

### **5.xx Purpose.**

The purpose of this chapter is to provide for and regulate the use of public property owned by the town for special events and to ensure that public property is reasonably available and safe for use by the public.

### **5.xx Definitions.**

For purposes of this chapter, the following terms shall have the following meanings:

"Block party" means a gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and the use of the street for the gathering including but not limited to barbecue, music or games.

"Major special event" means a special event that has either:

1. One hundred or more participants;
2. Directly impacts a public right-of-way or public park area for more than one hour; or
3. Requires a special event liquor permit pursuant to liquor licensing regulations.

"Minor special event" means a special event which does not qualify as a major special event, and may be approved administratively.

"Parade" means a march or procession with individuals, animals or vehicles, or combination thereof, on any public street, sidewalk or public right-of-way within the town boundaries.

"Parks" means all municipal recreational areas and facilities owned, leased, or operated by the town and open to the public or available for public use.

"Private event" means an event that is not open to the general public, but occurring on public property, including but not limited to birthday parties, weddings, reunions, and require venue rental application.

"Public property" means any property owned or controlled by the town and open to the public or available for public use, including but not limited to public streets, rights-of-way, sidewalks, parks, and public buildings.

"Special event" means a temporary activity open to the general public and occurring on public property, including without limitation, block parties, parades, soap box derbies, rallies, walks, running or bicycle races, fundraisers, picnics, or sports tournaments.

### **5.xx Permit or reservation requirement.**

- A. Any person desiring to conduct a special event on public property shall first obtain a special event permit from the town.
- B. Any person desiring to hold a private event shall obtain appropriate approval from the town office utilizing the respective venue rental reservation application. Private events requiring a street closure shall obtain a permit pursuant to this chapter. Private events not requiring a street closure are governed by the town's facility use rules.

### **5.xx Application.**

- A. Any person desiring to sponsor or conduct a special event shall apply for a special event, as applicable, by filing an application provided by the town.
- B. At a minimum, the application shall include the following information:
  1. The applicant's name, address, and phone number and if applicable, the main contact for the special event;

2. The date and time of the special event, including the estimated set-up period, the start time, the end time, and the estimated break-down and clean-up period;
  3. A map showing the proposed location of the special event including a detailed map of the route, if applicable, and layout of the special event;
  4. The nature of the special event;
  5. The estimated number of participants and animals, if any;
  6. The estimated number of vehicles;
  7. A waste disposal and clean-up plan;
  8. A parking plan, if the number of participants is anticipated to be one hundred or more;
  9. A list of vendors, if items will be sold at the special event;
  10. A description of any planned amplified noise, and the respective request form completed;
  11. A statement as to whether the special event will involve hazardous, combustible or flammable materials and, if so, the safeguards planned; and
  12. Any other information requested by the town relevant to either this criteria or the possible conditions that may be imposed that will aid the town in deciding whether to issue the special event permit and under what conditions.
- C. Applications for major special events must be filed with the town not less than six months nor more than one year prior to the event.
- D. Applications for minor special events must be filed with the town at not less than sixty days nor more than one year prior to the event.
- E. Applications for private events, requiring a reservation, shall be filed with the town as soon as possible prior to the private event.
- F. The town office may waive the application deadlines above for good cause demonstrated by the applicant. Good cause shall not include circumstances where the applicant had the opportunity to apply by the applicable deadline but failed to do so without a reasonable basis.
- G. Each application shall be accompanied by a nonrefundable application fee as set by Resolution in the Town Master Fee Schedule, which shall defray the costs of processing the application.
- H. Each application shall also be accompanied by any applicable deposit as established by Resolution in the Town Master Fee Schedule. Deposits shall be refunded if the application is denied.
- I. Each application shall be accompanied by an indemnification agreement stating that the applicant, in exchange for issuance of the special event, agrees to reimburse the town for any costs incurred by the town in repairing damages to public property caused by the sponsors of the special event or the participants in the event, or by actions that the sponsors directed, authorized, or ratified, and also agreeing to defend the town against, and indemnify and hold the town harmless from any liability to any person or property that arise from or are related to the special event.

