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**AN ORDINANCE REGULATING SPECIAL EVENTS
IN THE TOWN OF PITTSBORO**

BE IT ORDAINED by the Board of Commissioners of the Town of Pittsboro:

I. Purpose and Intent.

A. Special events are activities that impact the ordinary allocation of Town personnel or the ordinary use of Town streets, alleys, sidewalks, rights-of-way, parks, parking lots/facilities, plazas, or other Town property. The purpose of this ordinance is to establish criteria and procedures for applying for and approval of a special event permit granted by the Town. Protecting all persons' civil liberties and constitutional rights is paramount. Nothing in this ordinance is intended to or shall interfere in any way with constitutionally protected activity.

B. The obligation of complying with the requirements of this ordinance is upon the applicant or sponsor, and nothing contained in this ordinance is intended to be construed to create or form the basis for liability on the part of the Town, or its officers, employees or agents, for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein.

II. Permit Required; Exceptions.

A. No person(s) or organization(s) is to engage in, form, start, or operate a special event in or on or requiring exclusive use of or closure of public property unless a permit is obtained from the Town.

B. This section shall not apply to the following:

(1) Any use of public property that is otherwise permitted by law.

(2) Funeral processions supervised by a licensed mortuary.

(3) Any local, state or federal governmental agency acting in the scope of its authorized functions.

III. Application for permit.

A. A person or organization seeking the issuance of a special event permit shall file an application with the Town. The application form will be provided by the Town. The Town Manager will assign a Town staff person the responsibility for administering and enforcing this ordinance. Upon receipt of a special event application, the application will be forwarded to appropriate Town staff members who will make a recommendation on the permit application as expeditiously as possible. In addition to the Town special event permit application, the applicant may also be required to secure approval from the North Carolina Department of Transportation if the event requires the closure of a state roadway.

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B. An application shall be completed, signed, and submitted at least 45 days before the date the special event is to commence. The Town, where good cause is shown, shall have the authority to consider any application which is filed less than 45 days before the date of the event. Any required application and/or processing fee for any special event permit shall be set by resolution. If an application and/or processing fee is required, it is nonrefundable, and payment shall be made to the Town Finance Department at the time the application is submitted.

C. A person or organization shall complete all information listed on the Town's special event permit application and any other additional information which a Town official shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

D. The Town shall issue a permit for a proposed special event unless it finds any of the following:

- (1) The event would likely endanger public safety or health.
- (2) The proposed event would seriously and unreasonably inconvenience or impact the general public's use of public property, services or facilities.
- (3) The event would unreasonably infringe upon the rights of abutting properties.
- (4) The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity.
- (5) There is not sufficient qualified safety personnel or other necessary Town staff to accommodate the event.
- (6) The applicant failed to complete the application form or provide other required information in a timely manner after being notified of the additional information or documents required.
- (7) Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail.
- (8) The applicant cannot meet, or is unwilling to meet, all the requirements of this ordinance or any special conditions imposed by the Town.
- (9) Other issues in the public interest were identified by the Town Manager or Board of Commissioners.
- (10) The applicant failed to prepay required expenses, fees, charges, deposits, insurance or bonds.
- (11) The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise

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created by the activities of the event would substantially disrupt the educational activities of the school or class.

(12) The purpose of the proposed event is to incite crime or the overthrow of the government by force or the event would engage in or encourage participants to engage in illegal acts.

E. Generally, the Town requires proof of liability insurance from the applicant by requiring the applicant to submit a copy of a certificate of insurance in an amount determined by the Town and requires the execution of a hold harmless agreement to indemnify the Town in the event the Town is held liable for any injuries or damage as a result of the event.

F. The persons or organization shall comply with all other applicable federal, state and local statutes, ordinances, codes, licenses, permits, rules or regulations.

G. The persons or organizations shall also comply with all directives and instructions from the Town administration, police, fire, public works and parks and recreation personnel.

H. Recurring special events sponsored by the Pittsboro Business Association, Inc. known as "First Sundays" may file one application annually with sufficient information to identify the dates and times for each event; but otherwise shall be required to comply with all of the other terms and conditions of this ordinance.

IV. Action on application.

A. Unless extenuating circumstances exist, the Town Board of Commissioners shall act on all special event permit applications requesting alcohol sales and consumption at a regular Board meeting. For special event permit applications not involving alcohol the Town Manager has the authority to review and make a decision on the special event permit request.

B. The applicant shall be notified in writing of Town Board's or Town Manager's decision on the special event permit application. If the application is disapproved, the reasons therefor shall be set forth in writing.

V. Duties of applicant.

A. General. The applicant under this ordinance shall comply with all permit directions, instructions, guidelines, and conditions.

B. Cleanup. Arrangements must be made with the Public Works Department by the applicant for trash containers and procedures to clean the public property used for the special event. Cleanup must begin immediately after the special event and continue until completed with all refuse and recycling properly contained for collection and disposal.

VI. Payment of costs for services and equipment provided by Town or for damage to public property.

A. The Town may impose reasonable fees and requirements upon the applicant as necessary to cover the costs of public services and equipment provided by the Town for the special event. If a fee is imposed, an estimate of the anticipated fee may be required to be paid at the time the permit is approved.

