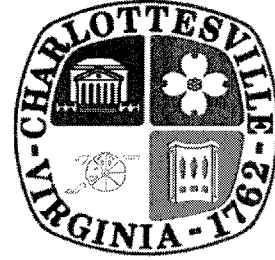


**CITY OF CHARLOTTESVILLE
STANDARD OPERATING PROCEDURE**



Type of Policy: Administrative	Policy Number: 100-04
Subject: Special Events Regulations	
Circulated for Approval/Comment by Lead Team? Yes	Date: 09/16/2008
	Revised: 11/20/09
Authorization: Gary O'Connell, City Manager	
Signature of City Manager: <i>Gary O'Connell</i> 12/1/09	Effective Date:

1.0 PURPOSE

To establish procedures and standards governing the use of public property, by non-City organizations and individuals, and to ensure preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses.

2.0. CITY DEPARTMENTS/ORGANIZATIONS AFFECTED.

The City Manager, through an Events Coordinator, shall manage the scheduling of community and other special events on City-owned Property. The Police, Fire, Public Works (Traffic, Transit, and Facilities Management Divisions) Neighborhood Development Services (NDS) and Parks and Recreation Departments shall have an opportunity to review event applications.

3.0. POLICY.

3.1 Definitions.

3.1.1. "Advertising," and "Advertisement" shall mean anything containing any words, symbols, pictures and/or logos directing attention to any business or to any commodity or service for sale to the public; excluding, however: (i) a price sign, a sign or logo identifying the name of a vendor and item being sold by that vendor, when such signs are located within an area specifically delineated as part of a special event, (ii) a sign or logo naming the Sponsor(s) of a Special Event, and (iii) stands or vehicles with semi-permanent or permanently installed signs, if being used for authorized recreational activities or special events. (C.Ref. State Code 15.2-2013(l): advertising prohibited in streets temporarily closed to public use).

3.1.2. "Community Event" shall mean the events listed in Sec. 28-29(c) of the City Code, and such

other events as designated by City Council from time to time.

3.1.3. "Demonstration" shall refer to non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall *exclude* (i) any events conducted by Tenant of the Economic Development Authority of the City of Charlottesville ("CEDA") under the Pavilion Lease dated September 20, 2004 (i.e., all "*Operator Events*" as that term is defined within that Pavilion Lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.

3.1.4. "Events Coordinator" means the Director of Parks and Recreation or his designee, or another person designated by the City Manager. The CEDA Executive Director shall serve as the Events Coordinator for all City/CEDA Events that take place within the Pavilion, and for the day-to-day management of the Pavilion Premises (as the term "Premises" are defined within the Pavilion Lease dated September 20, 2004) outside of the time(s) when the Pavilion Premises are reserved to the CEDA Tenant's exclusive use.

3.1.5. "Person" shall mean and include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

3.1.6. "Special Event" shall refer to sports events, pageants, celebrations, historical reenactments, carnivals, music festivals and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), block parties, parades and other, similar activities, conducted on public property, which (i) are not demonstrations, and (ii) are engaged in by 50 or more persons. The term Special Event shall be construed to include a Community Event or private organization celebration held in or on city-owned property and is attended by more than 50 people. The term Special Event shall *exclude* (i) any events conducted by CEDA's Tenant under the Pavilion lease dated September 20, 2004 (i.e., all "*Operator Events*" as that term is defined within the Pavilion lease) and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.

3.1.7. "Sponsor" shall mean the person (as defined above) which conducts, or seeks to conduct, a special event or demonstration and who will be responsible under a permit for ensuring that the activity will be conducted in accordance with these regulations.

3.1.8. "Streets" shall mean public streets, sidewalks, walkways, alleys, lanes and highways of the City, including, without limitation, the Downtown pedestrian mall.

3.1.9. "Structure" shall mean and include props and displays (such as, but not limited to: crates, crosses, theaters, cages, and statues); furniture and furnishings (such as desks, chairs, tables, bookcases, cabinets, platforms, podiums and lecterns); shelters (such as tents, boxes, inflatables, booths and other enclosures); wagons and carts; and all other similar types of property which might tend to harm parks or street areas, including aesthetic interests.

3.2. Permit Requirements

3.2.1. Demonstrations and Special Events may be held only pursuant to a permit issued by the Events Coordinator, with the following exception: **demonstrations involving 50 or fewer persons**, or which will not occur in any city rights-of-way, may take place **without a permit** if (i) otherwise conducted in accordance with the regulations set forth within Sections 3.5.5 through 3.5.14 herein; and (ii) the group will not unreasonably interfere with other demonstrations or special events scheduled or taking place

concurrently.

3.2.2. Wherever these regulations specify that a particular use or activity may be conducted only pursuant to a permit, such permit shall be required in order for that use or activity to be lawful.

