

LARGE EVENTS IN WEST TISBURY

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1. Purpose and Intent. The purpose of this bylaw is to promote and protect the health, safety, and welfare of the residents of the Town of West Tisbury (the Town) by regulating the frequency, scale, and impact of large Events held at properties located within the Town which: a.) are inconsistent with the usual and customary uses of the property; and b.) undermine or detract from the peaceful enjoyment of other citizens' property.

2. Definitions. For the purposes of this Chapter, the following definitions shall apply:

a) Property: Any property, in the Town

b) Event: A gathering or party organized at a property for nonprofit, educational, social, fundraising, celebratory, networking, promotional or recreational purposes, including but not limited to, weddings, birthdays, anniversaries, reunions, and similar occasions, in which more than One Hundred (100) guests are simultaneously present for a period of time in excess of one (1) hour.

c) Guest: An individual attending an Event as defined herein.

d) Unlawful Noise: Noise that is excessive, loud or unusual which disturbs, injures or endangers the reasonable quiet, comfort, repose or the health and safety of others, and said noise is plainly audible at a distance of fifty (50) feet from the property line of the Property where the noise is generated.

3. Limitations on Events.

a) No owner, tenant or occupant of a Property shall host, hold, conduct, oversee, or allow an Event without an Event Permit granted by the Select Board:

b) No owner, tenant or occupant of a Property shall host, hold, conduct, oversee, or allow an Event that causes Unlawful Noise as defined above.

c) In no event shall an owner, tenant or occupant of a Property host, hold, conduct oversee or allow (i) more than one (1) Event per calendar month, or (ii) more than a total of three (3) Events per calendar year

d) RU & VR Districts: In Ru & VR Zoning Districts and Event Permit will not be issued if the Event will include (i) retails sales including beer & wine and/or (ii) an admissions charge (the following shall not be considered an on-site admission charge: money collected – including for entry tickets and donations made not on the Property and collected at least one hour in advance of the Event commencing.)

4. Event Permits.

a) An owner, tenant or occupant of a Property shall seek an Event Permit from the Select Board, or its designee(s), if an owner:

- i) reasonably anticipates that more than One Hundred (100) Guests will attend and be simultaneously present for a period of time in excess of one (1) hour;
- ii) reasonably anticipates that in excess of fifteen (15) vehicles will be parked, outside the limits of the Property, on public or private ways which abutting properties use for travel, for a period in excess of two (2) hours.

b) The Select Board, or its designee(s), may issue an Event Permit for an Event if it determines that reasonable measures or conditions can protect the purposes for which this Chapter is enacted. All applicants for an Event Permit must adhere to the following requirements.

- i) submit the application and fee available and specified on the Town’s website, as may be amended from time to time, at least thirty (30) days before the proposed Event;
- ii) appear (or an authorized representative with sufficient knowledge of the Event and authority to bind the applicant appears) at a public meeting set by the Select Board, or its designee(s), to consider the application for an Event Permit;
- iii) agree to all conditions imposed by the Select Board, or its designees(s), in its sole discretion, including but not limited to:
 - 1) the provision of off-site parking and transportation services to the Event;
 - 2) the responsibility for the placement of acoustic or other barriers to mitigate excessive noise levels or interference with nearby residents’ peaceful enjoyment of their neighborhoods; and
 - 3) The Building Official advises the Select Board that the Event complies with Zoning.

5. Exemptions. The following gatherings shall be exempt from the requirements of Chapter 4:

- a) An assembly of students sponsored by any public school located in the Dukes County; and
- b) Events conducted pursuant to a special permit or written agreement with the Town predating the effective date of this General Bylaw.

6. Enforcement.

a) Violations of this bylaw shall be enforced by the Police Department and the Town. The Police Department may seek fines by issuing tickets under the provisions of G. L. c. 40, § 21D,

or by seeking criminal complaints in the District Court. The Town may engage counsel to seek injunctive and other relief in the civil courts.

b) Upon receiving a complaint regarding a violation of this bylaw, the Police Department shall investigate the complaint and, if a violation is confirmed, shall take such action as it deems appropriate, including forwarding a copy of any incident report to the Town Administrator and the Building Official. The Police Report shall serve as prima facie evidence of a violation of this Bylaw.

c) The penalty for violation of this bylaw shall be \$300.00 per violation. Each day constitutes a separate violation.

7. Severability. If any section, paragraph, sentence, clause, or phrase of this bylaw shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect.

8. Effective Date. This Bylaw shall take effect upon its approval by Town Meeting and the Town's compliance with the provisions of G. L. c. 40, § 32.