

SPECIAL EVENTS PERMIT

Chapter 6**SPECIAL EVENTS PERMIT**

**[HISTORY: Adopted by the Council of the Town of Middleburg 06-14-2012;
Amended 08-28-2025.]**

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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 [Amended 08-28-2025]

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

Applicants or promoters – The person, firm, business, partnership, corporation or other entity staging, promoting or conducting a special event.

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Property Owner – The Owner of real estate upon which a special event is to be conducted. If the property is private property, the application shall be made jointly by the applicants/promoters and property owners, who shall be responsible for compliance with the provisions of this Chapter.

Special Event – Any gathering of groups or individuals comprising fifty (50) or more persons within the corporate limits of the Town of Middleburg on public property or that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.

Sporting Event – An organized competition or contest involving physical activity where individuals or teams compete against each other based on rules and the outcome is determined by some combination of skill, strategy, or physical prowess.

SECTION 6-3 PERMIT REQUIRED [Amended 08-28-2025]

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 Manager. This section shall not apply to (1) events held on private property that do not result in the closing of any part of a public street or sidewalk to accommodate attendees; (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, Loudoun County, or the Commonwealth of Virginia or (5) funeral processions conducted by a person licensed to provide funeral services.

SECTION 6-4 FORM OF PERMIT APPLICATIONS; REQUIRED ATTACHMENTS [Amended 08-28-2025]

Requests for special event permits shall be submitted in writing on the Town's application form to the Town Manager at least two (2) business days prior to the date of the event or such longer time as may be needed to address the safety considerations and logistical needs set out in this Chapter. Such applications should address the following items as applicable:

- A. The date(s) and time(s) of said event and the best reasonable estimate of the total number of persons expected to be in attendance.
- B. The name, address and contact information of the promoters of the event, the budget for the event and a full description of the event, including all planned activities. If the promoter of the event is a corporation or other entity, the names, addresses and contact information of the officers and directors of the corporation or other entity shall be submitted.
- C. The location of the proposed event, including the location of any proposed peddlers and/or itinerant vendors. If the special event is approved, the applicant shall provide the Town Treasurer/Finance Director with a list of all peddlers and/or itinerant vendors, including names and contact information, participating in the event sufficiently in advance of the event so the Town can assure the collection of all applicable itinerant vendor fees and/or local taxes.

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- D. Certificate of Liability Insurance. A copy of the Certificate of Liability Insurance to cover the Town as an additional insured in such amounts and for such perils as the Town Manager shall deem appropriate shall be attached to the application. In the event the Special Event attendance is expected to exceed five hundred (500) people, the minimum amount of the insurance coverage shall be \$1,000,000. If alcohol is to be served by the promoters of the event, then the minimum amount of insurance coverage shall be \$3,000,000.
- E. 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 and must be approved by the Town Manager or his designee.
- F. 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, if required.
- G. A plan for adequate parking facilities, crowd control and traffic control in and around the event area. In the event the Special Event attendance is expected to exceed five hundred (500) people, such parking plan shall be limited to no more than one thousand (1,000) parking spaces, regardless of location inside or outside the Town limits, in order to ensure there is not an overcrowding of the Town, which could affect the public health and safety of those residing in and/or visiting Middleburg.
- H. 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.
- I. A plan for law enforcement and public safety, including barriers for pedestrian safety and law enforcement officers or security personnel if needed. If Town of Middleburg police officers are requested, the applicant must pay a deposit for any anticipated overtime costs prior to approval of the application.
- J. A plan for notifying special event attendees and participants should the Chief of Police find it necessary to delay the start of, interrupt or cancel the Special Event as allowed under Section 6-14 below. This plan shall include, but not be limited to, local TV/radio stations; social media platforms; and/or phone alert systems. The plan shall include phone numbers identified to the applicant's emergency contingency committee and all relevant media outlets.
- K. 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.
- L. In the event the Special Event attendees are expected to exceed five hundred (500) people, evidence of the organizer's ability to conduct such a large event, to include, but not be limited to, budgets, financial results of prior events, contingency funds, and affirmation of no outstanding liens, judgments, or claims against such organizer which may jeopardize the ability of the organizer to conduct such event.

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Due to the unique characteristics of Special Events that are expected to exceed five hundred (500) people, if the special event permit is approved, the applicant shall provide the Town Manager with regular recurring updates on the status of the event, planning and preparation of the event, and the results of the event after it is held.

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 [Amended 08-28-2025]

- A. In the case of events in which the attendance is expected to be four hundred ninety-nine (499) people or less, the Town Manager shall act on such applications within one (1) business day of receiving a completed application unless grounds set out in this Chapter justify a denial. If granted, the approval shall be confirmed in writing by the Town Manager 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.
- B. In the case of events in which the attendance is expected to be five hundred (500) or more people, the Town Manager shall act on such application as soon as possible and shall promptly issue the permit if the application is complete and adequately addresses the requirements of this ordinance. If granted, the approval shall be confirmed in writing by the Town Manager to the applicant at the address indicated on the request. If denied, the refusal shall be in writing and shall include the reasons for denial.
- C. The Town Manager may grant waivers on request, but only if the inadequacy being overlooked does no harm to the policies furthered by the application requirements and only if the waiver and the grounds for it are recorded in writing contemporaneously with the granting of the waiver.

SECTION 6-8 PAYMENT OF TOWN SERVICES; DEPOSIT REQUIRED [Amended 08-28-2025]

Upon receipt of an application for a special event permit that requests Town staff or equipment, the Town shall provide the applicant with an outline of the scope of services that may 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. Upon approval of the permit application but prior to the issuance of the permit, the applicant shall remit to the Town a deposit equal to the amount of the cost estimate for the Town services.

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Following the conclusion of a special event, the Town will invoice permit holders for the actual cost of Town services provided for said event. The actual costs may vary based upon unforeseen factors and/or changes or deviations from the information provided in the permit application.

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 [Amended 08-28-2025]

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 as identified in the approved special event permit application.

SECTION 6-11 APPEALS TO TOWN COUNCIL [Amended 08-28-2025]

In the event the Town Manager denies a permit, the applicant may appeal any such denial to the Loudoun County, Virginia Circuit Court.

SECTION 6-12 APPLICANT TO FURNISH PROOF OF RIGHT OF ENTRY [Added 08-28-2025]

In the event the special event involves the use of private property for parking or other uses necessary or incidental to the event, no permit shall be issued pursuant to this Chapter unless the application is accompanied by documentation of right of entry by the private property owner to the event organizer for the purposes described in the application.

SECTION 6-13 RESPONSIBILITY OF PROPERTY OWNER [Added 08-28-2025]

The owner of property upon which a special event is conducted or activities related to the event take place shall take appropriate steps to ensure the provisions of this Chapter are complied with by the promoters of the special event and the persons attending the event. In no case shall the Town of Middleburg be responsible or liable for any activity of an event, event promoter, or attendees of such an event that are held on public property or rights-of-way.

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SECTION 6-14 DELAY, INTERRUPTION OR CANCELLATION OF SPECIAL EVENTS [Added 08-28-2025]

In the administration of this Chapter, the welfare of the attendees, general public and event entrants will be the foremost consideration. The final decision to delay, interrupt or cancel all or any portion of a Special Event will be the responsibility of the Middleburg Chief of Police or designee, following consultation with the Mayor, Town Manager and applicant. The decision to delay, interrupt or cancel will be made as early as possible for notification purposes.

Reasons for the delay, interruption or cancellation may include, but are not limited to:

1. National Weather Service warning for severe weather in the Middleburg area;
2. County Emergency Manager's recommendation;
3. Determination by Middleburg Police Chief or designee that the continuance will interfere with the ability to deal with an emergency public safety matter; or,
4. Observation by the Chief of Police that continuance of the event will adversely impact the safety of the community or participants in the event.

Should the Town, through its Chief of Police, find it necessary for public safety reasons to delay the start of, interrupt or cancel a Special Event for any reason, the applicant shall cooperate with the Chief and his public safety personnel to immediately implement activities necessary to effect the delay/cancellation. The applicant shall establish and maintain an emergency contingency committee to ensure that public safety-related delays, interruptions or cancellations are addressed in a timely and organized manner.

SECTION 6-15 REVOCATION OF PERMIT [Amended 08-28-2025]

The Town Manager 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 6-16 PERMITS NOT TRANSFERRABLE [Amended 08-28-2025]

No permit may be transferred.

SECTION 6-17 PROHIBITED ACTIVITIES [Added 08-28-2025]

- A. 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.
- B. If required, the applicant will obtain all other applicable permits and approvals for the event, including but not limited to those required by the County of Loudoun, the Virginia Department of Transportation and the Virginia Alcoholic Beverage Control Authority.

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SECTION 6-18 VIOLATIONS AND PENALTIES [Amended 08-28-2025]

Any person, firm business, partnership, corporation, or other entity who violates any provisions of this chapter shall be issued notice of violation and be granted a warning, detailing the specific nature of the violation of this chapter. Continued violations of this chapter may result in the responsible person or persons being charged with a Class 3 misdemeanor. Each violation shall constitute a separate offense. This article shall not be construed to be exclusive of all remedies available to the Town, but shall be in addition to such remedies.