3.3. Permit Applications. In cases where a permit is required:

3.3.1. Permit applications may be obtained from the City's Events Coordinator. Tent permits are required for tents that exceed 900 square feet in size. Permits for tents exceeding 900 square feet can be requested by contacting the City Building Code Office in the Neighborhood Development Services Department. Tents greater than 400 sq. ft. but less than 900 sq. ft. do not require a permit but must be inspected by the Fire Department prior to use. No "easy-up" are allowed. Inquiries regarding use of the Pavilion shall be directed to CEDA's Executive Director. Inquiries regarding use of the area surrounding the First Amendment Monument shall be directed to the Thomas Jefferson Center for Freedom of Expression. E-Z up or pop-up canopy tents are not permitted on the Downtown Mall under any circumstances.

3.3.2. Applications shall be submitted in writing, on a form provided by the City, so as to be received at least five (5) business days in advance of any proposed demonstration (only if the demonstration requires a permit) and as outlined below prior to any proposed special event. These periods may be waived by the Events Coordinator if the size and nature of the proposed activity will not reasonably require the commitment of city resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period.

Events located at fixed locations on Downtown Mall – 10 business days

Events located wholly within a Park – 10 days

Events requires street closure or removal of parking – 30 days

a. Each application shall specify the name, address and telephone number of a contact person for the sponsor, and shall be accompanied by all required fees and deposits. Each application must be signed by all sponsors responsible for the event.

b. The Sponsor of a Special Event for which admission fees will be charged shall provide the City with the number(s) of people (based on ticket sales or the estimate of a Police Official of any locality) who attended the past three events staged by any band(s), performers or other attraction(s) scheduled to participate in the event. This will assist the City in planning for any services which may be necessary in connection with the event.

3.4. Permit Processing.

3.4.1. Permit applications for demonstrations and special events will be processed in order of receipt. The use of a particular area is allocated in order of receipt of applications. Unless otherwise provided by these regulations, no applications shall be accepted more than twelve months prior to the proposed date of an event.

3.4.2. **Priority of Use.** Community Events shall have priority of use of the particular street and park areas specified in Section 3.7 of these regulations, and those areas shall be deemed reserved unless released in writing by the Sponsor. Other demonstrations or special events may be allowed in park areas which have been reserved for a Community Event, if they do not significantly interfere with the Community Event and the Community Event sponsor consents.

3.4.3. **Permit Application Fees.** An application fee shall be paid by the sponsor of every proposed demonstration or special event for which a permit is required. See Appendix A for the amount of the fee. (C.Ref.5-56, 28-5 City Code). Appendix A shall not apply to the Pavilion. Fees applicable for use of the

Pavilion during time(s) when that area is available for use by the City/CEDA shall be provided by CEDA's Executive Director upon request.

3.4.5. A permit may be **denied in writing** by the Events Coordinator, upon the following grounds:

a. Receipt of Multiple Requests: a fully executed prior application for the same time and place has been received, reserving an area for an event or activities which do not reasonably permit multiple occupancy of the particular area.

b. Dangerous Activity or Location: it reasonably appears that the proposed activity will present a danger to public safety or health or would be unlawful (including, without limitation, where a permit or license required by the Health Department or ABC has not been obtained).

c. Incompatible Use: the proposed demonstration or special event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; would be inconsistent or incompatible with the purpose(s) for which the area sought to be reserved is normally reserved, or with other uses of the public area.

d. Failure to Meet Conditions: the application proposes activities contrary to the limitations and conditions specified within these regulations.

e. No Responsible Person or Entity: there is no person or entity authorized to sign an application on behalf of a group applying for a permit and/or there is no person or legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations.

f. In the case of a proposed special event: the proposed special event cannot be accommodated within a reasonable allocation of City funds and/or resources, considering the event's public appeal and the anticipated participation of the general public therein.

g. In the case of a special event proposed to take place within the Pavilion: (i) the Pavilion is not available to the City/CEDA on the date/time requested, under the terms and conditions of the Pavilion lease dated September 20, 2004, or (ii) one or more of the grounds specified in paragraphs a-f, above, apply.

3.4.6. **Notice of Decision.**

a. Applicants shall be notified of the City's approval or denial of a permit for a special event as soon as possible, after the date on which the application was received.

b. All requests for demonstration permits shall be DEEMED GRANTED, subject to all applicable limitations and restrictions, unless denied within ten business days following the application for a permit, or within 48 hours prior to the proposed demonstration, whichever occurs first, so long as the area proposed for the demonstration had not been reserved by another person prior to the date on which the demonstration sponsor submitted its application.

