



REPEAL THE EXISTING ORDINANCE AND ADOPT ORDINANCE NO. 10-840

ARTICLE XI. OUTDOOR PERFORMANCES AND EVENTS

Sec 8-205 Purpose.

It is the purpose of this section to recognize that there is a need for special allowances to be granted to *events* so that they may be permitted within the community. Because of the special problems related to these *events*, it is also 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 temporary uses by eliminating, to the greatest possible extent, any major problems, threats or dangers to the public health, safety or welfare as may exist with *events*.
2. Minimize any real or perceived competition between these activities and those of our permanent, seasonal, and year-round businesses.
3. Alert public safety officials about what is occurring on a site.
4. Encourage activities and events that are charitable and promote community involvement.

Sec. 8-206. Definitions

Event. Activity that: (1) represent a use or uses of land, buildings and structures not intended to be of a permanent duration; and (2) is intended to or likely to attract substantial crowds, participants, or spectators.

Private events. An activity designed to accommodate "invitation only" events such as: weddings, reunions, corporate assemblies, or other similar activities.

Private property. Improved or unimproved property currently used for and/or designated by zoning for commercial purposes.

Public events. Fairs, festivals, musical concerts, sporting events, tournaments, contests, promotional events or other types of performances or events.

Public property. Public lands or facilities such as at the beach or Parks and Recreation Center.

Sec. 8-207. Approval process.

(a) Permit.

Any public or private event shall not be held, commenced or advertised until such time as a permit is applied for and issued in accordance with this article.

(b) Exemptions.

(i) Events or activities sanctioned by nonprofit groups including but not limited to government entities, schools, churches, community or senior centers, and the Chamber of Commerce, shall not be required to pay the associated fees for events, but may still be required to follow the application process for approval.

(ii) Private events on private property that are located at a residence outside the commercial areas are allowable without a permit. These events are still subject to all applicable regulations in the Town 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 a birthday party, wedding reception, or similar event at their home to support a family member.

(c) Limitations on event durations and locations

Private events on private property shall be unlimited in the number of events and *Public events on private property* shall be limited to thirty (30) events or 30 days per calendar year.

(d) Review Process.

An application shall be submitted for approval to the town manager and/or Town Council. The town manager shall make a determination based on the anticipated impact as described under subsection (f) as to the need for Town Council's approval. Based on the anticipated impact the review timeframe may last up to 30 days. It is the applicant's responsibility to submit a complete application to ensure no delays occur in the approval process.

(e) Submittal.

The application and corresponding fee as defined in the Town's fee schedule shall be submitted for all events. The application shall contain the following information:

- (1) The name, address, and phone number of the applicant and person, group, or organization sponsoring the activity;
- (2) The days and hours in which the event is desired to take place;
- (3) An estimate of the anticipated attendance;
- (4) In summary format, the general plans concerning the following matters:
 - a. Crowd control procedures;
 - b. Traffic and parking control;

c. Provisions for collection and disposal of solid wastes, including trash, garbage, and sanitary provisions, including human waste collection and disposal and the provision of sanitary facilities.

(5) A scaled site plan containing:

a. Property lines;

b. Adjacent property owners, right of ways, and land uses.

c. A layout of what is existing and proposed on the site. For example, driveway cuts and parking areas, planned activity areas, proposed structures, bathrooms, concessions, tents and any related activities that will occur or be placed on the site;

d. location, size, number and duration of all temporary signs. A maximum of two (2) temporary signs may be displayed seven (7) days prior to the event and shall be removed two (2) days after the event. Maximum size of temporary signs either combined or separate shall not exceed sixty four (64) square feet. Signs shall be located only on private property, shall not interfere with vision clearance at intersections or driveways.

(6) Attach any associated permits or certificates received from either the New Hanover County Health Department or North Carolina Alcoholic Beverage Control Commission.

(f) Anticipated Impacts.

The town manager or his/her designee may issue a permit, if it is found that:

(1) The proposed *event* will not block public access to the beach or public roadways;

(2) Adequate facilities are provided for restrooms, water, refuse, etc.;

(3) A management plan is in place to for crowd and traffic security and control;

(4) The proposed *event* will not entail extraordinary or burdensome expense or operations on the police department and other public agencies; and

(5) The activities will not interfere with other scheduled events or activities.

The town manager or town council may require a performance bond for management and clean up of the *event* if the same applicant insufficiently managed or cleaned a site after a previously approved *event*.

ARTICLE XII ADMINISTRATION

Sec. 8-808 Violations.

Any and all violations of the provisions as described in this chapter shall be a Class 3 misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00), imprisonment for not more than twenty (20) days, or a combination of both as may be ordered by the appropriate court.

Sec 8-809 Denial/appeals.

If a permit is denied or revoked, the applicant shall have seven (7) days in which to appeal such denial or revocation to town council. Such appeal shall be in writing, stating the grounds and shall be addressed to the mayor of the town with a copy to the town manager. The town council shall hear the appeal at the next regularly scheduled meeting or regular adjourned session, which ever occurs first. The decision of the town council shall be final.

Sec. 8-810 Grant not grounds for other violations.

The granting of an application is not grounds for the violation of any other ordinance of the town, and the applicant shall take whatever steps are necessary to comply with all ordinances of the town, including but not limited to the Noise Control Ordinance Failure to make provisions for complying with this or other Town Codes shall be grounds for revocation under this article.

Sec 8-811 Disclaimer of liability.

In no event shall the approval of an application under this Chapter make or cause the town to be deemed a sponsor of the activity. Further, the town shall incur no liability for any injury to person(s) or property arising out of any events regulated by this Chapter. Further, as a condition of any approval issued pursuant to this chapter, the applicant and sponsor shall hold the town harmless and indemnify the town for any liability incurred as a result of a valid judgment in a court of law. It is further provided as a condition of any approval issued hereunder that the applicant shall defend the town against any action filed against it arising out of any event for which approval is issued. In addition, applicants may be required to take out a one million dollar (\$1,000,000.00) insurance policy or greater naming the town as additional insured as determined by the Town Manager.

(Ord. No. 08-729, 3-11-08)

Sec 8-812 FEES.

A fee of fifty (\$50.00) per event shall be charged for *public events on private property* and an application fee for all other *events* shall be a twenty-five (\$25.00) or as determined by the Town Manager.

Sec 8-812 Severability.

If the application of this ordinance, or any provision herein, to any individual or circumstances is held invalid by a court of law, such invalidity shall not affect other provisions or application of this ordinance which can be given separate effect.

Adopted this 13th day of July 2010.

Joel A. Macon

Joel A. Macon, Mayor

Attest:

Melinda N. Prusa
Melinda N. Prusa, Town Clerk

