

# Special Events Ordinance

## WAYNE COUNTY, NORTH CAROLINA



Wayne County Board of Commissioners

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## CHAPTER 47: SPECIAL EVENTS

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### Sec. 47.01 PURPOSE; SCOPE AND INTENT

(A) The purpose of this chapter is to establish a structured process for permitting the staging of special planned public events, and/or television and film activities to ensure proper planning and adequate allocation of county resources for events and to protect the health and safety of the public attending such events.

(B) This chapter will not apply to events sponsored by local, state or federal government agencies, or schools, colleges or universities located in Wayne County, as planning for events and allocation of necessary resources is already coordinated. This chapter shall not apply to regular church or worship activities or events. This chapter shall not apply to businesses holding events in venues designated to hold large numbers of people, where there is already a safety and emergency plan approved by the county.

(C) 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 Planning Department will forward the Information to the appropriate agencies.

### Sec. 47.02 DEFINITIONS

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COVERED EVENT:** A special event that is not otherwise under the jurisdiction of another governing authority.

**SPECIAL EVENT:** Includes all planned events public or private where at least 500 individuals are expected to be in attendance in which any of the following may apply:

- (a) The use, sale or display of fireworks;
- (b) The sale, purchase, provision or consumption of alcoholic beverages;
- (c) The provision of live entertainment;
- (d) The provision of overnight activities (ex: camping);
- (e) Motorized or non-motorized vehicular racing or riding;
- (f) Activities located wholly or partially on public rights-of-way;
- (g) Sports that involves physical contact between participants as part of normal play;
- (h) A film or television production event is considered a special event under this chapter.

Activities contained in § 47.04 are specifically excluded from the definitions of a **SPECIAL EVENT.**

**SANCTIONING AUTHORITY:** The official governing body that sanctions specific events of the type being requested by an applicant, such as, but not limited to, racing authorities, public sports bodies and event associations.

#### **Sec. 47.03 PERMIT REQUIRED**

(A) No person shall have, hold, sponsor, or cause to be had, held, or sponsored, or allow to be had, held or sponsored any covered event without having first applied for and received a permit from the county, except as provided in § 47.04.

(B) All applications for covered event permits must be made through the Wayne County Planning Department. A completed application must be submitted for each event proposed. No application shall be considered submitted until, all information required on the application form has been provided.

(C) Applications for special event permits shall be submitted no less than 30 business days prior to the date of the covered event. The County Manager or his/her designee shall have the authority to reduce this time period for good cause shown. The appropriate fee in certified funds must accompany the application for it to be considered to have been filed.

(D) The Wayne County Planning Department will forward special event applications for review by the Wayne County Office of Emergency Services. Applications may be reviewed by the following agencies:

1. Sheriff's Office;
2. Emergency Medical Services;

3. Fire Marshal/Emergency Management;
4. Fire Department representative from district in which the event is planned;
5. Health Department/Environmental Health;
6. 911 Communications Center;
7. Planning and Inspections.

Review comments on the application are due within seven (7) days. If no comments are received within seven (7) days, the application may be approved and the permit may be issued.

For informational purposes the following organizations may also be notified:

1. North Carolina Department of Transportation (NCDOT);
2. NC Highway Patrol
3. Seymour Johnson Air Force Base

(E) The County may set conditions for permit approval. The applicant may be required to pay for fire/medical stand by and security/law enforcement in order for a permit to be approved. The applicant may be required to pay additional fees if county facilities/services are being used.

(F) All covered events must meet North Carolina Building Code, National Electric Code and ADA Requirements.

(G) Any person or business that routinely has 2500 or more persons in attendance must have a permanent special events permit issued for general operating conditions as well as an emergency operations plan filed with the Office of Emergency Services except as provided in § 47.04. Any additional event that increases the attendance more than double, shall require a new special events permit for that specific event or date except as provided in § 47.04 .

#### **Sec. 47.04 EXEMPTIONS**

This ordinance shall not apply to:

- (1) Any local, state or federal governmental agency acting within the scope of its governmental functions;
- (2) Any school, college or university operating in Wayne County;
- (3) Church or worship activities within a facility;
- (4) Businesses holding events in venues designated to hold large numbers of people, where there is already a safety and emergency plan approved by the county.

(5) Gatherings sponsored by recognized political parties or candidates however notice of such gatherings must be given at least 4 days in advance to the Wayne County Planning Department so it may inform those agencies listed in section 47.03(D).

## **Sec. 47.05 STANDARDS FOR ALL COVERED EVENTS**

(A) A covered event shall be approved upon the completion of the application required herein, unless the application review finds one or more of the following:

- (1) The covered event time and location coincides with another covered event for which a permit has been issued, and it is determined that there is a safety or logistical concern with allowing two events to proceed simultaneously. Safety or logistical concerns could include, but not be limited to, events that would burden the resources of law enforcement or emergency services personnel, or would create the potential for traffic hazards;
- (2) The covered event will interrupt the safe movement of pedestrian or vehicular traffic at or contiguous to its location in a manner that cannot be adequately controlled by the public safety departments;
- (3) The concentration of persons, animals, and vehicles at assembly points for or at the location of the covered event will interfere with the county's ability to provide adequate fire, law enforcement and emergency medical services to the public; or
- (4) The Wayne County Health Department determines that the event plan does not account for and protect the public health and safety needs of the citizens of Wayne County.

