

Alexander County Special Events Ordinance

01 PURPOSE.

The purpose of this chapter is to establish a structured process for permitting the staging of special events to ensure proper planning and adequate allocation of county resources during special events and to protect the health, welfare and safety of the public attending such events.

02 PERMIT REQUIRED.

(A) Alexander County, upon proper application, may, but is not required to, allow the use of real property owned or leased by Alexander County for a special event without having first applied for and received a permit from the county to hold the event, except as provided in Section 06.

(B) An application must be submitted for each event proposed on Alexander County owned or leased property as well as any event within Alexander County that will have greater than 500 participants. An application must be completed in its entirety. No submitted application shall be considered until all information required on the application form has been provided.

(C) Applications for event permits shall be submitted at least 90 business days prior to the date of the event. The County Manager or designee shall have the authority to reduce this time period for good cause shown.

(D) The applicant shall assume full liability for all accidents or claims of accidents as a result of the activities taking place at such special event, during the time the area is being readied for the event, and during the time the area is being cleaned up following the event. The applicant shall provide proof of an insurance policy issued by an insurance company licensed to do business in the state of North Carolina. Such policy will be one of comprehensive general liability in the amount of not less than \$1,000,000 for bodily injury per person and \$1,000,000 per occurrence and not less than \$100,000 for property damage per occurrence. Proof of liability insurance coverage for the event naming Alexander County as additionally insured for events held on real property owned or leased by Alexander County shall be submitted one week prior to the approved event or the special event permit will be revoked.

(E) A Review Committee will be appointed by the County Manager to review Special Event Applications. Special Event permit applications must receive approval, or conditional approval, from each entity represented on the Review Committee before a Special Event Permit is issued. County departments included on the Review Committee are:

- (1) Sheriff's Office;
- (2) Emergency Medical Services;
- (3) Fire Marshal;
- (4) Parks Director;
- (5) Environmental Health;
- (6) Planning Director; and
- (7) Any other department as determined by the County Manager.

(F) A special event may require additional notification and approval by:

- (1) North Carolina Department of Transportation;
- (2) North Carolina Highway Patrol;
- (3) ABC Commission;
- (4) Duke Energy;
- (5) Energy United; or
- (6) any other organization or agency as deemed necessary.

(G) Sanctioning Authorities, and/or sponsors of sanctioned events, are subject to the rules and regulations for special events organized and implemented in Alexander County, including all federal, state, and local laws and event sanctioning authority mandated medical coverage requirements.

(H) Permit fees may apply as determined by the use of resources and facilities on property owned or leased by Alexander County. Fees are subject to the fee schedule approved by the Alexander County Board of Commissioners.

(I) Every event must meet all North Carolina Building Codes, National Electric Code, ADA Requirements, and all federal, state, and local laws.

03 STANDARDS FOR ALL EVENTS.

(A) An event shall be approved upon the timely completion of the application required herein, unless the Review Committee finds one or more of the following:

- (1) The event time and location coincides with another event for which an event permit has been issued, and it is determined by the county that there is a demonstrable safety or logistical concern with allowing two events to proceed simultaneously during the same time or at the same location. By way of illustration, but not limitation, safety or logistical concerns could include, but not be limited to, events that would unduly burden the resources of law enforcement or emergency services personnel, or would, by the simultaneous time or location thereof, create the potential for traffic hazards;
- (2) The event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic at or contiguous to its location in such a manner that cannot be adequately controlled by the county's public safety departments and/or law enforcement;
- (3) The event will constitute a substantial hazard to the public safety or materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- (4) The concentration of persons, animals, and vehicles at assembly points for or at the location of the special event will substantially interfere with the county's ability to provide adequate fire, police and emergency medical services to the public; or

(5) The Review Committee determines that the event plan does not adequately account for and protect the public health, welfare, and safety needs of the citizens of Alexander County.

(6) The event would conflict with current zoning requirements.

(B) It shall be permissible for the Review Committee to inquire into the nature or content of speech to be held. It shall be impermissible to deny an application because of the content or purpose of the event.

(C) All events must comply with, and provide proof of compliance with, the following:

(1) All federal, state, local and event sanctioning authority mandated medical coverage requirements;

(2) Alexander County EMS shall be the primary emergency medical service provider for Alexander County;

(3) All state, federal and local fire safety and prevention standards, codes and permitting requirements must be met. The Fire Department in the district where the event is to be held shall be primary and all others must function under the authority of that respective department;

(4) For events where alcohol is served or sold, the event organizer must secure a valid ABC permit. Copies of this permit must be forwarded to the Alexander County Manager prior to the event;

(5) Animals are not allowed at events unless as a specified and approved part of the event and provided in the application. Animals brought by spectators or participants, except ADA qualified service animals, shall not be allowed.

(6) Event organizers shall remove all trash and debris and shall clean up immediately after an event;

(7) Proof of liability and/or special events insurance coverage for the event naming Alexander County as additionally insured for events held on property owned or leased by Alexander County;

(8) Special Events of 1,000 people or more must have one Certified Crowd Control Manager per 250 people as required by the NC State Fire Prevention Code. Event organizer must provide the names and proof of certification of each Certified Crowd Control Manager.

