

ARTICLE I: Purpose, Scope and Intent.

- (a) Recognizing that special events enhance the quality of life for residents and visitors alike, it is the purpose of the Town Council to establish a structured process by which permits can be issued allowing special events to be staged on Town property, and in instances where such events occupy, impact or consume public resources, to enable the Town to recover the costs related to such event.
- (b) A special event is any organized activity conducted by a person or group for a common purpose or benefit which involves the use of, or has an impact on, public property or facilities and the Town's provision of public safety services in response thereto. Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, street festivals, block parties, community events, sporting competitions (such as marathons, running events, bicycle races or tours) and spectator sports (such as football, basketball, baseball games or golf tournaments).

ARTICLE II: Special event permit required.

- (a) Except as provided in this Article, no person, persons, organization or entity shall conduct, promote, manage, aid or solicit attendance at any event on public property or on a combination of public and private property where the event is of such magnitude as to impact public safety, traffic, or the health, safety and welfare of Town residents or the invitees, unless that person(s), organization or entity has obtained a special event permit from the Town of Jamestown.
- (b) The Town Manager, or designee, is authorized to determine when the use of public property requires the issuance of a special event permit, based upon an evaluation of the event's public impact, consumption of public resources, location, anticipated attendance, and purpose.
- (c) The Town Manager, or designee, is authorized to issue a special events permit based upon a complete application detailing the particulars of the event submitted by the person(s), organization or entity seeking to produce the event. The Town Manager, or designee, shall consider all special event applications pursuant to the procedures established in this section.
- (d) Exceptions to special event permit requirement.

The following activities are exempt from the special event permit requirement, but may be subject to additional permits or requirements (i.e. – Soliciting permits, Health Department, etc.):

1. Pushcart sales.
2. Funeral services and processions.
3. Activities solely conducted by the Town of Jamestown.
4. Lawful picketing on sidewalks.
5. Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
 - a. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and

- b. The Town Manager, or designee, is notified at least forty-eight (48) hours in advance of the commencement of the demonstration

ARTICLE III: Requirements for special event permit application.

The application for a special event permit shall be filed with the Town Manager, or designee, not less than sixty (60) days nor more than two (2) years before the date of the proposed special event. The Town Council may waive this time limit and approve a shorter or longer filing period.

The application shall include the following information (when applicable to the nature of the event):

1. The name, address and telephone number of the applicant; and
2. A certification that the applicant will be financially responsible for any Town fees or costs that may be imposed for the event; and
3. The name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any; and
4. If the special event is designated to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:
 - a. Authorizing the applicant to apply for the special event permit on its behalf; and
 - b. Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the event; and
5. A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt non-profit organization; and
6. A statement of the purpose of the special event; and
7. A statement of fees to be charged for the special event; and
8. The proposed signage, boundaries, location, map, dates, times, routes, alternative routes, staging areas, reviewing, parking, or disbanding stands or areas; and
9. The approximate number of persons and kinds and number of animals, structures or vehicles that will participate in the special event, and the parking plan for the vehicle(s); and
10. Plan for trash removal; and
11. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise; and
12. The number and location of portable sanitation facilities; and
13. Other equipment or services necessary to conduct the event with due regard for public health and safety; and
14. The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for events using city streets, sidewalks, or facilities; and
15. Provisions for first aid or emergency medical services, or both, based on event risk factors; and
16. Insurance and surety bond information; and
17. Any special or unusual requirements that may be imposed or created by virtue of the proposed event activity; and

18. Relevant information on the location, number and names of vendors, and the types of goods or services being or intended to be marketed within the boundaries of the special event; and
19. Any other information required by the Town Manager.

ARTICLE IV: Conditions affecting the issuance of a special events permit.

