

DRAFT

Chapter 15 OUTDOOR EVENTS

DIVISION I GENERALLY

Sec. 15-1. Overview

This section establishes regulations for the use of property for outdoor events within the town limits, and it is applicable to only to commercial properties only where the expected number of attendees exceeds 100.

Commercial vendors must obtain a permit by submitting an Outdoor Event Request Notification, which shall include detailed information regarding the proposed event, including but not limited to estimated attendance, location, potential traffic impacts, parking, and other relevant logistical considerations.

If upon review of the Outdoor Event Notification Request, the town determines that the event may significantly impact public safety, the applicant shall will be required to obtain an complete and submit Outdoor Event Commercial Permit, referred to herein as the outdoor event permit. This permit shall must require the applicant to provide include a security plan approved by the town to the town to address traffic disruption, parking, pedestrian safety, starting and ending times, lighting, and any other factors bearing on the safety, order, and accessibility of streets and sidewalks, including sign size, maximum number of persons in an area, sound amplification, and control of animals as determined by the town and as further described herein.

Sec. 15-21. Definitions.

The following words, terms and phrases, when used in this ~~chapter~~ article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person or business entity applying for an outdoor event permit.

Commercial refers to any property, buildings, or areas that are zoned or used for commercial purposes, including but not limited to retail, service, office, hospitality, or other business activities involving the sale of goods or services. Commercial areas are those designated as such in the Town's zoning map or land use regulations.

Outdoor event means any scheduled event, not under roof, on privately owned, non-residential property including, but not limited to, outdoor gatherings open to the general public, circuses, carnivals, fairs, or concerts.

~~Exceptions: The permit provisions of this section will be optional for the following:~~

- ~~(1) Events attended by fewer than 50 patrons shall be exempt from obtaining a permit, except those where alcoholic beverages will be consumed or sold. Events where alcoholic beverages will be sold or consumed shall be exempt from obtaining a permit if they are attended by fewer than 25 patrons.~~
- ~~(2) Activities organized and conducted by the U. S. Government, Commonwealth of Virginia, or Town of Haymarket are exempt.~~

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~32~~. Location.

Outdoor events shall be located where permissible by chapter 58 of the town ~~C~~code. These regulations apply to privately owned, non-residential property only. These requirements shall not apply to outdoor events on residential property; however, nothing herein shall be construed as to exempt residential property from any other requirements of the town ~~C~~code including, but not limited to requirements for building permits and compliance with the town's noise ordinance.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~43~~. Structures.

No permanent structures, as defined by chapter 10 of the town Code, shall be constructed for an outdoor event. In addition to an outdoor event permit as required by this ~~chapter~~~~division~~~~article~~, the applicant shall obtain all other permits required by federal, state, and town regulations including, but not limited to, the Uniform Statewide Building Code and the Fire Prevention Code. All signs shall conform to the requirements of chapter 58 of the town ~~C~~code.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~54~~. Public health.

- (a) *Food.* ~~The A~~applicant shall provide adequate food safety measures in accordance with article II of chapter 22 of the town ~~C~~code; and the applicant shall secure any required permit(s) from the Prince William Health District.
- (b) *Storage, removal and disposal of garbage and trash.* ~~The A~~applicant shall provide adequate storage and disposal on-site for all garbage and trash generated during the event. ~~The A~~applicant shall guarantee in writing the removal, ~~and~~ proper containment and disposal of all structures, signs, trash, or debris from the outdoor event site and the immediate vicinity upon termination of the outdoor event, and shall ~~complete~~~~accomplish~~ such removal and containment within 24 hours after permit expiration. All trash and garbage generated by the event shall be properly disposed of off-site by the applicant no later than the ~~next~~ ~~business~~ day following the event.
- (c) *Toilet and sanitary facilities.* ~~The A~~applicant shall provide adequate sanitary facilities at the site of the outdoor event as determined by the town and, when necessary, shall obtain the approval of the Prince William Health District.
- (d) *Amusement rides.* ~~The A~~applicant shall have all amusement rides inspected and approved by a licensed and credentialed third party inspector at applicant's expense. The inspection report and third party approval shall ~~must~~ be submitted by the applicant to the town and reviewed by the town building official prior to the day of the event opening.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~65~~. Emergency services.

For any proposed outdoor event where the expected number of attendees exceeds 100 ~~50~~, and for any outdoor event where alcohol will be offered for consumption or for sale, supplemental police, fire, or rescue services ~~shall~~~~may~~ be required as deemed necessary by the town to protect public health, safety, and welfare. The cost of these services shall be fully paid by the applicant.

