

Town of McAdenville Code of Ordinances  
Chapter 7 Streets & Sidewalks  
Article III – Expressive Activities and Special Events

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## § 7.16 PURPOSE

This chapter is adopted for the purpose of regulating special events and public assemblies occurring, in whole or in part, on or within a town street, parking facility, sidewalk, or other public right-of-way or on private property, and which obstruct, delay or otherwise interfere with the normal flow of vehicular or pedestrian traffic, or which do not comply with applicable traffic laws or controls.

## § 7.17 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Applicant.** The person applying for the permit and responsible for the event.

**Chief of Police.** The Chief of Police or his designee.

**Code Administrator.** Administrator of the Code of Ordinance of the Town.

**Coordinator.** See Special Events Coordinator.

**Event.** Any parade, free speech event or public assembly.

**Event Coordinator.** See Special Events Coordinator.

**Event Organizer.** See applicant.

**Free Speech Event.** Expressive activity protected by the First Amendment of the United States Constitution, provided that such activity is the principle purpose of the event.

**Organizer.** See applicant.

**Parade.** Any organized march or organized procession of animals, vehicles, or persons (other than public employees acting within the scope of their employment), on or within a town street, parking facility, sidewalk, or other public right-of-way, other than a group of people participating in a free speech event or public assembly.

**Public Assembly.** Any group of people participating in an organized activity (other than public employees acting within the scope of their employment), on or within a town street, parking facility, sidewalk, or other public right-of-way, other than a group of people participating in a free speech event or parade.

**Special Event.** Those commercial and community activities subject to the provisions of this chapter, including, but not limited to, **Events** as defined above.

**Special Event Coordinator (Event Coordinator).** Person(s) designated by the Chief of Police as the public point of contact for the special event.

**Town Manager.** The Town Manager or his designee.

#### **§ 7.18 ADMINISTRATION BY CHIEF OF POLICE.**

The Chief of Police or his designee shall issue permits for special event occurring within the town limits, pursuant to the procedures established in this chapter. The Chief of Police will designate a Special Event Coordinator to act as the public point of contact for any special event permit issued. The Special Event Coordinator is authorized to impose reasonable conditions on any special event permit holder as a condition of permit approval, including change of venue, requirements that subject the permit holder to reimburse the town for expenses, and any other conditions deemed appropriate by the Event Coordinator.

#### **§ 7.19 ISSUANCE OF A SPECIAL EVENT PERMIT DOES NOT OBLIGATE TOWN SERVICES.**

Issuance of a special event permit under this chapter does not obligate or require the town to provide town services, equipment, supplies, or personnel in support of a special event. Should it be determined that town services are needed to produce an event, the applicant shall be required to reimburse the town for the services as a condition of permit approval.

#### **§ 7.20 SPECIAL EVENT PERMIT REQUIRED.**

Except as provided elsewhere in this chapter, any person or entity who conducts, promotes, or manages a special event shall first obtain a special event permit from the town and display, or be able to produce, the permit upon request of any party.

#### **§ 7.21 EXCEPTIONS TO SPECIAL EVENT PERMIT REQUIREMENT.**

- (A) Exempted activities.
  - (1) Parades, athletic events, or other special events that are sponsored or conducted in full by the town;
  - (2) Funeral processions organized by a funeral director licensed by the State of North Carolina;
  - (3) Gatherings of 75 or fewer people on public property, unless the gathering impacts a roadway; alcoholic beverages will be sold, possessed, or

consumed; or merchandise or services will be offered for sale or trade to the public;

- (4) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, anniversary sales, etc.;
- (5) Garage sales, yard sales, attic sales, rummage sales, lemonade stands, and charity car washes;
- (6) Private events held entirely on private property that do not involve the use of, or have an impact on, public property, public roadways or public facilities and that do not require the provision of town public safety services, in which case a special event permit is required;
- (7) Activities conducted by a governmental agency acting within the scope of its authority; and
- (8) Lawful picketing on sidewalks.

#### **§ 7.22 NO WAIVERS PERMITTED.**

All event organizers whether exempt from the special event permit requirements or not, are required to comply fully with all local, state and federal laws and regulations, including any permit requirements that may be required separately from this chapter. The issuance of a special event permit pursuant to this chapter does not waive any other requirements; including, but not limited to: NCDOT Road Closure Permits, Local and/or State ABC Permits, Health Department Permits, Fire Marshall or Fire Department Permits or Inspections, building permits, zoning permits, etc.

