

Town of Newport Special Events Support Policy

I. Purpose

Special events provide opportunities to promote community welfare and quality of life, help build a sense of community, showcase local and regional talent, enrich cultural opportunities, and draw first-time visitors to Newport and contribute to the local economy.

The Town of Newport recognizes the benefits and opportunities made available through special events. Therefore, the Town seeks to facilitate, promote, coordinate and/or participate in special events that provide a benefit to the larger community and fit within the capacities of public parks, facilities and streets.

This policy outlines a process for approval of events requiring special assistance from the Town of Newport. It further aids in identification of resources required and cost allocation for the provision of services during special events.

It is the policy of the Town of Newport that any approved special event should not result in the expenditure of excessive public resources and that the Town should be compensated by the event organizer for costs incurred by the Town of Newport.

This Policy is intended to work in concert with all other applicable rules, regulations, laws, and ordinances of the Town of Newport.

II. Definitions

Community Programming Partners: Any individual, group or organization which has a contractual agreement and a budgeted arrangement with the Town of Newport to offer special events. Support offered by the Town of Newport for special events will be limited to those terms and conditions outlined in the contract between the Town and the Community Programming Partner.

Event Organizer: Any individual, firm, or organization proposing a special event: 1) on public property controlled by the Town of Newport or 2) on private property within the city limits or within the Town of Newport's Extraterritorial Jurisdiction if the event organizer requests support service and/or Town resources or personnel.

Event Permit: Upon approval and payment of fees, the Town Manager's Office shall issue the event organizer a permit to conduct the special event.

Public Property: Refers to all Town-owned or maintained parks, buildings, facilities, athletic fields, public streets and the right-of-way of public streets.

Special Event: An event occurring on public property controlled by the Town of Newport. This includes, but is not limited to, road races, public gatherings, parades, competitions, concerts, festivals, neighborhood events, and entertainment/amusement events. This does not include events conducted

by the Town of Newport or pre-existing arrangements with existing community programming partners. Event organizers for events held on private property shall make application pursuant to this policy if the nature and scope of the event will involve Town personnel or resources.

Special Event Application: A form required by the Town of Newport whereby the event organizer shall apply to utilize public property and/or public resources or personnel for a special event. The application will be submitted to the Customer Service Coordinator.

Customer Service Coordinator: The staff member assigned by the Town Manager's Office to serve as liaison between the Town and the event organizer during the application review process. This individual will seek input from the affected departments and any support organizations (Newport Fire and Emergency Medical Services, and if necessary Carteret County, State of North Carolina) as may be necessary. This individual is also responsible for ensuring that all deadlines and requirements of this policy are met.

Support Services: Services provided by the Town of Newport to ensure that a special event is conducted in such a way as to protect the safety, health, property and general security of the public and integrity of public property. Each Department head or designee shall estimate the Town support service requirements and costs for each special event. This includes manpower, equipment, supplies and consumables required to service the special event.

III. Classes of Special Events

Class A: A special event that meets either of the following criteria:

- a) May require 200 or more extra staff hours by Town employees, or
- b) Is expected to draw an approximate number of spectators and participants that is more than 5,001 persons within a consecutive 24-hour time period.

Class A event applications must be submitted to the Customer Service Coordinator no later than 45 days prior to the event date.

Class B: A special event that meets either of the following criteria:

- a) May require between 100-199 extra staff hours by Town employees, or
- b) Is expected to draw an approximate number of spectators and participants that is between 2,001 and 5,000 persons within a consecutive 24 hour time period.

Class B event applications must be submitted to the Customer Service Coordinator no later than 45 days prior to the event date.

Class C: A special event that meets either of the following criteria:

- a) May require between 99 or less extra staff hours by Town employees, or
- b) Is expected to draw an approximate number of spectators and participants that is 2,000 persons or less within a consecutive 24 hour time period.

Class C event applications must be submitted to the Customer Service Coordinator no later than 45 days prior to the event date.

Class D: A special event which may require no or very limited staff hours by Town employees other than dropping off barricades or cones, etc. Staff time is limited to permit application review and nominal support for the event. Events of this nature are normally confined to a single block on a street or limited use of public facilities. Class D event applications must be submitted to the Customer Service Coordinator no later than 10 days prior to the event date.