Security plan. ~~Prior to obtaining an outdoor event permit, the applicant shall~~ apply for and obtain an approved submit a security plan ~~from~~ the town to address traffic disruption, parking, pedestrian safety, starting and ending times, lighting, and any other factors bearing on the safety, order, and accessibility of streets and sidewalks, including sign size, maximum number of persons in an area, sound amplification, and control of animals related to the outdoor event. The plan shall further outline cooperation with the police department, informational meetings with residents or businesses that may be impacted, and other nuisance abatement issues deemed necessary by the town. The town shall provide model security plans for different types and sizes of event upon request and will provide reasonable assistance to the applicant to prepare the security plan. A security plan may be rejected only if it presents grounds under which a permit would be denied under subsection (c) of this section or creates an unreasonable risk of injury to pedestrians or unreasonable interference with lawful businesses, commerce, professions, non-profit organizations, or civic events. For a renewal, the town will require a new security plan (and a new application fee) if the existing security plan provide inadequate under this standard.

(a) Street closures and parades.

- (1) The security plan shall be accompanied by 1) proof of insurance with an insurance company licensed to do business in the commonwealth and insuring against personal injury, death, and property damage resulting from the temporary use of the street in a coverage amount of at least \$1,000,000.00, naming the town as an additional insured, as authorized for by Code of Virginia, § 15.2-2013(2); and 2) an approved closure permit issued by the Virginia Department of Transportation (VDOT). However, under Code of Virginia, § 15.2-2014, the town manager may temporarily close any public right-of-way to vehicular traffic when in his or her judgment the public safety so requires, and if an applicant is unable to obtain insurance. This provision will be utilized only under unusual or exigent circumstances and not meant to supplant the requirement to secure the VDOT permit.
- (2) The security plan shall provide for sworn law enforcement personnel to direct traffic for any parade or for a street closure if necessary for public safety. The number of officers required shall be a based solely on the number of participants and the location of the event. For purposes of this section, counter-demonstrators are not participants.

(b) An applicant shall submit any required security plan to the town with the application.

(c) Any person hired to provide security under a security plan shall be either sworn law enforcement personnel or a security officer licensed by or registered with the Virginia Department of Criminal Justices Services. The chief of police may require that security be provided by sworn law enforcement personnel for active crowd control needs, traffic control on streets and highways, and events with anticipated attendance over 100.

(d) The chief of police or designee will review all security plans within ten business days of the application's receipt and notify the applicant immediately if the plan is rejected, giving the reasons for the rejection. The applicant may revise a rejected plan and resubmit it at least five business days before the event. If the resubmitted plan resolves the deficiencies noted in the rejection and there are no other grounds for rejecting the permit, the permit shall be granted. No changes may be made to an approved security plan without express, written consent of the town.

(e.) If the chief of police or designee rejects the proposed safety plan, he or she will inform the applicant of the right to appeal his or her decision to the town manager.

(f.) The security plan shall provide for the applicant to pay costs of any law enforcement personnel or private contractors as proposed under the security plan, including any actual overtime pay but not including any overhead, fuel, or incidental costs. The applicant shall pay all costs incurred within ten calendar days after billing. Late payment shall incur a ten percent penalty and ten percent per year interest.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~76~~. Ingress and egress, traffic control and parking.

~~The A~~applicant shall provide adequate and safe ingress and egress during the outdoor event. ~~The A~~applicant shall provide adequate parking for the event on-site or through an approved off-site parking plan. Parking or stopping in public rights-of-way shall be prohibited. When, in the judgment of the chief of police, substantial traffic impacts are anticipated, the applicant may be required to proactively warn ~~the public about or message out the~~ traffic impacts of the event. This may ~~require the applicant to provide~~include advance signage, such as variable message boards ~~as determined by the Town~~.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~87~~. Right of entry of police.

~~The applicant shall permit M~~members of the police department ~~to may~~ enter any outdoor event during its set-up, operation, and break-down, or as otherwise permitted by law, to protect the health, safety, and welfare of the town.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~98~~. Noise control.

All outdoor events and the use of amplified sound shall conform to the requirements of chapter 18 of the town ~~C~~code.

(Ord. No. 2015-007, 7-7-2015)

DIVISION 2. PERMIT

Sec. 15-~~109~~. Filing and general contents of application.

- (a) No person shall conduct, maintain, organize, advertise, or permit the use of his premises for, any outdoor event, without first obtaining a permit so to do issued in accordance with this ~~chapter~~division.
- (b) Every person desiring a permit required by this ~~chapter~~division shall submit an application to the town manager or designee. Such application shall be filed not less than 21 days prior to the beginning of the outdoor event and shall show thereon, or by attachment thereto, the following:
 - (1) The exact location, by street address of the premises at which it is planned to conduct the outdoor event, including therein all land to be used for parking or other uses necessary or incidental to the outdoor event, together with written permission(s) from the owner or tenant of such property authorizing or permitting the outdoor event.
 - (2) A detailed description of the proposed outdoor event including date(s) and times, location, maximum number of expected attendees per day, and a contact name and telephone number of at least one person who will be on-site during the event.
 - (3) A plat or drawing showing the location of all signs, structures, outdoor furniture, onsite and/or offsite parking, equipment, and lighting to be utilized on a lot or parcel in connection with the proposed event.