#### **§ 7.23 EVENT ORGANIZER RESPONSIBILITY.**

It shall be the responsibility of the event organizer to determine if any other permits may be required and to obtain and comply with those permits. A copy of any permit required to be obtained from any other agency shall be provided to the town as a part of the special event permit application process. Failure to comply with this subsection shall be grounds for denial or revocation of a special event permit issued under this chapter.

#### **§ 7.24 APPLICATION FOR PERMIT: TIME REQUIREMENTS.**

- (A) Special Event; Non-expressive Activity
  - (1) Except as otherwise provided in this chapter, application for non-expressive special events must be received by the Chief of Police no less

than ninety (90) days in advance of event. This requirement applies to both new and recurring events.

- (2) Upon good cause shown, and provided that there are no significant risks or burden to the town, the Chief of Police may, at his discretion, consider a shorter application period.
- (3) Event organizer may be required to meet with the Chief of Police or assigned event coordinator prior to issuance of a permit. Failure to comply with this subsection shall be grounds for denial or revocation of a special event permit issued under this chapter.

(B) Special Event; Expressive Activity; Free Speech

- (1) An application for an expressive activity special event permit shall be filed with the Chief of Police no less than ten (10) calendar days before the time the event is scheduled to be conducted.
- (2) Upon good cause shown, and provided that there are no significant risks or burden to the town, the Chief of Police may, at his discretion, consider a shorter application period.
- (3) Event organizer may be required to meet with the Chief of Police or assigned event coordinator prior to issuance of a permit. Failure to comply with this subsection shall be grounds for denial or revocation of a special event permit issued under this chapter.

**§ 7.25 APPLICATION FOR PERMIT: FORM AND CONTENT.**

(A) Applications for a permit requesting permission to hold a special event shall be filed by a natural person (no corporations or business names are to be used), shall be submitted only in a form prescribed by the Chief of Police, and shall be accompanied by an application fee, if applicable, in an amount established by the Board of Commissioners not to exceed the reasonable costs of town services required.

(B) An application for a special event permit is deemed complete when the applicant has provided all of the information required by this chapter, including any additional information required by the Chief of Police or the assigned event coordinator. This information may include, but is not limited to:

- (1) A statement of the purpose of the special event;
- (2) A statement of the fees to be charged for the special event, including admissions tax documentation;

- (3) A written and sketched description of where the event is to be located;
- (4) Dates and times when the special event is to be conducted;
- (5) The approximate times when assembly for, and disbanding of, the special event is to take place;
- (6) The proposed locations of the assembly or production area;
- (7) If a route of any kind is involved, the specific proposed route including a written description and map of said route;
- (8) The proposed site of any reviewing stands;
- (9) The proposed site for any disbanding area;
- (10) Proposed alternate routes, sites, or time when applicable;
- (11) A good faith estimate of the number of persons, animals or vehicles that will participate in and attend the event, including how those estimates were derived;
- (12) The kinds of animals, if any, anticipated to be part of the special event;
- (13) A description of the types of vehicles to be used in the special event;
- (14) The number of bands or other musical units, and the nature of any equipment to be used to produce sounds or noise;
- (15) The number and location of portable sanitation facilities;
- (7) The number and location of waste receptacles, including schedule for emptying and disposal/pick-up;
- (17) Other equipment or services necessary to conduct the special event with due regard for participants and public health and safety;
- (18) The number of persons proposed or required to monitor or facilitate the special event, and provide spectator or participant control and direction for special events using town streets, sidewalks or facilities;
- (19) Provisions for first aid or emergency medical services, or both, based on special event risk factors;
- (20) Insurance and surety bond information;

- (21) Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity;
- (22) The marketing plan with proposed timelines associated with marketing the activity to the general public;
- (23) Event timeline documenting all activities from event set-up to event tear-down;
- (24) Acknowledgement of awareness of the Town of McAdenville's noise ordinance and agreement to comply; and
- (25) Any other information required by the Chief of Police or event coordinator.

