

RESOLUTION 2009-19

A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO REPEAL AND REENACT THE REGULATIONS FOR OPERATIONS OF ALL PUBLIC PARKS; TO ENACT REGULATIONS FOR PUBLIC EVENTS TO BE HELD IN PUBLIC PARKS AND ON TOWN PROPERTY PURSUANT TO A PERMIT ISSUED BY THE TOWN AND TO ENACT REGULATIONS FOR FARMERS MARKETS HELD IN PUBLIC PARKS OR ON PUBLIC PROPERTY PURSUANT TO A PERMIT ISSUED BY THE COMMISSIONERS OF ST. MICHAELS

WHEREAS, The Commissioners of St. Michaels (hereinafter the "Commissioners") have determined that it is in the public interest to repeal and reenact the current rules for the use of Public Parks and St. Mary's Square; and

WHEREAS, The Commissioners have further determined that it is in the public interest to allow certain public events to be held in Public Parks, St. Mary's Square and other Town Properties pursuant to permits issued by the Commissioners for Town supported social and cultural events that are open to the general public and that have as a priority the enlarging and promoting a sense of community in St. Michaels; and

WHEREAS, The Commissioners have further determined that it is in the public interest to allow Farmers' Markets to be held in Public Parks and other Town Properties in accordance with a permit issued by the Commissioners and under certain conditions, which conditions are set forth in the regulations contained herein; and

NOW, THEREFORE, BE IT RESOLVED that the existing regulations for the use of Town Parks and St. Mary's Square are hereby repealed and the following regulations shall be effective immediately upon the adoption of this Resolution by an affirmative vote of a majority of the Commissioners or upon the effective date of Ordinance 408, whichever is the last to occur.

SECTION 1:

**General Regulations for Groups and Individuals Wishing to Use Any Public Park*
(*For purposes of this document, St. Mary's Square is considered to be a Public Park)**

1. The hours of operation of all Public Parks shall be from sunrise to sunset, unless otherwise posted on a sign or signs located within the park.
2. Use of the Public Parks by a group of more than 10 people requires a permit issued by the Town Manager and the Chief of Police or their appointed designees. Permits may be issued up to 1 year before the event. The maximum number of people in any group using the park by permit issued pursuant to this section are as follows:
 - Frederick Douglass Park -10
 - The Wilson Reading Garden - 50
 - Muskrat Park - 50
 - Hollis Park - 50
 - Clint Bradley Park - 50
 - Back Creek Park - 50

Permission for events that will exceed the above limits must be obtained in writing from the Commissioners of St. Michaels.

Note: Canton Farm Park is a nature preserve, no group activities are permitted.

3. Park rules shall be enforced by the Police Department.
4. If there is a violation of any of the rules and/or regulations, the participants of the event will be asked to vacate the park and the applicant may be subject to non-issuance of subsequent permits.
5. Where permitted by and in accordance with Chapter 216 (Noise) of the Code of the Town of St. Michaels, amplification of events is allowed between 9:00 a.m. and sunset. Sound is to be directed away from the neighboring residences, where possible. Copies of Chapter 216 are available from the Town Office upon request or on the Town website at www.townofstmichaels.com. If noise complaints are received, a police officer may order that the volume be turned down or that the amplification cease in order to comply with Chapter 216.
6. The following activities are **not** permitted:
 - A. sale of any item or service,
 - B. weddings or memorial services,
 - C. fires of any kind including grills, and
 - D. the possession or use of alcoholic beverages.
7. The park shall be left in a clean condition. Litter shall be picked-up and placed within a trash receptacle or taken with you. Trash left in the park or placed on top of or outside of the trashcans will constitute a violation of the anti-litter ordinance.
8. No vehicles are permitted in the park except for those authorized by the Town. Handicapped assistance devices are exempted. Parking of vehicles shall only occur within those areas marked for such use.
9. Dogs must be on leashes of six (6) feet or less.
10. No closed, private functions are permitted. All events held in Public Parks must co-exist with the public who may be using the park at the same time.

