

CITY OF SALUDA SPECIAL EVENTS ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the City of Saluda, North Carolina that the following is established as the City's Special Events Ordinance:

Article 1 – Definitions

For the purpose of this ordinance, the following words, terms, and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

1. *City* means the City of Saluda.
2. *Fee Schedule* means the City of Saluda Resolution Setting Schedule of Fees.
3. *Inspection event* means an inspection of a single or group of golf carts as required by the City of Saluda Golf Cart Ordinance. An inspection event occurs when the chief of police or duly appointed representative provides golf cart inspection services of one or multiple golf carts simultaneously.

Article 2 – General Provisions (Application of Regulations)

1. Application of Regulations. This section shall apply to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of or that substantially hinder or prevent the normal flow of vehicular or pedestrian traffic on all or a portion of any city-owned property, street, or other public right-of-way. Any such activity covered by this chapter shall hereafter be referred to as a "special event".
2. Insurance requirement. The Board of Commissioners shall require as a condition precedent or subsequent to the issuance of the permit that the applicant obtain a comprehensive general liability insurance policy providing coverage that includes the entire area described in the permit for events requiring the closure of a public street, sidewalk or city facility. If such a policy is required, under the provisions of this section, the city shall be named as an additional insured on the policy. A certificate of insurance shall be provided to the city as proof of coverage. The following policy limits shall apply as minimum coverage requirements:
 - a. \$1,000,000 Combination--Single Limits of General Liability Insurance
3. Fees; costs incurred by the city. If the city is requested to provide extraordinary services or equipment or the Board of Commissioners determines that extraordinary services or equipment for reasons related to protection of the public health and safety, the Board of Commissioners may require the applicant to pay to the city a fee sufficient to reimburse it for the costs of any extraordinary services or equipment provided to the event unless sufficient funding has been included in the city budget as adopted by Board of Commissioners.
4. Golf Carts. Golf carts displaying a valid annual permit issued by the City in accordance with the City of Saluda Golf Cart Ordinance may be used for Special Events. All other golf carts used for special events are to be listed in the special event permit. Golf carts shall meet the minimum standards for safety and operation as provided in the City of Saluda Golf Cart Ordinance. All other provisions of the City of Saluda Golf Cart Ordinance shall be applicable except as follows:
 - a. Special Event golf cart inspection and permit fees shall be in accordance with the fee schedule.
 - b. Special Event golf cart inspections shall be charged one inspection fee per inspection event.

- c. A valid special event temporary permit issued by the City shall be conspicuously displayed for the duration of the event.

Article 3 – Permits

1. Permit required. No "special event" is permitted on any city-owned property, street or other public right-of-way of the city unless a permit has been issued by the Board of Commissioners; however, nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled. No parade of vehicles or march of pedestrians or animals or combination thereof upon the streets or sidewalks of the city shall be allowed except as approved by the Board of Commissioners. All holders of permits granted and approved by the Board of Commissioners pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the issuance of a special event permit.
2. Permit application. Applications for a "special event" permit authorized by this section shall be submitted to the Board of Commissioners not less than two (2) months and not more than one (1) year before the event is proposed to commence, on a form provided by the city and shall contain the following information:
 - a. Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event.
 - b. Name, address, and telephone number of the individual contact person in charge of the event.
 - c. The proposed date and time period when the event will be conducted.
 - d. The estimated number of people expected to attend the event.
 - e. Sufficient proof of liability insurance in accordance with the requirements of Article 1.2.a above.
 - f. A sketch map showing:
 - i. The area where the event is to take place.
 - ii. Names of any streets to be closed or obstructed.
 - iii. Location of any barriers or traffic control devices that will be erected.
 - iv. Location of any concession stand, booth, or other temporary structures or facilities.
 - v. Location of any proposed fences, stands, platforms, benches or bleachers.
 - g. Any street, sidewalk or public property closures necessary
 - h. Any other information determined by the Board of Commissioners to be necessary to ensure compliance with these provisions.
 - i. Animals. The number and type of animals included as part of the event if applicable. Animal locations must be specified on the sketch map.
 - i. The Board of Commissioners shall require a bond in the amount set forth in the fee schedule which will provide that the person obtaining the special permit will be responsible for cleaning the city streets or property after the parade, exhibition, demonstration or experiment.
 - ii. Special event organizers shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the behavior of such animals.
 - iii. It shall be unlawful for any person to have or keep any animal at

- any event requiring the issuance of a special event permit except as otherwise provided within this section.
- j. Golf Cart information if applicable. Golf cart information may be added to the special event application at the discretion of the city manager or Chief of Police up to five (5) business days before the commencement of the special event excluding city holidays.
 - i. VIN or serial numbers of each golf cart.
 - ii. Insurance certificate for each golf cart.
 - iii. Golf cart fees as set forth in the fee schedule.
 - k. Applications must be accompanied by the fee set forth in the fee schedule before being reviewed and considered. If the application is denied a notice of denial shall be provided to the applicant.
3. Permit Revocation. Upon violation of the terms of a permit issued under this section by the applicant or participants the Board of Commissioners, city manager, and/or the chief of police is authorized to revoke the permit and direct those participating to disperse.
 4. Permit Review. Upon receipt of the permit application, it shall be circulated to the city manager, chief of police, fire chief, public works director, and other appropriate persons for their comment. The Board of Commissioners may require a conference on the application between the applicant and one or more department heads.

Article 4 – Standards for Issuance of Permit

The Board of Commissioners shall issue the permit authorizing the "special event" unless it is found that:

1. Insufficient funding and/or resources necessary to provide extraordinary services or equipment for the event are not available; or
2. The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the city; or
3. The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license; or
4. The applicant is in violation of any city ordinance; or
5. The applicant fails to obtain liability coverage and show proof of said insurance as required by the city.
6. The event will create a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property; or
7. The event, if held at the time or at the location or along the route proposed will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
8. The applicant has failed to comply with any of the provisions of the special events ordinance, including but not limited to payment of any required fees and costs; or
9. A special events permit has previously been applied for or issued for substantially the same location and time requested in the application.

Article 5 – Conditions upon Issuance

If a permit is issued, the Board of Commissioners may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any event held pursuant to a permit issued under this section shall be conducted within the applicable terms including

any attached conditions.

Article 6 – Street Closing

1. Any temporary closing of a street or part thereof owned and/or maintained by the State of North Carolina shall require concurrence by the NC Department of Transportation. The Board of Commissioners shall only permit the temporary dosing of any portion of US Highway 176 (Main Street) for city recognized special events. An event shall be considered to be city recognized upon the adoption of a resolution by the Board of Commissioners making such designation. In order to qualify for recognition an event must have received a commitment of funding from the applicant and/or resources from the city for any necessary public safety and traffic control measures prescribed by the Board of Commissioners for the special event.
2. The city shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place as soon as possible once a permit is issued.

Article 7 -Temporary Parking Restrictions

The city manager, chief of police, or his duly appointed representative, is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances: Along permitted parade routes or on streets closed pursuant to the issuance of a special events permit for a period of two hours before any special event begins, during the entire event and up to one hour after the completion of the event.

(Ord. 0-07-01, passed 01-08-06; Am. Ord. 0-08-09, passed 10-13-08; Am. Ord. O-18-___, passed ___/___/2018)

Adopted this the __ day of _____, 2018

ATTEST

Tola Ellis, City Clerk

SEAL

Fred Baisden, Mayor

APPROVED AS TO FORM

Jana Berg, City Attorney