**§ 7.26 APPLICATION FOR PERMIT: APPROVAL AND ISSUANCE.**

(A) Permit Approval: The Chief of Police may issue a special event permit when, based upon the completed application and meeting with the event organizer, it is determined that all of the conditions listed in this section have been met:

- (1) The special event organizer agrees to provide funding for all town-provided services and equipment, if required and determined by the sound direction of the Chief of Police, to adequately provide for public safety during the event;
- (2) The special event will not substantially interrupt public transportation or other vehicular or pedestrian traffic in the area of its route;
- (3) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- (4) The special event will not block traffic lanes or close streets during peak commuter hours (weekdays between 6:30 a.m. until 9:00 a.m. and 5:30 p.m. until 7:00 p.m.);
- (5) The special event will not require the diversion of police employees from their normal duties;
- (6) The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, medical or other emergency vehicles on the streets;
- (7) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en route;

- (8) The special event will not substantially interfere with any other special event for which a permit has already been granted, any town sponsored event that did not require a permit, with the provision of town services in support of other scheduled special events or any unscheduled governmental functions;
- (9) The special event will not have significant adverse impact upon residential or business access and traffic circulation in the same general venue;
- (10) The special event will not cause undo interference with the peaceful enjoyment of neighboring properties;
- (11) The special event will not violate any other ordinance or regulation not specifically exempted and noted on the special event permit.

(B) Conditions for Approval: The Chief of Police or his assigned event coordinator may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are deemed necessary to protect the safety and rights of persons and property as well as the control of traffic. A special event permit may include, but is not limited to, the following information or conditions:

- (1) An alternate location of the special event venue, which may be identified by a map attached to the special event permit;
- (2) An alternate date, assembly area, time for assembly and starting time of the special event;
- (3) The specific route plan of the special event;
- (4) The minimum and maximum speeds of the event;
- (5) The number and types of persons, animals, vehicles and structures at the event; the number of bands, other musical units, equipment capable of producing sound, limitations pertaining to noise abatement, approval and/or inspection of floats, structures, decorated vehicles, etc. for safety purposes;
- (6) The portion of the street(s) and sidewalk(s) that is/are to be occupied by the special event;
- (7) The number and location of traffic controllers, monitors, other personnel and equipment, and barricades to be furnished by the special event organizer;
- (8) The area and time for disbanding; and



- (9) Such other information and conditions as are deemed reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for a professional event management company to produce an event, or for the on-site presence of the event organizer, or its designated representative, for all special event coordination and management purposes.

**§ 7.27 DENIAL OF A SPECIAL EVENT PERMIT.**

- (A) Reasons for denial: The Chief of Police may deny a special event permit if:
- (1) The applicant fails to provide for sufficient number of personnel, including but not limited to:
    - (a) Trained and certified traffic controllers;
    - (b) Monitors for crowd control and safety; or
    - (c) On-site event organizers available throughout the event.
  - (2) The applicant fails to provide sufficient safety, health, or sanitation equipment services or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for safety of the public;
  - (3) The applicant fails to provide sufficient off-site parking, shuttle service or both when required to minimize any substantial adverse impact on general parking and traffic circulation in the vicinity of the special event;
  - (4) The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this chapter, or has fail to submit application information in a timely and sufficient manner to show such compliance;
  - (5) The applicant has failed to conduct a previously authorized or exempted special event in accordance with law or the terms of a permit, or both;
  - (6) The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur;
  - (7) The applicant has failed to pay all fees due from previous special events;
  - (8) The applicant fails to cooperate fully with the requirements of the Chief of Police or the assigned event coordinator, including the timely submittal of required documents or general cooperation with town staff; or

- (9) The applicant has failed to comply with any term of this chapter or with any condition of a special event permit previously issued to the applicant.

(B) **Superseding Reasons for Denial:** Even when all conditions are met for approval of a special event permit, the permit may be denied when in the informed judgment of the Chief of Police or event coordinator:

- (1) The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;
- (2) The special event will violate public health or safety laws; or
- (3) The special event fails to conform to the requirements of law or duly-established town policy.

**§ 7.27 (a) REVOCATION OF SPECIAL EVENT PERMITS.**

(A) **Procedural Revocation:** The Chief of Police may issue a written revocation of an issued special event permit if any of the following occur:

- (1) The applicant fails to meet any of the provisions of this chapter;
- (2) The applicant fails to meet any permit conditions imposed by the Chief of Police or event coordinator;
- (3) If any information submitted by the applicant is determined to be false or has in any way been misrepresented by the applicant;
- (4) If any information submitted by the applicant is determined to be incorrect or that misinformation substantially affects or threatens to substantially affect the planning or safety of the special event; or
- (5) If any previously met conditions required by this chapter, or imposed by the Chief of Police or event coordinator, fail to remain in compliance during the period from permit issuance date until the end of the event period.

