

Chapter 11 -- OFFENSES AND MISCELLANEOUS PROVISIONS

(Entire chapter revised Ord. No. 2019-01, 05/21/19; 2020-05, 11-10-20)

Sec. 11-1. Hitchhiking prohibited.

It shall be unlawful for a person, while in the traveled portion of a street, or in a public parking lot, to solicit a ride, employment or business from the occupant or occupants of any vehicle using a street or public parking lot.

Sec. 11-2. Regulation of firearms.

(a) **Reserved.** (Ord. No. 96-5, 12/08/96)

(b) **Permit required for discharge.** No person shall discharge within the limits of the city any air-powered gun, spring activated or BB gun, so called, rifle or firearm, or any instrument with firing powers which contains pellets, or bullets, and whether or not loaded with powder or other explosive substance or compound, without a permit from the chief of police or designee.

Sec. 11-3. Explosives; permit for discharge required.

No person shall discharge, set off or use in any manner dynamite, gunpowder, nitroglycerine or other explosive substance for any purpose within the limits of the city, without first obtaining a permit to use any such explosive from the Chief of Police and then only under the supervision and control of a person trained in the use of such explosive substance. There shall be no interruption of public utilities unless approved by the Director of Public Works.

Permits issued by the chief of police or in his absence the deputy chief or captain of police, shall be in writing, designating the date, purpose of the permit, and the location where the explosive or firearms shall be used with the names of persons so supervising and authorized.

Sec. 11-4. Open fires.

No person shall make an open fire in the city without the permission of the fire chief or his designee. Prior to making a fire, a permit to kindle an open fire (burn permit) must be obtained from the fire department. Upon obtaining the permit, the permittee will be furnished copies of all local and state open burning rules and regulations and it becomes the responsibility of the permittee to follow all rules as explained.

Persons at an open fire may be ordered to extinguish the fire or, if the offense(s) are egregious enough, the permit may be revoked by the Fire Chief or designee. No person shall build a fire in a yard or lot without attendance by the permittee, who shall see that the fire is extinguished before leaving it. (Ord. No. 1983-1, 1-13-83)

Sec. 11-5. Establishment of Pedestrian Way.

(a) **Intent.** This section is enacted to protect the public safety and to provide for unencumbered passage for pedestrians on Main Street and to promote the economic vitality of the downtown area.

(b) **Establishment of pedestrian way.** An area of nine (9) feet on each side of the Main Street is hereby established as a pedestrian way. This area shall be used exclusively for pedestrian

passage. For purposes of this section, the use of mobility aides shall be considered a pedestrian use. The pedestrian way shall extend nine (9) feet in from the curb line ending at the property line or approved encumbrance whichever is lesser. "Main Street", for the purpose of this section shall be defined as the section of Main Street starting at Rt. 62 in a southerly direction including both sides of the Street ending at the South Side of City Hall Park. This shall include the Park, the sidewalk in front of the Aldrich Library and the walkway in front of the Post Office.

- (c) **Prohibition.** No person, after notice from a law enforcement officer of this prohibition, shall continue to sit, lie down or otherwise block in any way the free flow of pedestrian traffic within this designated pedestrian way. It shall also be prohibited to place any encumbrance in the pedestrian way including, but not limited to, sandwich board signs.
- (d) **Exception.** Exceptions are in cases where a business or property owner is authorized by the City to place an encumbrance, such as a sandwich board sign or bench or other similar object authorized by the City within the Pedestrian right-of-way.

Sec. 11-6. Coasting, sliding, etc., prohibited.

No person shall coast, course, slide or skate on any sleigh, sled, or other recreational vehicle in any of the streets, or highways of the city or upon the sidewalks thereof, without the permission of the City Council. (Ord. No. 1983-1, 1-13-83)

Editor's note--Ord. No. 1985-4, enacted May 7, 1985 amended the Code by deleting Sec. 11-15. Formerly Sec. 11-15 pertained to riding bicycles and other similar vehicles on sidewalks and derived from the Code as enacted Nov. 16, 1976.

Sec. 11-7. Unreasonable Noise.

