

## SPECIAL EVENTS PERMIT

**Chapter 6****SPECIAL EVENTS PERMIT**

**[HISTORY: Adopted by the Council of the Town of Middleburg 06-14-2012.]**

**SECTION 6-1 PURPOSE**

It is the purpose of this ordinance to establish a process for permitting Special Events conducted on public streets or public property. It is recognized that Special Events enhance the Middleburg lifestyle and provide benefits to businesses and the citizenry through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services. The Special Event Permit is intended to provide for the coordination of certain activities associated with Special Events (e.g. traffic control), to ensure the health and safety of patrons of Special Events, to prohibit illegal activity from occurring within Special Events, and to protect the rights and interests granted Special Event Permit holder.

**SECTION 6-2 DEFINITIONS**

When used in this chapter, the following terms shall have the meanings indicated:

**Special Event** – (1) Any gathering of groups or individuals comprising fifty (50) or more persons for the purpose of listening to or participating in entertainment, festivals and/or parades with or without music and with or without the use of microphones and amplifiers conducted on public property; or (2) any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.

**SECTION 6-3 PERMIT REQUIRED**

No person, firm, corporation or partnership shall stage, promote or conduct any special event on public property, including public rights-of-way, in the Town of Middleburg unless a special event permit has been obtained from the Town Administrator. This section shall not apply to (1) gatherings on private property; (2) sporting events on any publicly owned property; (3) any gathering or event on Loudoun County or school-owned property; (4) any event conducted solely by the Town of Middleburg or (5) funeral processions conducted by a licensed mortuary.

**SECTION 6-4 FORM OF PERMIT APPLICATIONS; REQUIRED ATTACHMENTS**

Requests for special event permits shall be submitted in writing on the Town's application form to the Town Administrator at least sixty (60) days prior to the date of the event. Such applications should address the following items as applicable:

- A. The date(s) and time(s) of said event and the total number of persons expected to be in attendance.
- B. The name and address of the promoters of the event, the budget for the event and the names of all persons or groups who will perform at the event.

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- C. The location of the proposed event. The Town Administrator shall require the applicant to provide a Certificate of Liability Insurance to cover the Town as an additional insured in such amounts and for such perils as the Town Administrator shall deem appropriate.
- D. A plan for adequate sanitation facilities and garbage/trash and sewage disposal for persons at the event. This plan shall meet the requirements of all state and local statutes, ordinances and regulations.
- E. A plan for providing food and water for the persons at the event. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Health Officer.
- F. A plan for adequate parking facilities, crowd control and traffic control in and around the event area.
- G. A plan to ensure adequate emergency medical and fire response for persons in need at the event. This condition may be met by providing event personnel with cellular phones or other similar communication devices capable of contacting 911 in an emergency.
- H. A statement specifying whether outdoor lighting shall be used and, if so, a plan showing the location of such lights and shielding devices or other equipment to prevent light trespass beyond the property or right-of-way on which the event is located.
- I. A statement that no music shall be played, either by mechanical or live performance, in such a manner that the sound emanating therefrom shall be audible beyond the property or right-of-way line past 10:00 p.m.
- J. A statement that all other applicable permits and approvals shall be obtained for the event, including but not limited to those required by the County of Loudoun, the Virginia Department of Transportation and the Virginia ABC Control Board.

**SECTION 6-5 DAILY TIME LIMITATION ON SPECIAL EVENT**

Special events shall not occur for more than twelve (12) hours or such time as is specified in the permit in any twenty-four hour period, such hour periods to be measured from the beginning of the first gathering of participants at the place of said event.

**SECTION 6-6 COMPLIANCE WITH ZONING ORDINANCE REQUIRED**

No permit shall be issued under this chapter unless all applicable provisions of the Town's Zoning Ordinance are met as determined by the Zoning Administrator.

**SECTION 6-7 ISSUANCE OR DENIAL OF PERMIT**

The Town Administrator shall act on such applications within fourteen (14) days following the filing of the same. If granted, the approval shall be confirmed in writing by the Town Administrator to the applicant at the address indicated on the request. If denied, the refusal shall be in writing and shall include the reasons for such denial stated therein and mailed to the applicant at the address indicated.

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**SECTION 6-8 PAYMENT OF TOWN SERVICES; DEPOSIT REQUIRED**

Following the conclusion of a special event, the Town will invoice permit holders for the actual cost of Town services provided for said event, unless the event is sponsored in part by the Town. Within seven days of filing the application for the special event permit, the Town shall provide the applicant with an outline of the scope of services to be provided by the Town, including manpower and equipment; and, a cost estimate. The cost estimate shall be based upon information provided by the applicant in the special event permit application; and, shall be the best estimate of the Town staff. The actual costs may vary based upon unforeseen factors and/or changes or deviations from the information provided in the permit application. Upon approval of the permit application but prior to the issuance of the permit, the applicant shall remit to the Town (1) a deposit equal to the amount of the cost estimate for the Town services or (2) a performance bond in the amount of the cost estimate for the Town services. Within thirty (30) calendar days of the completion of the special event, the Town shall provide the permit holder with a written invoice, minus any deposit amounts paid. All invoices must be paid within thirty (30) calendar days of their date; thereafter, late fees will apply.

**SECTION 6-9 REFUNDS OF DEPOSIT, IF APPROPRIATE**

In the event that the amount of the deposit paid to the Town exceeds the invoice for the Town services, the Town shall issue a refund equal to the amount of the overpayment. Said refund will be issued within thirty (30) calendar days of the date of the invoice.

**SECTION 6-10 PEDDLERS; ITINERANT VENDORS**

Peddlers or itinerant vendors, as defined in Virginia Code Section 58.1-3717, may, with the concurrence of the event promoter, conduct business within the confines of a permitted special event provided said peddler or vendor has secured a temporary business license permit from the Town. The confines of an event are defined as any closed street, the sidewalks within closed streets; and public buildings or grounds being used by the event or that are within the perimeter of the closed streets.

**SECTION 6-11 APPEAL TO TOWN COUNCIL**

In the event the Town Administrator denies a permit, the applicant may appeal any such denial to the Town Council provided written intent to note such an appeal is filed with the Town Clerk within ten (10) days of said denial.

**SECTION 6-12 REVOCATION OF PERMIT**

The Town Administrator shall have the right to revoke any permit issued under this chapter upon the finding of non-compliance with any of its provisions and conditions.

**SECTION 6-13 PERMITS NOT TRANSFERRABLE**

No permit may be transferred.

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**SECTION 6-14 VIOLATIONS AND PENALTIES**

Any person, firm or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with the provisions as allowed in the State Code. Each violation shall constitute a separate offense.