3.4.7. **Permit revocation.**

a. A permit may be revoked by the Events Coordinator, upon a finding of a violation of any rule, ordinance, law, regulation and/or any condition of the permit. Immediately upon such a revocation the Special Events Coordinator shall send a written notice to the permit holder, specifying the reason for the revocation.

b. During the conduct of a demonstration or special event, a permit may be revoked by the ranking

Police or Fire supervisory official in charge, if continuation of the demonstration or special event presents a clear and present danger to the public safety, good order or health, and/or for any violation of an applicable law or regulation.

c. When a permit has been granted, or is deemed to have been granted pursuant to these regulations, the Events Coordinator may revoke that permit for any reason for which it could have been denied originally.

3.5. Permit Limitations and Conditions. All permits are subject to the following limitations and conditions:

3.5.1. Excluded Areas.

a. No demonstrations or special events may take place in Sixth Street, between City Hall and the East Market Street Parking Garage. This area must remain open to vehicular traffic at all times, and shall not be closed in connection with any demonstration or special event.

b. The street under the Belmont Bridge is an unsafe and inappropriate place in which to hold a demonstration or special event.

1. No special events will be scheduled to take place in Central Place, on the Downtown Pedestrian Mall, during any hours in which the use of that area is restricted pursuant to Sections 3.5.6 or 3.5.7 of these regulations.
2. No demonstration or special event shall utilize any area on the Downtown Mall that is already designated as assigned/unassigned vendor space, assigned café space or within any required fire lane areas, unless permission is otherwise provided by the Zoning Administrator.
2. No demonstrations or special events may take place within the Pavilion or the area surrounding the First Amendment Monument during any time when the Pavilion or Monument is subject to exclusive use by CEDA's tenant under the Pavilion lease dated September 20, 2004 or the City's lease with the Thomas Jefferson Center for Freedom of Expression.
3. No demonstration or special events can be scheduled to take place in Lee Park before 1 p.m. on Sundays

3.5.2. Street Closings.

a. No City street may be closed for any demonstration or special event, unless done so pursuant to a permit issued by the City pursuant to sec. 28-5 of the City Code. No such permit shall be granted unless the City Traffic Engineer or Chief of Police determines that:

(1) such closing is necessary because the demonstration or event will impede traffic and/or pedestrian travel (or, if not strictly necessary, such a closing would not be unduly injurious to public safety and convenience as proposed by the Sponsor of the demonstration or special event in question. (Requests for a street closing in the Downtown Area shall be presumed unduly injurious to public convenience if proposed to take place between the hours of 7:00-9:00 a.m. or 4:00-5:30 p.m. Monday-Friday); and,

(2) if the street in question is an extension of the state highway system, adequate provision can be made to detour through traffic during the demonstration or special event. (C.Ref. City Code 28-5: Temporary Street Closings, Generally; State Code 15.2-2013), and

(3) the person/sponsor permitted to use public right(s)-of-way being closed will furnish a public

liability and property damage insurance contract, as required by Va. Code §15.2-2013 and §3.5.4 of these regulations.

b. No street may be closed for a demonstration or special event except on a temporary basis, not to exceed **48 hours** in duration. (C.Ref. City Code 28-5).

c. Even if not requested by a sponsor, if the circumstances of a proposed demonstration or special event are such that a street closing is necessitated because the demonstration or event will likely impede vehicular or pedestrian travel then the City will (i) require a permit and a street closing in connection with the event, along with all application fees applicable thereto, or (ii) offer an alternate site to the sponsor, if a suitable site is available.

d. Upon approval of a street closing in connection with a demonstration or special event, the Sponsor shall be issued a Permit by the City's Traffic Engineer. This Permit shall be displayed in a prominent place during the Event.

e. During the conduct of a demonstration or special event, the sponsor of that demonstration or special event shall comply immediately with the lawful request of any police officer, firefighters rescue service person or city employee, made for emergency reasons, to move any structure from a street which has been closed in connection with that event.

f. Notwithstanding any of these provisions the City Traffic Engineer may close any street for a neighborhood block party. When 1 block or less is to be closed, and there is an alternative for all traffic, and the Traffic Engineer believes that there are no safety issues. In these cases, no Special Event permit is required and applicants shall be referred to the Traffic Engineer for permits.

3.5.3. No Impediments to Public Access. All City ordinances and State statutes limiting the use or obstruction of fire lanes, emergency routes and pedestrian walkways must be observed. No person(s) participating in a demonstration or special event shall block any entrances to or exits from City buildings, nor shall such person(s) interfere with the use of City buildings or facilities by non-participating persons.

