# # 11-e

# Memorandum

**To:** Mayor and Council

**From:** Tammy Malone, Facilities Director

**Date:** February 2, 2010

**Cc:** Anthony Barrett, Town Manager
R. E. Fletcher, Assistant Town Manager, Engineering
Shirley Freeman, Assistant Town Manager, Finance
Marc Orlando, Assistant Town Manager, Growth Management
Dave McAllister, Chief of Police

**Subject:** Proposed Special Events Ordinance

**Recommendation:** The Town Council passes on first reading the proposed Special Events ordinance.

**Background:** This ordinance was presented at the January 19, 2010 Town Council meeting workshop. Feedback was received from Council and staff. .

Passage of this ordinance will provide:

- Clearer and consistent application submittal & processing ,
- Streamlined and consistent coordination and approval by multiple approval entities,
- Improved participant and sponsor safety
- Clear framework allowing Law Enforcement to correct unsecured or unsafe situations.

New and clearer procedures have been developed and will be refined with the passage of this ordinance.

Attachment: 1 Proposed Special Events Ordinance

**ORDINANCE NO. 2010 -_____**

**TOWN OF BLUFFTON, SOUTH CAROLINA**

**ORDINANCE FOR REGULATING TOWN OF BLUFFTON SPECIAL EVENTS**

WHEREAS, the Town of Bluffton, South Carolina has, from time to time, had Special Events in the Town; and

WHEREAS, to better facilitate, regulate and supervise Special Events, the Town of Bluffton believes it is appropriate to establish, adopt and enact a Special Events Ordinance; and

WHEREAS, the Town of Bluffton believes that the same will better ensure the health, safety and welfare of its citizens.

NOW, in accordance with the foregoing, the Town of Bluffton adopts a Special Events Ordinance.

.ARTICLE IV. SPECIAL EVENTS ORDINANCE

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Sec. 22-101. This article shall be known as the Special Events Ordinance of the Town of Bluffton.

Sec. 22-102. Definitions.

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

(a) *Block party* means a private outdoor gathering on a public street which involves the closure of a street and may include live or taped music and the distribution of food and/or beverages.

(b) *Event* means any festival, concert, or other announced public gathering upon any public street, right-of-way or property of the Town and may include live or taped music and the sale of food and/or beverages.

(c) *Filming* means any filming of movies, commercials, documentaries and other motion pictures, video projects, or commercial photographs upon any public street, right-of-way or property of the Town.

(d) *Parade* means any parade, march, foot race, bicycle race, ceremony, pageant or procession of any kind moving upon any public street or sidewalk of the Town.

(e) *Performance* means any public presentation, exhibition, fireworks display or appearance upon any public street, right-of-way, plaza or property of the Town.

(f) *Picketing* and pickets include demonstrating and demonstrators, strikers, and any other related First Amendment activity.

(g) *Street* means any public or private thoroughfare used by the general public.

Sec. 22-103. Permit required; exceptions.

(a) No person shall engage or participate in, aid, form or start any Parade, Event, Block Party, Performance or Filming unless a permit is obtained from the Town.

(b) This section shall not apply to the following:

(1) Funeral processions supervised by a licensed mortuary.

(2) A Parade, Event or Performance that is under the control of the Town Manager or his designee.

Sec. 22-104. Application for permit.

(a) *Generally.* A person seeking the issuance of a Parade, Event, Block Party, Performance or Filming (hereinafter "Special Event") permit shall file an electronic or hard copy application with the Town's Special Events office. Upon receipt of the application, the Town's Special Events office shall notify the Police Department and other appropriate sections, which will process the application as expeditiously as possible. Final approval of the application will be granted by the Special Events office, and if necessary, the Town Manager or his designee.

(b) *Filing period; processing fee.* An application for any permit required by this section shall be made to the Town's Special Events office, accompanied by a nonrefundable processing fee in accordance with the schedule of permit fees established by the Town. However, where good cause is shown, the Town Manager, or his designee, shall have the authority to waive the processing fee for small events. The application shall be filed not less than 30 days before the date on which the Special Event is to be conducted. However, where good cause is shown, the Town Manager, or his designee, shall have the authority to consider any application which is filed less than 30 days before the date sought.