- (a) The Town Manager, or designee, may approve the issuance of a special event permit, when all of the following conditions are met:
 1. The event will not substantially interrupt public transportation or other vehicle and pedestrian traffic in the area of its route, including specifically the displacement of vehicular parking into adjacent or neighboring commercial areas not part of the venue, or into adjacent or neighboring residential areas.
 2. The event will not cause a conflict with construction or development in the public right of way or at a public facility.
 3. The event will not block traffic lanes or close streets during peak commuter hours on weekdays or weekends, as determined by the Town Manager, or designee.
 4. The event will not require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection for the remainder of the Town.
 5. The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
 6. The event will move from its assembly location to its disbanding location expeditiously and without stopping en route.
 7. The event will not substantially interfere with any other event or demonstration for which a permit has already been granted or with the provision of Town services in support of other scheduled events or unscheduled governmental functions such as visits of chiefs of state.
 8. The event will not have unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue.
 9. If the event is a marathon, it will not occur within thirty (30) calendar days of another marathon.
- (b) To make determinations under this section, the Town Manager, or designee, shall consider pedestrian and traffic circulation and parking, traffic volume and population density, time of year, and neighboring or adjacent zoning uses.

ARTICLE V. Denial of a special use permit.

- (a) The Town Manager, or designee, may deny a special event permit to an applicant who has not:

1. Provided a sufficient traffic plan or sufficient traffic controls by persons appropriately trained, certified or appointed pursuant to state law which enables the control of traffic; or
2. Provided for an adequate parking plan that does not displace vehicles into neighboring or adjacent non-participating commercial or residential areas; or
3. Provided sufficient monitors and a security plan for crowd control and safety; or
4. Provided sufficient safety, health and sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard to public safety and sanitation; or
5. Provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or
6. Provided sufficient signage information upon which approval can be granted; or
7. Met all of the requirements for submitting an application for a special event permit.
8. Failed to demonstrate that the Applicant is financially able to bear the responsibility for any fees or costs that may be imposed by the Town for the event.

(b) The Town Manager, or designee, may also deny a special event permit when:

1. Given the projected attendance at the event, or the time, place and manner of conducting the event, the security plan as detailed in the application is deemed insufficient by the Town Manager, or designee, and is likely to create the possibility of violent disorderly conduct, likely to endanger the public safety, or to result in property damage; or
2. The event may violate public health or safety laws; or
3. The event fails to conform to the requirements of any law; or
4. The applicant demonstrates an inability or unwillingness to conduct an event pursuant to the terms and conditions of this section; or
5. The applicant has failed to conduct a previously authorized special event in any jurisdiction in accordance with the law or the terms of a permit, or both; or
6. The applicant has not obtained approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or
7. The applicant has failed to provide an adequate first aid or emergency medical services plan based on event risk factors; or

8. The applicant has failed to comply with any term of this article, or any condition of a special event permit previously issued to the applicant.
- (c) An applicant may appeal the denial of a special event permit to a Review Committee composed of the Town Manager, or designee, a member of the Guilford County Sherriff's Department, the Fire Chief, or designee, and the Town's Director of Public Services, Director of Planning, and Town Clerk. The appeal request must be made in writing and delivered to the Town Manager, or designee, within thirty (30) days of the denial of the special event permit.

ARTICLE VI. Display of the special event permit.

A copy of the special event permit shall be on site at the special event, and shall be exhibited at the request of any public official.

ARTICLE VII. Date of special event not confirmed until permit issued; notification of abutting property owners.

No date of a special event shall be considered confirmed until the Town Manager, or designee, has issued the special event permit. Once the permit has been issued, the applicant must show that all those persons, organizations and entities owning property directly abutting the event site have been notified of the date, time and place of the event.

ARTICLE VIII: Use of Town of Jamestown seal or name.

The issuance of a special event permit shall not be considered an endorsement of the event by the Town of Jamestown. It shall be unlawful for a person, organization or entity to represent, hold out, promote or publish to another that the Town has endorsed the event unless such endorsement is authorized by action of the Town Council. Use of the Seal of the Town of Jamestown is prohibited unless such use is authorized by action of the Town Council.

ARTICLE IX. Insurance required to conduct special events; hold harmless.