3.5.4. Indemnification and Insurance.

- a. Sponsors of demonstrations and special events for which a permit is required shall be required to indemnify and hold harmless the City, its officials, employees and agents from any personal injury, death and damages to property, and any other loss, cost and/or damage occurring as a result of the demonstration of the event.
- b. Where the demonstration or special event is proposed to take place within the Pavilion the sponsor shall also be required to indemnify and holding harmless CEDA and CEDA's tenant under the Pavilion lease dated September 20, 2004.
- c. The event sponsor(s) will accept the reserved area as-is, and the City does not warrant that any public area(s) are suitable for the activities to be conducted as part of the event. The event sponsor(s) shall be solely responsible for any damages or injuries resulting to any person or property arising out of the sponsor(s)' use of City property for the event, and the sponsor(s)' failure to obtain any required public liability insurance for the event is at the sponsor(s)' sole risk. The City expressly reserves all sovereign and governmental immunity to which it, and its officers, officials and employees may be entitled to under the laws of the Commonwealth of Virginia.
- d. Insurance or Other Liability Contract. The sponsor of a special event shall furnish a general liability

and property damage insurance contract insuring the Sponsor's liability for personal injury and death and damages to property resulting from its use of public property. If alcohol is to be served or sold in connection with the event, then the required insurance shall cover liability specifically in connection with that activity. The required general liability and property damage insurance shall be provided in an amount not less than \$1,000,000), and the insurance policy shall name the City (including its officers, officials, employees and agents) and or CEDA /CEDA's Tenant (for special events approved to take place in the Pavilion), as an additional insured party to the insurance contract. Failure to provide required Insurance, and documentation of the insurance, will be grounds for denial and/or revocation of a permit.

(1) Prior to commencement of the Special Event, the Sponsor must provide the City with an insurance certificate that verifies the insurance coverage required by these regulations.

(2) This insurance requirement may be waived, in whole or in part, by the Director of Parks and Recreation for small events that do not pose a high level of liability risk to the City and do not involve any inherently dangerous activity.

- e. The Sponsor of an event for, or in connection with, which any type of royalty(ies) are required to be paid must agree to pay all such royalties (including, without limitation, any which may be due to ASCAP and BMI) and to indemnify and hold the City harmless from and against any and all royalty payments sought from the City.

3.5.5. Limited Duration. No demonstrations or special events shall be authorized for a duration in excess of the time periods set out below, and no street closing shall be authorized for a duration in excess of 48 hours. Provided, however, that the stated periods will be extended, upon request, for demonstrations only, unless another application requests use of the particular area and said application precludes double occupancy: (a) Pen Park and McIntire Park, 7 days; (b) Lee Park, 3 days; (c)Pavilion: 2 days; and (d) All other parks: 1 day.

3.5.6. Time of Day Restrictions.

a. No demonstration or special event shall be permitted in any park or the Pavilion during hours that park is otherwise closed to the public, except that activities may be permitted in McIntire Park through 12:00 midnight. (C.Ref. 18-1 City Code: hours for Remaining in City Parks or recreation facilities).

b. No community event or special event shall be scheduled to take place in Lee Park before 1:00 p.m. on any Sunday.

c. No demonstration or special event shall be permitted in the Pavilion during any hours that such area is reserved for exclusive use by CEDA's Tenant under the Pavilion lease dated September 20, 2004, or in the area surrounding the First Amendment Monument during any hours that such area is reserved for use by or through the Thomas Jefferson Center for Freedom of Expression.

3.5.7. Sound Amplification.

a. As stated in the City Code the restrictions in the City Code do not apply to Community Events or Special Events that have received a permit from the Events Coordinator. Sound amplification equipment is allowed in connection with permitted demonstrations or special events, provided prior notice has been given to the Events Coordinator. The Events Coordinator may reasonably limit the sound amplification equipment so that it will not unreasonably disturb nonparticipating persons in, or in the vicinity of, the area of a demonstration or special event and/or so that it will not unreasonably interfere with the conduct of another demonstration or special event, or an outdoor business enterprise such as a sidewalk cafe, in the vicinity of

the area. Sound levels unless otherwise waived or modified by the Events Coordinator shall not exceed the following:

Event Location	Maximum Decibel Level
City Park	70 at property line
Downtown Mall	75 at a distance of 10 feet
Other location	70 at a distance of 10 feet

b. No amplified sound shall be generated by or in connection with a special event in the Pavilion after 10:00 p.m.

c. No amplified sound shall be generated in or from the Pavilion area before 4:30 p.m. Monday through Friday; except that sound checks required for a special event scheduled to begin at 5:00 p.m. may be conducted anytime after 4:00 p.m. Monday through Friday.

d. For dates established by the City Manager Office as “Global Music Heritage Nights” there should be no restriction on acoustic, non-amplified music during the hours of 5:00 p.m. – 9:00 p.m.