Exceptions to Deadlines: Applications that fail to meet the deadlines outlined above may be accepted by the Town if, in the opinion of the Customer Service Coordinator, there is sufficient time to process and approve the application, identify any conditions of approval, and arrange resources to effectively service the event.

IV. Special Events Permit Process

1. **Application** – Any event organizer desiring to hold a special event on any public property in Newport or owned by Newport or which will involve Town resources or personnel must complete an application on the appropriate form and submit it to the Customer Service Coordinator no later than the time specified by the Event Class outlined in Section III above. At the time of submission, the event organizer shall pay the application fee and submit the event location and layout. Applications for special events will be available on the Town of Newport web site or in the office of the Customer Service Coordinator.

2. **Department Review** – The Department head of all Town of Newport departments will review the application and make specific recommendations concerning the following:

- a. Recommended changes to the proposed location, scope, date and time for the special event.
- b. The type, amount and anticipated charges for any Town manpower or other resources needed for the special event.

The Department heads shall ensure that the review and action on the proposed special event is completed and returned to the Customer Service Coordinator no later than 30 days prior to the date of the Class A, B or C event.

3. **Town Administrative Review** – The completed application and department review materials will be forwarded to the Town Manager’s Office for review and analysis. With the exception of Class D events, the Town Manager’s Officer shall ensure that their review and action on the proposed special event is completed no later than 25 days prior to the event date.

4. **Appeal** – Written appeals to a decision made by the Town Manager to deny approval of an application may be presented to Town Council within 15 calendar days of said decision. Applicants may appeal only in the event of a denial of an application. Appeal of decisions pertaining to fees, costs or conditions of a special event are not permitted.

5. **Payment of Fees** – No later than 20 days prior to the event date, the event organizer will remit to the Town of Newport the fees for the special event at which time the permit will be issued by the Town Manager’s Office.

6. **Issuance of Event Permit** – No Special Event shall take place without a duly executed and issued permit pursuant to the guidelines outlined in this policy.

7. **Execution of Event** – Event shall be executed by the event organizer.

V. Criteria for Evaluation

The criteria for evaluating and scheduling special events are as follows:

- Completeness of application and event layout.
- Impact and cost of the event on public health, welfare and safety.
- Impact and cost of the event on Town support services.
- Impact of the event on the environment.
- Frequency of the same or similar event(s) as well as potential conflicts with previously approved events.
- Impact on the surrounding businesses or residences.
- Ability for the park or public place to remain open to other users, unless a street closure permit has been issued.
- Perceived benefit of event for Town of Newport community.
- Likelihood of participation by Town of Newport residents.
- Previous history of event organizer in facilitating special events.
- Ability of event organizer to achieve goals set forth for special events.

VI. Special Event Estimated Cost Matrix

A **\$25.00** non-refundable application processing fee will be charged for all but Class D events. The application fee is due at the time of application.

| Fees | Non-Refundable Fees | | Refundable Fees | Insurance Requirements |
|--------------|----------------------------------|-----------------------------------|---------------------------|-------------------------------|
| <u>Class</u> | A. <u>Facility Fee</u> | B. <u>Staff Charges</u> | <u>Sanitation Deposit</u> | <u>Policy Minimum</u> |
| A | Per Fee Structure | TBD | \$300.00 | \$1,000,000.00 |
| B | Per Fee Structure | TBD | \$200.00 | \$1,000,000.00 |
| C | Per Fee Structure | TBD | \$100.00 | \$1,000,000.00 |
| D | Per Fee Structure | TBD | \$-0- | \$-0- |

The application fee, facility usage fee, and staff charges fees are non-refundable. The sanitation deposit will be returned in full provided that the property is left in appropriate order and no damage is reported. Failure to return the Town facilities to their pre-event condition will result in loss of deposit, liability for repair and/or additional clean up fees as determined by the Town, as well as potential denial of future applications. The Town’s decision on any loss of deposit shall be final. The sanitation deposit may be waived by the Town Manager.

