

ARTICLE IX. - SPECIAL EVENTS

Sec. 14-508. - Purpose.

It is the purpose of this article to provide special allowances for special events held within the community on public and private property and to recognize the substantial community benefits resulting from such special events. Due to special logistical and operational considerations related to these special events, it is necessary to provide specific, separate and distinct guidelines and standards for them. It is the express intent of these provisions to:

- (1) Minimize any potential adverse impact of such special events by eliminating, to the greatest possible extent, any major problems, threats or dangers to the public health, safety or welfare as may exist as a result of such special events.
- (2) Minimize any real or perceived competition between these special events and our permanent, seasonal, yearround businesses and town events.
- (3) Ensure adequate public safety measures are in place at special events.
- (4) Provide for standardized fees and procedures required to administer the permit process.
- (5) Provide cultural enrichment, promote economic vitality, enhance community identity/pride and provide opportunities for family activities and funding for our community's businesses.

(Code 1986, § 8-205; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-509. - Definitions.

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

Applicant means an event point of contact; the individual that applies for a special event permit and is responsible and accountable for the overall special event.

Event site means the area designated on the site plan filed with the special event permit for a special event's activities.

Municipal Event Coordinator (MEC) means the town point of contact; Town Manager and/or their designee that is responsible for coordinating special events and the administrator of the outdoor performance and special events ordinance.

Private property event site. In addition to the area designated on the site plan filed with the special event permit, a private property event site includes any vacant, single use, or multi-use location of the applicant that shares facilities, buffers, or parking with the private property event site.

Special event means a temporary public or private gathering that includes activities (other than activities as allowed by the underlying approved land use) and outdoor performances which have the potential for public health or safety impacts (i.e., traffic, crowd control, noise, etc.). All special events require a special event permit.

Town resources means town assets; including the manpower of town employees to provide those assets for the special event.

Working days means Monday through Friday from 8:00 a.m. to 5:00 p.m.

(Code 1986, § 8-206; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-510. - Permit process.

- (a) *Permit required.* Any person or group who holds a special event shall require a special event permit.
- (b) *Permit procedure.* An application for a special event permit shall be made in writing at least 30 days before the time the event shall be scheduled to be held. If the proposed special event is to occur on a state/federal holiday, an application shall be submitted 45 working days prior to the proposed special event. An application will not be reviewed until the non-refundable application fee is paid and the application submitted contains the following attachments:
 - (1) Scaled site plan (map provided by MEC). The applicant shall use the provided scaled map to show the proposed event site layout. For example, parking areas, planned activity areas, proposed structures, bathrooms, concessions, tents, and any other related activities that will occur or be placed on site.
 - (2) Parking plan.
 - a. The applicant shall provide a parking plan detailing how parking will be managed for event; proposed location of parking for event goers and vendors, if parking will be off-site or on-site and how event goers and vendors will transit between event area and parking area.
 - b. On-site private parking. Existing parking spaces designated for on-site land uses may be used to accommodate activities occurring at the special event.
 - c. Off-site private parking. If off-site private parking is identified on the parking plan for the special event a letter from the property owner shall be required stating that the existing land use will not utilize the parking spaces during the hours of the special event.
 - (3) Crowd and traffic control plan. The applicant shall provide a plan detailing how crowds and traffic will be managed; the additional use of police officers or a traffic control agency directing traffic and pedestrians (applicant's expense), routes for emergency vehicle to navigate without delay, etc.
 - (4) Proof of liability insurance for the business naming the town as the additional insured entity for an amount determined by the Town Manager, or no less than \$1,000,000.00.
 - (5) Proof of liquor liability insurance and state alcoholic beverage control application, if serving alcoholic beverages.
- (c) *Meeting scheduled with town department heads* The Municipal Event Coordinator shall schedule a meeting with town department heads, within ten days after receiving a completed application from the applicant. The purpose of the meeting is to:
 - (1) Ensure compliance with this article and other town ordinances; and
 - (2) Verify fees associated with town resources needed for the event.
- (d) *Contract between the town and applicant.* Prior to a permit being issued to the applicant, a contract shall be prepared between the town and the applicant affirming the town's responsibilities and the applicant's responsibilities and the corresponding fees required.

(Code 1986, § 8-207; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-511. - Criteria for use of all public property.

- (a) A refundable deposit, as defined in the town's fee schedule, shall be required for all events where the applicant has indicated on the application that the estimated attendance is to be over 25 participants, to ensure the event area is returned to its original condition.

- (b) The town reserves the right to alter or cancel an event at any time due to weather or an emergency. In the event of cancelation, the town's special event fees, not already expended in preparation for the event, will be refunded.
- (c) Permitted special events shall end no later than 11:00 p.m.
- (d) The applicant shall follow all federal, state and local regulations, i.e., alcohol beverage control commission (ABC), health department, etc.
- (e) The applicant shall display any special event signs required by the town.
- (f) Electrical service. If electric service is required for the event, it is the responsibility of the applicant to inspect electrical outlets to ensure outlets are working ten days prior to the event date. All problems found during the electrical outlet inspection must be reported to the MEC immediately. If a problem arises with the electric service during the event, the applicant shall contact the Town Electrician. The applicant shall be responsible for all cost related to electrician's services during event.
- (g) Vendors shall have designated parking that is not adjacent to any part of the event.
- (h) Noise levels shall be in accordance with section 18-4.
- (i) The applicant shall ensure all trash is removed from the special event area and not dumped on site, including ash or coals from grills.