- (a) **Authority.** Under authority granted in 24 V.S.A. 2291(14), and 24 V.S.A. Chapter 59, the City Council of the City of Barre hereby ordains the following civil ordinance regulating unreasonable and objectionable noise.
- (b) **Purpose.** Unreasonable noise constitutes a public nuisance. The purpose of this section is to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged, unreasonable or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all residents of our city to peacefully coexist in a manner which is mutually respectful of the interests and rights of each other.
- (c) **Definitions.** As used in this section, the following term shall be defined as allowed under in 24 V.S.A. section 2291(14).
 - (1) Unreasonable Noise. Noise that, either by persistence, loudness, or time of occurrence, annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose or the health or safety of others within the City of Barre.

(d) **Prohibited noise**

- (1) General prohibition. It shall be unlawful for any person or persons to make or cause to be made, assist in making, continue or allow to be continued any unreasonable noise. Any such noise shall be considered to be a noise disturbance and a public nuisance and shall be considered a civil violation of this ordinance.
- (2) The following acts, which the list shall not be deemed to be exclusive, are declared to be unreasonable and therefore a noise disturbance and a civil violation of this ordinance:
 - a) Radios, television sets, musical instruments, phonographs and similar devices. The operation of, or permitting the use of, any musical instrument, radio, television, phonograph, or other devices for the production or reproduction of sound in such a manner with regards to volume or duration, as to disturb the reasonable peace, quiet, or comfort of the public or in such a manner as to be audible through walls of nearby property or from the street.
 - b) Motor vehicle noise.
 - (i) No motor vehicle shall be operated with muffler and/or exhaust system louder than the vehicle's original equipment.
 - (ii) Misuse of power exceeding tire traction limits in acceleration sometimes known as "laying down rubber" or "peeling rubber".
 - (iii) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
 - (iv) Rapid acceleration by means of quick upshifting of transmission gears with either a clutch & manual transmission or automatic transmission.
 - (v) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or automatic transmission.
 - (vi) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still.
 - (vii) The blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.
 - (viii) Using a compression release engine brake, commonly known as Jake Brakes or J-breaking, to slow down the vehicle.
 - (ix) Motor vehicle sound equipment. The operation or permitting the operation of radio, stereo or other sound amplification equipment from a motor vehicle that is audible from twenty-five (25) feet from the vehicle or audible upon a city sidewalk. The term "motor vehicle" shall be as defined in 23 VSA §4(21).
 - c) Parties and other social events. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.

- d) Machinery. The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 6:00 a.m. except in emergency situations.
 - e) Construction noise. The excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and 6:00 a.m. except in emergency situations.
 - f) Loudspeakers. The use of loudspeakers or other sound amplification equipment from any property onto the public streets or from upon the public streets for any purpose unless given prior approval in accordance with Subsection (3)(e) below.
- (3) Exemptions. Noise from the following sources shall be exempt from the prohibitions specified herein:
- a) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire and rescue vehicle sirens.
 - b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.
 - c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition and conduct.
 - d) Musical, recreational and athletic events conducted by and on the site of a school or educational institution.
 - e) Events and activities conducted by or permitted by the city. Persons operating an event or activity under authority of an entertainment permit, parade/street event permit, solid waste license, or special event permit shall comply with all conditions of such permits or licenses with respect to noise control issues.
 - f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

Sec. 11-8. Certain actions in public places prohibited.

No person shall place graffiti or other markings (unauthorized writing or drawing on a public surface that is a criminal act of vandalism) upon any fence, building or other public place within the city.

An exception can be street art, or graffiti art, as approved by the City Council, such as an art installation supported by the Public Art Committee, or mural as approved by the Development Review Board.

Sec. 11-9. Deposit of rubbish, etc., prohibited in streets, streams, etc.

No person shall put, place or deposit, or cause to be put, placed or deposited, in any street, lane or alley, or other public place in the city, or upon the banks of, or in the streams running through the city, or in or upon any vacant lot abutting on or adjacent to any such street, lane, alley or public place, any mill, shop, factory or house dirt, ashes, shreds, shavings, filth, offal, or rubbish of any other kind, except under the direction of the board of health. No person shall leave in or upon any street, lane or alley of the city any wood, stone, boxes, barrels or bags or any other object or thing likely to obstruct public travel.

Sec. 11-10. Snow, ice, water; falling from buildings prohibited; required guards.