3.5.8. Sales or Distribution of Merchandise/Information.

a. When the sale or display of merchandise, or the distribution or display of educational, informational or other materials (including the distribution of non- commercial printed materials) is to be done in or upon City streets or parks with the aid of a table, stand or structure, no such table, stand or structure shall exceed 4 ft. x 4 ft. or 2 ft. x 8 ft.

b. Whether or not a permit is required, the sale, display or distribution of merchandise or other materials, and the solicitation of contributions or donations, is prohibited in the following areas: (1) any location that would impede access to the entrance of any adjacent building or driveway; (2) any location such that the sale or distribution activity would occupy more than half the available sidewalk width, or four feet of sidewalk width, whichever is less; (3) within 10 feet of a fire hydrant, a public telephone, a fire escape, the driveway of a fire or police station, the driveway of any hospital, a bus stop or a loading zone; (4) within the portion of any street intended for the use of motor vehicles which has not been temporarily closed for or in connection with the demonstration or special event; (5) within any lanes adjacent to the Downtown Mall reserved for use by fire and emergency vehicles; (6) if done with the aid of a table, stand or structure: within any area reserved by a permit issued for a demonstration or special event, if the sponsor of the demonstration or special event has not consented to the presence of the table, stand or structure. All merchandise displays shall conform to the guidelines of the Board of Architectural Review as applicable.

c. Persons or organizations engaged in the sale, display or distribution of written or printed materials, and/or the solicitation of donations or contributions, whether or not a permit is required, shall not obstruct or impede pedestrians or vehicles, harass park visitors or the attendees of any special event with physical contact, misrepresent the purposes or affiliations of those engaged in the activity, or misrepresent whether written or printed materials being distributed are available without cost or donation.

d. No sales or distribution activity may be conducted after 10:00 p.m., except that such activity shall be allowed past 10:00 p.m. in connection with a Community Event. (C.Ref. City Code 28-120).

3.5.9. Food and Beverage Sales. The sale or distribution of food and/or beverages as part of a demonstration or special event is allowed pursuant to a permit.

a. All sales and/or other provision of food and/or beverages must be done in accordance with all licenses,

permits and approvals (including, without limitation those required by the Health Department, the Department of Alcoholic Beverage Control and the City's Commissioner of Revenue) required by law. If the Sponsor cannot provide documentation to the City that all required licenses or permits have been obtained, that shall be grounds for denial or revocation of the permit for the demonstration or special event.

b. The Sponsor shall provide the City with a diagram identifying the size and location of any tables, stands or other structures to be used for or in connection with the sale of food and beverages. There shall be no sales or distribution of food or beverages in any of the following locations: (1) any location that would impede access to the entrance of a building or driveway; (2) any location such that the sale or distribution activity would occupy more than half the available sidewalk width, or four feet of sidewalk width, whichever is less; (3) within 10 feet of a fire hydrant, a public telephone, a fire escape, the driveway of a fire or police station, the driveway of any hospital, a bus stop or a loading zone (unless the bus stop or loading zone is located in a street temporarily closed in connection with the event); (4) within the portion of any street intended for the use of motor vehicles which has not been temporarily closed for or in connection with the demonstration or special event; (5) within any lanes adjacent to the Downtown Mall reserved for use by fire and emergency vehicles.

c. Any person selling or otherwise providing food and/or beverages during a special event or community event, within an area reserved pursuant to the permit authorizing that event, must do so with the consent of the sponsor and must have all licenses, permits and approvals required by law. The event sponsor controls vendors only within the special event area.

d. There shall be no sale or other provision of food or beverages at a demonstration or special event after 10:00 p.m., except that such activity shall be allowed past 10:00 p.m. in connection with a Community Event. (C.Ref. City Code 28- 120).

3.5.10. Signs and Banners. The use of signs and banners in or upon the City's streets and parks is prohibited, for or in connection with any special event or demonstration, except:

a. Banners will be allowed pursuant to the regulations set forth at 100-11 of the City's Standard Operating Procedures.

b. Hand-carried signs are allowed regardless of size.

c. Signs are allowed on or within any table, stand or other structure at which food, beverages or merchandise is being sold, or at which non-commercial printed material is being distributed, so long as that sign is no larger than two (2) square feet in area and contains no advertising or advertisement. (C.Ref. 28-122 City Code).

d. Signs that are attached permanently, or semi-permanently, to stands or vehicles being used for or in connection with authorized recreational activities or special events are allowed.

e. No signs or placards shall be tied, fastened, or otherwise attached to or leaned against any City fences, lamp posts or other buildings or structures. No signs or placards shall be placed or set down on the center portion of any sidewalk. (C.Ref. 28-122: Signs on or within stands)

3.5.1 1. Advertising. Advertising/Advertisement (see definitions set forth in section 3.1) by the use of banners, billboards, signs, markers, audio devices, or any other means whatsoever is prohibited in or upon City streets and parks for or in connection with any special event or demonstration. (C.Ref. State Code 15.2-2013).

