

Background Information

Special Events, as defined herein, have become commonplace in Wake Forest, especially in downtown. The events bring people, focus attention on revitalization efforts, help stabilize tax values, and encourage residential, commercial, and professional office investment in downtown. The Town of Wake Forest has long been a supporter of community events that provide leisure and recreational activities in the downtown area.

When the Town of Wake Forest is substantially involved in a Special Event, any adverse consequences such as security, traffic and crowd control, property damage and sanitation are minimized. Similar Special Events sponsored by private groups may not adequately address the adverse consequences. The Town believes it is in the public interest and promotes the public health, safety and welfare to regulate such Special Events that interfere with the free flow of vehicular and pedestrian traffic on Public Areas.

In adopting this Policy, the Board of Commissioners finds that there is a factual basis for the conclusions set out above and this Policy is intended to permit many types of Special Events in Public Areas but under guidelines that will prevent, or at least reduce the adverse consequences.

THEREFORE, the Board of Commissioners of the Town of Wake Forest does enact and ordain:

SPECIAL EVENTS POLICY

Title. This Article shall be known and cited as the Special Event Policy

Stated Policy: It is the policy of the Town of Wake Forest that Public Areas, as defined below, are set aside primarily for use by the public at large and should not ordinarily be reserved for private events, parties and gatherings that do not promote a public purpose that benefits and is made available to the entire community. However, on a limited basis, private events that accomplish public good by celebrating the history, heritage and diversity of Wake Forest may be allowed within a Public Area subject to the provisions of this Article.

The Town Manager is hereby given the authority to authorize the closure of Public Areas, as defined below, for Special Events subject to the provisions of this Article.

This policy shall not apply to events taking place in our public parks, greenways, playgrounds and at The Renaissance Centre. The Parks, Recreation, and Cultural Resources Department and The Renaissance Centre have policies in place to regulate events held in these venues.

For the purposes of this Policy, the following Definitions shall apply unless the context clearly indicates or requires a different meaning:

Public Area. Primarily an area dedicated, reserved or set aside for public use and maintained by or under the control of the Town of Wake Forest. Among other places, it includes streets, alleys, sidewalks, parking lots, parks and other open space and property owned by the Town of Wake Forest. Further, streets under the control of the North Carolina Department of Transportation (NCDOT) and the sidewalks along those streets are a Public Area for the purposes herein when the appropriate consent has been obtained from NCDOT.

Special Event. An event which is expected to attract/assemble fifty or more persons on a Public Area or which may require the closing of public streets and sidewalks, or which may restrict or interfere with the right of merchants, the public and private individuals to have access to offices, stores, residences or other places. Streets under the control of NCDOT are considered a Public Area for the purposes of this definition when appropriate consent has been obtained from NCDOT. Special events include, but are not limited to: Street festivals, parades, processions, block parties, concerts, carnivals, races, performances, rallies, ceremonies and festivals of any kind.

Section I. Permit

- (a) Permit Exceptions. This Article shall not apply to nor require a permit for the following events.
- (1) Funerals
 - (2) Educational activities involving students and/or faculty provided the event is under the immediate direction and supervision of school administrative personnel.
 - (3) The Town of Wake Forest or any other governmental unit carrying out its normal functions.
 - (4) Special Events sponsored or substantially administered by the Town of Wake Forest or an authorized agent of the Town provided the Special Event is insured against accidents and liabilities by the Town or by the entity acting on behalf of the Town.
 - (5) In general, Neighborhood Parties held in a neighborhood cul-de-sac or on a road with only one entrance where all the affected residents have been notified. However, block parties and other social events scheduled in residential neighborhoods may require minimal regulation when streets are closed to vehicular traffic.
 - (6) Spontaneous events lasting no more than two (2) hours occasioned by news or public affairs coming into the public knowledge within three (3) days of the event provided the organizer of the event provides immediate written notice to Wake Forest Public Safety.
 - (7) Official observances for national holidays, national, state and local events which are of short duration and open to the public at large without the payment of admission fees or other charges and do not involve substantial commercial activity.
 - (8) Picketing. Regulations for picketing are stated in Article IV, Section 20-103,104 of the Code of Ordinances of the Town of Wake Forest.
- (b) Permit Required: It shall be unlawful for any person to conduct, sponsor, maintain or assist in maintaining a Special Event, as defined above, within or on any Public Area without first obtaining the permit required herein and maintaining the validity of the permit throughout the Special Event.
- (c) Application. An application for a Special Event permit shall be filed with the Town Manager or his/her designee on the form provided. The application shall include any fee for the permit established and published in the Schedule of Fees of the Town. The application will not be considered without the required fee. The application for a Street Festival, Parade or Procession may be different and have additional regulations from the application for other Special Events.

(d) Determination and Issuance. In issuing any permit applied for under this Article, the Town Manager, or his/her designee, shall determine which departments should review and make recommendations for approval or denial. Applications for Special Events shall be submitted at least forty-five (45) days prior to the scheduled event and applications for Street Festivals, Parades, or Processions shall be submitted at least one hundred and twenty (120) days prior to the scheduled event.

(1) Determinations; Special Event. The Special Event permit shall be issued if the person charged with the responsibility for issuing the permit can reasonably find from the information presented that:

- (i) All immediately affected property and business owners have been notified, and
- (ii) The Public Area to be used can accommodate the number of people expected to participate, and
- (iii) The Special Event is more likely than not to be conducted in a safe manner and within the guidelines set forth in the Article.
- (iv) There are no conflicts with prior scheduled permitted Special Events.
- (v) The individual making application is a responsible individual with no criminal record.

(2) Additional Determinations. Prior to the issuance of the permit, if the Special Event is a Street Festival, Parade or Procession, the permit shall not be issued unless the person charged with the responsibility for issuing the permit can reasonably find:

- (i) The property owners and public have reasonable access to residences and businesses located along the closed portion of the Public Area.
- (ii) If alcohol will be served, or available, there is a reasonable plan for security, crowd control and emergency services.
- (iii) All other permissions, licenses and permits have been obtained.
- (iv) There is no hardship created for residents, merchants or businesses due to frequency of events. Downtown streets, including S. White Street, S. Brooks Street, E. Elm Avenue, E. Owen Avenue, E. Jones Avenue, Wait Avenue or Roosevelt Avenue will not be closed for a Street Festival, Parade or Procession for more than two (2) events over a thirty (30) day period, including: Meet In The Street, The Christmas Parade, The Fourth of July Celebration, Friday Night on White, The Classic Car Show, Beach Night on White and Mardi Gras Celebration.

(3) Form of Permit. An application form will be provided by the Town of Wake Forest.

- (i) Applicant/Personal. If the applicant is representing an organization or group, that information is included; however, the permit will be issued in the name of the specific individual and that individual shall be personally responsible for the information provided and for compliance with the terms and conditions of the permit. The person designated by the application as the person responsible for the Special Event shall be physically present and accept responsibility for compliance with any and all terms as set forth in this policy.

- (ii) Transferability. The permit granted under this policy shall not be transferable or assignable.
- (iii) Frequency. No permit shall be issued which allows a particular Public Area to be closed for more than twelve (12) continuous hours; for more than two (2) days in a thirty (30) day period.
- (iv) Benefit. No permit shall be issued for an event which is substantially intended to financially benefit the applicant or sponsor of the event unless the individual or sponsor can demonstrate the public purposes to be achieved.

Section II. The permit issued for a Special Event under this Article shall be subject to the regulations, conditions and reservations of rights as set forth in this section.

(a) Regulations.

- (1) Any other permit required for the Special Event shall be obtained, including permits for the service and consumption of alcoholic beverages, permits issued by NCDOT, Wake County Health Department and other similar licenses or permits. The Special Event will be operated in strict compliance with the terms and conditions set forth in those licenses and permits.
- (2) The applicant will provide for crowd control, security and emergency services. If manpower is available, the Town of Wake Forest may provide a single Public Safety Officer to oversee traffic control, crowd control, security and emergency services; however, if the size of the event presents special issues, the applicant will be required to make arrangements for additional Wake Forest Public Safety Officers, at the applicant's expense, to be present at the event. The applicant may provide alternative sources of security that is satisfactory to the Town.
- (3) A reasonable means of access will be provided for businesses and/or residences located along the Public Area; as well as access for fire and other protective services required by the Town.
- (4) In compliance with the NC State Fire Prevention Code (Section 403.3), applicant agrees to provide one certified crowd manager for every 250 people during events with 1000 or more people in attendance. A copy of the primary applicant's "Certificate of Completion" of Crowd Manager Training must be submitted to The Town of Wake Forest no later than 10 days prior to the event and certificates of the remaining required crowd must be available at the event for viewing by Town officials.
- (5) All event tents located on public property must be secured with weighted devices and proper permits must be secured for tents in excess of 400 square feet.
- (6) The applicant will contract with the Town to provide clean up services of the Public Area for events with anticipated attendance of 1000 or more people. If town services are not available for the event date or the event has an expected attendance of less than 1000 people, the applicant agrees to provide cleaning services to ensure that the event area is left in a clean, sanitary manner.

(7) If the applicant elects to use town electrical outlets, they must contract with the Town of Wake Forest to provide a minimum of one Public Works electrical employee to be on site throughout the event, beginning at the time that electrical access is needed.

(8) The sale, distribution, possession and consumption of beer, wine and other alcoholic beverages within Public Areas is prohibited.

(i) A waiver may be approved by the Wake Forest Board of Commissioners at a regularly scheduled meeting.

(ii) If a waiver is approved, all applicable state and local laws governing such matters must be observed.

(iii) Only alcohol vendors with an appropriate ABC license will be allowed to provide and/or dispense alcoholic beverages and are subject to the insurance requirements listed in Section II(b)(2). A copy of the appropriate ABC license must be furnished to the Town of Wake Forest no later than 10 days prior to the event and said license, in compliance with NC ABC laws, must be prominently displayed during the event.

(iv) Alcohol vendors operating under a limited use ABC license: event applicant must present documentation of successful completion of NC ABC "Responsible Alcohol Seller Program" training no later than two weeks prior to the event. Event applicant assumes all responsibility to ensure that all servers comply with NC ABC laws as per their ABC license.

(9) Special regulations for Parades and Processions.

(i) Every parade or procession shall follow the route designated and approved by the permit.

(ii) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or procession, or with any person, vehicle or animal participating or used in a parade or procession.

(iii) No hand-carried signs or posters transported in any parade or procession shall be of greater density than eight-ply three hundredths (.03) thickness cardboard. No support, staff or pole for such sign or poster shall be made of metal or metal alloy. If made of wood, the support, staff or pole shall be no greater than three-fourths (.75) inch in diameter at any point and must be blunt at both ends.

(10) Special regulations for Centennial Plaza

(i) No alcoholic beverages permitted

(ii) No equipment provided unless it is a Town of Wake Forest sponsored event.

(iii) Restrooms not provided or available. Applicant must make appropriate accommodations.

(iv) Centennial Plaza is not available during Town Hall regular operating hours. Availability is limited to evenings between 5pm and 9pm and weekends when available.

- (v) Use of the Plaza is limited to one time per quarter to applicant/club/organization.
- (vi) No vehicles or heavy equipment is permitted on the Plaza

(11) Special Regulations for Festival Street

- (i) No equipment provided unless it is a Town Sponsored event.
- (ii) Restrooms not provided or available. Applicant must make appropriate accommodations.
- (iii) Use of the Plaza is limited to one time per quarter to applicant/club/organization.
- (iv) Event availability (including set up) is limited to evenings between 5pm and 9pm Monday through Thursday, 6pm and 9pm on Friday, with event to end no later than 9pm on Saturday and Sunday.

(12) The applicant and other sponsors of the event will comply with all applicable ordinances of the Town of Wake Forest.

(13) The applicant will be required to post a deposit with the Town which will be used to reimburse the Town for any actual expense incurred for special security, special services or clean up. The Director of Public Works, in consultation with other Department Directors, will establish the amount of deposit required for the event. The minimum deposit will be five hundred dollars (\$500.00) for events not including alcohol and three thousand dollars (\$3,000.00) for events including alcohol. The deposit must be submitted to the Town of Wake Forest no later than 10 days prior to the event. Upon satisfactory inspection of the event area, the deposit refund will be processed within 30 days of the event's end.

(b) Conditions.

- (1) Indemnity. In consideration of the granting of the permit under this Article, the applicant and any entity represented by such person shall indemnify and hold harmless the Town of Wake Forest, its officers, agents and employees against all loss, expense or liability of any kind, including attorney's fees, caused by or in any way resulting from the acts of any person attending the Special Event or in any way resulting from the activities carried on during the Special Event.
- (2) Insurance. The applicant and sponsor of the Special Event shall secure and at all times maintain in full force and effect a comprehensive general liability insurance policy providing bodily injury and property damage liability protection in the amount of \$2,000,000; and, if applicable, liquor liability protection in the amount of \$3,000,000. The Town of Wake Forest, its officers, agents and employees are included as additional insured with respect to the general liability insurance policy. The insurance shall be issued by a company licensed to do business in the State of North Carolina and shall be endorsed to the effect that the policy shall not be terminated or cancelled prior to its expiration date except upon thirty (30) days advance written notice to the Town. The insurance shall cover the Special Event and the types of activities carried on at the Special Event. The applicant and sponsor shall provide proof of the required insurance

coverage in the form of an original current certificate of insurance presented by the insured's agency. Evidence of such insurance shall be provided to the Town's Event Coordinator at least five (5) days before the date of the Special Event. If the Special Event does not involve the closing of a public street or sidewalk, the comprehensive general liability insurance required hereunder may be waived by the Town Manager in accordance with contractual insurance requirement policy. Waiver of such insurance is not assured.

- (3) **Strict Liability.** The applicant and sponsor of the Special Event shall assume and be strictly liable, without regard to negligence, for all damage or injury caused to public property as well as the buildings, residences and structures adjacent to the Public Area during and throughout the period of time that the Public Area remains closed for public use.
- (c) **Reservation of Right.** The Town of Wake Forest reserves the right to suspend all or any part of a Special Event and to require all persons to immediately vacate the Public Area during any period of national or local emergency, natural disaster, lawlessness and other acts or events which threaten the public safety.
 - (i) **Strict Liability.** The applicant and sponsor of the Special Event shall assume and be strictly liable, without regard to negligence, for all damage or injury caused to public property as well as the buildings, residences and structures adjacent to the Public Area during and throughout the period of time that the Public Area remains closed for public use.
- (d) **Reservation of Right.** The Town of Wake Forest reserves the right to suspend all or any part of a Special Event and to require all persons to immediately vacate the Public Area during any period of national or local emergency, natural disaster, lawlessness and other acts or events which threaten the public safety.

Section III

- (a) **Revocation or Denial of Permit.** The application for any permit may be denied and any permit issued under this Article may be revoked if:
 - (1) The application contains false or misleading information or does not set forth all of the information requested, or
 - (2) The Special Event is operated in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety and welfare, or
 - (3) The applicant and/or sponsor of the event has failed to obtain and maintain any health, business or other license or permit required by law for the activities carried on during the Special Event, or
 - (4) The applicant and/or sponsor of the Special Event has violated or is attempting to violate any of the terms and conditions of this Article, or
 - (5) If there is a conflict with any previously scheduled Special Event. Events sponsored by the Town or carried out on behalf of the Town as part of its public service shall be given priority in scheduling. Otherwise, scheduling shall be on a first come first serve basis.

Section IV

Appeals. Applicants denied a permit may appeal before the Wake Forest Board of Commissioners at a regularly scheduled meeting by filing with the Town Clerk.

Appeals. Property and Business owners unreasonably and unduly affected by a permitted Special Event may appeal before the Wake Forest Board of Commissioners at a regularly scheduled meeting by filing with the Town Clerk.

Section V

The Town Manager shall have the right to grant waivers concerning scheduling or other minor requirements of this Policy where there is a hardship caused to the applicant by the strict enforcement of this Policy provided the health, safety and welfare of the public is not placed at risk and the overall intent of this Policy can be achieved.

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