If snow or ice is plowed, dumped, thrown, shoveled, propelled or deposited on the street, public sidewalk or into the water way from private property, the Director of Public Works shall remove such snow and ice at the expense and charge of the abutting and/or offending property owner or tenant, which expense and charge may be recovered with full costs, in an action of contract in the name and behalf of the city, and against the person, partnership, or corporation causing such snow and ice to be plowed, dumped, thrown, shoveled, propelled or deposited from private property onto the street, public sidewalk or into the water way.

Sec. 11-11. Deposit of snow and ice on sidewalk, into street, or water way prohibited; penalty for violation.

- (a) No person shall plow, dump, throw, shovel, propel, deposit or cause to be plowed, dumped, thrown, shoveled, propelled or deposited, snow or ice from private property into the street or public sidewalk, or into the water way.
- (b) If snow or ice is plowed, dumped, thrown, shoveled, propelled or deposited on the street, public sidewalk or into the water way from private property, the Director of Public Works shall remove such snow and ice at the expense and charge of the abutting and/or offending property owner or tenant, which expense and charge may be recovered with full costs, in an action of contract in the name and behalf of the city, and the person, partnership, or corporation causing such snow or ice to be plowed, dumped, thrown, shoveled, propelled or deposited from private property onto the street, public sidewalk or into the water way, shall in violation of this ordinance.
- (c) The Fire Chief or Police Chief, or their designee shall promptly notify the Director of Public Works of any violation of the provisions of this section. (Ord. 2015-01, 7-28-15)

Sec. 11-12. Open excavations and pits prohibited; fencing required.

From and after the effective date of this section, no person, firm, partnership or corporation shall, within the city, maintain an open excavation, gravel or granite refuse (sludge) pit without adequate protective fencing around such areas.

The owner, operator, contractor, or custodian of any such excavation, gravel or granite refuse (sludge) pit which is located in the city shall, while such areas are in use and operation, maintain adequate protective fencing around all such areas exposed to the public. Such protective fencing shall be a four-foot high steel chain linked fence and shall not be removed unless and until all

dangerous conditions incident to these areas have been removed.

Sec. 11-13. Liquor Control.

- (a) **Authority.** Under authority granted in 7 V.S.A. Chapters 1-25, and 40; 1 V.S.A. Chapter 9; 11A V.S.A Chapter 8; 12 V.S.A., Part 10, Chapter 213; 13 V.S.A., Part 1, Chapters 51, 85; 17 V.S.A. Chapter 35; 18 V.S.A., Part 2, Chapter 37; 20 V.S.A 20, Part 5, Chapter 111; 24 V.S.A., Part 2, Chapter 61, Subchapter 11; V.S.A. 32, Subtitle 2, Part 5, Chapter 239; the City Council of the City of Barre hereby ordains the following civil ordinance regulating liquor.
- (b) **Purpose.** The purpose of this section is to preserve the public health, safety, and welfare by regulating the sale and the consumption of alcoholic beverages within the City of Barre. It is the goal of this section to allow alcohol related businesses and the residents of the City to peacefully coexist in a manner which is mutually respectful of the interests and rights of each other. This Ordinance is intended to amend and replace the prior Sec. 11-27 contained within the Official Code of Ordinances and referred to as “Ord. No. 1977-3, 9-6-77, Revised Ord. No. 1989-8, 8-1-89.”
- (c) **Definitions.** As used in this section, the following terms shall be defined as follows, all others as outlined in 7 V.S.A., Chapter 1, Sec 2.
- (1) **Public Place.** A public place shall mean any bridge, culvert, roadway, street, square, fairground, sidewalk, alley, playground, park, or school property or other place that is open temporarily or permanently to the public with respect to general circulation of motor vehicles or pedestrians within the City Of Barre.
 - (2) **Open Beverage Container.** A container, bottle, can or vessel containing malt or vinous beverages or spirituous liquors, which is opened.
 - (3) **Minor.** A person who has not attained the age of 21.
 - (4) **Under 21/Teen Night.** An event held by an establishment holding a First-Class Cabaret license for the expressed purpose of entertaining patrons who are under the age of 21 and where no alcoholic beverages are consumed.
 - (5) **Motor Vehicle.** “Motor Vehicle” means any vehicle, which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, and motorcycles.
 - (6) **Licensee.** An establishment holding a first-class cabaret license approved by the City of Barre Liquor Control Board.
- (d) **General provisions.** This ordinance is meant to compliment or amplify any applicable state or federal regulations, laws, statues, ordinances or conditions.

