

**Chapter 72****SPECIAL EVENTS****72-1 PURPOSE OF CHAPTER****72-2 SPECIAL EVENTS; PERMIT REQUIRED****72-3 PERMIT PROCESSING FEE**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*formerly adopted 11-26-73. Section 72-8 added at time of adoption of Code.* Entire Chapter was amended by Ord. 4-12 on 1-23-12 (*formerly Entertainment Festival*)). Other amendments noted where applicable.

**72-1 PURPOSE OF CHAPTER**

A. The Town Council enacts this Chapter for the purpose of regulating the time, place and manner of special events and demonstrations within the Town and to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concerns, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

B. The Town Council does not enact this Chapter or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

(Ord. No. 03-06 Amended 3-13-06-Effective Upon Passage)

(Ord. No. 11-07 Amended 8-27-07-Effective Upon Passage)

(Ord. No. 11-11 Amended 7-11-11-Effective Upon Passage)

(Ord. No. 4-12 Amended 1-23-12-Effective Upon Passage)

**72-2 SPECIAL EVENTS; PERMIT REQUIRED**

A Events for which permit required. No person or entity shall conduct any of the following special events or activities unless a permit has been granted by the Town:

1. Any gathering of individuals or groups comprising of fifty (50) or more persons for the purpose of listening to or participating in entertainment and/or commemorative festivals or parades with or without music and with or without the use of microphones and amplifiers conducted in open spaces not within an enclosed structure.
2. Any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.
3. Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Town streets.

4. Motion picture, video or broadcast television productions, other than news media, involving the staging of vehicles, equipment, props or personnel on public property, including buildings, streets and sidewalks, or requiring the use of Town equipment or services.

B. Application contents and fee. An application for any permit required by this Chapter shall be made to the Town Manager or the Manager's designee. The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed activity. An application for a major event (one involving the closure of more than three (3) blocks or which will last more than two (2) days) shall be filed not less than sixty (60) days nor more than six (6) months before the first date of the proposed activity. The application shall contain the following information, utilizing a form provided by the Town Manager.

1. Description of the proposed activity;
2. Date, time and location/route of proposed activity and the anticipated number of participants and spectators;
3. Provisions for sanitation facilities, crowd, noise, parking, traffic control, ADA compliance, parking and loud speaker placement. Plans for control shall meet all state and local requirements;
4. Food and beverages to be sold or distributed. Plans for sale or distribution shall meet all state and local requirements, ordinances and regulations;
5. The designation of an individuals or individuals who shall be responsible for ensuring compliance with the provisions of this Chapter and the conditions of the permit;
6. Proposed equipment vehicles, staging, bleachers, shelters, lighting and electricity requirements;
7. If revenue is anticipated to be generated by the activity, the individuals or entity that will benefit therefrom, an a list of anticipated vendors;
8. If animals such as horses are to be included in the event, provision of waste collection shall be provided by the Event Coordinator;
9. If pets are to be excluded from the event and how this shall be communicated to attendees;
10. Placement of temporary signage stating proposed closure of road; and,
11. Such additional information or assurances as the Town Manager may require.

C. Application submission and processing requirements.

1. A completed application shall be processed and either granted or denied within a reasonable time of receipt, but not more than thirty (30) days from the receipt of any application requiring sixty (60) days' advance filing or fifteen (15) days from the receipt of any application requiring thirty (30) days' advance filing. Such decision shall be in writing, setting forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be provided to the applicant at the address stated in the application.
2. If an application is submitted after the filing deadline set forth in Subsection B, the Town Manager or the Manager's designee may waive the requirements of Subsections A and B upon a demonstration by the applicant in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.

D. Permit approval process.

1. The permit shall be granted by the Town Manager if the following conditions are met:
  - a. Any proposed use of public property, right-of-way, or facilities will have a public benefit and not unreasonably interfere with the normal use of property, right-of-way or facility by the Town or the general public;
  - b. The proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard;
  - c. The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors;
  - d. Should the proposed activity include music or entertainment, provision of such entertainment shall not exceed twelve (12) hours in any twenty-four (24) hour period from the first gathering of participants;
  - e. Race events shall be responsible to provide traffic cones along affected routes to keep participants within coned boundaries, place race marshals at the start/finish and at every intersection along the coned route;
  - f. The applicant has provided proof of liability insurance underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the Town Manager, based upon risks associated with each type of event, in consideration of anticipated attendance. The Certificate of Liability Insurance to cover the event shall name the Town as an "Additional Insurer";
  - g. The proposed activity conforms to the Town's Zoning Ordinance;

h. Should the proposed activity take place within the Historic Downtown area, the following restrictions shall be met;

[1] Events with less than 750 attendees shall be restricted to the Gazebo Area and Parking Lot;

[2] Events with less than 3,000 attendees shall be restricted to the Gazebo Area and Parking Lot, Chester Street, and Laura Virginia Hale Place and a partial closure of Main Street from Chester Street to Blue Ridge Avenue after 5:00 p.m.;

[3] Events with 3,000 or more attendees can request closure of Main Street from Royal Avenue to Blue Ridge Avenue;

[4] Partial closure of Main Street, prior to 5:00 p.m., shall be permitted once per month;

[5] Full closure of Main Street, prior to 5:00 p.m., shall be permitted four (4) times per calendar year; and,

[6] The Town Manager shall determine the number of attendees based on the information provided by the applicant, but shall not be limited to that information when the estimate provided by the applicant is determined to be unrealistic.

