

Introduction – December 10, 2014
Adopted – January 28, 2015
Effective – February 18, 2015

ORDINANCE 459

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS TO INCLUDE CHAPTER 250 (PUBLIC EVENTS). SAID CHAPTER IS INCLUSIVE OF TERMS ASSOCIATED WITH PUBLIC EVENTS, RULES AND REGULATIONS GOVERNING PUBLIC EVENTS , CONSIDERATIONS FOR THE GRANT OF PUBLIC EVENT PERMITS, RESPONSIBILITIES OF APPLICANTS, ENFORCEMENT AND PENALTY PROVISIONS AND GENERALLY RELATING TO PUBLIC EVENTS HELD IN THE TOWN OF ST. MICHAELS.

WHEREAS, the Commissioners of St. Michaels (the “Commissioners”) are authorized by Md. Code Ann., Local Gov’t § 5-202 to enact such ordinances as it deems necessary to assure the good government of the Town, and to protect the health, comfort and convenience of the citizens of the Town; and

WHEREAS, the Code of the Town of St. Michaels, Maryland (the “Code”) in its entirety was adopted by the Commissioners on June 8, 2006 and became effective on June 28, 2006; and

WHEREAS, The Commissioners have determined that public events, as defined herein, have the potential to benefit the Town; and

WHEREAS, The Commissioners have further determined that the allowance of such uses requires the establishment of regulations relative to the permitting, approval and conduct of such public events; and

WHEREAS, The Commissioners have further determined that such public events may be permissible when conducted in accordance with the General Regulations for Groups and Individuals wishing to Use Any Public Park as set forth in (~~Resolution 2014-08~~) Resolutions 2009-19 and 2014-07 and the regulations set out in the new Chapter 250 (Public Events) as contained herein; and

WHEREAS, the Commissioners believe that with the inclusion of the proposed ordinance a balance between the rights of the Town’s citizens, businesses and tourists can be obtained.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 250 (Public Events) be made a part of the Code of the Town of St. Michaels is hereby amended as follows, with new language shown in *italics and underlined* and deleted language shown in (parenthesis) and with a ~~strikethrough~~.

SECTION 1

As this is a new Chapter to the Code all proposed language is shown in normal type with no italics or underlining except where purposely noted and contained herein.

Chapter 250

PUBLIC EVENTS

§250-1 Definitions

COMMERCIAL PARKING LOT – A privately owned lot which provides on-site parking for visitors and employees of a commercial business.

PARKING PLAN – A detailed plan including a map which denotes any commercial parking lots which will be utilized as venues during the public event, the number of parking spaces no longer available for customer use, off-site parking location(s), directional and onsite parking signage, traffic control provisions, bus pick up and drop off spots, handicapped parking provisions (if feasible, such handicapped facilities should be located within close proximity to the event).

PUBLIC EVENT – Any event to which the public is invited.

VENUE – Any location where an activity or event occurs which is specifically associated with a public event.

§250-2 Permit required – In addition to any other permit.

Any Public Event which is anticipated to have an impact on the Town's normal flow ((Town)) of traffic, parking, safety, the wellbeing of the residents affected by the event or which will overburden municipal services shall be required to file a permit in accordance with the following requirements.

§250-3 Permit Application

An applicant desiring to conduct or manage a Public Event shall, not less than sixty (60) or more three hundred and sixty five (365) days before the date on which the applicant proposes to conduct such public event, file with the Commissioners of St. Michaels, an application on a form furnished by Town staff.

The applicant is hereby advised that a completed application is not a guarantee of approval. The Commissioners, reserve the right to deny any permit application.

§250-4 Fees

Permit Fees shall be set by the Commissioners in accordance with Chapter 42 (Fees) of the Town Code.

§250-5 Alcoholic beverages

- See Chapter 80 (Alcoholic Beverages) of the Town Code
- The permittee shall be responsible for compliance with all regulations as set out in Chapter 11 (Alcoholic Beverage Ordinance) of the Talbot County Code.

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- The permittee is responsible for verifying the ages of all persons to whom alcoholic beverages are served.
- The permittee shall ensure that attendees of the public do not drink nor possess open containers of alcoholic beverages outside of the area for the public event

§250-6 Insurance requirements.

This section shall be deemed to be incorporated in its entirety in any application for any public event by filing an application for a public event permit the applicant thereby represents, stipulates and contract as follows:

The applicant shall supply the Town a Certificate of Liability Insurance naming the Commissioners of St. Michaels as an Additional Insured in an amount of not less than one million dollars.

§250-7 Cost of police protection.

Permittee shall be responsible for any and all additional police cost incurred as a consequence of a public event. The number and type of officers shall be determined and specified by the Chief of the St. Michaels police department to provide for the public safety and protection of public property in and around the area of the public event. Fees for such services are set out in the Town's Administrative Fee Schedule Conditions for issuance of permit.

Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility, morals or welfare, including, but not limited to, changes in time, duration, number of participants, or level of sound.

§250-8 Considerations for permit issuance for Public Events.

