

ARTICLE VII. EVENT PERMITS¹

Sec. 18-250. Activities covered.

This article applies to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of all or a portion of any street or other public right-of-way or that substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way and special events on property owned or occupied by the town. Examples of special events include, but are not limited to, festivals, food truck rodeos, and concerts. Special events shall be considered only if sponsored by a local government, civic group, or nonprofit organization. Any such activity covered by this article shall hereafter be referred to as "the event."

Sec. 18-251 Definitions under this article.

Event Application - is the form used in making a request to hold an event.

Application Fee – is the administration charge for review of the application.

Simple Permit – is an approval for an event that requires no police presence, large scale road closures, portable toilets, amplification, or other amenities.

Full Permit – is an approval for an event that requires police presence, large scale road closures, portable toilets, amplification, or other amenities.

Sec. 18-252. Permit required.

No person may run, operate, or sponsor any event in any public street or right-of-way or on any property owned or occupied by the town without a permit obtained from the town in accordance with this article.

A simple permit may be issued by the Town Manager for events that do not require police presence, large scale road closures, portable toilets, amplification, or other amenities or town services for larger scale events.

If the Town Manager determines details of the event meet the requirement for a full permit, the permit will be placed on the agenda for consideration at a regular or special Town Board meeting.

Sec. 18-253. Application and application fee for an event permit.

An application for an event permit shall be completed, signed, and submitted at least 45 days prior to scheduled event commencement date. The Town, at its discretion and where good cause is shown, has the authority to consider an event permit application filed less than the required 45 days prior to the event. Application fees are non-refundable.

¹State law reference(s)—Authority to regulate parades, processions, etc., G.S. 20-169.

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Applications for an event permit authorized by this article shall be submitted on an application form provided by the Town Manager and shall contain the following information:

- (1) Name, address and telephone number of the person, organization or entity seeking to conduct or sponsor the event.
- (2) Name, address and telephone number of the individual in charge of the event.
- (3) The proposed date and time period when the event will be conducted.
- (4) A sketch map showing:
 - a. The area where the event is to take place.
 - b. Any streets to be closed or obstructed.
 - c. Any barriers or traffic control devices that are required.
 - d. The location of any concession stands, booths, tents, awnings, portable toilets, or other temporary structures or facilities.
 - e. The location of proposed fences, stands, stages, platforms, benches or bleachers.
- (5) The approximate (estimated) number of people expected to attend the event.
- (6) When applicable, a request that the town provide specified services and/or that the town close identified streets or portions of streets for a particular period.
- (7) Sufficient proof of liability insurance in accordance with section 18-82.
- (8) Any other information determined by the administrator to be necessary to ensure compliance with this article.
- (9) Statement as to use of amplification equipment including amplified music.
- (10) ABC permits and liquor liability insurance when applicable.
- (11) The ABC permit holder shall provide a plan indicating that all alcohol will be consumed in designated areas and will prohibit consumption from bottles and cans.
- (12) The application fee sufficient to compensate the Town for the administration of the event permit application review and any anticipated event preparations and activities.

The Town reserves the right to charge for any, and all, costs incurred as a result of, or related to, the event whether through prepayment or reimbursement.

Sec. 18-254. Staff review of application for event permit; simple permit.

Upon receipt of the permit application under this article, the town manager shall circulate it to the chief of police, the fire chief, the public works director, and other appropriate staff or outside agencies for their comment. The town manager may arrange to

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have a conference on the application with the applicant and staff members or outside agencies.

Simple permit applications can be approved by the Town Manager or designee.

Sec. 18-255. Board approval.

- (a) Before issuing a full permit under this article, the town board, at any regular or special meeting, shall review the permit application.
- (b) Should the board approve the event permit, it may impose reasonable conditions upon the approved event permit

Sec. 18-256. Insurance requirement.

