

TOWN OF [TOWN NAME], VERMONT
TOWN GREEN USE ORDINANCE

Adopted: _____

An ordinance regulating the use of the Town Green and establishing requirements for organized activities, temporary structures, public safety, sanitation, maintenance, and protection of Town property.

BE IT ORDAINED by the Selectboard of the Town of [Town Name], Vermont, pursuant to applicable Vermont law, that the following ordinance is adopted:

SECTION 1. PURPOSE AND APPLICABILITY

The purpose of this Ordinance is to establish reasonable rules governing the use of the Town Green, to protect public property and natural resources, to preserve the Green for public use, and to establish a fair and consistent process for organized activities and special events.

Any person, organization, business, or group that enters upon or uses the Town Green shall comply with this Ordinance and with any applicable permit conditions.

SECTION 2. DEFINITIONS

For purposes of this Ordinance:

A. "Town" means the Town of [Town Name], Vermont.

B. "Selectboard" means the Selectboard of the Town of [Town Name].

C. "Town Green" or "Green" means the public property commonly known as the Town Green, including all areas, trees, landscaping, fixtures, sidewalks, and other Town property contained within the Green's established boundaries.

D. "Organized Activity" means a fair, festival, concert, performance, market, sale, exhibition, demonstration, fundraiser, private event, sporting activity, or other organized activity involving a group of participants, temporary structures, admission fees, sales, or other planned use of the Green beyond ordinary public use.

E. "Permittee" means the person, organization, business, or group to whom a permit to use the Green has been issued.

F. "Temporary Structure" means a tent, canopy, stage, platform, booth, table, banner, sign, or other structure or equipment temporarily installed or placed on the Green.

SECTION 3. GENERAL PUBLIC USE

The Town Green shall remain available for reasonable public use consistent with this Ordinance.

No person shall:

1. Willfully mark, deface, damage, disfigure, move, interfere with, or remove Town property, including trees, plants, benches, signs, fences, structures, monuments, or other improvements.
2. Damage, cut, carve, plant, transplant, or remove any tree or plant; injure tree bark; pick flowers or seeds; dig up grass; or otherwise injure the natural beauty or usefulness of the Green.
3. Construct, erect, install, or place any building, structure, tent, stage, sign, banner, or similar installation on the Green except as authorized by a permit or written permission under this Ordinance.
4. Drive or park a motor vehicle on the Green except as specifically authorized by the Town, or as necessary for authorized emergency, maintenance, or municipal operations.
5. Operate a bicycle or other wheeled device in a manner that endangers or unreasonably interferes with other users.
6. Camp overnight or establish a tent, shack, vehicle, or other temporary shelter for overnight use.
7. Engage in disorderly conduct or behavior tending to create a breach of the peace.

SECTION 4. ORGANIZED ACTIVITIES AND PERMITS

A person or organization shall not conduct an Organized Activity on the Town Green without first obtaining a permit from the Selectboard or its designated municipal official.

Ordinary individual or small-group recreational use that does not involve temporary structures, commercial activity, organized sales, amplified sound, or substantial restriction of public access shall not constitute an Organized Activity requiring a permit.

The Selectboard may establish reasonable categories of activities that do not require a permit.

SECTION 5. PERMIT APPLICATION

An application for a permit shall be submitted to the Town at least thirty (30) days before the proposed activity, unless the Selectboard or its designee determines that a shorter period is appropriate.

The application shall contain, as applicable:

1. The name, address, telephone number, and email address of the applicant and sponsoring organization.
2. The name and contact information of the person responsible for the activity.
3. The date and hours of the proposed activity and any alternate date due to weather.