(B) All covered 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) Wayne County EMS Medical Standards for Special Events, if applicable;
- (3) Wayne County EMS shall be the primary service provider for Wayne County;
- (4) 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 department;

- (5) For events where alcohol is provided, served, or sold, event organizer must secure a valid ABC permit. Copies of this permit must be forwarded to the Planning Department prior to the event;
- (6) Animals are not allowed at covered events unless as a specified part of an event and provided in the application therefore. Animals brought by spectators or participants, except service animals, shall not be allowed;
- (7) Event organizers shall remove all trash and debris and shall clean up immediately after a covered event;
- (8) The county, in its discretion, may require the applicant to provide liability and/or special events insurance coverage for the covered event;
- (9) Mass gatherings of 500 people or more must have a Crowd Control Manager ratio of 1 per 250 people or as otherwise required by the North Carolina Fire Code;
- (10) All road closures or events that will impact traffic must be approved by the NC Department of Transportation;
- (11) Submit a completed application, which shall contain the following information. Application 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. Whether amplified sound will be used;
    - 2. Whether vendors will be serving or cooking food;
    - 3. First aid plans;
    - 4. The number of toilets that will be accessible;
    - 5. Parking plans;
    - 6. Crowd control plan;
    - 7. Traffic control plan;
    - 8. Weather contingency plans;
  - (b) Information on county, and fire support services that may be required from:
    - 1. Security/law enforcement;
    - 2. Fire/rescue;

3. Emergency medical services standby;
4. Waste clean-up;
5. Other (Health, Public Works).

## **Sec. 47.06 ADDITIONAL STANDARDS FOR TELEVISION AND FILM EVENTS**

- (A) A pre-production meeting with Wayne County Office of Emergency Services or its designee must be held.
- (B) Proof of insurance certificates for the following must be submitted with the application:
  - (1) General liability insurance: \$2,000,000;
  - (2) Automobile liability insurance: \$2,000,000;
  - (3) Worker's Compensation insurance as required by statute and employer's liability insurance of \$1,000,000.
- (C) A security deposit of \$5,000 must be submitted with application.
- (D) It is the responsibility of the television or film company to notify the affected residents and/or businesses following the county's approval of the application and no less than three business days prior to the planned activity.
- (E) Production vehicles shall not block fire hydrants, driveways, or other access ramps unless authorized by Wayne County officials.
- (F) Production companies are responsible for vacating locations used with a minimum amount of noise and disruption at the end of each shooting day.
- (G) Any filming activity involving holding, delaying or rerouting of traffic in residential areas, or on state maintained road ways must be accompanied by at least one deputy sheriff.
- (H) The production company is fully responsible for clean-up and proper disposal of all waste and materials produced.
- (I) Removal or alteration of vegetation in the public right-of-way or on county owned lands is prohibited unless specifically approved by the film permit.

## **Sec. 47.07 PERMIT AND OTHER REQUIRED FEES**

- (A) The schedule of fees for permitting and other associated fees for covered events in addition to those set herein shall be approved by the Board of County Commissioners.
- (B) If other fees for services are required, they must be paid by certified funds, prior to the event. If the event is canceled and the county is provided 24 hour's notice, the fees for stand by service will be refunded.
- (C) There may be other fire inspection, health and facility usage permits/fees that may be charged.
- (D) All permits pertaining to any special event must be obtained prior to the event and copies must be submitted to Planning Department (Ex: NCDOT, ABC permit).

## **Sec. 47.08 REVOCATION OF PERMIT**

The County Manager, Planning Director or Office of Emergency Services Director, acting on behalf of Wayne County has the authority to revoke a special event permit if the holder of such permit fails to comply with the provisions of this chapter or other conditions stipulated in the permit.

## **Sec. 47.09 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 and then a further appeal may be made to the Board of County Commissioners. The appealing party shall make the appeal to the County Manager within five business days after receipt of the decision by Wayne County Office of Emergency Services. If the applicant wishes to appeal the County Manager's decision, the appeal must be included on the next Board of County Commissioners meeting agenda taking into account required agenda deadlines.

## **Sec. 47.99 PENALTY**

- (A) It shall be unlawful for any person to:
  - (1) Hold a covered event without a required permit;
  - (2) Fail to terminate a covered event upon revocation of a permit;
  - (3) Conduct a covered 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 \$500 for the first offense and \$1000 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.
- (C) The county, by and through its duly authorized authorities, may seek to enforce the provisions of this chapter through any appropriate equitable remedy issued from a court of competent jurisdiction.
- (E) A covered event for which a permit has not been approved, an event exempt from the chapter that otherwise would require a permit except for the exemption, or for which the stipulations of the permit which was approved are not met, or which is otherwise in violation of this chapter may be shut down by law enforcement, but only if either the County Manager, the Wayne County Sheriff or his designee determines that all of the following conditions are present:

- (1) The covered event constitutes an immediate and direct physical danger to citizens or property; and
- (2) The above danger is of such an imminent nature that the remedy provided for in this ordinance will not prevent the danger prior to its occurrence.

**Sec. 50.00 – Effective Date**

This Ordinance shall take effect and be in force upon adoption

Adopted this the       <sup>th</sup> day of \_\_\_\_\_, 2016

Wayne County Board of Commissioners

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Joe C. Daugherty, Chairman