Legislation Details (With Text)

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Title:	Update to Article III of Chapter 7 of the Town Code - Streets and Public Events PURPOSE: Update the current Town Code relating to regulation of street or other public events.				
Indexes:					
Code sections:					
Attachments:	1. Attachment A: Article III. Streets and Public Events (2).pdf, 2. Attachment B: Old Article 3.pdf				

Date	Ver.	Action By	Action	Result

TITLE:
Update to Article III of Chapter 7 of the Town Code - Streets and Public Events

PURPOSE: Update the current Town Code relating to regulation of street or other public events.
DEPARTMENT: Town Attorney, Police Department

CONTACT INFORMATION: Nick Herman, Town Attorney - 919-929-3905; Walter Horton, Chief of Police - 919-918-7397

INFORMATION: SUMMARY OF NEW CODE AMENDMENT

Attachment A is a draft of a new Article III of Chapter 7 of the Town Code relating to the regulation of street or other public events. Attachment B is a copy of current Article III of the Code.

The new, proposed Article regulates two categories of "public events" by requiring that a permit be obtained from the Manager to hold the event.

The first category consists of public events (like street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, pickets, or other public activities) that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or otherwise substantially hinder or prevent the normal flow of vehicular or pedestrian traffic. This category may apply regardless of the number of persons involved in the event (e.g., it would apply if a single person wanted to perform a dance in the middle of the street when such an activity would obstruct the street). This category also applies regardless of whether the purpose of the activity

involves the exercise of First Amendment rights. Also note that certain traditional Town events (such as the Christmas parade, Fourth of July celebration, Carrboro Day celebration, Carrboro music festival, and certain road race events) are expressly excluded from this category and the requirement for obtaining any permit.

The second category consists of public events reasonably expected to be attended by 400 or more persons where the purpose of the event is to exercise First Amendment rights and the event is to be held at the Town Commons or at any park or other open space of the Town. This 400-or-more person criterion is established because of our Police Department's estimate that this number of persons at an event in the specified locations will require special allocation of police resources. Note that if 399 or fewer persons seek to exercise First Amendment rights in a street, sidewalk or public right-of-way such that a temporary closing or obstruction will exist or the activity will substantially hinder or prevent the normal flow of vehicular or pedestrian traffic, then this activity will fall under the first category.

A public event falling within the first or second categories can only be held if a permit is obtained from the Manager based on a permit application setting forth certain specified information about the time, place, and manner of the event. The Manager, after consultation with appropriate department heads, may attach reasonable conditions to a permit (including, modifying the time, place, and manner of the event, and obtaining a resolution authorizing a street closure) under specified standards for the issuance of a permit relating to public health, safety, and welfare. For public events falling within the first category only, and which do not involve the exercise of First Amendment rights, the Manager may require that the permit applicant obtain liability insurance, pay for the costs to the Town of providing extraordinary services or equipment to ensure public health and safety, and/or post a bond or other security to ensure proper cleanup after the event. Note that participants or spectators at any public event are otherwise subject to our statutes prohibiting the wearing of hoods or masks (G.S. 14-12.7 and 14-2.8), prohibiting "dangerous weapons (G.S. 14-277.2), and prohibiting concealed weapons (G.S. 14-269 and Carrboro Code Section 14-18).

Permit applications for public events not conducted solely for the exercise of freedoms protected under the First Amendment must be provided to the Manager at least 90 days before the time at which the public event is scheduled to begin. However, public events conducted solely for the exercise of freedoms protected under the First Amendment must be provided to the Manager at least 96 hours before the time at which the event is scheduled to begin (which is a shortened application time designed to avoid the chilling of the exercise of First Amendment rights).

Finally, any appeal from the decision of the Manager on a permit application lies through proceedings in the nature of certiorari to the Superior Court of Orange County.

FISCAL & STAFF IMPACT: The town could incur expenses related to any approved event depending on type. Staff will have to allot time to research, and develop a plan to ensure the safety of any events.

RECOMMENDATION: Staff recommend Board review and adopt changes to ordinance.