**5.xx Criteria for denial.**

- A. The town shall approve an application for a special event unless the town determines, upon consideration of the application and other pertinent information, that:
1. Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;

2. The applicant has failed to complete the application after having been notified of any additional information or documents required;
  3. Another special event has already been issued, or an application has been received prior in time, to hold another event on the same date and time, or so close in time and place as to cause undue vehicular or pedestrian traffic congestion, or as to burden the town's ability to meet the needs of public services, police, fire or other emergency services to the remainder of the town;
  4. The time, route or size of the special event will substantially interrupt the safe and orderly movement of vehicular or pedestrian traffic on or contiguous to the site or route, or will disrupt the use of a public street at a time when it is usually subject to traffic congestion;
  5. The size, nature or location of the special event will present a substantial risk to the health or safety of the public, or participants in the special event, or other persons;
  6. The size of the special event will require diversion of so great a number of police officers or firefighters to ensure that participants stay within the boundaries or route of the special event, or to protect participants in the special event, as to prevent normal protection to the rest of the town; provided that nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable conditions can be imposed to allow for adequate protection of participants with the number of police officers available to police the special event;
  7. The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place on or near a public street, sidewalk or public right-of-way or with any previously issued public right-of-way permit;
  8. The special event will occur at a time when a school is in session at a location near the school, and the noise created by the activities of the special event would substantially disrupt the educational activities of the school;
  9. The special event involves the use of hazardous, combustible or flammable materials which create a fire or safety hazard;
  10. The special event, as described in the application, would violate any applicable law;
  11. The applicant has failed to pay costs, fees or deposits for any previous special event; or
  12. The applicant has failed to abide by the terms or conditions of any previous special event.
- B. When the grounds for denial of an application can be corrected by altering said detail, including but not limited to date, time, duration, route or location of the special event, the town shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of appropriate corrective conditions. The permit shall not be issued until the applicant has accepted the conditions in writing. If the applicant does not accept the conditions, the application shall be considered denied.

**5.xx Conditions.**

- A. The town may impose reasonable conditions on any permit necessary to protect the safety of persons and property and the control of traffic, including but not limited to the following:
1. Alteration of the date, time, duration, frequency, route or location of the special event;
  2. Conditions concerning the area of assembly and disbanding of other events occurring along a route;
  3. Conditions concerning accommodation of available parking, pedestrian or vehicular traffic, including restricting the special event to only a portion of a street or right-of-way;
  4. Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the applicant at its expense;
  5. Requirements for provision of emergency access and first aid or sanitary facilities;

6. Requirements for arrangement of town staff to be present at the special event at the applicant's expense;
7. Requirements to use third party vendors for cleanup and security;
8. Requirements for providing notice of permit conditions to participants;
9. Restrictions on the number and type of vehicles, animals or structures at the special event and inspection and prior approval of structures or decorated vehicles for fire safety;
10. Requirements for use of trash receptacles, cleanup and restoration of property;
11. Restrictions on use of amplified sound;
12. A requirement that notice be provided to the residents of dwellings and businesses along any affected streets;
13. Compliance with any applicable law and obtaining any other legally required permits or licenses; and
14. Designation of a contact person with decision making authority who will be continuously available to law enforcement personnel and present at the special event.

#### **5.xx Issuance.**

- A. The Town Administrator shall designate an individual and a back up individual responsible for reviewing applications and issuing private and minor special event permits under this chapter.
- B. Within five business days of receipt of a complete rental application for a private event, the designee shall review the application, consider the criteria, and subsequently approve, conditionally approve, or deny the application.
- C. Within ten business days of receipt of a complete minor special event application, the designee shall review the application with department staff, consider the criteria, and subsequently approve, conditionally approve, or deny the application.
- D. Within thirty days of the receipt of a complete major special event application, the designee shall review the application with department staff, consider the criteria, and approve, conditionally approve or deny the application. If a department staff member determines that the major special event may have significant impact to the community, the designee may refer the application to the Town Board of Trustees within thirty days of receipt of the complete application.
- E. If any application is denied, the town shall inform the applicant in writing of the grounds for denial and the applicant's right of appeal to the Board of Trustees. If the application is approved, the designee shall inform the applicant, including any conditions.

#### **5.xx Insurance—Special events.**

- A. In addition to any other condition applied, the town may require the applicant to possess public liability insurance to protect against loss from liability imposed by law for damages for bodily injury or property damage arising from the special event. The town shall determine whether to require such insurance and the amount of insurance that shall be required based upon the considerations routinely taken into account by the town in evaluating loss exposures, including, without limitation, whether the special event poses a substantial risk of damage or injury due to the anticipated number of participants, the nature of the special event and the physical characteristics of the proposed site or route. Such insurance shall name the town and its officers, employees and agents as additional insureds.
- B. If insurance coverage is required, a copy of the certificate of insurance along with all necessary endorsements shall be filed with the designated town staff no less than ten days before the special event.