(1) Alcohol Consumption or Possession in Public Places

a) Prohibitions. Except as authorized in subsections (b) and (c) hereof:

- (i) No person shall have constructive or actual possession of an open beverage container in any public place or in any motor vehicle located in a public place.
- (ii) No person shall consume the contents of an open beverage container in any public place or in any motor vehicle in a public place.

b) Notwithstanding subsection (a)(i) and (a)(ii) hereof, it shall not be unlawful to possess an open beverage container or to consume the contents thereof in the Municipal Auditorium and its grounds, the Barre Opera House and its upstairs lobby, Rotary Park Picnic area, or any other city-owned public place when the event where alcoholic beverages will be consumed has been authorized by the City Council with the following restrictions: (Amended Ord. No 2008-04, 9-08-08)

- (i) The contents of the open beverage container must be consumed between the hours of 7:00 a.m. and 9:00 p.m. daily.
- (ii) No possession or consumption occurs on the roadways, sidewalks or parking lots within such city owned areas, as defined within this subsection (b) without specific City Council approval. (Amended Ord. 2008-04, 9-08-08)
- (iii) No possession or consumption is of or from glass containers or beer kegs, so called.

c) Notwithstanding subparagraphs (a) and (b) hereof, the City Council may give specific advance approval for possession and consumption from open beverage containers, including beer kegs, within city property up to and after 9:00 p.m. daily.

(e) Hours of operation

Notwithstanding the language of 7 VSA §62, as amended, the Liquor Control Board of the City of Barre further defines the hours of operation as follows:

- (1) First or First & Third Class. First or First & Third-class licensees, or festival, special event, or educational sampling event permit holders may sell malt and vinous beverages or spirituous liquor between the hours of 8:00 a.m. and 2:00 a.m. the next morning, or to the hours as specified in 7 V.S.A. §62, whichever is earlier. (Amended Ord. No. 2009-03, 09-08-09, Amended Ord. No. 2009-04, 10/20/09)
- (2) Second Class. Second Class licenses may sell malt and vinous beverages between the hours of 6:00 a.m. and 12:00 a.m. the next morning, Sunday through Saturday.

(f) Under 21/ Teen Night events.

(1) Permit Requirements.

- a) Under 21/Teen Night Events (the “Event”) shall be limited to licensees in good standing.
- b) Licensee shall register the event with the Barre City Police Department at least 21 calendar days prior to the scheduled Under 21/Teen Night event. The Police Department shall provide each applicant with the event registration form BA11-27R (dated March 1, 2002) or any form deemed to be a successor form or replacement form for BA11-27R.
- c) Using the registration form, the licensee shall provide a detailed plan outlining the staffing levels, the training status of employees, and the other resources available to host the event. The staffing levels, not to include bar personnel, entrance admittance personnel, or other functions (i.e. kitchen, janitorial) shall be at a level of at least one staff person per 30 patrons solely for the purpose of monitoring patron activities. At the discretion of the City Council, the licensee may be required to have a uniformed officer from the Barre City Police Department on the premises at all time at the licensee’s expense.
- d) Within five calendar days of submitting the event registration, the Barre City Police Department will determine if there will be sufficient law enforcement and public safety resources available on that date to deal with any safety, health, and public welfare issues associated with the event. If it is determined there are insufficient resources available, the event will not be permitted.
- e) The establishment authorized to hold this event must, at all times, be in compliance with all City and State laws, ordinances, regulations and statutes and must comply with all restrictions and conditions required by the permit issued under this subsection (G). Violation of any laws, ordinances, regulations or statutes or specific conditions of the permit issued under this subsection (G) is grounds for suspension or revocation of the permit.
- f) The application shall be presented to the City of Barre Liquor Control Board for its approval. Once approved, the Barre City Manager is responsible for administration of the permit.

(2) Event Restrictions.

- a) No malt or vinous beverages or spirituous liquors will be served at any time during the event.
- b) No patrons, 21 years old or older, will be allowed into the event or on the licensed premises if the event should occupy less than the entire licensed premises.
- c) The Barre City Council reserves the right to amend the ages limits of the event.

