

TOWN OF FRANKLIN

AN ORDINANCE IN RELATION TO

LOITERING

It is hereby ordained by the Board of Selectmen of the Town of Franklin as follows:

Section 1. Loitering prohibited.

(a) Definitions. As used in this section.

(1) "Loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly.

(2) "Public Place" shall mean any park, cemetery, public or school buildings, school yard or open space adjacent thereto, all streets and parking fields and all other premises onto which the general public may be present as invitees or licensees.

(b) Certain Types of Loitering Prohibited.

No person shall loiter in a public place in such manner as to:

(1) Create or cause to be created a danger of a breach of the peace.

(2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.

(3) Obstruct the free passage of pedestrians or vehicles.

(4) Obstruct, molest, or interfere with any person lawfully in any public place as above defined. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(c) Discretion of Police Officer.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in Section (b), he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(d) Penalty.

Anyone convicted of loitering in violation of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500.00 or imprisonment for a term not to exceed one year.

Adopted May 30, 1978 at a Special meeting of the Board of Selectmen at the Town Clerk's Office, Franklin, Vermont

Harrison Wright

Walter Barnum

Robert Stanley

Selectmen, Town of Franklin

ORDINANCE

PURPOSE

The purpose of this ordinance is to promote and protect the public health, safety, welfare and convenience of the town of Franklin by controlling the gathering of individuals in numbers greater than 500 in an open place where the general public is permitted or invited to attend, all in accordance with Title 24, Section 2291 of the Vermont Statutes Annotated.

SECTION I

Any person who intends to hold or organizes or promotes a public assembly shall obtain a permit to do so.

SECTION II

An application for a permit to hold a public assembly shall be in writing and signed by an individual authorized to act for the sponsoring person. The application shall state:

- (a) The date and hours the assembly is to be held.
- (b) The name, residence, and telephone number of the applicant.
- (c) The designation and location of the place where the assembly is to be held.
- (d) That the requested uses by the applicant have been granted by the person who owns or has authority to grant the use of the property.
- (e) The estimated number of persons expected to participate in or attend the public assembly.
- (f) 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 direction, crowd control, and sanitation facilities.
- (g) Any additional information the applicant wishes to furnish.

SECTION IV

Upon the receipt of an application for a permit to hold an assembly, the Selectmen shall note the time of filing on the application and shall forthwith set a date for hearing on the application. Notice of said hearing shall be placed in at least two (2) public places within the town of Franklin. The Board of Selectmen shall hold the hearing no earlier than fifteen (15) days from the date of the application and no later than twenty (20) days prior to the date of the assembly.

SECTION V

The Board of Selectmen shall within five (5) days from the date of the hearing:

- (a) Issue the permit as requested, or
- (b) Issue the permit subject to any conditions authorized in Section VI, which they deem necessary to protect the public health, safety, or welfare, or
- (c) Deny the application upon a finding that the assembly will be injurious to the public health, safety, or welfare and that conditions cannot be imposed which will protect the public, health, safety, or welfare.

SECTION VI

If there is a reasonable likelihood that an assembly will substantially harm the public health, safety, or welfare, the Board of Selectmen shall grant the permit upon conditions reasonably necessary to avoid substantial harm to the public health, safety, or welfare.

The permit may impose conditions to ensure that:

- (a) Public sanitation, food, water, and emergency medical facilities are adequate.
- (b) The time, place and duration of the assembly is suitable in view of the number of persons expected to attend.
- (c) Measures for controlling the crowd and managing the assembly are adequate.
- (d) The assembly will not substantially impair the provision of fire and police protection and medical and other essential public services.
- (e) The assembly will not unreasonably interfere with the quiet enjoyment of a residential community.
- (f) Litter incidental to the assembly will be removed and disposed of.
- (g) The person holding the assembly furnishes an adequate bond or arranges other financial security in a reasonable amount to assure compliance with any conditions imposed by the Board of Selectmen, including the cost of additional law enforcement officers required to meet any other conditions.

SECTION VII

If there is a reasonable likelihood that an assembly will substantially harm the public health, safety, or welfare and this cannot be avoided by the imposition of conditions, or if no permit for such an assembly has been applied for, the Selectmen shall apply to the Superior Court for an order enjoining the person who intends to hold an assembly from holding said assembly.

An application may petition the Superior Court for review of the reasonableness of any conditions imposed in a permit.

SECTION VIII

(a) Any person who violates this ordinance shall be fined not more than Five Hundred (\$500.00) Dollars for each offense. Each day that a violation is continued shall constitute a separate offense.

(b) The Board of Selectmen may seek appropriate injunctive relief to the Superior Court to enjoin the violation of this ordinance; but the election of a municipality to proceed under this subsection shall not prevent prosecutions under Subsection (a) of this section.

SECTION IX - Definitions

1. Permit - means a written statement issued by the Board of Selectmen, authorizing the holding of a public assembly under stated conditions as to time, place and manner.

2. Person - means an individual, corporation, partnership, association, or any other legal entity.

3. Public Assembly - means a gathering of 500 or more individuals in a place which the public is permitted or invited to attend, conducted or promoted for profit, whether or not a profit is actually returned, where persons are admitted on payment of cash, entry fees, donations, or anything of value.

The foregoing provisions of this Ordinance adopted by the Board of Selectmen of the Town of Franklin, this 1st day of May, A.D, 1975, to become effective July 2, 1975.

Franklin, Vermont - May 1, 1975

Harrison Wright

Walter Benson

Robert Stanley

Selectmen
Town of Franklin

The foregoing Ordinance entered in the minutes of the municipality of Franklin this 1st day of May, A.D. 1975.

Attest: Matthew M. [Signature] Town Clerk