

## RESOLUTION 2015-05

### **A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND CHAPTER 224 (PARKS) OF THE CODE OF THE TOWN OF ST. MICHAELS. SAID CHAPTER ESTABLISHES REGULATIONS FOR GROUPS, INDIVIDUALS AND FARMERS' MARKETS WISHING TO USE ANY PUBLIC PARK OR TOWN PROPERTY**

WHEREAS, The Commissioners of St. Michaels (hereinafter the "Commissioners") have determined that it is in the public interest to revise the current rules for the use of the Town's parks and St. Mary's Square to allow for peaceful and orderly use by citizens and visitors alike; and

WHEREAS, The Commissioners of St. Michaels (hereinafter the "Commissioners") have determined that it is in the public interest to allow certain functions to be held in Public Parks and including St. Mary's Square; and

WHEREAS, The Commissioners have further determined that it is in the public interest to allow certain public and private events to be held in Public Parks and St. Mary's Square pursuant to permits issued by the Commissioners of St. Michaels; and

WHEREAS, The Commissioners have further determined that the allowance of such uses will provide a venue which may benefit the residents and visitors through the use of the Town Parks and encourage the use of parks for low impact events; 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

WHEREAS. The Commissioners have further determined that it is in the public interest to protect the Town Parks from Commercial enterprise; and

NOW, THEREFORE, BE IT RESOLVED that the existing regulations as set out in Resolution 2009-19, Resolution 2014-07, and Resolution 2014-08 for the use of Town Parks and St. Mary's Square and/or Town Properties are hereby amended to include language in *italics* and remove language with ~~cross through~~. The following regulations shall be effective immediately upon the adoption of this Resolution by an affirmative vote of a majority of the Commissioners.

SECTION 1:

#### **§224-1 General Regulations for Groups and Individuals Wishing to Use Any Public Park**

- A. 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.
- B. Use of the Public Parks for private events by a group of more than ten (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 one (1) year before the event. The maximum number of people in any group using the park for a private event by permit issued pursuant to this section is 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
- \*St. Mary’s Square 50
- \*\* Canton Farm Park- 0

\*To assure that any event, scheduled to take place on that portion of St. Mary’s Square which encompasses the surrounding lands and buildings of the St. Michaels Museum at St. Mary’s Square, does not conflict with programs and events scheduled by the Museum, a letter of non-interference from the Museum must be secured. Such letter shall be made a part of the applicant’s submittal to the Town for a private or public event.

\*\* Canton Farm Park is a nature preserve, and as such no private or group activities are permitted.

- C. Park rules shall be enforced by the Police Department.
- D. 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.
- E. The use of audio speakers out-of-doors shall be conditioned on the applicant meeting all conditions set out in Chapter 216 (Noise) of the Town Code. Copies of Chapter 216 are available from the Town Office upon request or on the Town website at [www.townofstmichaels.com](http://www.townofstmichaels.com)
- F. Nonprofit organizations are permitted the sale of light refreshments and nonalcoholic beverages for the sole purpose of raising funds for the non-profit.
- G. The following activities are **not** permitted in any Town Park:
  - 1. The possession or use of alcoholic beverages or illegal substances;
  - 2. Fires of any kind including grills;
  - 3. Placement of tents within the grassed areas of Muskrat Park;

- 4. Retail sales of arts or crafts and or clothing;
- 5. Services for a fee *or activities for commercial enterprise or private profit.*  
*Solicitation of any business, trade or occupation is strictly prohibited.*

- H. 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.
- I. No vehicles are permitted on the grassed areas 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.
- J. Dogs must be on leashes of six (6) feet or less.
- K. All public or private events held in Public Parks must co-exist with the public who may be using the park at the same time.
- L. Additional fees, if so required, are set out in the Commissioners Fee Schedule.

## **SECTION 2**

### **§224-2 Regulations for Private Events**

**Private events are considered to be informal in nature, resulting in a minimal impact on the park proper and surrounding residential uses.** 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 and pay the required application fee(s). 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.