SECTION 2:

Regulations for Public Events* Held in Public Parks or on Town Property
(*Other than Farmers' Markets)

The following regulations shall apply to public events held in Public Parks or on Town Property pursuant to a permit issued by the Commissioners. The Commissioners must issue a written permit for any public event that does not conform to the regulations set forth in the *General Regulations for Groups and Individuals Wishing to Use Any Public Park (set forth in Section 1 above)* and/or which will include the vending of goods in a Public Park or on Town Property. The Town of St. Michaels is absolved of all responsibility and liability for any damage, injury or loss sustained by persons or property as a result of the permitholder's negligence or that of any member of the permitholder's group. Where they are applicable and are not in conflict with the regulations below, the *General Regulations for Groups and Individuals Wishing to Use Any Public Park* shall also apply:

1. Applications and permits for public events to be held in Public Parks or on Town Property:

- A. Public events are held in Public Parks or on Town Property by permit only. Only those applications submitted by a certified (501(c)) non-profit organization or a government entity or agency for events that, in the sole discretion of the Commissioners of St. Michaels, will benefit the residents and taxpayers of the Town shall be considered. Accompanying the application shall be proof of 501(c) status.
- B. The application shall contain the full name of the organization, the name of and the complete contact information for the duly authorized representative of the organization, the name and complete contact information for an alternate person in the event of an emergency, the venue desired and the date and times of the proposed activity.
- C. The application shall include an overview of the proposed activity and how the activity will benefit the residents and taxpayers.
- D. The application shall include a completed application form.
- E. The application shall include any rules that the applicant seeks to apply to the event, including any rules about who may participate as a member of the applicant's party. These rules, as approved by the Commissioners, shall become part of the permit. Violations of these rules shall be a violation of the permit and may lead to revocation of the permit.
- F. No more than two (2) consecutive event permits shall be issued for the same venue to any one applicant or sponsoring organization in a 7 day period which shall begin on Sunday and end on Saturday.
- G. Any applicable fees for public events held in the Public Parks or on Town Property will be set forth in the Fee Schedule as adopted by the Commissioners of St. Michaels.

2. Regulations for public events held in Public Parks or on Town Property:

- A. No fees may be charged to the general public who attend the events.
- B. No activity or event shall exceed 6 hours in length.
- C. No activity will extend past 9:00 p.m.
- D. An event may be approved for limited retail sales by the sponsoring non-profit organization when such sales are integral to the event and when the proceeds of such sales will go directly to the sponsoring non-profit organization or other named qualified non-profit organization. The application shall describe any retail sales that may or will occur in the course of the event.

SECTION 3:

Regulations for Farmers' Markets Held in Public Parks or on Town Property By Written Permission of the Commissioners of St. Michaels

The following regulations shall apply to Farmers' Markets held in Public Parks or on Town Property pursuant to a permit issued by the Commissioners. In order to be considered for a permit, applicants will be required to complete an application form which may be obtained from the Town office. The Town of St. Michaels is absolved of all responsibility and liability for any damage, injury or loss sustained by persons or property as a result of the permit holder's negligence or that of any member of the permit holder's group. Where they are applicable and are not in conflict with the regulations below, the *General Regulations for groups and Individuals Wishing to Use Any Public Park* shall also apply:

1. **Venue.** These regulations pertain to Farmers Markets held in Public Parks or on Town Property only. This section shall not prohibit the operation of a Farmers' Market in venues other than parks where such activity is permitted by the Code of the Town of St. Michaels.
2. **Vendors.** Vendors operating under a Farmers' Market permit issued pursuant to this section must be certified producers authorized to sell directly to consumers. Evidence of certification shall be provided upon request by the Town.
3. **Types of products to be sold:**
 - A. The St. Michaels market is a producers-only market and all participants must produce what they sell.
 - B. No producer will sell any meats or eggs unless the farm source of the product is specifically approved by the Maryland Department of Health and Mental Hygiene, Office of Food Protection and Consumer Health Services, Permits and Licenses for a On-Farm Home Processing License resulting in a Food Processing Plant License and all responsibilities to food safety that go with that license.
 - C. There will be no arts and crafts sold at the Farmers' Market.
 - D. Participation in the markets is only for farmers/growers who sell what they grow, raise or produce on their farm, or for local producers offering agriculturally based local food products or regional specialties such as cheese, baked goods, dairy products and meat.
4. **Other activities permitted.** Educational and community activities that may include, but are not limited to, cooking demonstrations, promotion of community events and partnerships with local food pantries may be permitted in conjunction with a Farmers' Market.
5. **Operations of the Farmers' Market:**
 - A. Farmers Markets must be managed by a Market Manager who will be named by the applicant in the permit application.
 - B. The Applicant/Market Manager is responsible for:
 - 1) the coordination of all the activities of the market,
 - 2) assuring that all vendors have the required local, state and federal licenses;
 - 3) implementing market policies including oversight of the market set-up, clean up, assignments of vendor spaces and the collection of fees; and
 - 4) complying with all requirements of this Resolution and any other applicable town, state or federal regulations pertaining to the farmers market operations, and specifically assuring compliance with all federal, state, and local health regulations by both the Applicant and the individual vendors;
 - 5) providing any and all local, state and federal permits required to operate the Farmers' Market;
 - 6) signing on its own behalf and obtaining from each vendor the following hold harmless provision, tailored to the signatory:

***NOTE:** All authorized vendors participating in the Farmers' Market shall be individually and severally responsible to the Town for any loss, personal injury, deaths and/or any other damage that may occur as a result of the vendor's negligence or intentional act or omission, or that of its servants, agents and employees and all vendors hereby agree to indemnify and save the Town harmless from any loss, costs, damages and other expenses, including attorneys fees, suffered or incurred by the Town by reason of vendor's

negligence or intentional act or omission, or that of its servants, agents and employees; provided that the vendors shall not be responsible for nor required to indemnify the Town for the sole negligence of the Town, its servants, agents or employees. No insurance is provided by the Town for the participants in the Farmers' Market. All vendors shall be required to carry appropriate liability insurance and attach a certificate of insurance along with the application.

- C. Unless permission is otherwise granted by the Commissioners, the market may only be permitted to operate on Saturdays from April 1 through November 30. The market shall be open to the public beginning no earlier than 8:00 a.m. and closing no later than 12:00 p.m. Vendors may begin setting up one hour before market opening and must have cleared the park or Town Property no later than 1:00 p.m.
- D. At the close of the market, the Applicant/Market Manager shall be responsible for insuring the removal of all unsold merchandise and the cleanup of the sales area.
- E. Failure to abide by all applicable rules and regulations may result in the Town rescinding the permit.

SECTION 4:

General Provisions

- A. The Town reserves the right to revoke a permit issued pursuant to any provision of this Resolution for failure to comply with any current or future statutes, ordinances, resolutions, rules or regulations relating to the use of Public Parks and Town Properties.
- B. The Town further reserves the right to suspend or terminate the programs herein established for the use of Public Parks or Town Properties for public events and/or farmers' markets, and, in such event, all outstanding permits issued therefore shall be revoked.

SECTION 5:

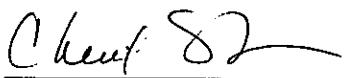
THIS RESOLUTION NO. 2009-19 HAVING BEEN PASSED by the following yea and nay vote of the Commissioners of St. Michaels on the 28th day of October, 2009, at 6:30 o'clock p.m. in the meeting room of the St. Michaels Free Library, 300 Mill Street, St. Michaels, Maryland.


Brady	<u>yea</u>
Clark	<u>yea</u>
Dinkel	<u>yea</u>
Hunt	<u>yea</u>
Snyder	<u>yea by absentee ballot</u>

I HEREBY CERTIFY that Resolution No. 2009-19 was passed by a yea and nay vote of the Commissioners of St. Michaels on the 28th day of October, 2009.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Cheryl S. Thomas, Town Clerk/Manager

By:  (SEAL)
Michael W. Brady, President