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- (4) Documentation or a letter of permission shall be provided stating the specific location of restrooms that will be available to the applicant throughout the duration of the event.
 - (5) A security plan, if required by section 15-~~65~~.
 - (6) The permit application fee, as specified in section 15-~~1110~~.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~1110~~. Application fee.

Each application for a permit under this ~~chapter~~~~division~~ shall be accompanied by a nonrefundable application fee as provided in the Town of Haymarket fee schedule. ~~of \$300.00~~. An application for a permit at the same venue and possessing a similar footprint by the same applicant will be reduced in accordance with the Town of Haymarket fee schedule ~~to \$100.00 for additional applications.~~

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~1211~~. Applicant may be required to meet additional conditions.

~~(a)~~ Any applicant for a permit required by this ~~chapter~~~~division~~ may be required, by the town, to meet any conditions, in addition to those specified in this ~~chapter~~~~division~~~~article~~, prior to receiving a permit to conduct an outdoor event, which are reasonably calculated as necessary to protect the health, safety, and general welfare of the persons attending such gathering, local residents, or the public in general. Examples of conditions to protect health, safety and welfare include hours of operation and placement of sound equipment, medical plans in case of high heat, alcoholic beverage requirements imposed as a condition of an ABC permit, signage for egress, crowd maximums, conditions imposed under a VDOT or other state permit, and oversight and/or inspection of games or other devices not covered by inspections of amusement devices.

~~(b) No applicant can hold an event conflicting with the town's event schedule of public or privately sponsored events.~~

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~1312~~. Maximum number of events annually as an accessory use.

Except when outdoor events are a permitted use for the property under the town's zoning ordinance, no more than five outdoor events of any kind may occur on the property during any calendar year.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~1413~~. Issuance or denial.

- (a) The town manager or designee ~~is authorized to shall~~ issue the outdoor events permit in accordance with the application and plans, deny the permit, ~~and/or~~ set conditions, ~~which must be met, or security given that they will be met,~~ before a permit may be issued.
- (b) The town shall authorize the issuance of a permit for an outdoor event, if it finds that:
 - (1) The outdoor event will be held at a location which complies with and meets all of the health, building, zoning, fire, ~~and~~ safety requirements, ~~and~~ all standards of the applicable federal, state and local laws, of the state and ordinances, and regulations of this town applicable thereto.

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- (2) All information required by this ~~chapter~~division in the application and all documents required by this ~~chapter~~division have been filed and provided to the town.
 - (3) The proposed outdoor event will be conducted in full accordance with all requirements of this ~~chapter~~division~~article~~ and will not in any way substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety, or general welfare, or be materially detrimental to the property of other persons located in the vicinity of such use as determined by the town.
 - (4) All facilities required by this ~~chapter~~division~~article~~ will be furnished by the applicant and that all prior approvals required by this ~~chapter~~division~~article~~ have been obtained.
- (c) Reimbursement for security services outlined in section 15-~~65~~(f), must be paid within ten days of invoicing. Should any fees remain unsatisfied, the permit for any subsequent event by the same applicant may be denied or revoked by the manager.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~15~~14. Transfer.

No permit issued under the provisions of this ~~chapter~~division shall be transferable or movable to another location or another ~~individual or entity~~person.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~16~~15. Revocation.

- (a) The town manager or their designee may revoke any permit issued pursuant to this ~~chapter~~division for any of the following causes:
 - (1) The applicant fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of the permit.
 - (2) The applicant knowingly permits the outdoor event to be conducted in a disorderly manner or knowingly allows any person to remain on the premises while intoxicated by alcohol, marijuana, or any controlled substance.
 - (3) The applicant violates, or attempts to violate, any law of the state or the provisions of this ~~chapter~~code or any other ordinance of the town related to the public health, safety or welfare.
 - (4) The town finds that the applicant made a false, misleading, or fraudulent statement of material fact in the application for the permit or any other document required by this ~~chapter~~division.
 - (5) The continued operation of the outdoor event would constitute a threat to public health, safety, or welfare.
- (b) Such revocations shall become effective immediately. The chief of police or police officer in charge on the scene ~~shall~~may close the outdoor event upon revocation.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-~~17~~16. Enforcement and Penalty for violation ~~of article~~.

Violations of this ~~chapter~~article shall constitute a Class 2 misdemeanor.

(Ord. No. 2015-007, 7-7-2015)

Sec. 15-187. Exceptions to permit requirement.

(a) No permit shall be required for any outdoor event conducted:

(1a) By or on behalf of any federal, state, or local government agency;~~or~~

(2b) ~~On a property which consists of at least three contiguous acres, has at least one on-site parking spot for every three people expected at the event, and has an entrance from the public right-of-way which meets the Virginia Department of Transportation standards for a "commercial entrance."~~

(b) Without exception, no applicant can hold an event conflicting with the town's event schedule of public or privately sponsored events.

(Ord. No. 2015-008, § 1, 9-8-2015)