2. Town or County sponsored events shall have priority in use of any downtown public property or right-of-way. For events not sponsored by the Town or County, applicants who have held a quality event in the previous year and remain in good standing with the Town shall have priority for the same time and location the following year. All other applications are processed in order of receipt.

3. Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.

E. Permit requirements. The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:

1. The payment of a reasonable fee for the use of Town utilities in connection with the proposed activity. Fees shall be as follows:

| <u>Service</u>   | <u>Fee</u>           |
|------------------|----------------------|
| Electric Service | \$25.00 per day      |
| Water Service    | Current metered rate |

2. The applicant can request the use of Town equipment and personnel at an event. Provisions of these services, by the Town are unplanned expenses, and an event coordinator should consider reimbursing the Town for such efforts. Expenses are typically as follows:

| <u>Service</u>                                | <u>Fee</u>        |
|---|-------------------|
| Police Service (less than 750 attendees)      | \$ 50.00 per hour |
| Police Service (750 to 2,999 attendees)       | \$125.00 per hour |
| Police Service (3,000 or more attendees)      | \$250.00 per hour |
| Solid Waste Service (less than 750 attendees) | \$ 40.00 per hour |
| Solid Waste Service (750 to 2,999 attendees)  | \$ 75.00 per hour |
| Solid Waste Service (3,000 or more attendees) | \$120.00 per hour |

3. The provision of adequate crowd, parking and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal and noise restrictions.

4. By acceptance of the issuance of this permit, the applicant provides the Town Manager, the Manager's designee, and/or duly constituted law enforcement officers full access to the event for the purpose of determining compliance with the provisions of this Chapter.

5. Event Coordinators shall make every effort to promote the following and communicate to all organizers, vendors, entertainers or participants other than attendees the following suggested actions:

a. Event organizer, vendor, entertainer and participant parking should be in locations other than the Peyton Street Parking Lot. The Event Coordinators shall seek permission from off-site property owners for participant parking;

b. Participants in events associated with road closures shall confine exhibits, equipment and supplies to road area only. Blocking of sidewalks is prohibited;

c. Event Coordinators shall provide first right of refusal for one space adjacent to each merchants' business up to six (6) weeks in advance of the event. Event Coordinators are encouraged to provide reduced rates for this space;

d. Event Coordinators shall place vendor booths on alternating sides of the road or shall alternate side of the road each year for successive events; and,

e. Pedestrian access paths shall be provided to the sidewalk at a rate of one ten (10) foot space every forty (40) feet of vendor booths. All sidewalk access points shall be free from vendor booths.

F. Exceptions for special event activities. This Chapter shall not apply to:

1. Gatherings on residentially-zoned property for the celebration of birthdays, anniversaries or family reunions;

2. Sporting events on any publicly-owned property;
3. Gatherings or events on Warren County or school-owned property with the permission of the County or School Board; or,
4. Gatherings or events on Randolph Macon Academy or school-owned property.

G. The Town Manager or the Manager's designee shall be authorized to revoke or suspend any permit previously granted:

1. For violation of any provisions of this Chapter or of any condition of the permit;
2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
3. When weather conditions render the subject activity unsafe; and,
4. When otherwise required in the interest of public health, safety and welfare or environmental considerations. In the event a permit is revoked or suspended, the permittee shall immediately discontinue, or cause to be discontinued, the activity for which the permit was granted, but shall thereafter, be entitled to a hearing concerning the revocation or suspension decision as provided by Subsection D.3.

H. Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.

I. The granting of any permit required by this Chapter shall not eliminate any requirement for any business license, any other permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations, or compliance with any other applicable federal, state or local statutes, ordinances or rules or regulations.

J. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements.

K. The Town Manger may designate one (1) or more officers or employees of the Town to administer the provisions of this Chapter.

L. Any person who shall violate any provision of this Chapter shall be guilty of a Class 3 misdemeanor.

**(Ord. No. 03-06 Amended 3-13-06-Effective Upon Passage)**

**(Ord. No. 11-07 Amended 8-27-07-Effective Upon Passage)**

**(Ord. No. 4-12 Amended 1-23-12-Effective Upon Passage)**

**72-3 PERMIT PROCESSING FEE**

A nonrefundable processing fee, as follows, shall be submitted with the completed application for a special event:

1. All special event permits shall be processed at no cost.

**(Ord. No. 11-07 Amended 8-27-07-Effective Upon Passage)**

**(Ord. No. 4-12 Amended 1-23-12-Effective Upon Passage)**