- d) These events will be “no smoking and “no tobacco products” events in total.
- e) All malt and vinous beverages and spirituous liquors will be locked up and hidden from the view of the patrons.
- f) No admittance of anyone after 11:00 p.m.
- g) No re-entry of anyone.
- h) No free distribution of glassware.

(g) Surveillance devices requirements.

- (1) City Council may require video surveillance on the premises for issuance of a license.

Sec. 11-14. Collection of Bad Debts.

Miscellaneous accounts receivable, parking tickets, and associated interest and penalties which are deemed to be un-collectable by the City Tax Collector or the City Treasurer may be turned over to a collection agency designated by the City Council once said debts are more than sixty (60) days past due. (Ord. No. 1986-1, 9-30-86)

Sec. 11-15. Penalties for False Security Alarms.

- (a) An alarm system user shall be responsible for all false alarms generated by their system or devices.
- (b) The City Treasurer shall charge and collect from the alarm system user the following user fees for false alarms:
 - (1) Each alarm user shall be entitled to one (1) false alarm during a six (6) month period, without being assessed a service fee.
 - (2) A Service fee of ~~\$40.00~~ shall be imposed for all succeeding false alarms occurring during the same six (6) month period in accordance with the City of Barre Fee Schedule.
 - (3) The fee must be paid within seven days or a 50-% penalty will be added thereto. (Ord. 1991-3, 6/25/91)
 - (4) Penalties for Fire alarm malfunctions are listed in the City’s Fee Schedule under the Fire Department.

Sec. 11-16. Trespassing in City Parks, Playgrounds, Recreation and Smoke-Free Areas.
(Ord. No. 2013-01, 09/04/12)

- (a) Hours of operation. Public Parks as defined herein within the City shall be open for use from Dawn to Dusk only: provided, however, that for programs or events sponsored or approved by the City, or for which a City Permit has been issued, said hours of operation may be extended during any such program or event and for a period of sixty minutes following the

conclusion of such program or event. Signs stating park hours shall be posted prominently in each park. (Ord. No. 2013-01, 09/04/12)

- (b) Hours of operation. Public playgrounds and recreation areas as defined herein within the City shall be open for use from Dawn to Dusk only; provided, however, that for programs or events sponsored or approved by the City, or for which a City Permit has been issued, said hours of operation may be extended during any such program or event for a period of sixty minutes following the conclusion of such program or event. Signs stating hours of operation shall be posted prominently in each playground and recreation area. (Ord. No. 2013-01, 09/04/12)
- (c) Smoke Free Areas. Smoke-Free Areas within the City may be designated by the City Council for programs or events sponsored or approved by the City. Signs stating program or event, or represented by emergency vehicles, barricades and/or staff shall be prominent during said program or event. (Ord. No. 2017-03, 06/06/17)
- (d) Effective twenty days following publication after Council approval, the City Council shall have the authority to restrict smoking at all public areas serving the Heritage Festival or similar festival or event, at its discretion and upon majority vote. (Ord. No. 2017-03, 06/06/17)
- (e) Public Parks, Playgrounds and Recreation Areas and on public property twenty-five (25) feet beyond the physical boundaries of Public Parks, Playgrounds and Recreation Areas shall be designated as Smoke-Free areas. (Ord. No. 2013-01, 09/04/12; Ord. No. 2017-03, 06/06/17)
- (f) No food and/or drink around Youth Triumphant. No food and/or drink is allowed on or around the Youth Triumphant memorial, including the statue, bench, steps, apron and all granite areas surrounding the memorial. (Ord. No. 2013-04, 09/04/12)
- (g) Definitions. The following are defined as public parks within the City of Barre:
 - (1) City Hall Park.
 - (2) Currier Park.
 - (3) Dente Park.
 - (4) Rotary Park.

The following are defined as public playgrounds and recreation areas within the City of Barre:

- (1) Rotary Park. Includes picnic shelters, ball field, tennis courts, basketball courts, skate park, pool, playground and all parking areas.
- (2) Mathewson Playground.
- (3) Garfield Playground.
- (4) Vine Street Playground.
- (5) Nativi Playground.
- (6) Wobby Park Playground.
- (7) Tarquinio Park.
- (8) North Barre Ice Rink.