In addition to the General Regulations for Groups and Individuals Wishing to Use Any Public Park as set forth herein, compliance with the following regulations shall be required:

- A. Fees are as set out in the Commissioners of St. Michaels Fee Schedule.
- B. Permits for private events in Muskrat Park will not be issued for the time periods of 11:00 a.m. to 1:00 p.m.
- C. All items brought into the park must be removed at the conclusion of the event.
- D. No decorations, including balloons can be nailed, tacked or taped to the gazebo in Muskrat Park.
- E. Applications should be submitted to the St. Michaels Town Manager for review and approval.

SECTION 3

**§224-3 Regulations for Public Events \*Held in Public Parks or on Town Property (\*Other than Farmers' Markets)**

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 and pay the required application fee(s). 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.

Applicants for a Public Event to be held in a Town Park, with an anticipated attendance in excess of those listed in Section 1 (2) of the General Regulations for Groups and Individuals Wishing to Use Any Public Park as set forth herein shall obtain permission from the Commissioners. In addition, compliance with all applicable regulations as set out in Chapter 250 (Public Events) in the Town Code shall also be required

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.

Only those applications for public events, submitted by a certified (501 (c ) non-profit organization and/or groups sponsored by such a non-profit organization and/or a government entity or agency, which 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 the required 501 (c) status.

**SECTION 4:**

**§224-4 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 or other Town Property shall also apply:

- A. 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.

B. 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.

C. Types of products to be sold:

(1) The St. Michaels market is a producers-only market and all participants must produce what they sell.

(2) 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 an On-Farm Home Processing License resulting in a Food Processing Plant License and all responsibilities to food safety that go with that license.

(3) There will be no arts and crafts sold at the Farmers' Market.

(4) Participation in the market 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.

D. 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.

E. Operations of the Farmers' Market:

(1) Farmers Markets must be managed by a Market Manager who will be named by the applicant in the permit application.

(2) The Applicant/Market Manager is responsible for:

(a) The coordination of all the activities of the market,

(b) Assuring that all vendors have the required local, state and federal licenses;

(c) Implementing market policies including oversight of the market set-up, clean up, assignments of vendor spaces and the collection of fees; and

(d) 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;

(e) Providing any and all local, state and federal permits required to operate the Farmers' Market;

(f) 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 attorney 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.

(3) 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.

(4) At the close of the market, the Applicant/Market Manager shall be responsible for insuring the removal of all unsold merchandise and for the cleanup of the sales area.

(5) Failure to abide by all applicable rules and regulations may result in the Town rescinding the permit.

## SECTION 6:

### 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, private events and/or farmers' markets, and, in such event, all outstanding permits issued therefore shall be revoked.


**THIS RESOLUTION NO. 2015-05 HAVING BEEN INTRODUCED AND PASSED** by a yea or nay vote of the Commissioners of St. Michaels on this 27<sup>th</sup> day of May, 2015, becoming effective on the 27<sup>th</sup> day of May, 2015.

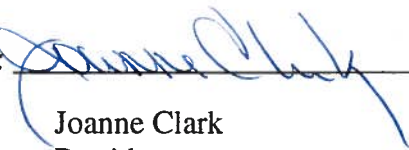
Ann Borders - \_\_\_yea\_\_\_  
Joanne R. Clark, - \_\_\_yea\_\_\_  
Joyce Harrod - \_\_\_yea\_\_\_  
Roy Myers - \_\_\_yea\_\_\_  
Jaime Windon - \_\_\_yea\_\_\_

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on this 27<sup>th</sup> day of May, 2015.

**ATTEST:**

**THE COMMISSIONERS OF ST. MICHAELS**

  
\_\_\_\_\_  
Jean R. Weisman  
Town Clerk / Manager

By:  \_\_\_\_\_ (SEAL)  
Joanne Clark  
President