The town board shall require as a condition precedent, or subsequent, to issuance of any event permit that the applicant obtain a comprehensive general liability insurance policy or comparable special events liability insurance policy issued by an insurance company authorized to do business in North Carolina, with coverage that includes the entire area of the event. The town shall be named as an additional insured on the policy. The policy limits of such insurance shall be not less than:

Liability insurance coverage of a minimum \$1,000,000 coverage including property damage, bodily injury or death. For events with alcohol sales, fireworks, mechanical amusements, membrane structures, live animals, or other potential hazards the minimum liability coverage shall be a minimum of \$3,000,000 coverage with \$1,000,000 per occurrence. For all events the Town also requires the execution of a policy rider indemnifying or otherwise holding harmless the Town for liability during the event.

Sec. 18-257. Fees; costs incurred by town.

- (a) A basic minimum fee sufficient to cover the costs of application review, administration, and provision of Town services shall be paid by the applicant. The amount of the total fees, service costs, and utilities due shall be based in part upon an estimate of the cost of services that will be incurred. A final invoice shall be paid by the event organizer upon the event's completion, but that does not prevent the Town from estimating costs to be incurred and collecting payment prior to the scheduled event.
- (b) In addition, if the town is requested to provide extraordinary services or equipment or the town otherwise determines that extraordinary services or equipment must be provided for reasons related to public health or safety, the town board shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.
- (c) The board shall require the applicant to pay to the town a fee sufficient to completely reimburse the town for the costs of any extraordinary services or equipment provided unless the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

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- (d) Cancelled event. The imposed fee may be refundable, in part, if the event is cancelled in writing with at least 7 calendar days prior notice. However, any part of the fee assessed as a cost to the Town of scheduled labor, services, and equipment rentals or deposits is non-refundable. The fee is refundable in cases where inclement weather, disaster, or other force majeure conditions occur that are beyond human control resulting in event cancellation.

The Town may impose reasonable fees and requirements upon the applicant as necessary to cover the costs of public services and equipment provided by the Town for the event. a fee is imposed, an estimate of the anticipated fee may be required to be paid at the time the permit is approved.

Should any damage to public property occur as a result of the event, the applicant shall be responsible for reimbursing the Town for the materials and labor costs to repair the damage.

The sponsor of an event shall be responsible for cleaning up all litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes place to the condition that existed prior to the event. The town board may require the sponsor to post a bond or other financial security sufficient to guarantee compliance with this section.

Sec. 18-258. Standards for issuance of permit.

- (a) The town board shall issue the permit authorizing the event unless it finds that:
- (1) The conduct of the event will require the assignment of so many police officers that the remainder of the town cannot adequately be protected.
 - (2) The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire or other emergency services cannot be provided throughout the town.
 - (3) The applicant has failed to obtain necessary permits or licenses, including any required building permit or privilege license, or the applicant is otherwise in violation of any town ordinance.
 - (4) The event will work severe hardship on persons occupying property adjacent to the site, location or route of the event as a result of the denial of access to property or for other substantial reasons.
 - (5) The event, if held at the time or at the location or along the route proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic.
 - (6) The applicant has failed to comply with any of the provisions of this article, including the payment of any fees required.

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- (7) The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity.
- (8) The applicant cannot meet, or is unwilling to meet, all the requirements of this ordinance, other Town ordinances, or any application conditions imposed by the Town.
- (b) If a permit is issued in accordance with subsection (a) of this section, the board may attach to it any reasonable conditions.
- (c) If the board finds that it cannot issue the permit for reasons specified in subsection (a) of this section, it may request the applicant modify the application to remove any objections to the issuance of the permit, and the applicant may do so without further notice or hearing.
- (d) Any event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any attached conditions.

Sec. 18-259. Street closings.

- (a) If the town board finds that the permit should be issued and that, to conduct the event, it is necessary to close a street or to reroute traffic, it may pass a resolution authorizing this to be done. No such resolution shall be passed affecting streets that are part of the state street system without the prior written approval of NCDOT.
- (b) The resolution shall identify the street or portion of the street to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic is to be otherwise limited. The resolution shall also direct the Town Manager to have appropriate traffic control devices installed to give notice of the temporary traffic controls.
- (c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with subsection (b) of this section.