B. Canceled event. If a fee is imposed and the special event is canceled without at least 48 hours' notice, the fee will still be assessed to cover the cost of labor and equipment. The assessed fee will not apply if inclement weather, disaster or other unforeseen circumstances occur that are not in the applicant's control result in the cancellation of the special event.

C. If damage to public property occurs as a result of the special event, the applicant shall be responsible for reimbursing the Town for the material and labor cost to repair the damage.

VII. Security.

The applicant may be required to reimburse the Town for the cost of additional police services the Chief of Police determines is required to insure public safety for the special event.

VIII. Street closures to vehicle traffic.

A. Closing public streets to vehicular traffic can create an inconvenience for neighboring businesses, residents, and the driving public. If the applicant intends to close any street to vehicular or pedestrian traffic, that request shall be included in the application. The applicant shall submit with the application documentation from all properties located on the segment of the street to be closed indicating whether the property owner/manager supports the street closure request.

B. In addition to the street closure requirements below, all street closures must be done in accordance with NC DOT and any local regulations. The applicant is responsible for any costs associated with meeting any NC DOT or local street closing regulations.

C. All street closure requests, especially requests to close a state roadway, will be carefully evaluated to determine if the community benefit from closing the street for the proposed special event outweighs the inconvenience or impact to the neighboring businesses, residents, and general public's use of public property, services or facilities. This evaluation can be cause for denying the street closure request.

D. If a street closure is requested, the applicant may be required to meet with Town police and/or public works staff to discuss in detail the street closure request and to develop a traffic detour and traffic control plan.

IX. Alcohol sales and consumption.

For purposes of this ordinance, "alcohol" refers to malt beverages, unfortified wine, fortified wine, and spirituous liquor. Under no circumstances shall any other type of alcohol be approved.

A. Special events that include the tasting or sale of alcohol may only be considered for approval if requested for special events sponsored or cosponsored by Mainstreet Pittsboro, Inc. (MPI) or Pittsboro Business Association (PBA) but only within the defined Main Street Boundary Area.

B. For the Board to consider a request for the sale and consumption of alcohol, MPI, PBA and/or its cosponsor shall provide the following with the special event application:

(1) Location, hours of sales, site diagram, security procedures (volunteer and uniform staffing, ID checking, and dispensing operations), physical enclosure measures, parking locations for beer trucks, etc.

(2) The service of and consumption of alcoholic beverages must comply with all applicable federal, state, and local laws or regulations, including but not limited to the North Carolina Alcoholic Beverage Commission (ABC) licensing and other ABC regulations. Before a special event permit is approved, documentation shall be provided to the Town showing that the proposed alcohol sales comply with all ABC licensing and other ABC regulations.

(3) Alcoholic beverages may be served to consumers in glass, paper or plastic containers and in containers no larger than 16 fluid ounces.

C. The Town reserves the right to revoke the permit or require the applicant to discontinue alcohol sales and consumption whenever Town police determine the consumption of alcohol by participants becomes excessive, or whenever Town police determines participants are demonstrating unruly, loud, abusive, or other inappropriate behavior during the special event.

D. If the Board approves the sale and consumption of alcohol for a special event, the following shall apply:

(1) The applicant must post signs stating that alcoholic beverages are prohibited beyond the approved permitted area and that underage drinking is prohibited. Signs must be posted adequately designating the approved permitted area.

(2) All participants consuming alcohol must be provided and wear a designating item to identify that they are of legal drinking age. The specific type of item the applicant proposes to issue is subject to approval by the Town. At a minimum, the item issued shall be so designed that it would prevent a person from transferring the identifier to another person.

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(3) All alcohol sales must end at least 45 minutes before the scheduled ending time of the special event.

(4) The applicant must also provide a nonalcoholic beverage option.

(5) Any other requirements determined by the Board shall be followed.

X. Prohibited conduct.

A. No person shall unreasonably hamper, obstruct, impede or interfere with any special event, or with any person, vehicle or animal participating or used in any special event.

B. The Town shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for an approved special event, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

XI. Termination and revocation of permit.

A. A special event permit issued under this ordinance for a special event in progress may be terminated by the Chief of Police or his/her designee, if termination is a reasonable and necessary response to imminent danger or threat to public safety.

B. A special event permit may be revoked by the Town for failing to comply with the conditions for the issuance of the permit, violating any provision of this ordinance or other applicable ordinances and state law.

XII. Violations and penalties.

A. Failure to obey or violation of any provision(s) of this ordinance, or any order, requirement, or condition imposed as part of the permit approval, shall be a violation of this ordinance by the applicant and may result in the termination of the special event, revocation of the special event permit, and/or subject the violator to a fine as listed in Subsection b below. A future special event permit request may be denied based on a past violation of this ordinance.

B. Any person failing to obey or who violates any provision of this ordinance, or any order, requirement, or condition imposed as part of the permit approval, shall be guilty of a misdemeanor punishable by a maximum fine of \$500.00.

XIII. Severability.

If any part, provision or section of this ordinance is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

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Adopted this 8th day of April 2019.

TOWN OF PITTSBORO

By: Cindy S. Perry
Mayor

ATTEST:

Alvie F. Lloyd
Clerk