- (9) Lincoln School Recreation Field. (Ord. No. 2013-01, 09/04/12)
- (10) Cow Pasture. (Ord. No. 2017-03, 06/06/17)

“Tobacco products” and “Tobacco substitute” shall have the meanings given in 7 V.S.A. §1001. (Ord. No. 2017-03, 06/06/17)

Sec. 11-17. Entertainment License.

- (a) Authority. This ordinance is enacted by the City Council to promote the public health, safety and welfare of the City under the authority it is granted to regulate public entertainment activities set forth in 24 V.S.A., Section 2291 and Section 104 of the Barre City Charter. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.
- (b) Purpose. It is the purpose of this ordinance to regulate circuses, carnivals, and all other shows by requiring a license before any such event be held.
- (c) Definitions.
 - 1) “Show” as used herein shall mean any circus, carnival, menagerie, street show or itinerant show.
 - 2) “Show” shall also mean any form of live entertainment or performance open to the public such as, but not limited to, concerts, plays, dances with live music or a disc jockey, dance reviews, clowns, magicians, or comedians.
- (d) Regulation of shows.
 - 1) No show shall be conducted within the City of Barre unless a license has been obtained from the City Council, nor shall any show be conducted in violation of the provisions of this ordinance.
 - 2) A license issued under this ordinance shall be effective on issuance and shall remain in effect pursuant to Section 3 unless the City Council provides for expiration on an earlier date. A license which expires on December 31st shall remain in effect beyond December 31st if the holder of the license applies for a new license before December 31st and the application for new license is pending before the City Council on December 31st.
 - 3) Any license issued under this Ordinance may be revoked by the City Council, for just cause, after notice to the license holder and provision of an opportunity for a hearing before the City Council.
- (e) Application of license.
 - 1) An application for any license under the provisions of this Ordinance shall be filed with the City Clerk at least twenty-one (21) days before the date set for the opening of the show.

- 2) A license may be issued to owner/leasee of a facility which offers or hosts a show. Such a venue license, whenever issued, shall have a maximum effect of one (1) year expiring on December 31.
- 3) A license may be issued to the Manager/promoter or other party with responsibility over the content and conduct of such a show. Such an event/show license shall have a maximum effect of fourteen (14) days from date of issuance.
- 4) Such application shall include:
 - a) The name of the owner/leasee and operator.
 - b) Place or location.
 - c) The intended hours of operation, and the number of days that the show will be conducted.
 - d) A description of the show, proposed exhibit, or entertainment.
 - e) Any other information required by the City Council or the City Manager.
- (f) Approval Standards. Prior to the issuance of any license under this Ordinance, the City Council shall determine that the proposed show satisfies the following standards:
 - 1) The proposed show is in conformance with any applicable City Ordinances including the Barre Zoning Regulations and Subdivision Regulations.
 - 2) The proposed show will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.
 - 3) The proposed show will not present or create a threat to the safety of persons or property because of fire, explosion or other hazards.
 - 4) The proposed show will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.
 - 5) The proposed show will not interfere with the use of neighboring property for its customary use by the creation of noise, dust, noxious odors, lighting or other activities which extend beyond the boundary of the activity.
 - 6) The proposed show will not overburden the public infrastructure of the City. Special attention shall be given to the cumulative impacts of other activities which may be occurring at the same time.
 - 7) The proposed show will not have an adverse effect on public health, safety, welfare and convenience of the inhabitants of the City.
- (g) Approval conditions. When issuing a license under this Ordinance, the City Council may attach such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the Approval Standards set forth above. Such conditions may

include but are not limited to:

- 1) Establishing specific hours for the proposed show;
 - 2) Establishing noise limits;
 - 3) Requiring the provision of traffic control personnel at no cost to the City;
 - 4) Requiring the provision of crowd control and medical personnel at no cost to the City;
 - 5) Requiring the provision of firefighting equipment and personnel at no cost to the City;
 - 6) Requiring the posting of security bonds or escrow accounts to ensure compliance with applicable ordinances and license conditions;
 - 7) Requiring that trash and litter on public streets attributable to the proposed activity be collected and removed at no cost to the City;
 - 8) Restricting or prohibiting the consumption of alcoholic beverages in connection with any show;
 - 9) Prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area;
 - 10) Minimum separation between audience/attendees and show performers;
 - 11) Requiring sufficient video surveillance.
- (h) Fees will be assessed for annual venue licenses and per event/show licenses. The fee for the permits shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 2005-1, 8/18/05)
- (i) Exemptions. Activities conducted by schools licensed by the State Department of Education and/or churches, on school or church grounds, are exempt from the requirements to obtain a license and pay a permit fee. Activities conducted at City facilities shall also be exempt from the requirements to obtain a license and pay a permit fee.