The Town will charge facility usage or rental fees for the use of specific facilities. The fees are intended to cover wear and tear, initial supplies, water, electricity, etc. Facility fees shall not apply to special

events that are solely within the right of way of public streets. The Town reserves the right to obtain additional fees for other arising or unusual expenses as it deems necessary.

VII. Event Cancellation/Refund of Fees

If the special event is cancelled after the payment of fees because of conditions beyond the control of the event organizer, the Town may consider a partial to full refund of fees paid, with the exception of the application fee. The Town Manager will assess any costs already incurred by the Town and coordinate with the affected Department heads to ascertain the amount of refund.

VIII. Rules and Prohibitions

A. Adherence to Town Ordinances and Rules – All applicants must adhere to all Town ordinances and posted park/facility rules, with exception of any items exempted by written permission only. A copy of the park rules and guidelines will be issued upon event approval. (See Chapter 12, Parks and Recreation Ordinance, Section 12-48 for Prohibited activities.)

B. Resource Estimates – The Town of Newport shall be the final authority in estimates of attendance, need for additional staff hours, and/or assignment of manpower and equipment to special events.

C. Sanitation – A sanitation deposit shall be submitted to the Town as outlined herein unless waived by the Town Manager. Said deposit is refundable within 30 days of the end of an event provided the facility is left in a satisfactory post event condition.

The event organizer is responsible for making arrangements with the Town for additional trash receptacles. Plastic trash can liners will be placed in all existing trash cans prior to the event. It is the event organizer's responsibility to deposit any trash in appropriate trash receptacles following the event in order to ensure return of the sanitation deposit. If the size of the event warrants additional receptacles, the Public Works department will review the application, and the organizer will be contacted. It will be the event organizer's responsibility to make all arrangements and pay any fees applicable for any additional equipment or services.

All trash receptacles must be dumped upon completion of the event into pre-determined receptacles or dumpsters as approved by the Town and prior to the park or other public property or facility opening the next day, unless arranged in advance with the Town. Dumpster locations shall be approved or determined by the Town at time of permit issuance.

D. Restroom Facilities – For all Class A - C Permit events of 4 hours duration or more, portable toilets may be required. This requirement may be met if sufficient Town restroom facilities are available on-site. The Utilities Director or Building Code Official will assist the event organizer in determining the number of toilets needed, although a ratio of two toilets per 500 attendees can be used as a guide. An appropriate mix of toilets for males and females must be provided. In compliance with the Americans with Disabilities Act, the event organizer must provide sufficient handicap accessible portable toilets. It is the event organizer's responsibility to make all arrangements (drop-off, pumping during the event, and pick-up) and pay any rental fees. Town will stock supplies for permanent restroom facilities prior to start of event. The Town may choose to close public toilets.

E. **Medical** – For all Class A-C Permit events of 4 hours duration or more, medical personnel may be required to be on site. The Customer Service Coordinator will contact Newport Fire and Emergency Medical Services to ascertain the costs to be paid for the provision of emergency medical services.

F. **Utilities** – Specific requirements for the use of electricity, water and/or sewer facilities must be submitted with the application. Electricity is not available without permission from the Town. For projects that utilize large amounts of electricity, water or sewer facilities, the Town may require additional payment with charges for electricity used at event to be based on electric meter readings taken prior to and following each event. Additionally, the Town may require the applicant to arrange for the installation of a temporary service with Progress Energy or Carteret-Craven Electric Membership Corporation (EMC). Any expenses related to the installation of temporary electrical service shall be the responsibility of the applicant. The Town will designate the location for the erection of poles or other devices pertaining to temporary electrical service on public property.

If the special event requires the use of more than small amounts of water or more than minimum sewer service, the Town Public Utilities Director will assign costs for said water and/or sewer usage as a part of the permitting process.

G. **Sound System** – Sound system equipment is not provided. The Customer Service Coordinator must be notified in writing of any intended use of a sound system during the event. Sound system requirements should be provided on the event application. Pursuant to Section 11-47 of Town ordinance, all outdoor concerts within the municipal limits must conclude by 11 pm.