(c) *Contents.* The application shall be signed by the applicant, and shall include but not limited to the following:

(1) The name, address and telephone number of the person or entity seeking to conduct such Special Event.

(2) The name, address and telephone number of the headquarters of the

organization, and of the authorized and responsible head of such organization.

(3) The date when the proposed Special Event is to be conducted.

(4) The route to be traveled, the starting point and the termination point, or the area sought to be used or closed off for the Special Event.

(5) A traffic control/security plan for approval by the Town's Police Department.

(6) The approximate number of persons, animals and vehicles participating, and the types of animals and a description of the vehicles.

(7) The time when the Special Event will start and terminate.

(8) The location, by streets, of any assembly area and the time of such assembly for Parades.

(9) Provisions for sanitation facilities, crowd, noise and traffic control, and parking.

(10) A description of food and beverages to be sold or distributed, and if beverages containing alcohol are to be sold, then evidence of a state permit, if needed, having been issued.

(11) The individuals or entity that will benefit, if revenue is anticipated to be generated by the activity.

Sec.22-105 Issuance of permit; conditions.

(a) *Criteria for issuance.* The Town shall issue a permit for a proposed Special Event unless it is determined that:

(1) The conduct of the Special Event will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(2) The conduct of the Special Event will require the diversion of so great a number of Town police officers to properly police the line of movement and of contiguous areas that adequate police protection cannot be provided to the remainder of the Town.

(3) The concentration of persons, animals, equipment or vehicles at assembly points or other areas will substantially interfere with adequate fire and police protection of, or ambulance service to, areas near such areas, or will hinder the movement of firefighting equipment.

(4) The conduct of Special Event is reasonably likely to result in violence to persons or property, causing serious harm to the public.

(5) The Special Event is to be held for the primary purpose of advertising a product, goods or services, and is designed to be held primarily for profit.

(6) The route has been requested recurrently in the past year and is too disruptive to residents or businesses.

(b) *Liability insurance.* The Town Manager or his designee may require proof of public liability insurance in an amount equal to the Town's liability under the Government Tort Claims Act of the state, and require the execution of a hold harmless agreement to indemnify the Town in the event it is held liable for any injuries or damage as a result of the event.

(c) *Notification of Town agencies of issuance of permit.* Upon issuance of a permit, a copy shall be sent to the appropriate Town agencies affected.

(d) *Compliance with other laws.* The granting of any permit required by this article shall not eliminate:

(1) Requirements for any business license or any other permits which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations.

(2) Compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations.

(3) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at assembly points or other areas which substantially damages planting or landscaping on public or private property. Adequate cleanup and sanitation must be provided.

(e) *Imposition of Restrictions*. The Town Manager shall have the authority to impose such restrictions, conditions, and safeguards upon the conduct of a parade, procession, or public gathering as he shall deem fit or proper to preserve public convenience and welfare.

Sec. 22-106. Notice of action on application.

The Town shall act upon the application for a permit required by this article as expeditiously as possible, notifying the applicant of the decision. If the application is disapproved, the reasons therefore shall be set out in writing.

Sec. 22-107. Approval of permit under alternate date, time, route or conditions.

The Town Manager or his designee, in denying an application for a permit under this article, shall be empowered to authorize the conduct of the Special Event on a date, at a time, or over a route and under different conditions from that requested by the applicant.

Sec. 22-108 Appeal from denial.

In the event of a denial of the application for a permit under this article, the applicant shall have the right to appeal to Town Council. The appeal shall be perfected by giving notice thereof to the Town Manager within 48 hours after notice of permit denial. The Town Council shall act upon this appeal with reasonable promptness under the circumstances.

Sec. 22-107 Duties of permittee.

