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General By-law: Code Chapter [126]

Chapter 126

LARGE EVENTS IN RESIDENTIAL NEIGHBORHOODS

126-1. Purpose and Intent.

126-2. Definitions.

126-3. Limitations on Private Residential Events.

126-4. Event Permits.

126-5. Exemptions.

126-6 Enforcement.

126-7. Severability.

126-8. Effective Date.

126-1. 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 Edgartown (the Town) by regulating the frequency, scale, and impact of large events held at private residences located within residential neighborhoods which: a.) are inconsistent with the usual and customary personal and familial uses of residential property; and b.) undermine or detract from the peaceful enjoyment of other citizens' private residences and property. A recent increase in the use of homes in residential neighborhoods to stage large events with relative frequency, which often have loud music, lead to parking congestion, and cause disruption of the peaceful and quiet enjoyment of residential homes, has prompted the Town to enact this bylaw. The excessive use of residential for homes for events that are not occasional social or family gatherings requires additional municipal regulation and oversight, as set out in this Chapter.

126-2. Definitions. For the purposes of this Chapter, the following definitions shall apply:

a) Private Residence: Any dwelling, house, or building primarily used as a place of residence for individuals or families, including accessory uses and structures. Private residences may be owned by individuals, trusts, partnerships, corporations, limited liability or any other legal form or entity.

b) Event: A gathering or party organized at a private residence 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 fifty (50) guests are simultaneously present for a period of time in excess of one (1) hour.

- c) Guest: An individual attending an event hosted at a private residence.
- d) Unlawful Noise: Noise becomes unlawful when it is excessive, unusually loud, disturbing, or injurious for periods of time in excess of one (1) hour so that a reasonably objective person would find that it annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, health or safety of others. Unlawful noise must be plainly audible at a distance of fifty (50) feet from the property line of the private residence where the noise is generated.

126-3. Limitations on Private Residential Events.

- a) No owner of a Private Residence within the Town shall host, hold, conduct, oversee, or allow:
 - i) an Event causing unlawful noise as defined in Section 126-2(d) of this chapter; or
 - ii) more than two (2) Events per calendar month, or more than a total of five (5) events per calendar year (Events in excessive of 2 per month or 5 per year are not allowed without a permit even if the noise created is not unlawful under section 126-2(d)).
- b) The limitations imposed by Chapter 126-3(a)(i) & (ii) may be exceeded by obtaining an Event Permit as provided for in Section 126-4. An Event Permit must be obtained for every Event exceeding the limitations imposed by Chapter 126-3.

126-4. Event Permits.

- a) An owner of a private residence may seek an Event Permit from the Select Board, or its designee(s), if an owner:
 - i) reasonably believes that more than fifty (50) guests will attend and be simultaneously present for a period of time in excess of one (1) hour;
 - ii) desires to hold an Event or Events in excess of the limitation imposed by Chapter 126-3(a)(ii);
 - iii) will hold an Event where the limitation imposed by Chapter 126-3(a)(i) will be exceeded; or
 - iv) reasonably anticipates that in excess of fifteen (15) vehicles will be parked, outside the limits of the land containing a Private Residence, 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 identified in Chapter 126-4(a), if determines that reasonable measures or conditions can protect the purposes for which this Chapter is enacted. All applicants for an event permit at a Private Residence 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 forty-five (45) days before the proposed Event;

ii) appear (or an authorized representative with sufficient knowledge of the event and authority to bind the owner 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; and

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.

c) The Select Board, or its designee(s), will make reasonable efforts to notify all direct abutters prior to the date of the meeting at which the issuance of a permit will be considered.

d) If the Select Board, or its designee(s), finds that sufficient controversy exists regarding any particular application, the Select Board may hold a public hearing, before which the applicant shall notify (and provided sufficient proof of such notification) abutters-to-abutters within three hundred (300) feet of the Private Residence at which the Event will be held. Any person who claims a particular Event will or would have an adverse effect on them may file a statement with the Select Board to support their assertion at least three (3) business days prior to the public hearing.

e) The Town Administrator will furnish copies of all Event Permits to the Building Department, the Fire Department, and the Police Department.

126-5. Exemptions. The following gatherings shall be exempt from the requirements of Chapter 126-4:

a) Events sponsored by the Town;

b) An assembly of students sponsored by any public school located in the Dukes County; and

c) An assembly or gathering held for the sole purpose of exercising activities protected by either the First Amendment to the United States Constitution or Article XLVI of the Articles of Amendment of the Massachusetts Constitution.

126-6. 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 from a resident 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 Chapter.

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

126-6. 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.

126-7. 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.