Sec. 18-260. Security.

The applicant shall reimburse the Town of the cost of additional police services the Chief of Police and the Board determines is required to ensure public safety for the event.

Sec. 18-261. Exceptions.

This ordinance shall not apply to the following:

1. Any use of public property that is otherwise permitted by law.
2. Funeral processions supervised by a licensed mortuary.
3. Any local, state, or federal governmental agency acting within the legal scope of its authorized function.

Sec. 18-262. Alcohol sales and consumption.

For purposes of this ordinance, "alcohol" refers to malt beverages, unfortified wine, fortified wine, and spirituous liquor. Under no circumstances shall any other type of alcohol be approved.

A. Special events that include the tasting or sale of alcohol may only be considered for approval if requested for special events sponsored or cosponsored by Spring Hope Chamber of Commerce and only within the defined Railroad Depot Square Area.

B. For the Board to consider a request for the sale and consumption of alcohol, Spring Hope Chamber of Commerce and the cosponsor shall provide the following with the special event application:

(1) Location, hours of sales, site diagram, security procedures (volunteer and uniform staffing, ID checking, and dispensing operations), physical enclosure measures, parking locations for beer trucks, etc.

(2) The service of and consumption of alcoholic beverages must comply with all applicable federal, state, and local laws or regulations, including but not limited to the North Carolina Alcoholic Beverage Commission (ABC) licensing and other ABC regulations. Before a special event permit is approved, documentation shall be provided to the Town showing that the proposed alcohol sales comply with all ABC licensing and other ABC regulations.

(3) Alcoholic beverages may be served to consumers in glass, paper or plastic containers and in containers no larger than 16 fluid ounces.

C. The Town reserves the right to revoke the permit or require the applicant to discontinue alcohol sales and consumption whenever Town police determine the consumption of alcohol by participants becomes excessive, or whenever Town police determines participants are demonstrating unruly, loud, abusive, or other inappropriate behavior during the special event.

D. If the Board approves the sale and consumption of alcohol for a special event, the following shall apply:

(1) The applicant must post signs stating that alcoholic beverages are prohibited beyond the approved permitted area and that underage drinking is prohibited. Signs must be posted adequately designating the approved permitted area.

(2) All participants consuming alcohol must be provided and

wear a designating item to identify that they are of legal drinking age. The specific type of item the applicant proposes to issue is subject to approval by the Town. At a minimum, the item issued shall be so designed that it would prevent a person from transferring the identifier to another person.

- (3) All alcohol sales must end at least 45 minutes before the scheduled ending time of the special event.
- (4) The applicant must also provide a nonalcoholic beverage option.
- (5) Any other requirements determined by the Board shall be followed.

Sec. 18-263. Termination and revocation of event permit.

- A. A special event permit issued under this ordinance for a special event in progress may be terminated by the Chief of Police or his/her designee, if termination is a reasonable and necessary response to imminent danger or threat to public safety.
- B. A special event permit may be revoked by the Town for failing to comply with the conditions for the issuance of the permit, violating any provision of this ordinance or other applicable ordinances and state law.

Sec. 18-264. Violations and penalties.

- A. Failure to obey or violation of any provision(s) of this ordinance, or any order, requirement, or condition imposed as part of the permit approval, shall be a violation of this ordinance by the applicant and may result in the termination of the special event, revocation of the special event permit, and/or subject the violator to a fine as listed in Subsection b below. A future special event permit request may be denied based on a past violation of this ordinance.
- B. Any person failing to obey or who violates any provision of this ordinance, or any order, requirement, or condition imposed as part of the permit approval, shall be guilty of a misdemeanor punishable by a maximum fine of \$500.00.

Sec. 18-265. Severability.

If any part, provision or section of this ordinance is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.