



Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, Ward 4
Joel D. Saslaw, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
Anne M. Manning-Martin
Thomas P. Walsh

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985



PEABODY CITY COUNCIL

Notice is hereby given that the **CITY COUNCIL of the CITY OF PEABODY** will conduct a public hearing on **THURSDAY EVENING, OCTOBER 22, 2015**, at 7:30 P.M., in the in the Frank L. Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

SECTION ONE: That the Zoning Ordinance of the City of Peabody entitled, City of Peabody Zoning Ordinance Adopted April 28, 2011 and Amended through August 27, 2015 is hereby further amended as follows:

By amending the Section 6 entitled Special Regulations and inserting a new Section 6.12 entitled General Attendance Events as follows:

- Section 6.12.1: Definitions
- Section 6.12.2: Purpose
- Section 6.12.3: Applicability
- Section 6.12.4: Intra-Municipal Coordination
- Section 6.12.5: Consultant Fees
- Section 6.12.6: Appeal
- Section 6.12.7: Severability
- Section 6.12.8: Noninterference

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.

A COPY OF THE ENTIRE TEXT OF THE PROPOSED AMENDMENT TO SAID SECTION 6 ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AND COMMUNITY DEVELOPMENT DEPARTMENT, 24 LOWELL STREET, PEABODY, MA DURING NORMAL BUSINESS HOURS AND POSTED ON THE CITY OF PEABODY WEB SITE AT WWW.PEABODY-MA.GOV.

PEABODY CITY COUNCIL
COUNCILLOR THOMAS P. WALSH
CITY COUNCIL PRESIDENT

Timothy E. Spanos
City Clerk

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6.12 General Attendance Events

6.12.1 *Definition:* General Attendance Event - An event that is hosted by a landowner or the landowner's designee upon said landowner's property the use of which is not otherwise in violation of statutory and local zoning requirements that involves admission of invitees or licensees through a paid ticket, credential issued by said landowner or designee, or, an open invitation to the public where sales of goods or services are to be offered to the persons present and:

A. expected attendance is projected to exceed 250 persons through the ticket sales and/or credential issuance process and/or open invitation to the public as aforesaid and as estimated by the Building Commissioner; or,

B. requires any one of the City of Peabody's departments to allocate resources to the supervision or logistical support of the event including but not limited to assignments of special details of personnel from any said department or alteration of the delivery of municipal services to accommodate the proposed activity the necessity of either of which deviates from the normal operations of the impacted department or changes to state, municipal or utility owned infrastructure.

6.12.2 *Purpose:* In addition to the purposes enumerated at § 15.7.1 of the Zoning Ordinance to ensure that the public safety and security are adequately addressed, to assure that the City is reimbursed for its increased costs associated with the event and to provide for commentary to abutters to the land sought to be used for the event.

6.12.3 *Applicability:* A landowner, except the City of Peabody, its departments and subdivisions, their licensees and permit holders, and, Peabody Municipal Light Plant, seeks to use it's, his or her property to host a general attendance event, shall obtain a special permit in accordance with GL c 40A, §§9 and 11, and, §§1 and 15.7 of this Zoning Ordinance and the Rules/Procedures of the City Council established under §§15.7.2-3.

6.12.4 *Intra-municipal Coordination:* Department heads who receives a request for special details of personnel, alteration of the delivery of municipal services from the normal operations of the department or changes to state, municipal or utility owned infrastructure to accommodate a proposed event shall report same to the Building Commissioner to ascertain the applicability of this section and, in the event a special permit application is advanced and relative to the above-said request then the subject department head shall provide a report to the council evaluating the safety, security and costs of the resource allocating of the department towards the supervision and logistical support of the event.

6.12.5 *Consultant Fees:* To evaluate the safety and security attendant to a general attendance event proposed under this section the City Council shall be entitled to the services of an outside consultant paid by the special permit applicant and calculated to address anti-terrorism issues enumerated pursuant to Homeland Security Act of 2002 and its amendments and the costs thereof, and the advisability and costs of activating mutual aid via the Massachusetts Emergency Management Agency and/or the Northeast Massachusetts Law Enforcement Council (Ref. GL c40 §§ 4J and 8G. The City council may require said fee to be paid at any time during the pendency of the special permit application.



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6.12.6 *Appeal*: Any decision of the City Council pursuant to this section shall be appealed in accordance with GL c 40A, § 17 to a court of competent jurisdiction.

6.12.7 *Severability*: The invalidity of any subsection or provision of this section shall not invalidate any other subsection or provision of this section.

6.12.8 *Noninterference*: The provisions of this section are not intended to repeal, amend, abrogate, annul, or in any way impair or interfere with any lawfully adopted charter provision, ordinance, regulation, rule, procedure or covenant, and, to the extent this section differs from the aforementioned authority that which imposes the greater restriction or the higher standard shall govern. Any and all other permits, approvals, variances or orders required from the various departments, boards and commissions to facilitate the undertaking of the proposed general attendance event are still must be secured by the petitioner.