3.5.12. Temporary Structures. The erection, placement or use of structures of any kind is

prohibited, except:

a. In connection with permitted demonstrations or special events, temporary structures may be approved at the discretion of City Staff/Events Coordinator. Examples of temporary structures that may be permitted are as follows: structures erected for the purpose of symbolizing a message, first aid facilities, lost child alerts, shelter for electrical or other sensitive equipment.

b. Structures that are being hand-carried are allowed as part of a demonstration.

c. Structures that are permitted pursuant other sections of these regulations are allowed.

d. When allowed: (1) structures are not permitted on sidewalk(s) unless they meet the size criteria described in section 3.5.8.a. of these regulations; (2) structures must be erected in such a manner so as not to unreasonably harm park or other public area resources and the sponsor of the demonstration or event must agree to remove such structures as soon as practicable after the conclusion of the permitted demonstration or special event. Tents are allowed in park areas; (3) structures utilized in a demonstration extending in duration beyond the time limitations specified in paragraph 3.5.5 of these regulations shall be capable of being removed upon 24 hours notice and the site restored, or, the structure shall be secured in such a fashion so as not to interfere unreasonably with use of the park area by other permittees authorized under this section; and (4) the Sponsor must comply with Section 5-57 of the City Code.

e. The Events Coordinator may impose other, reasonable restrictions upon the use of temporary structures in the interest of protecting park or other public areas and/or traffic and public safety considerations.

f. No gasoline powered vehicles will be allowed on the mall during a special event or community events. Any "parade" on the Downtown Mall may use only electric vehicles if approved by the Events Coordinator.

3.5.13. Sanitation and Garbage.

a. Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated on public property during a demonstration or special event shall be removed from the area by the sponsor of a demonstration or special event, or deposited by the sponsor in receptacles provided for that purpose. The improper disposal of such wastes is prohibited.

b. The Sponsor of every special event shall be required to pay a fee for cleanup costs, in the amount specified within Appendix A, to cover the anticipated costs to the City of cleaning up the site of the event, restoring the area in question to its pre-event condition, and disposing of trash and refuse resulting from the event. This fee must be paid in advance. If actual cleanup costs incurred by the City exceed the amount of the Cleanup Fee collected in advance by the City, the sponsor will be billed by the City for the excess.

c. For special events, a sponsor must arrange for such public restroom facilities as may be required by the Health Department. The City shall bear no responsibility for the cost of providing such facilities, and it shall be the Sponsor's obligation to provide documentation to the Events Coordinator that all restroom facilities required by the Health Department have been arranged. Failure to provide documentation of Health Department approvals prior to a special event shall be grounds for denial or revocation of a special events permit.

3.5.14. Electricity.

Participants in Community Events may have the use of City electrical outlets, as needed. Sponsors of

events to take place at the Pavilion may use the electrical outlets there for sound amplification in connection with the event; however, Sponsors must pay an Electricity Fee to the City, in advance. Other than provided in this paragraph, participants in demonstrations or special events may not have the use of City electrical outlets.

3.5.15. Public Safety Personnel.

a. No Special Event shall be permitted unless adequate security will be provided for the welfare and safety of those attending the event and of the general public.

(1) General Requirements.

(A) Minimum Required Security Officers.

(1) Open Events (Admission not restricted by tickets, fees, or otherwise) Where Alcohol is Served or Offered for Sale. Baseline: the Sponsor must pay the cost of one Police Officer to staff the event, regardless of attendance. Where attendance exceeds, or is expected to exceed, 650 people, the Sponsor must, in addition, pay the cost of one Police Officer for every 650 people.

(2) Closed Events (Admission restricted by tickets, fees or otherwise) Where Alcohol is Served or Offered for Sale. Baseline: the Sponsor must pay the cost of two police officers to staff the event, regardless of attendance. Where attendance exceeds, or is expected to exceed, 350 people, the Sponsor must, in addition, pay the cost of one Police Officer for every 350 people.

(3) Events at Which No Alcohol Will Be Served or Offered for Sale (whether open or closed to the general public). Where attendance exceeds, or is expected to exceed, 2000 people the Sponsor must pay the cost of one Police Officer for every 2000 people.

(4) Marathons/Races/Walks. Baseline: the Sponsor must pay the cost of one Police Officer per hour of the race. The Sponsor may be required to pay for additional Police Officers to staff the event, if the Police Chief (or his designee) determines additional police officers to be necessary due to the geographic location of the proposed event, the time of day the event is planned to occur, or other factors related to the safety of participants or the general public and the efficient flow of traffic and pedestrian travel along the planned route of the event.

(5) Additionally, the sponsor shall be required to pay the cost of one traffic/parking control officer for every 1,000 people attending the event.

