

**AN ORDINANCE AMENDING CHAPTER 7 OF THE TOWN CODE TO  
ENACT A NEW ARTICLE III RELATING TO STREET OR OTHER  
PUBLIC EVENTS**

~~THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS;~~

~~Section 1. Article III of Chapter 7 of the Carrboro Town Code is replaced by new Article III, "Street or Other Public Events" as provided in Attachment A hereto.~~

~~Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.~~

~~Section 3. This ordinance shall become effective upon adoption.~~

~~The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this the \_\_\_\_ day of \_\_\_\_\_, 2018.~~

~~Ayes: \_\_\_\_\_~~

~~Noes: \_\_\_\_\_~~

~~Absent or Excused: \_\_\_\_\_~~

## **4/24/18 DRAFT**

### Article III

#### STREET OR OTHER PUBLIC EVENTS

##### Section 7-16 Activities Covered

This article applies to:

(1) all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, pickets, and other activities that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way; and

(2) any public activity reasonably expected to be attended by 400 or more individuals for the purpose of making a public display or demonstration of sentiment for or against a person or cause (including protesting that may include the distribution of leaflets or handbills, the display of signs or any oral communication or speech, or that may involve an effort to persuade or influence, including all expressive or symbolic conduct, whether active or passive) to be held at the Town Commons or at any park or other open space of the Town.

Any of the foregoing activities, which are covered by this article, are hereafter referred to as “the public event.”

##### Section 7-17 Permit Required

No person may run, operate, or sponsor any public event without a permit obtained from the administrator in accordance with this article.

##### Section 7-18 Permit Application

Applications for the permit authorized by this article shall be submitted on a form provided by the administrator at least 90 days before the time at which a public event not conducted ~~solely~~ for the exercise of freedoms protected under the First Amendment is scheduled to begin, and at least ~~96~~ 36 hours before the time at which a public event that is conducted ~~solely~~ for the exercise of freedoms protected under the First Amendment or under Section 7-16 (2) is expected to begin. the application ~~Notwithstanding the preceding sentence, the administrator may, if reasonably practicable, act on a permit application submitted less than 36 hours before the time at which such a public event is conducted~~, and shall contain the following information:

- (1) Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the public event;
- (2) Name, address, and telephone number of the individual in charge of the public event;

- (3) The proposed date and time period when the public event will be conducted;
- (4) A sketch-map showing:
  - a. The area where the public event is to take place.
  - b. Any streets or other rights-of-way to be closed or obstructed.
  - c. Any barriers or traffic control devices that will be erected.
  - d. The location of any concession stand, booth, platforms, benches, or bleachers.
  - e. The location of proposed fences, stands, platforms, benches, or bleachers.
- (5) The approximate number of people expected to attend the public event;
- (6) When applicable, a request that the town provide specified services and/or that the town close identified streets or portions of streets for a particular period;
- (7) Sufficient proof of liability insurance in accordance with Section 7-21;
- (8) Any other information determined by the administrator to be necessary to insure compliance with this article.

#### Section 7-19 Permit Exemptions

The following public events are exempt from the permit requirements of this article: the annual Christmas parade, the Fourth of July celebration, the Carrboro Day celebration, the Carrboro music Festival, the Four on the Fourth road Race, Carrboro 10K road Race, the Gallop and Gorge Road Race, and Frangelism in the Park, the Kidney Kare 5K, the Open Streets Events, ~~and~~ the St. Paul AME 5K, and the Not so Normal Half Marathon.

#### Section 7-20 Staff Review

Upon receipt of the permit application, the administrator shall circulate it to the police chief, the fire chief, the public works director, and other appropriate persons, such as the Special Events Committee for their comment. The administrator may arrange to have a conference on the application with the applicant and one or more department heads.

#### Section 7-21 Insurance

The administrator may require as a condition precedent or subsequent to issuance of the permit that the applicant obtain a comprehensive general liability insurance policy or comparable special

events liability insurance policy issued by an insurance company authorized to do business in this state, with coverage that includes the entire area of the public event. If such a policy is required, the town shall be named as an additional insured on the policy. The policy limits of such insurance shall be not less than the following, but the administrator may require higher limits if it finds that the risks associated with the event warrant such higher limits:

Property Damage	50,000 for each occurrence
Bodily Injury or Death	\$100,000 for each person, \$300,000 for each occurrence

#### Section 7-22 Fees; Costs Incurred by Town

(a) A basic minimum fee sufficient to cover the cost of providing the notification required by subsection 7-24(d) shall be paid by the applicant. The amount of this fee shall be based upon an estimate of the expenses that will actually be incurred to provide the required notice.

(b) In addition, if the town if requested to provide extra-ordinary services or equipment or the town administration otherwise determines that extraordinary services or equipment should be provided for reasons related to public health or safety, the Town shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(c) The administrator may require the applicant to pay to the town a fee sufficient to reimburse the town for the costs of any extraordinary services or equipment provided.

#### Section 7-23 Standards for Issuance of Permit

(a) Subject to subsection (e) of this section, the administrator shall issue the permit authorizing the public event unless it finds that:

- (1) Conduct of the public event will require the assignment of so many police offices that the remainder of the town cannot adequately be protected; or
- (2) The public 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 town; or
- (3) The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license, or the applicant is otherwise in violation of any town ordinance; or
- (4) The public event will work a severe hardship on persons occupying property adjacent to the site, location, or route of the public event as a result of the denial of access to property or for other substantial reasons; or

- (5) The public 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
- (6) The applicant has failed to comply with any of the provisions of this article, including the payment of any fees required.

(b) If a permit is issued in accordance with subsection (a), the administrator may attach to it any reasonable conditions, including, without limitation, alternative time, place, and manner restrictions for the public event.

(c) If the administrator finds that the permit cannot be issued for reasons specified in subsection (a), the administrator may request the applicant to modify its application to remove any objections to the issuance of the permit.

(d) Any public event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any conditions attached thereto.

(e) The administrator may issue a permit under this article for a road race public event only if such event will benefit a non-profit organization that is based in or provides services in Orange County.

#### Section 7-24 Street Closings

(a) If the administrator finds that the permit should be issued and that, to conduct the event, it is necessary to close a street or to reroute traffic, the Town may pass a resolution authorizing this to be done. No such resolution shall be passed affecting streets that are part of the street system without the approval of the State Department of Transportation.

(b) The resolution shall identify the street or portion thereof to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic thereon is to be limited in some way. The resolution shall also direct the administrator to have appropriate traffic control devices installed to give notice of the temporary traffic controls.

(c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with subsection (b).

(d) The administrator shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place of the contents of any resolution passed in accordance with this section.

#### Section 7-25 Sponsor Responsible for Cleanup

The sponsor of the public event shall be responsible for cleaning up any litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes

place to the condition that existed prior to the event. The administrator may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.

#### Sections 7-26 Certain Payment Exemptions for First Amendment Public Events

Persons engaged in public events conducted ~~solely~~ for the exercise of freedoms protected under the First Amendment are not required to pay for any insurance, fees, costs, or bond as otherwise may be required under Sections 7-21, 7-22, and 7-23.

#### Section 7-27 Appeals

The decision of the administrator is subject to review in the Superior Court of Orange County by proceedings in the nature of certiorari. Any petition for writ of certiorari shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the Town shall stipulate to certiorari no later than five business days after the petitioner requests such stipulation. The Town shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the Town shall file its brief within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the Town shall add three days to this time limit in accordance with North Carolina General Statute 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time shall control.

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