Sec. 11-18. Unlawful Trespass.

It shall be unlawful for a person who, without legal authority or the consent of the person in lawful possession, enters or remains on any land or in any place as to which notice against trespass is given by:

- (a) Actual communication by the person in lawful possession or his agent or by a law enforcement officer acting on behalf of such person or his agent: or
- (b) Signs or placards so designed and situated as to give reasonable notice.

Sec. 11-19. Disorderly Conduct.

It shall be unlawful for a person who, with the intent to cause public inconvenience, or annoyance or recklessly creating a risk therefore:

- (a) Engages in fighting or in violent, tumultuous or threatening behavior; or
- (b) Makes unreasonable noise; or
- (c) In a public place uses abusive or obscene language; or
- (d) Without lawful authority, disturbs any lawful assembly or meeting or persons; or

- (e) Obstructs vehicular or pedestrian traffic

Sec. 11-19A. Public Urination and Defecation

No person shall urinate or defecate in any municipal buildings, parks, parking lots, sidewalks, streets or other public space, except through the proper use of facilities specifically provided for this purpose.

Sec. 11-19B. Public Indecent Exposure.

- (a) Authority. This section is enacted as a civil ordinance pursuant to the specific authority granted to municipalities under 24 V.S.A. §2291, and other such general enactments as may be material thereto, to promote public health, safety, welfare, and convenience. It is the purpose of this section to regulate public indecent exposure, which is deemed to be a public nuisance.

- (b) Definitions.

- (1) “Public indecent exposure” is defined as a person exposing their genitals or anus on any street, sidewalk, or other public place;

- (2) “Public place” has the same meaning as defined in Section 11-13(c)(1). Premises used solely as a private residence and other places where an individual would not reasonably be expected to be observed by members of the public or where nudity or exposure is necessarily and customarily expected, shall not be deemed a public place.

- (c) Unlawful Acts Prohibited. No person shall knowingly or intentionally engage in public indecent exposure. A violation of this section does not require open and gross lewdness as required under 13 V.S.A. §2601a.

- (d) Enforcement. Any law enforcement officer, or any individual appointed by the City Council as an enforcement officer, shall have the authority to enforce this Ordinance in accordance with the enforcement and penalty provisions set forth in Section 11-20.

- (e) Exceptions.

- (1) The provisions of this section shall not apply to any person under the age of five years.

- (2) Persons operating an event or activity under authority of an entertainment license may be exempt from these provisions provided such individuals comply with all conditions of such license.

Sec. 11-20. Enforcement and Penalties

- (a) Unless otherwise noted, a violation of this chapter shall cause an enforcement officer to issue a civil citation or warning. Such civil citation or warning shall direct the discontinuance of the illegal action.

- (b) Enforcement officer may bring appropriate action to enforce the provisions of this chapter. Enforcement may be by any means allowed under state law including, but not limited to:
- (1) An enforcement officer may issue a Municipal Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. §1974 and §1977 with penalties as prescribed below:
 - a) A first offense in any twelve-month period shall be punishable by a fine of \$150.00. The waiver fee shall be \$100.00.
 - b) A second offense in any twelve-month period shall be punishable by a fine of \$250.00. The waiver fee shall be \$200.00.
 - c) Third and subsequent offenses in any twelve-month period shall be punishable by a fine of \$500.00. The waiver fee shall be \$300.00. An enforcement officer may also issue and order to revoke the license or permit to the Chief inspector, which is subject to Sec. 3-9. Appeals of this chapter.
 - (2) An enforcement officer may notify the City Attorney of the violation, who can take action in Superior Court seeking injunctive relief with penalties as prescribed by law.
- (c) This ordinance does not stop certified law enforcement officers from issuing civil and criminal citations in accordance with state law.

Effective Date

This ordinance shall be effective fourteen days after publication in a newspaper of general circulation following Council adoption, as per City Charter.