H. **Alcohol** – Alcohol sales, consumption and possession are prohibited on Town property or property controlled by the Town.

I. **Parking** - Participants must adhere to all parking regulations established by the Town of Newport. Event organizers are prohibited from charging patrons for parking in public spaces. Event organizer must secure additional parking for larger events as well as transportation/shuttle routes for off-site parking, both of which must be approved by the Customer Service Coordinator.

J. **Event Equipment and Layout** – Tables, chairs, stages, tents and other set-up equipment are permitted on public property with prior approval. A layout of the event area, including locations of all tables, chairs, tents, stages, vendor set-up, portable restrooms, road closures, parking plans and other equipment must be submitted with the application. Approval will be given prior to the event. Tables and chairs will not be provided by the Town of Newport. A final layout must be submitted two weeks prior to the event.

K. **Fire Safety Plan** – Applications will be submitted to the Fire Chief/Fire Official for the Town of Newport when the Town deems necessary. When a fire official determines that the gathering of persons will impact the provision of fire safety services, a plan for the provision of safety services will be prescribed by the Newport Fire Official or Fire Chief. Applicants will be required to include any additional information required by the Fire Official or Fire Chief, including but not limited to, a layout of the event area including road closures, parking plans, vendor set-up (particularly food concessions), and the need for fire suppression services.

L. **Food Sales** – Any intention to sell food must be indicated in the application. It shall be the responsibility of the event organizer to contact the Carteret County Health Department to obtain any necessary permits. Additional vendor requirements will be determined upon event approval.

M. **Alterations to Public Property and Parks** – Alterations to park facilities including the attachment or installation of decorations and displays are prohibited unless advance permission has been received from the Town. Construction and installation of special service facilities must be approved prior to the event. Damage to any structure or plant material will be billed to the event organizers at replacement cost plus labor. The Town withholds the right to regulate placement and method of placement of items or structures on any public property.

IX. Insurance

A comprehensive liability insurance policy with at least one million dollars (\$1,000,000) coverage for Class A - C events per occurrence for bodily injury and property damage with an endorsement naming the Town of Newport, specifically and separately, as an additional insured under the policy is required. Do not include any specific department or person. A certificate of insurance is to be provided to the town Customer Service Coordinator no less than 14 days prior to the scheduled event. If an event is approved, it will be approved pending receipt of the insurance certificate. The insurance agency must be licensed to do business in the State of North Carolina. The company providing insurance must provide at least thirty (30) days written notice of cancellation or termination, if such cancellation or termination of the policy is to occur prior to the indicated expiration date on the face of the certificate. In the event of any changes or cancellation in the policy, the Town of Newport must be notified immediately.

X. Release and Indemnity

Each event organizer must execute a release and indemnity agreement. Event organizers must demonstrate that they are either personally or organizationally responsible for liability; will guarantee orderly behavior will underwrite any damage due to use of the premises. Liability is assumed by the applicant in regard to any personal harm or property damage rising out of activities of the applicant. It is the responsibility of the event organizer to read the application form completely and understand fully his/her responsibilities.

XI. Assignment

The applicant/user shall be prohibited from assigning any rights under this agreement or use of the premises to any other party.

XII. Discrimination

The applying organization, association, or entity shall not discriminate or advocate discrimination on account of race, color, religion, creed, national origin, age, gender, or disability.

XIII. Picket Lines and Group Demonstrations Excluded from Policy

Applications for permits to picket, have a parade or engage in group demonstrations as defined in Chapter 16, Article V of the Code of Ordinances for the Town of Newport are available at the Newport Police Department.

XIV. Revocation of Permit

The Town shall have authority to revoke any permit upon violation of the conditions set forth herein and/or where staging of the event would have an immediate and adverse effect on the welfare and safety of persons or property. The Chief of Police or Fire Official or Fire Chief or his or her designee shall have authority to close any event immediately upon violation of conditions set forth herein or to preserve safety of persons or property.

XV. Modification of Policies

The Council for the Town of Newport may waive, modify, and/or amend said policies, partially or in its entirety, at any time solely at the Town's discretion. This may occur only by formal action of the Town Council.

Town Council Approved: February 2, 2010