- (a) The organizer of a special event must possess or obtain a comprehensive general liability insurance policy from an A-rated insurance company to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Insurance coverage must be maintained for the duration of the event. Notice of cancellation shall be provided immediately to the Town of Jamestown. When applicable, the Town may require proof of workers compensation and auto liability insurance.
- (b) Comprehensive general liability insurance coverage shall be in a combined single limit of at least one million dollars (\$1,000,000.00).
- (c) The insurance shall encompass all liability insurance requirements imposed for other permits required under other sections of this Code and is to be provided for the benefit of the public and not as a duty, express or implied, to provide insurance protection for spectators or participants. The event organizer's current effective insurance policy, or

copy, along with necessary endorsements, shall be filed with the Town Manager at least thirty (30) calendar days before the event, unless the Manager, or designee, for good cause, modifies the filing requirements.

- (d) No permit is valid until the applicant shall provide adequate insurance as required by this section.

ARTICLE X. Revocation of a special event permit.

- (a) Any permit may be revoked if the Town Manager, or designee, determines that:
1. Any event cannot be conducted without violating the standards or conditions for special event permit issuance; or
 2. The event is being conducted in violation of any condition of the special event permit; or
 3. The event poses a threat to public health or safety; or
 4. The event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code; or
 5. The special event permit was issued in error or contrary to law; or
 6. The facts or assertions in the application have been falsified or misrepresented.
- (b) Notices of revocation shall be in writing and specifically set forth the reasons for the revocation.
- (c) If there is an emergency requiring immediate revocation of a special event permit, the Town Manager or the police chief or the fire chief or their respective designees may notify the permit holder verbally of the revocation and the permit holder shall immediately comply with any order of the police chief, fire chief or their respective designees.

ARTICLE XI. Cost recovery for special events.

- (a) For any special event requiring the expenditure of public resources, the Town shall charge for the actual cost of:
1. A reasonable fee for Town personnel involved in permit processing, event control, police, fire safety, trash removal, clean up, or other facility or event support; and
 2. Any other non-personnel expense.

Special Events sponsored by the Town of Jamestown are exempt from such charges.

- (b) The Town Manager, or designee, shall require the payment of any fees required, or a reasonable estimate thereof, at the time the special event permit is issued, unless the

Town Manager, or designee, for good cause extends the time for payment. The Town Manager, or designee, may require adequate surety in the form of a cash deposit or a letter of credit in favor of the Town of Jamestown to cover any additional costs incurred by the Town for cleanup and repair to the site and trash removal following the event.

- (c) If the event organizer fails to pay in full those fees required by this Article, the applicant and/or the event organizer will be billed for actual Town costs incurred as a result of the event.
- (d) Cost recovery for special events conducted by non-profit organizations may be waived by the Town if the Town Council determines that a public purpose is served. A public purpose is served if all four (4) of the following criteria are met:
 - 1. The event is organized and conducted by a tax-exempt non-profit organization which operates from or provides services within the Town of Jamestown or County of Guilford; and
 - 2. The event provides an identified benefit to the general public; and
 - 3. The event includes participation by the general public (notwithstanding an admission or participation fee); and
 - 4. Provision of Town services will result in improved crowd or event control and will promote general public safety, and does not diminish or detract from the normal level of service for its citizens, based upon the evaluation, advice and approval of the Town Manager, or designee.

ARTICLE XII. Enforcement authority; restorative penalties.

The Town Manager, or designee, is authorized to administer and enforce the provisions of this article and may exercise any enforcement powers as set forth in law. Any person violating any provision of this article shall be subject to a civil penalty in the amount of two hundred fifty dollars (\$250.00) for the first violation and an additional fifty dollars (\$50.00) for each day the violation is not corrected. Penalties under this Article are considered restorative and intended to provide the Town with compensation for costs associated with the Town's program to monitor, control, prosecute, cure and/or correct the violation. Violations of any other section of the Town of Jamestown Development Ordinance or Code of Ordinances, state or local fire codes, state or local building codes, or any other rule or regulation may result in the imposition of additional restorative penalties. Any citizen or organization subjected to such penalty shall have the right to appeal to an independent hearing officer by procedures established by the Town Manager, or designee.

ARTICLE XIII. Authorized vendors.