(6) Upon a determination by the Chief of Police, or his designee, that one or more police vehicles are necessary to assure safe and efficient police coverage of a special event, the Sponsor must pay a vehicle fee, as specified in Appendix A, for each required vehicle. A Sponsor may request, in advance of a special event, an estimate of the number of vehicles that may be required; however, if circumstances of the event require the assignment of additional vehicles, the Sponsor will be billed, and must pay, the required fee for each vehicle actually deployed.

(7) Upon a determination by the Fire Chief, or his designee, that one or more fire vehicles are necessary to assure safe and efficient fire or emergency coverage of a special event, the Sponsor must pay a vehicle fee, as specified in Appendix A, for each required vehicle. A Sponsor may request, in advance of a special event, an estimate of the number of vehicles that may be required; however, if circumstances of the event require the assignment of additional vehicles, the Sponsor will be billed, and must pay, the required fee for each

vehicle actually deployed.

(8) Upon a determination by the Fire Chief, or his designee, that one or more firefighters/officers are necessary to assure safe and efficient fire and emergency coverage of a special event, the Sponsor must pay the cost of those firefighters/officers. A Sponsor may request, in advance of a special event, an estimate of the number of firefighters/officers that may be required; however, if circumstances of the event require the assignment of additional firefighters/officers, the Sponsor will be billed, and must pay, the required fee for each firefighter/officer actually deployed.

(B) The fee(s) and charges associated with the above-stated police officer requirements are set forth within Appendix A. The costs charged to sponsors for required police coverage shall be the established hourly wage for overtime work for the particular officer(s) willing and available to cover the event. In the event that the City's actual cost of police coverage necessitated by the event exceeds the amount(s) collected in advance as deposits, the sponsor will be billed by the hour for each City officer utilized to patrol the event.

(C) Where Admission Fees Will be Charged: The Sponsor of a Special Event for which admission fees will be charged shall provide at least two secure access gates, at locations approved by the City's Police Department. For events to which tickers are sold in advance, the Sponsor shall, two days prior to the event, advise the City as to how many tickets have been sold as of the day of the report. This will assist the City in planning for any additional police or other services which may be necessary in connection with the event.

3.5.16. Facilities Charges.

The sponsor of a special event to which an admission fee will be charged (by ticket sales or otherwise) shall pay the City a Rental Fee in the amount specified on Appendix A. These types of events tend to have a greater impact upon the community in general and upon the specific public area reserved for the event.

3.5.17. Fireworks Displays

Persons desiring to conduct a pyrotechnic display of fireworks in the public parks or other public places must obtain a permit from the Chief of the Fire Department as required by § 12-32 (a) (5) of the City Code.

3.5.18. Carnivals, Circuses and Parades.

a. No circus, carnival, or other, similar show shall publish or post in any way within the City, at any time within 15 days prior to the holding of such event within the City, any advertising of the exhibition of the circus, carnival or other, similar show. (C.Ref. Va. Code 58.1-3728).

b. Any circus, carnival or other, similar show shall obtain the license required by Section 14-23 of the City Code before commencing any activity, and shall pay the policing deposit required by Section 3-2 of the City Code (\$50 per day).

c. The sponsor of the circus, carnival, etc. shall pay a fee, as specified on Exhibit A hereto, for the inspection of any amusement rides to be offered as part of the event, and shall pay the tent erection fee(s) required by Section 5-57(a) of the City Code.

d. Parades requested on the Downtown Mall involving motorized vehicles and floats will not be approved because of difficulty incurred by emergency fleet accessing the Mall from side streets and the potential for these types of parades to further obstruct emergency fleet access.

3.5.19. Other Conditions and Limitations.

a. A permit may contain additional reasonable conditions and additional time limitations, as may be warranted by the nature of a particular event, in the interest of protecting park or other city resources, the use of nearby areas by other persons, and other legitimate property and/or public safety concerns.

b. Sponsors who request the City to provide special equipment or facilities (e.g., barricades and cones for street closings, tables, chairs, public address systems, fencing, etc.) will be charged a reasonable fee and rental therefore. The appropriate fees shall be identified by the Events Coordinator to the Sponsor following the Sponsor's request for such items.

3.6. Information Collection. The information collected under these regulations is to provide notification to City Parks and Recreation Staff, City Police, and the City's Department of Public Works of the plans of organizers of large-scale demonstrations and special events in order to assist in the provision of security and logistical support. This information will be used only for those purposes.

3.7. Community Events. Except as specified below, Community Events shall be conducted pursuant to all the Conditions and Limitations specified in Section 3.5, above. Except as specified below, the sponsor of a Community Event shall pay the fees and deposits specified in these regulations and/or required by the City Code.