4. A description of the proposed activity.
5. The anticipated number of participants and members of the public.
6. A description of all tents, stages, booths, tables, signs, vehicles, equipment, or other temporary structures to be installed or placed on the Green.
7. A site plan showing the portion of the Green to be used and the location of temporary structures and equipment.
8. A description of anticipated traffic, parking, and pedestrian-control arrangements.
9. A description of sanitation, trash, and recycling arrangements.
10. A statement identifying whether food, alcoholic beverages, merchandise, or other products will be sold or distributed.
11. A statement identifying whether amplified sound will be used.
12. Proof of insurance when required by the Town.
13. Any additional information reasonably necessary for the Town to determine whether the proposed use complies with this Ordinance and applicable law.

SECTION 6. APPLICATION FEES AND SECURITY DEPOSIT

The Selectboard may establish reasonable application fees for use of the Town Green.

The Town may also require a refundable security deposit based upon the nature and anticipated size of the activity.

The security deposit may be used to pay the reasonable cost of repairing damage to the Green or Town property, removing trash, or restoring the Green to substantially the condition existing before the event.

Any remaining balance shall be returned to the permittee following inspection and completion of cleanup.

SECTION 7. APPROVAL OF PERMITS

Upon receipt of a complete application, the Selectboard or its designated official shall review the proposed activity.

A permit may be granted, denied, or granted subject to reasonable conditions.

In determining whether to issue a permit, consideration may be given to:

1. Compliance with this Ordinance and other applicable laws.
2. Protection of public health, safety, and welfare.

3. Protection of Town property, trees, landscaping, and improvements.
4. The anticipated impact on pedestrian and vehicle traffic.
5. The anticipated impact on neighboring properties.
6. The extent to which the proposed activity would restrict ordinary public access to the Green.
7. The availability of the Green on the requested date.
8. The applicant's proposed plans for sanitation, cleanup, security, and traffic control.
9. Whether the proposed activity would create an unreasonable public nuisance.

Permits shall be considered in the order in which complete applications are received, subject to the Town's need to coordinate conflicting uses and protect public safety.

A permit shall be temporary, conditional, and revocable for failure to comply with its terms or this Ordinance.

SECTION 8. HOURS OF USE

Organized activities conducted pursuant to a permit shall not begin before 8:00 A.M. or continue after 10:00 P.M., unless the Selectboard specifically authorizes different hours as part of the permit.

The Selectboard may establish general hours during which the Green is open to the public.

SECTION 9. TEMPORARY STRUCTURES AND EQUIPMENT

Temporary structures and equipment associated with an authorized activity:

1. Shall be installed and removed within the time periods specified in the permit.
2. Shall not be attached to or installed upon trees, monuments, memorials, utility poles, traffic signs, or other permanent Town property unless expressly authorized.
3. Shall not unreasonably interfere with sidewalks, roads, traffic signs, parking areas, or pedestrian access.
4. Shall be located so as to protect trees, landscaping, underground utilities, and other Town infrastructure.
5. Shall comply with any reasonable conditions imposed by the Town.

No structure shall be erected or placed within fifteen (15) feet of the trunk of a tree unless specifically authorized by the Town.

SECTION 10. TRAFFIC AND VEHICLES

No person shall operate a motor vehicle on the Town Green except:

1. Authorized emergency vehicles;
2. Authorized Town maintenance or municipal vehicles;
3. Vehicles specifically authorized as part of an approved permit; or
4. Vehicles for which specific written permission has been granted by the Town.

Vehicles authorized to access the Green shall operate at a safe speed and shall yield to pedestrians.

The Town may require an applicant to provide a traffic-control plan for an organized activity.

SECTION 11. SANITATION AND CLEANUP

All persons using the Green shall:

1. Place trash and recyclable materials in designated receptacles.
2. Remove trash when adequate receptacles are not provided.
3. Properly dispose of animal waste.
4. Use restroom facilities where provided and not urinate or defecate elsewhere on the Green.
5. Comply with all applicable health and sanitation requirements.

The permittee for an organized activity shall be responsible for cleanup immediately following the activity and shall leave the Green in a clean and orderly condition.

The Town may require the permittee to provide additional trash and recycling receptacles and to arrange for their removal.