A permit may be issued by the Commissioners of St. Michaels after their review of the application and supporting documentation and ~~((their) the Commissioner's findings that: ((when a consideration of application and from such other information as may otherwise be required, finds that))~~

•Acknowledgements and Fees

The permittee has not knowingly and with intent to deceive, made any false, misleading or fraudulent statement of material fact in the application for permit or in any other document required pursuant to this chapter;

- The permittee has met the standards in this chapter, and have paid in advance any and all fees required, and agrees to such conditions as are imposed in the permit;
- Traffic and Safety

The time, duration and size of the public event will not require the diversion of so great a number of police officers as to prevent the normal police protections;

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The concentration of persons and or equipment will not unduly interfere with proper fire and police protection, or ambulance service to area and areas contiguous to such public event;

The public event will not unduly interfere with the orderly operation of public roadways, sidewalks, parking, parks, schools, or other public and quasi-public institutions in the town;

A traffic management plan has been prepared showing any proposed street closures, times for such proposed closures, detour routes, public notification signage, the availability of additional personnel as required to assist in safe vehicular and pedestrian movement.

Public Notification

The permittee has (~~provided evidence~~) *shown to the satisfaction of the Commissioners, that they have* made reasonable efforts to (~~distribute information relating to the public event in those areas where such event will be held and which may be impacted by the event~~) *communicate information ((reference)) regarding the public event to those persons and businesses that may be directly affected by the event.*

Additional Considerations

- Efforts have been made to assure that the public event will not interfere with another public event for which a permit has previously been granted;
- The permittee has made provisions to provide sanitation facilities at appropriate locations and in adequate numbers to address the needs of the attendees including handicapped accessible facilities.
- The permittee has provided a parking plan (if required) which includes location(s), signage, traffic control provisions, bus pick up and drop off spots, handicapped parking provisions (if feasible, such handicapped facilities should be located within close proximity to the event).
- The permittee has provided a refuse collection and disposal plan and a recycling plan.
- The permit application has been forwarded to the following agencies or departments, if appropriate, for their review and their comments have been made a part of the application packet.

St. Michaels Police Department;
St. Michaels Fire Department;
St. Michaels Zoning Officer
State Highway Administration
Talbot County Board of Education (School Parking Lots)
St. Michaels Department of Public Works

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§250-9 Prohibitions on use of Commercial Parking Lots

It is unlawful for any business or persons to utilize their commercial parking lots for a venue associated with a public event without submitting a parking plan and receiving approval of such use by the Commissioners.

§250-10 Duties of permittee

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

§250-11 Conduct during public event

- No person shall unreasonably hamper, obstruct, impede or interfere with any person, vehicle or animal participating or used in a public event.
- The Chief of Police shall have the authority, when reasonably necessary; to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public event. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

§250-12 Right to Use Audio Speakers

Refer to Chapter 216 (Noise) of the Town Code.

§250-13 Revocation of permit

Any permit for a public event issued under this chapter may be revoked by the Commissioners of St. Michaels or Chief of Police at any time when by reason of disaster, public calamity, public safety, or other emergency, they determine that the safety of persons and property demands such revocation.

§250-14 Enforcement

Event Violations

Compliance with the permit and its conditions shall be enforced by any sworn police officer of the Town. Should a violation be noted, the permit holder shall be notified immediately and a written warning issued stating that if a re-occurrence of the violation occurs at any time during the event, that portion of the permit specific to the offending venue will be voided and the venue must cease immediately. Furthermore, the permit holder shall be subject to the provisions of §250-15 (Penalty) as set forth herein. Consideration of future requests shall be affected by issuance of a written violation.

Noise Violations

Enforcement, Violations and Penalties associated with Chapter 216 (Noise) are set out in §216-7 and 8 of the Town Code.

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250-15 Penalty

Any person, organization or permit holder violating any of the provisions of the approved permit shall be guilty of a misdemeanor as defined and set forth in Chapter 33 (Municipal Infractions) of the Town Code and subject to a \$500.00 fine. Each day of any violation of this Chapter shall constitute a separate offense.

The issuance of a municipal infraction associated with the conduct of the public event shall be considered by the Commissioners in their review of subsequent permit applications.

SECTION 2

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels

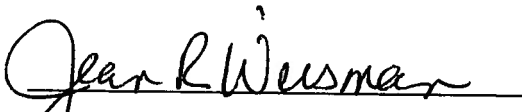
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this 28th day of January, 2015 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland.

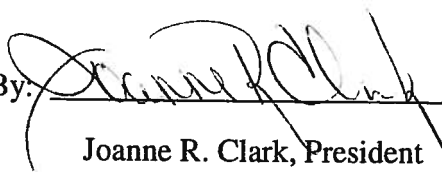
BORDERS	__yea__
CLARK	__yea__
HARROD	__absent__
MYERS	__yea__
WINDON	__yea__

I HEREBY CERTIFY that the above Ordinance No. 459 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 28th day of January, 2015.

ATTEST

THE COMMISSIONERS OF ST. MICHAELS


Jean R. Weisman,
Town Clerk / Manager

By:  (SEAL)
Joanne R. Clark, President

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I HEREBY CERTIFY that an exact copy of this Ordinance 459 was posted from the day of 29th day of January, 2015, at 8:30 o'clock a.m. to the 17th day of February, 2015, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 459, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: 2/18, 2015

 (Seal)

Jean R. Weisman
Town Clerk/Manager