

**Chapter 94
Colorfest**

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Article I
Definitions

§ 94-10 – Definitions

As used in this Chapter, the following terms shall have the meaning indicated.

1. BOARD OF COMMISSIONERS (Commissioners) – To include the Mayor and Commissioners for the Town of Thurmont.
2. COLORFEST – A festival held during the fall each year.
3. COMMERCIAL FOOD VENDOR – Any food vendor with equipment to prepare food on site. For the purpose of this Chapter only, the following are not commercial food vendors, but must obtain any permit required by the Frederick County and/or State of Maryland Department of Health:
 - a. vendors selling items prepared off site, not for immediate consumption, in sealed containers; and
 - b. beekeepers and demonstrators of grain processing.
4. OPERATE – to conduct business within the corporate limits of the Town any stand or booth or otherwise occupy space in which:
 - i. Games of skill or chance are conducted;
 - ii. Food or beverage is dispensed;
 - iii. Yard sales are conducted;
 - iv. Merchandise is sold; or
 - v. Vehicles are parked.“Operate” does not include existing businesses conducting their normal business.
5. RECREATIONAL VEHICLES – Includes, but is not limited to, a motor vehicle that is designed and constructed primarily to provide living quarters for recreational, camping, or travel use.
6. TOWN – Town of Thurmont
7. WEAPON – Includes, but is not limited to, air rifles, air guns, slingshots, handguns, pistols, BB guns, spring guns, gas-operated guns, pellet guns or rifles, paint ball guns or rifles, rifles, shotguns, or any other device designed and constructed to discharge any shot or other missile or projectile, grenades, bombs, explosives, knives and swords.

Article II
Purpose

§ 94-20 – Purpose

The purpose of this local law is to provide for the protection, health, and safety of the public in general by the regulation and licensing of any person or entity that operates during the Colorfest weekend within the corporate limits of the Town.

Article III
Permits

§ 94-30 – Permits and Fees

1. Permit Required – Except as otherwise provided in this Chapter, no person or entity may operate during Colorfest without a permit issued by the Town.
2. Permit Application - A permit application shall be completed, signed and submitted to the Town at the Town Office not less than one (1) business day before the first day of the Colorfest. No permit will be issued absent:
 - a. Payment of the permit fee, as determined by the Commissioners.
 - b. Agreement by the person or entity applying for and receiving the permit to indemnify and hold the Town harmless from any liability arising from the applicant's activities during Colorfest.
 - c. Agreement that each applicant shall display the Colorfest permit at his/her or its location in public view.
 - d. A properly issued license by the Frederick County Health Department and/or the State of Maryland Health Department for applicants dispensing food or beverages.
3. Fees - The Board of Commissioners may require persons operating parking areas to remit to the Town Office after Colorfest a portion of any fee collected as part of the fee for permit issuance. The permit holder is required to collect and remit to the Town any fees required by the Commissioners in full within the time limit as determined by the Commissioners. Failure to remit payment in full may result in the denial of future permits.
4. Failure to comply with any provision of this Chapter or any other Chapter of the Code of the Town of Thurmont, or any applicable county, state or federal law may result in the revocation of any permit or the denial of future permit applications.

§ 94-31 – Prohibited Acts

1. Persons are prohibited from selling weapons, look-a-like weapons, or other devices that could be mistaken as weapons during the Colorfest. This section shall not apply to persons who manufacture these weapons that are on display and for sale during the Colorfest in accordance with state and federal law.
2. Violation of this section shall be a municipal infraction. The penalty for violation of this section shall be a fine of fifty dollars (\$50.00). The sale and display of the prohibited items shall cease and be removed from display immediately upon the instruction of a police officer or code enforcement officer.

3. Failure to comply with an instruction to cease the sale and/or display of the prohibited items will result in immediate revocation of the Colorfest permit and shall be a municipal infraction. The penalty for violation of this section shall be a fine of one-hundred dollars (\$100.00).

§ 94-32 – Revocation of Permit

1. The permit of any applicant or operator may be revoked at any time during the Colorfest for violation of:
 - a. Any section of this Chapter;
 - b. Any Ordinance of the Town; or
 - c. Any applicable county, state or federal law.

When a permit is revoked, the permit shall immediately be surrendered to a police officer or code enforcement officer. All fees related to the issuance of the permit shall be forfeited.

2. Revocation of a permit may result in the denial of future permits.
3. Violation of this section shall be a municipal infraction. The penalty shall be a fine of one-hundred dollars (\$100.00).

Article IV
Set Back Requirements

§94-40 – Placement of Stands, Booths and Activities

1. Stands, booths or activities must be set back a minimum distance of eight (8) feet from the curb, edge of the street, right-of-way, or temporary walkway.
2. Violation of this section shall be a municipal infraction. The penalty for violation of this section shall be a fine of fifty dollars (\$50.00).

Article V
Special Areas

§ 94-50 – Residential Zone

1. Yard sales and commercial vendors are permitted in a residential zone.
2. Churches and/or recreational clubs located within residential zones which have a permit issued by Frederick County and/or the State of Maryland Department of Health may sell food on their premises. Only one commercial food vendor per property is permitted.

§ 94-51 – Commercial/Industrial Zone

1. For the purpose of this Chapter only, properties bordering Frederick Road from the intersection of Moser Road to and including Water Street are within this commercial/industrial zone.
2. Food sales, vendors, and yard sales are permitted in this zone. Only one commercial food vendor per property is permitted.

Article VI
Recreational Vehicles

§ 94-60 – Parking

Recreational vehicles will be allowed to park on Town property during Colorfest at such times and in such areas as designated by the Commissioners.