3.7.1. City Market.

a. Schedule and Location. The City Market is conducted on Saturdays (in the Water Street Parking Lot), April through October. The Wednesday Market (produce only) is conducted from May through September in Meade Park. The City Holiday Market is also conducted on Fridays and Saturdays in November and December, at the east end of the downtown Mall or on the City owned public parking lot on Water Street..

b. Purpose. The City Market shall be an event during which persons desiring to offer farm produce, foodstuffs, art work or handicrafts grown or produced by him, members of his family or farm laborers employed by him upon property owned or leased by him may have an opportunity to offer their products for sale to the public. It is governed by a set of regulations.

3.7.2. Dogwood Festival Events.

Schedule and Location. The Dogwood Carnival and Festival usually takes place during a two-week period in April, in McIntire Park. The Dogwood Parade usually takes place on a Saturday in April, on designated streets in the Downtown area.

3.7.3. July 4th Fireworks Events

Schedule and Location. July 4th Fireworks annual celebration events take place in McIntire Park West (event games, food and viewing) and the McIntire Golf Course (shooting of fireworks).

3.7.4 First Night.

Schedule and Location. First Night Charlottesville takes place in the Pavilion and Central Place on the Downtown Mall and in the Carver and Herman Key Recreation Centers on December 31 each year.

3.7.5 Festival of the Photo

Schedule and Location: Annual photo festival coordinated on the Downtown Mall and other locations throughout the Community in June of each year.

3.7.6 Virginia Film Festival

Schedule and Location: Conducted in November of each year at various locations throughout the City.

Fridays After Five.

Schedule and Location. Fridays After Five takes place within the designated leased area at the Charlottesville Pavilion and east end of the downtown mall on Fridays from 5-9 pm from April 1 through October 31.

APPROVED: *AJWalt* *COO/CFO*
City Manager

DATE: 12/8/09

- Amended April 10, 2001
- Amended February 6, 2003
- Amended February 17, 2004
- Amended May 5, 2005
- Amended July ____, 2006
- Amended December 27, 2006
- Amended July 31, 2008
- Amended December 1, 2009

APPENDIX A

1. Permit Application Fee, pay upon application \$ 25 (non-refundable)
2. Street Closing Fee, pay upon application \$ 50 Deposit
 - All but \$10 refundable if event canceled in advance

Public Space Rent, Events to which entry is limited by tickets or admission fees:

0 – 1000 attendees:	\$ 50
1001-1999 attendees:	\$100
2000-2099 attendees	\$150
3,000 attendees, and up	\$500

\$100.00 due with application. Remainder of Space Rent to be submitted to the City within five (5) calendar days following conclusion of the event, along with documentation of total ticket sales or attendance count. City may monitor attendance to verify attendance numbers.

Security Deposit, for use of Park Areas. \$300.00 Advance Deposit
 - Due with application
 - All but \$50 refundable if event canceled 24 hours in advance

3. Cleanup Fee

Closed Events (Admissions limited by tickets or fees) \$300 Advance Deposit
 Refundable if Event canceled in advance

Other Events \$100 Advance Deposit
 Refundable if Event canceled in advance

- Deposits due with application

4. Police Security

\$50 per required Officer, Advance Deposit
 Refundable up to 24 hours prior to Event

- Deposit due with application
- For Ticketed Events, where tickets are sold in advance: additional \$50 deposit required per required officer, as calculated based on tickets sold as of 48 hours prior to event. Additional deposit due 24 hours in advance of Event.
- Sponsor will be billed per hour for each officer actually utilized (based on police estimates of actual attendance and/or circumstances of the event and based on the regular hourly rates or salaries for the police personnel utilized.)
- *Hourly rates:* Sponsor will be billed the higher of: (i) \$30 per hour, or (ii) the established hourly wage for overtime work, or (iii) the special event flat rate for FLSA-exempt employees, as may apply for each of the particular officer(s) willing and available to cover the event, for each officer actually utilized, plus an administrative fee in the amount of ten percent (10%) of the total amount of the bill.
- *Police Vehicle Fee:* Sponsor will be billed \$25 per required police vehicle, per event.

- *Fire Vehicle Fee:* Sponsor will be billed \$25 per required fire vehicle, per event.

6. Electricity Fee \$50 Advance Deposit
\$50 Deposit covers 4 hours of use. Sponsor will be billed \$10 per hour for each additional hour of actual usage.
7. Inspection of Amusement Rides \$ 25 Fee
Payable upon Application
8. Tent Erection Fees \$ 25 Fee
Payable upon Application
9. "No Parking" Signs \$1.00 each
10. Public Works/Facilities Management \$100 Advance Deposit
(City electricians, water/sewer access to City utility facilities)
\$100 deposit covers 2 man hours. Sponsor will be billed \$50 per man hour for each additional hour of work that is provided.