(9) All road closures or events that will impact traffic on state-owned roads must be approved by the NC Department of Transportation;

(10) Any event that takes place on Duke Energy property leased by Alexander County must have prior approval from Duke Energy;

(11) Submit a completed application in the format required by the county, which shall contain information such as the following, which will be critical in evaluating the citizen impact and public safety related to the event:

(a) General information related to the event such as:

1. If amplified sound will be used;
2. If electrical connections are required;
3. If tents, trailers, inflatable/air supported devices, fencing, scaffolding, etc. will be involved in this event;
4. If alcohol will be served or sold;
5. If and how many motorized vehicles (cars, boats, tractors, motorcycles, ATVs, golf carts, etc.) are involved in the event;
6. If and how many vendors will be involved in the event;
7. If vendors will be serving or cooking food;
8. If fireworks or other potentially hazardous materials will be used;
9. If there will be an admission charge;
10. If animals will be involved with the event;
11. First aid plans;
12. The number of toilets that will be accessible;
13. Parking plan;
14. Signage plan;
15. Crowd control plan;
16. Traffic control plan;
17. Weather contingency plans;
18. The amount and type of insurance that will be secured.

(b) Information on county support services that may be required including: Security / Law Enforcement, Fire / Rescue, Emergency Medical Services, Public Health, Public Works, and Waste Management

04 PERMIT AND REQUIRED FEES.

(A) Permit fees may apply as determined by the use of resources and facilities on property owned or leased by Alexander County. Fees are subject to the fee schedule approved by the Alexander County Board of Commissioners.

(B) Fees for services must be paid one week in advance of the day of the event. If the event is cancelled and the county is provided 48 hours' notice, the fees for stand by service will be refunded.

(C) For events occurring on Alexander County owned or leased property, fees shall be collected through the Alexander County Parks Department. For all other special event applications, fees shall be collected through the Alexander County Planning Department.

(D) All permits pertaining to any special events must be obtained and submitted to Alexander County one week prior to the event. (Ex: NCDOT, Duke Energy, ABC permit).

05 REVOCATION OF PERMIT.

The Alexander County Manager or his designee, acting on recommendations from the Review Committee, has the authority to revoke a special event permit if the holder of such permit fails to comply with the provisions required in this chapter or conditions stipulated in the permit. An event which poses an unforeseen threat to public health or safety, may be shut down by law enforcement or the Fire Marshal, but only if either the Alexander County Manager or designee, the Alexander County Sheriff or designee, or the Fire Marshal or designee determines that the following conditions are present;

- (A) The event constitutes an immediate and direct physical danger to citizens or property; and
- (B) The above danger is of such an imminent nature that the penalties provided in Section 08 below will not prevent the danger prior to its occurrence.

06 EXEMPTIONS.

(A) This chapter shall not apply to:

1. Any local, state or federal governmental agency acting within the scope of its governmental functions;
2. Any school sponsored event in Alexander County happening on school-owned property where there is a safety and emergency plan in place;
3. Church or worship activities happening on church-owned property;
4. Properly permitted or grandfathered businesses holding events in spaces specifically designed for such events with capacities exceeding 500 people where there is a safety and emergency plan approved by the county. .
5. An event of less than 500 people held on private residential property.

(B) When it is determined that an event does not meet the threshold of requiring a permit, but notification of emergency first responders is recommended, the County Manager or designee will forward the information to the appropriate agencies.

07 APPEALS.

Any applicant shall have the right to appeal the denial of a special event permit, the conditions of a special event permit, or the revocation of a special event permit to the County Manager. A further appeal may be made to the Board of County Commissioners following the decision of the County Manager. The appealing party shall make the appeal to the County Manager within five (5) business days after receipt of the decision by the Review Committee.

If the applicant wishes to appeal the County Manager's decision, the appeal must be included on the next Board of County Commissioner's meeting agenda taking into account the required agenda deadlines are met.

08 PENALTY.

(A) It shall be unlawful for any person to:

- (1) Implement an event subject to this ordinance without a required permit;
- (2) Fail to terminate an event upon revocation of a permit;
- (3) Conduct an event in violation of the terms and conditions of a permit issued for such event.

(B) Any violation of the provisions of this chapter shall subject the offender to a civil penalty of \$250 for the first offense and \$500 for a second and any subsequent offenses. Each day of violation shall constitute a separate offense. If a person fails to pay the civil penalties set forth herein within 20 days after being cited for a violation, the county may seek to recover the penalty by filing a civil action in the nature of debt. Each day the violation continues shall constitute a separate offense.

(C) The county, by and through its duly authorized authorities, including, but not limited to, Alexander County Law Enforcement, may seek to enforce the provisions of this chapter through any appropriate equitable remedy issued from a court of competent jurisdiction.

(D) Any person who shall violate this ordinance shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500).