(B) **Emergency Revocation:** The senior ranking police officer may revoke a special event permit immediately when it is determined by that officer that continuing the permitted event could unreasonably endanger the safety of the public, and may take reasonable steps to achieve the cessation of the unsafe event.

## **§ 7.27 (b) APPEALS.**

Upon denial of a special event permit pursuant to this chapter, the Chief of Police shall notify the applicant in writing as soon as is reasonably practicable. The denial or procedural revocation of a special event permit may be appealed to the Code Administrator. An emergency revocation of a special event permit is not eligible for appeal. Eligible appeals must be made in writing and must detail how the decision to deny the permit was not consistent with the provisions of this chapter. The decision of the Code Administrator is final.

## **§ 7.28 COST RECOVERY FOR SPECIAL EVENTS.**

If town resources are determined necessary by the Chief of Police for a special event permitted pursuant to this chapter or if town resources must be utilized for any event whether permitted or not, the event organizer shall be responsible for all town costs related to the event as follows:

(A) Permitted Special Events: When an event is permitted under this chapter, the event organizer shall be responsible for hourly personnel costs, for all town employees deemed necessary for the event, at a rate provided to the event organizer during the permit process. In addition, the event organizer shall be responsible for any cost(s) that may arise due to unexpected high attendance or unforeseen emergencies.

(B) Exempted Special Events: When an event is exempted pursuant to this chapter and the exemption is disqualified for any reason, the event organizer shall be responsible for all expenses related to equipment and personnel incurred by the town, if any, including any overtime, extra-duty pay, or specialty equipment that may have been required.

(C) Illegal Special Events: When an event organizer fails to obtain a special event permit required by this chapter, the organizer of the event shall be responsible for all expenses related to the mitigating of special event public safety concerns, and may be subject to both civil penalties and criminal charges under this chapter.

(D) Event Clean-Up: Should any special event, permitted or not, require resources of the town to clean the area of the event, dispose of trash, remove debris, etc. after disbandment of the event the event organizer shall be responsible for all personnel, equipment and disposal charges incurred to the town as a result of returning the event location to its pre-event state.

## **§ 7.29 INSURANCE REQUIREMENTS.**

(A) As a condition precedent to the issuance of a permit authorizing a special event, the applicant shall obtain public liability insurance that shall provide “occurrence” coverage against liabilities for death, personal injury, or property damage arising out of, or in any way connected with, such event. Such insurance shall be in the amount of at

least \$1,000,000 combined single limit, and shall name the Town of McAdenville, the town's officers, employees and agents as additional insureds under the coverage afforded. In addition, such insurance shall be primary and noncontributing with respect to other insurance available to the town and shall include a severability of interest (cross liability) clause. Proof of such insurance shall be filed with the special event application.

(B) Waiver of Insurance Requirements; Free Speech: The insurance required by this section shall be waived or modified by the Chief of Police for any permit authorizing a special event involving an exercise of free speech rights, if it would create an undue burden on such exercise.

(C) Waiver of Insurance Requirements; Other: Any applicant for a special event permit, that is not a free speech event, may request and obtain a waiver of this insurance requirement from the office of the Town Manager. The applicant shall be required to submit this letter of waiver from the Town Manager with the special event application. The decision to waive the special event insurance requirement shall be made at the Town Manager's sole discretion and may not be appealed.

#### **§ 7.29 (a) INDEMNITY AND WAIVERS.**

(A) The applicant/event organizer/special event permittee hereby shall assume all risks incident to, or in connection with, the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person(s) or property, directly or indirectly, arising out of or in connection with the permitted activity or the conduct of applicant's operation.

(B) The applicant hereby expressly agrees to defend and hold harmless the town from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation, or resulting from the negligence or intentional acts or omissions of the applicant or its officers, agents or employees.

#### **§ 7.30 SPECIAL EVENTS INVOLVING ALCOHOLIC BEVERAGES.**

The issuance of a Special Event Permit by the Town does not allow the event organizer to permit the possession, consumption or sale of alcoholic beverages at the event. In order to allow the possession, consumption or sale at a Special Event within the Town the event organizer must:

(A) Obtain a Limited Special Occasion Permit from the Town; and

(B) Obtain any necessary permit(s) from the NCABC Board. The fact that the event organizer may already possess an ABC permit(s) from the NCABC Board does not exempt the organizer from obtaining a state permit for the specific purpose of the special event for which they have applied for a permit;