- (a) The issuance of a special event permit does not confer upon the permit holder or event organizer the right to control and regulate the sale of goods, food and beverages within the special event venue; such sales must comply with the terms and conditions of the special event permit and the rules and regulations of the Town of Jamestown and Guilford County.

- (b) The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Town of Jamestown Development Ordinance, Code of Ordinances, or other laws, including, but not limited to, health codes.
- (c) It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food or beverages within the special event venue, except in the manner as set forth in the application approved by the Town Manager, or designee.

ARTICLE XIV. Strict liability offenses.

Violations of this Article [section] shall subject the violator to liability regardless of intent.

ARTICLE XV. Unlawful to display signs in special event venue except as permitted.

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign or banner pertaining to the special event unless pre-approved by the Town Manager, or designee, based upon the application and permitting process. The number of signs, sign face size, height, location and duration of display shall be addressed in the application. No sign shall obstruct a sight triangle or be placed within ten (10) feet of the boundary line of the property serving as the venue.

ARTICLE XVI. Unlawful to interfere with a permitted facility use, special event or demonstration.

It shall be unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a demonstration or event for which a special event permit has been issued.

ARTICLE XVII. Cost recovery for unlawful special event.

Whenever a commercial or non-commercial special event is conducted without a special event permit when one is required, or an event is conducted in violation of the terms of an issued special event permit, or an event exceeds the size identified in the application, the event organizer shall be responsible for, and the Town Manager shall charge the event organizer for, all Town costs incurred for personnel and equipment for public safety response caused or necessitated by the adverse impacts of the event, or the violation of the special event permit, upon public safety.

ARTICLE XVIII. Alcohol.

If a special event will involve the consumption of beer and wine, the event organizer shall provide the Town Manager, or designee, with the following:

1. A statement of the Applicant's intent to sell, serve and/or allow the consumption of beer and wine and a copy of the Applicant's ABC permit demonstrating that the Applicant is properly licensed to allow the sale and consumption of beer and wine within the plan-defined area as shown on the special event permit application; and

2. The location and boundaries of the area within which beer and wine is to be served, sold and/or consumed shall be shown in the special events application; and
3. A verified statement by the Applicant that:
 - a. Its ABC permit is in good standing; and
 - b. The Applicant has not been cited for any violation of its ABC permit for the premises within the previous three (3) year period. If the Applicant has been cited, the Applicant must provide a statement describing the circumstances for which it was cited and describing what penalty, if any, was imposed for the incident; and
4. The event organizer, or an authorized officer or member if the event organizer is not an individual, must sign an agreement to indemnify and hold harmless the Town of Jamestown from any and all claims of property damage, personal injury or death arising from or related to the provision of outdoor table service and/or alcohol at the special events venue; and
5. The event organizer has, or will have, in place for the duration of the permit period, liability insurance with a minimum limit of one million dollars for the premises and all activities conducted thereon. The policy shall specifically name the Town of Jamestown as a third-party insured and must provide insurance coverage at events where alcohol is served.
6. A copy of the approved ABC permit.

ARTICLE XIX. Sale of Alcoholic Beverages at Permitted Special Events on Public Streets.

Notwithstanding the general prohibition on the consumption of alcoholic beverages established by the Town of Jamestown Code of Ordinances, it shall be lawful for a special event permittee to serve or sell malt beverages and unfortified wine where the boundaries of the area in which such beverages are to be sold and consumed is clearly delineated, where access to such sales is restricted to persons who shall be at least 21 years of age, and where the following requirements are met:

1. Such Town property designated is not in front of an existing restaurant, bar or private club. If a restaurant, bar, or private club is participating in the special event, this provision may be waived to allow said entity to participate in the event;
2. All applicable health and ABC laws are complied with;
3. The contents of beer bottles or cans or wine bottles shall be poured into appropriate cups or glasses;
4. All empty bottles and cans shall be handled in such a way as to not be broken or left on Town property and shall be recycled to the extent required by ABC laws; and

5. The Permittee shall be required to maintain proper decorum and order, and must leave the area in a clean condition.

ARTICLE XX. Firearms.

Except for sworn certified Law Enforcement personnel, the possession of firearms in the special events area is prohibited.