(Code 1986, § 8-207.1; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-512. - Additional requirements for specific public properties.

(a) *Mike Chappell Park/McDonald Park.*

- (1) Alcohol will be allowed under the following conditions:
 - a. The applicant shall have a fenced-off area with only one entry and one exit.
 - b. No scheduled activities are taking place on adjacent fields with anyone under 21 participating.
- (2) Events shall be conducted between the hours of 8:00 a.m. and 11:00 p.m.

(b) *Freeman Park.*

- (1) Stages or performance platforms of any size are prohibited.
- (2) Applicant shall not charge any fees.
- (3) Placing a fence around the event requires town council approval.
- (4) No vendors other than those permitted by the town shall be allowed on Freeman Park.

(c) *Carolina Beach Lake.* Parking along Atlanta Avenue from South Lake Park Boulevard to Third Street is not permitted during special events. The applicant is responsible for displaying all signage required by the town.

(d) *Town parking lots.*

- (1) Memorial Day through Labor Day (May 1 through August 31): When having an event on any of the town parking lots there shall be a fee as defined in the town's rate and fee schedule.
- (2) After Labor Day until Memorial Day (September 1 through April 30): No parking lot fee will be charged when having an event on town parking lots.

(e) *Gazebo area.*

- (1) Sidewalks on the north side of the gazebo shall remain open during events.

- (2) The applicant shall be responsible for signage on the Cape Fear Boulevard end of the event directing pedestrians to the walkway leading to the boardwalk.
 - (3) Fencing shall be see-through and no more than four feet in height.
 - (4) Port-A-Johns shall not be located within 100 feet of a business.
- (f) *Recreation center.*
- (1) Events shall be conducted between the hours of 7:00 a.m. and 12:00 midnight.
 - (2) Alcohol is only allowed after the recreation center is closed to the public. The applicant shall receive prior authorization and meet all local and state requirements.
 - (3) Activities shall remain in the areas reserved.
 - (4) Applicant shall be responsible for set up/take down and area cleanup.
 - (5) Applicant shall provide all equipment/supplies necessary for event applicant may rent recreation center's equipment if available.

(Code 1986, § 8-207.2; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-513. - Private property.

- (a) *Number of special events.* No more than three special events per calendar year are allowed per event site.
- (b) *Permitting procedure.* The same permit process/regulations for public special events shall apply to private special events.

(Code 1986, § 8-207.3; Ord. No. 14-945, 7-8-2014)

Sec. 14-514. - Exemptions.

- (a) This section identifies activities that are exempt from needing a special event permit and/or describes any waivers that may be granted.
 - (1) Town sponsored events.
 - (2) Locations with established institutional uses (i.e., schools, churches and nonprofit organizations).
 - (3) Private events on private property that are outside the commercial areas. These events are still subject to all applicable regulations in this Code. The intent of this exemption is not to allow for events to occur on a regular basis in a residential area, but to recognize that many residences will occasionally have birthday parties, wedding receptions, or similar events on their property.
 - (4) Commercial establishments with outdoor areas:
 - a. Designed for patrons to sit and/or congregate;
 - b. Identified on an approved zoning site plan.
 - (5) At the Town Manager's discretion, a special event may be granted a waiver of some special event fees when it meets the following criteria:
 - a. The event has been conducted without significant issues on an annual basis for at least ten years.
 - b. The event takes place between Memorial Day and Labor Day.
 - c. The event sponsors donate a portion of the event proceeds to a community based nonprofit institution or governmental affiliate that is located in the town.

- (b) Applicants shall request a fee waiver in writing and express their justification for the request at the time of filing the application.

(Code 1986, § 8-207.4; Ord. No. 14-927, 3-11-2014; Ord. No. 14-936, 6-10-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-515. - Special events requiring town council approval.

- (a) Any proposed first time or unestablished special event that requires any of the following, after the application is reviewed by the town department heads and approved, shall require additional approval from the town council:
 - (1) Closing of streets;
 - (2) Use of harbor;
 - (3) Closing of public walkways;
 - (4) Use of town parking lot;
 - (5) Any special event after 11:00 p.m.;
 - (6) Prior events that received violations.
- (b) The MEC shall require that the applicant and/or the special event site to go before the town council prior to approval of special events if health or safety issues were identified as inadequately addressed during a previous special event held by the applicant or at the previous special event held at the proposed special event site with any aspect of the special event (i.e., traffic, crowd control, etc.). The determination as to whether the health and safety issues were a result of the applicant and/or the special event site shall be made by the MEC.

(Code 1986, § 8-207.5; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Sec. 14-516. - Violations.

Any private or public special event that fails to meet the conditions of its contract:

- (1) Shall be responsible for paying additional costs associated with town resources utilized to accommodate any aspect of the event (i.e., setup, activities of the special event, breakdown, etc.);
- (2) May have civil penalties applied in accordance with the town's annually adopted rate and fee schedule;
- (3) May have their special event permit revoked by the Town Manager; or
- (4) May not be allowed future special event permits, unless approved by town council.

(Code 1986, § 8-207.6; Ord. No. 14-927, 3-11-2014; Ord. No. 14-945, 7-8-2014)

Secs. 14-517—14-540. - Reserved.