposed public assemblage would be in violation of any City rule, regulation, or ordinance.
6. The foregoing shall not be construed to limit the authority of a law enforcement officer in enforcing the criminal laws of the City of Vergennes or the State of Vermont, or the orders of any Court, or to enjoin in a Court of competent jurisdiction any public assemblage about to be held in violation of this ordinance.

SECTION 7. SEVERABILITY

1. If any part of this ordinance shall be held to be void, invalid, or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portions shall be in full force and effect.

APPLICATION FOR PERMIT TO HOLD A PUBLIC ASSEMBLAGE

(Ie: Chapter 9, Section 2 of the City Ordinances)

a. **Name:** _____
Address: _____
Phone: _____

b. **Hour:** _____
Date: _____
Estimated duration of the assemblage: _____

c. **Location of public assemblage:** _____

d. **Purpose of assemblage:** _____

e. **Applicant's proposed arrangements for parking, crowd control, traffic safety and other measures involving security and safety of persons involved in the assemblage:**

Date received: ___ / ___ / ___

Date approved: ___ / ___ / ___

Permit Class Issued: 1st ___ 2nd ___ 3rd ___

Approved: _____

City Manager - Signature