(a) *Generally.* A permittee under this article shall comply with all permit directions and conditions.

(b) *Display or carrying permit.* The applicant, individual, or any representative of the organization shall display the permit or carry it upon his person during the Special Event.

(c) Special E*vent vendor's business license requirements.* Events and vendors must comply with the Town's business license requirements, as needed.

Sec. 22-108. Public conduct.

(a) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any Special Event or with any person, vehicle or animal participating or used in the event.

(b) *Driving through parade or event.* Once the Special Event begins, no driver of any vehicle shall drive between the vehicles or persons comprising a Special Event, nor shall any driver drive around or through a properly designated or barricaded area.

(c) *Parking on Parade route or Event location.* The Town shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for a Special Event, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(d) *Glass containers.* No glass bottle may be sold or distributed on the public right-of-way, and no patron may carry a glass bottle on the public right-of-way during a Special Event. It shall be unlawful for any vendor to sell beverages in glass containers for off-premises consumption at parades or events.

Sec. 22-109. Payment of costs of services and equipment provided by the Town.

The Town Manager or his designee may impose reasonable fees and requirements upon the applicant as are necessary to cover the cost of public services and equipment provided by the Town for the event. The applicant or sponsor shall be responsible for cleanup after an event. A bond may be required.

Sec. 22-110. Violations; penalties.

(a) Anyone who attempts to organize, without a permit, a Special Event or knowingly participates or aids and abets in the staging of the Special Event shall be in violation of this article and shall be guilty of a misdemeanor.

(b) Should the applicant fail to comply with the terms and conditions of the application and permit, such person or persons shall be guilty of a misdemeanor.

(c) Anyone participating in a parade that knowingly and willfully violates the provisions and conditions of the application and permit shall also be guilty of a misdemeanor.

(d) Nothing herein contained shall in any way alter, amend, abridge or change the duty and right of the Town to arrest and punish anyone charged with disorderly conduct.

(e) Failure to obtain a Special Events permit may result in the closure and disbursement of the event by Police officials.

Sec. 22-111. Picketing.

(a) *Conduct of picketing; penalty.* Peaceful picketing in the furtherance of a lawful purpose shall be allowed in the Town without a permit being required, provided the picketing is done under the following conditions:

(1) Picketing may be conducted only on the sidewalks or other Town-owned areas or public right-of-way normally used or reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.

(2) Such pickets may carry written or printed placards or signs, provided the placards and staffs or poles to which they are attached do not interfere with the free use of the sidewalk by other pedestrians. Such placards, with reasonable use, shall be deemed to comply if they do not exceed 20 inches by 30 inches or 600 square inches. Such staffs and poles, with reasonable use, shall be deemed to comply if they are made of non ferric material, do not exceed 40 inches in length, are not more than one inch in diameter, and are blunt at each end. Placards, staffs and poles exceeding these dimensions, and staffs and poles having pointed ends, are presumed threats to safety.

(3) Such pickets must not block the sidewalk or any driveway.

(4) If pickets promoting different objectives desire to use the same sidewalk within a block for picketing, the Police Department shift commander shall allot time to each group of pickets for the use of such sidewalk on an equitable basis, but each group shall be permitted to picket subject to the provisions of this section in alternating four-hour time periods.

(5) The term "block" as used in this section, shall mean each side of a street lying between street intersections.

(b) *Interference with pickets.* It shall be unlawful for any person to physically interfere with such pickets in the use of the sidewalk or address profane, indecent, abusive or threatening language to or at such pickets or others to breach the peace.

(c) *Crowd dispersal.* A shift commander or supervisor of the Police Department of the town may, in the event of the assemblage of persons in such numbers as to tend to intimidate pickets pursuing their lawful objective through numbers alone or through use of inflammatory words, direct the dispersal of persons so assembled.

IT IS SO ORDAINED.

First reading by title only held on _____, 2010.

_____
Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

_____
Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on _____, 2010.

_____
Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

_____
Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, 2010.

_____
Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

_____
Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina