



## ADMINISTRATIVE POLICY

### *City of Wilmington*

<b>EFFECTIVE DATE:</b> <i>Revised: <u>Date</u></i>	<b>APPROVED BY:</b> <b>Ordinance passed by Council</b> 01/22/2019	<b>POLICY NUMBER:</b>
<b>SUBJECT:</b> <i>Title of Policy: <b>Special Event Policy</b></i>		

#### **PURPOSE**

The City of Wilmington (hereinafter "City") seeks to regulate the use of streets, sidewalks, and greenways in the City for all organized special events, with the purpose of protecting the health and public safety of citizens, and limiting the inconvenience to residents, businesses, places of worship and learning. Furthermore, the City desires to establish a straightforward and accountable process for event organizers, and enable public agencies to manage these events in a cost-effective and coordinated way.

#### **ELIGIBILITY/ APPLICABILITY**

Special Event Permits are required for all events when any portion of the event occurs on or in a City of Wilmington public, street, plaza, park, trail, greenway, or sidewalk and not held entirely within a New Hanover County Park or on privately maintained property or roads.

#### **DEFINITIONS**

Special Events: Organized activity occurring for a limited or fixed duration and presented to a live audience that utilizes, impedes or has impact on City of Wilmington public right-of-way for entertainment, commercial, cultural, recreational, educational or social purposes. Examples of special events are general events, road races and parades, and neighborhood events.

General Events: Organized activity that has a stationary footprint in an identifiable location for a specific duration of time, often involving amplified noise, food, beverage, merchandise, and/or other forms of entertainment. Examples include festivals, performances, rallies, markets, parties, tournaments and other similar events.

Road Races and Parades: Organized activity involving running, biking, walking, or other means of transportation, involving three or more participants and utilizing a fixed course that involves the use or obstruction of City street right-of-ways, sidewalks, and greenways.

Neighborhood Events: Organized small-scale activity that closes a small number of blocks on a local-service residential street. These small-scale gatherings are initiated by and are intended to attract only local residents who live on or in close proximity to the street being closed. They are not intended for the general public.

#### **2.0 MANAGEMENT RESPONSIBILITIES:**

The City of Wilmington Special Events Supervisor or City Manager designee serves as a liaison between city departments, event producers, and members of the community as it oversees organized events through the coordination of enterprise wide functions. All special event

productions within the City require the issuance of a permit. The Special Events Supervisor will be the primary point of contact for all events covered in this policy and will review each event for compliance with this policy. The City shall either approve an event permit or may place conditions upon, reschedule, relocate, or deny any requested event that does not meet the requirements of this policy.

2.1 Special Events Planning Team (SEPT). The City will maintain a Special Events Planning Team (SEPT) for coordination, notification, and collaborative purposes that will include, at a minimum, representatives from the following groups: Parks and Recreation, Police, Fire, Traffic Engineering, Solid Waste, Legal, and any other agency or organization necessary to the coordination of specific events

### **3.0 APPLICATION AND PERMITTING PROCESS:**

The City will establish an event application and a user's guide that will outline the process, deadlines, application materials, notification requirements, and the additional information necessary to allow event organizers to submit proposed events for approval. This will allow a more predictable timeframe for approval, with the additional goal of allowing agencies to effectively anticipate the impact of an event and plan accordingly.

3.1 Submittal Timeframe. Event applications must be submitted according to the deadlines for each specific event type as outlined below and will be accepted no more than one year prior to the date of the event. Submission of an application does not guarantee the issuance of a permit. Applications are not considered submitted until the application fee has been received.

3.1(a) Road Races and Parades. Applications must be received at least 90 days prior to the proposed date of the event. Processing and approving a race, parade, or walk route is a complex process that requires coordination with numerous city departments and other entities. The City does not guarantee that any event application will be reviewed if it is submitted after the deadline.

3.1(b) General Events. Applications for general events with more than 1000 people must be received at least 90 days prior to the proposed date of the event. Applications for general events with 1000 people or less must be received at least 60 days prior to the proposed date of the event. The City does not guarantee that any event will be reviewed if it is submitted after the deadline.

3.1(c) Neighborhood Events. Applications for neighborhood events must be received at least 30 days prior to the proposed date of the event. It is recommended that organizers apply at least 45 days prior to the event date if the neighborhood event might require special permitting for the use of tents, amusement structures, fireworks, etc. The City does not guarantee that any event will be reviewed if it is submitted after the deadline.

3.2 Fees. Application fees are due when the application is submitted. Applications will not be reviewed until the application fee is received. Upon payment of the fee, the application will be routed through the various departments for review and approval. Payment of the application fee is nonrefundable and does not guarantee event approval. However, event

organizers will have the option to modify dates and locations at no additional cost if they are denied approval due to a scheduling conflict. Upon application approval, the associated permit fee will be required before a permit is issued. All requirements for the issuance of a permit, including payment of permit fee, must be completed no later than 15 days prior to the event. The event organizer shall be responsible for producing the permit upon request of any City official throughout the duration of the event. The City reserves the right to bill event organizers after the event for any extraordinary costs imposed on the City for such things as on-site structure repair, trash pickup, or damage to streets or sidewalks during the event. All bills must be paid within 15 days of receipt. Road races that include events of more than one distance shall only be required to pay the fee for the longest distance. In the event that an activity classifies as more than one type of event, the organizer will be required to pay whichever application and permit fee is determined to be most appropriate by the City.

3.2(a) Race/Organized Walk Participant Fees. A per-participant fee is charged of all race/organized walk events to help ensure a thriving transportation system that can continue to accommodate these types of events. These fees will be directed to a special revenue fund and used solely for future construction and maintenance of streets sidewalks and greenways in Wilmington. Participant fees are due within seven (7) days after the event. Fees not received may result in the revocation of permit and non-issuance of future permits.

3.2(b) Reimbursement Policy. There is no reimbursement of application fees. Permit fees will be fully reimbursed if an event is cancelled at least 15 days prior to the event date. There is no reimbursement of permit fees if an event is cancelled within 15 days of the event date. Fees may be transferable towards future event applications/permits if event is cancelled due to inclement weather or other emergency situations, which will be determined at the discretion of the City.

3.3 Clean-up/Damage Deposits. A refundable clean-up/damage deposit is required for all events on City property (excluding neighborhood events). Payment of clean-up/damage deposit, must be received no later than 15 days prior to the event. Event organizers are responsible for making arrangements for litter and debris clean-up of the entire event area and restoring the site to its original condition. All litter should be disposed of off-site. Clean-up activities must take place within the specified time determined by the City. The specified time will be communicated to the applicant during the review process and will be appropriate to the conclusion and location of the event. Any clean-up and/or repair costs incurred by the City, or if necessary, contractor's fees incurred by the City, due to the applicant's failure to clean and restore the site following the event will be borne by the applicant, including but not limited to the retention of deposits. Additionally, it is the responsibility of the applicant to clean, clear, repair, or pay to repair damage to surrounding properties resulting from the event's attendees.

3.4 Reservation of dates. Reservation of dates for special events shall be in the sole discretion of City staff. City staff shall consider whether the special event is an annual recurring event, the date the special event application was filed, the number of participants, and whether the event has historically added to the quality of life in the community and fostered economic growth. City staff, in their discretion, may reserve dates for annual recurring events for a three year time period.

3.4(a) City Council approved events. From time to time, it may be necessary for the City Council to approve special events of city-wide importance that conflict with previously scheduled events that have reserved dates and/or routes under this policy. In this case the City will attempt to give a minimum of 12-month notice to any event organizer whose scheduled event will be superseded by such a Council-approved special event, but advanced notice cannot be guaranteed.

3.4(b) Priority of Scheduling. Determining first priority for date reservations is as follows:

- a. City Produced Events
- b. Council Approved City Supported Events
- c. Recurring Events
- d. New Events

3.5 Performance Evaluation. The City will utilize a performance evaluation with a numerical scoring system that will measure the success of event organizers in conforming to all policies and permitted activities. This performance evaluation will help event organizers improve events from year to year, reduce the impact on public agencies to respond to events, and will provide the approving agencies with a means to establish priority for the reservation of dates in the approval process and City support consideration. Events with a subpar score risk losing the preferred date, having additional fees imposed, or cancellation of all future events.

3.6 Notification Policy. In an effort to improve communication and keep citizens, businesses and other establishments fully informed of all events that will potentially impact their area, the City requires organizers to follow a notification procedures. Failure to comply with these requirements will result in a reduced event evaluation score and may affect an event organizer's ability to host events in the future. Notification requirements are done at the expense of the event organizer.

#### **4.0 LIMITATIONS ON EVENTS WITHIN THE CITY:**

In order to continue to cost-effectively support these events with public staff, protect the interests of community members who are regular users of streets, sidewalks, and greenways from undue inconvenience, and continue to support these events that are positive for the health, recreation and well-being of participants and for the economic development of the City, the following criteria shall be considered by the approving agencies in the reservation process:

- While there is no cap on the number of special event permits issued, the City has the discretion to disallow any event if it will create an undue burden on a particular geographic area or the City as a whole.
- Events using the same or similar routes, including the same general geographic area, particularly involving heavily used thoroughfares, should not be scheduled on the same day, subsequent days, or on subsequent weekends within the year. Events that request use of certain high-impact areas are subject to additional limitations as determined at the discretion of the City.

- Absent of compelling circumstances, a minimum of three blocks separation must be maintained between any two street closure locations occurring at the same date.
- Absent of compelling circumstances, no more than two permits shall be issued within any downtown business district or residential neighborhood for any given date and no more than two times a month.
- The City has the discretion to disallow any event that is not in the best interests of the City of Wilmington. This can include events that have unfavorable reviews from other cities as well as any event that otherwise is not in the best interests of the City.
- The City welcomes events, however, some zoning districts have special business needs in reference to access, visibility, vehicular and pedestrian traffic, and parking, particularly during special shopping and holiday weekends, which may be may be reason for permit denial. Please refer to the Downtown Business Districts Uniform Site Layout Requirements located in the Special Event Policy Guide.
- In the event of natural or civil disasters, the City reserves the right to cancel all outstanding permits within City limits. Should evacuation of a street, neighborhood, or district be deemed necessary by fire, police, or other emergency authorities, all outstanding permits for that area are null and void. Permits will be re-granted as soon as possible after the State of Emergency proclamation has been lifted.
- The City reserves the right to change, modify, update, or waive provisions of these guidelines where necessary for the public's health, safety, or welfare.
- The City reserves the right to cancel street closure permits and/or take further restrictive actions where necessary to assure adherence to these guidelines.

## **5.0 CITY SUPPORTED EVENTS:**

The City maintains a formalized list of Council approved city supported special events receiving in-kind or financial support from the City that focus on the character, diversity and quality of Wilmington and contribute to quality of life, local economy, celebrate holidays, and raise visibility as a tourism destination or permanent place to relocate.

In an effort to create a process for identifying special events that receive City support as well as to manage these events in a cost-effective and coordinated way, requests for City support will be considered as part of a competitive application process. Application deadline and approval will coincide with the City budget cycle with a call for submission every two years with awards of support for a two year term. Deadline for receipt of the application by the City is by 5:00pm on the first Monday in January. The funding period starts July 1, and ends June 30, two years following. Applications will be reviewed by a City cross-departmental committee who will present their recommendations to the City Manager in the form of a budget recommendation for Council approval.

All existing City supported events shall retain current levels of service but shall be subject to event evaluation and must re-apply for support per the above process. Interviews with applicant may be

required. Additional information about City event support as well as the application for special event support can be found in the Special Event Policy Guide.

6.0

*List all related Policies and SOP's or other documented procedures*