SECTION 12. ALCOHOLIC BEVERAGES

No person shall possess an open or unsealed container of an alcoholic beverage on the Town Green except during an event specifically approved by the Selectboard that expressly permits alcoholic beverages.

Any event involving the service or sale of alcoholic beverages shall comply with all applicable Vermont laws and permit requirements.

The Town may impose additional conditions concerning alcohol service as part of an event permit.

SECTION 13. FIREARMS, FIREWORKS, AND FIRES

No person shall use or discharge a firearm on the Town Green.

No person shall use fireworks or explosives on the Town Green without written authorization from the Town and compliance with all applicable laws.

No person shall light or maintain a fire on the Green except as specifically authorized in writing by the Town and conducted in accordance with applicable fire-safety requirements.

SECTION 14. COMMERCIAL ACTIVITY, SALES, AND SIGNS

No person shall sell or distribute merchandise, products, food, or other goods on the Town Green as part of an Organized Activity without authorization through a permit issued under this Ordinance.

Signs, banners, advertisements, or other displays associated with an Organized Activity shall require authorization through the permit and shall comply with applicable Town regulations.

No sign, banner, or other material shall be attached to a tree, monument, memorial, traffic sign, utility pole, or other permanent structure except as expressly authorized.

SECTION 15. SOUND AND DISTURBANCE

Amplified sound shall be identified in the permit application and may be subject to reasonable conditions concerning hours, volume, location, and direction.

No person shall use the Green in a manner that creates unreasonable noise, disorderly conduct, or a public nuisance.

SECTION 16. INSURANCE AND INDEMNIFICATION

The Town may require an applicant or permittee to provide a certificate of insurance in an amount reasonably determined by the Town based upon the nature and anticipated risks of the activity.

When required, the certificate shall identify the Town as an additional insured.

The Town may also require an applicant or permittee to execute an appropriate release, waiver, or indemnification agreement as a condition of receiving a permit.

SECTION 17. MAINTENANCE AND DAMAGE

The permittee shall be responsible for reasonable arrangements and expenses relating to maintenance of the Green immediately before, during, and after the permitted activity.

Any damage to the Green, trees, landscaping, structures, fixtures, or other Town property resulting from an authorized activity, including setup and cleanup, shall be repaired at the expense of the permittee.

The Town may perform or arrange for the necessary repairs and deduct the cost from any security deposit, or otherwise seek reimbursement from the responsible party.

SECTION 18. PUBLIC ACCESS

Permitted activities shall be arranged, to the extent reasonably possible, so that the public retains reasonable access to portions of the Green not required for the permitted activity.

The Town may condition, modify, or deny a proposed activity when necessary to prevent unreasonable interference with ordinary public access or other authorized uses.

SECTION 19. VARIANCES AND SPECIAL CONDITIONS

An applicant may request a variance from a specific requirement of this Ordinance as part of the permit application.

The Selectboard may grant a variance for good cause shown and may impose reasonable conditions designed to protect public health, safety, welfare, and Town property.

Nothing in this section authorizes a variance from requirements imposed by state or federal law.

SECTION 20. VIOLATIONS AND ENFORCEMENT

A person who violates this Ordinance or any condition of a permit may be subject to enforcement under applicable Vermont law.

Each day that a continuing violation remains unabated may constitute a separate violation where authorized by law.

The Town may pursue any remedy available under this Ordinance or applicable law, including revocation of a permit, recovery of cleanup or repair costs, civil enforcement, or injunctive relief.

The Selectboard may designate appropriate Town officials or law enforcement personnel to enforce this Ordinance to the extent authorized by law.

SECTION 21. SEVERABILITY

If any provision of this Ordinance is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect upon adoption in accordance with applicable Vermont law.

ADOPTED by the Selectboard of the Town of [TOWN NAME], Vermont, this _____ day of _____, 20.

Selectboard Member

Selectboard Member

Selectboard Member

Selectboard Member

Selectboard Member