- C. If the applicant is unable to provide insurance, the town may offer to cover the special event at the applicant's expense.
- D. Failure to maintain insurance coverage as required by this section may result in revocation of the permit or may constitute ground for denial of future permit application.

**5.xx Deposit.**

- A. The applicant shall provide a private and special event non-refundable fee at the time of the application. The fee shall be the amount established by the Town Board of Trustees. An additional estimation of town actual costs incurred by the town for the special event must be provided prior to the start of the event.
- B. A refundable deposit shall be returned after the private or special event if the property used for the event is cleaned and restored to the same condition as existed prior to the special event.
- C. If the property used for the private or special event is not properly restored, the deposit, or a portion thereof, shall be applied toward payment of the actual costs incurred by the town in restoring the property.
- D. If after the town uses the deposit, or a portion thereof, for restoring the property, the town shall refund any remaining amount of the deposit to the applicant.
- E. Any refund under this section shall be made within thirty days of the conclusion of the private or special event. If the public property has been damaged to the extent that it will take longer than thirty days for the town to determine the costs of such damage, the town may keep the deposit until such costs are determined and the property is restored.

**5.xx Duties of applicant.**

- A. The applicant shall comply with all terms and conditions of the approved application.
- B. The applicant shall ensure that the person leading or in charge of the private or special event is familiar with every provision of the approval and this chapter and other municipal code regulations pertaining to the event.
- C. Immediately following the completion of the event, the applicant shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event.

**5.xx Revocation.**

- A. The town may, at any time prior to a private or special event, revoke or terminate a permit that has been issued for the event if conditions change so that the application could have been denied in the first instance.
- B. The town may revoke a permit during the course of the private or special event if continuation of the event presents a clear and present danger to the participants or the public health, safety or welfare.
- C. The town may revoke the permit and terminate the private or special event during the course of the event for noncompliance with any term or condition of the approval.
- D. A decision to revoke a permit may be made by the town administrator, police chief, fire chief, or public works supervisor.

**5.xx Fee reductions, grants and noise variances.**

- A. An applicant may request a fee reduction from the town at the time of filing its application. In determining whether to grant a fee reduction, the designated staff shall consider the following criteria, as applicable:
  - 1. Whether the applicant has had any violations of other private or special event permits previously issued from the town.
  - 2. Fee reductions do not apply to application fees or refundable deposits.

4. There is a limit of one fee reduction per organization per year.
  5. The sponsoring organization is a nonprofit corporation and proof is provided of that status.
  6. There is a direct benefit to town programs, activities or facilities as a result of the event.
  7. The sponsoring organization is located within the town zip code.
  8. The event is a long-occurring and a frequent event within the town.
  9. There is significant potential to attract visitors to the town and encourage tourist activity.
  10. The ability of applicant to provide an in-kind or other contribution of goods, services, or programs that will benefit the town or its residents. The in-kind or other contribution must be equal to or exceed the value of the reduced fee.
- B. If an applicant requires a noise variance related to a special event, the applicant shall file the outdoor amplified sound request form with the town at the same time as filing the application for a private or special event.

### **5.xx Appeals.**

- A. Any denial of a private or minor special event under this chapter may be appealed by the applicant to the Town Administrator by filing a written notice of appeal, setting forth the grounds for appeal, within five days after the decision is communicated. Any denial of a major special event under this chapter may be appealed by the applicant to the Town Board of Trustees by filing a written notice of appeal, setting forth the grounds for appeal, within five days after the decision is communicated. The decision of the Town Administrator or the Town Board of Trustees, as applicable, shall be final, subject only to judicial review.
- B. For denials of events, the Town Administrator or Town Board of Trustees, as applicable, shall review the appeal and issue a written decision no later than thirty days after the filing of the appeal. The applicant and the town may present written evidence or written argument to assist in review. The decision shall be final, subject only to judicial review.
- C. Filing of an appeal does not stay the decision of the application and does not require the town to reserve the date(s) and time(s) requested in the application on appeal.

### **5.xx Violation; penalty.**

- A. It is unlawful for any person to sponsor or conduct a private or special event without approval under this chapter. It is unlawful for any person to participate in an event without a permit with knowledge that the sponsor of the event has not been approved.
- B. It is unlawful for any person to interfere with or disrupt a lawful event.
- C. It is unlawful for an applicant to violate the terms and conditions of approval, or for any participant with knowledge thereof to knowingly violate the terms and conditions of approval.
- D. Any person convicted of a violation of this chapter shall be subject to the penalties set forth in Chapter 1.12 of this code.