

## ARTICLE II. OUTDOOR PERFORMANCES AND EVENTS\*

---

**\*Cross references:** Streets, sidewalks and other public places, ch. 36.

---

### Sec. 4-41. Defined.

Outdoor performances and events, fairs, festivals, musical concerts, sporting events, contests, promotional events or other types of performances or events on public or private lands that:

- (1) Represent a use or uses of land, buildings and structures not intended to be of a permanent duration;
- (2) Are intended to or likely to attract substantial crowds, participants and/or spectators;
- (3) Are advertised and/or open to the general public; and
- (4) Are unlike the customary or usual activities generally associated with the principal use of the property where the performance or event is to be located,

shall be deemed to be an outdoor performance or event and subject to the provisions of this article.

(Code 1990, § 3-26)

**Cross references:** Definitions generally, § 1-2.

### Sec. 4-42. Permit.

(a) *Requirements.* Any outdoor performance or event which is expected by the sponsors thereof to draw a crowd of more than 100 participants and spectators shall not be held, commenced or advertised until such time as a permit is applied for and issued in accordance with this article. A permit issued under this article shall be valid only for a period of seven consecutive days, and may not be renewed or reissued prior to the passage of 25 days from the prior event. All outdoor performances and events shall be contained either within the applicant's property or within property upon which the applicant has written permission from the owner to use. If live music or an electronic sound amplification system is being proposed with the event, the applicant shall comply with article III, chapter 16 of this Code.

(b) *Application.* A permit application, if required under subsection (a) of this section, shall be submitted to the town manager by any person, group or organization sponsoring an outdoor performance or event which is expected to draw 100 or more participants and spectators. Such application shall be presented not less than three weeks prior to the scheduled event and shall contain the following information:

- (1) The name and address of the applicant, person, group or organization;
- (2) The name and address of the person, organization or association sponsoring the activity, if any;
- (3) The days and hours for which the permit is desired;
- (4) A designation, by reference to identifiable landmarks along with a detailed map, drawn to a scale of at least one inch equals 50 feet describing the approximate area in which such event will be contained, such area to include that required for parking, the performance or event itself, related camping, concession areas and any other related activities;
- (5) An estimate of the anticipated attendance of both participants and spectators;

(6) In summary format, the general plans of the applicant and sponsor concerning the following matters:

- a. Crowd control procedures;
- b. Traffic and parking control;
- c. The impact of the performance or event on existing parking areas, streets, highways and the burden placed upon public agencies for traffic and crowd security and control;
- d. The effects of such performance or event on fire control and fire prevention, including safety precautions;
- e. Provisions for emergency medical services and first aid;
- f. Provisions for collection and disposal of solid wastes, including trash and garbage and sanitary provisions, including human waste collection and disposal and the providing of sanitary facilities; and
- g. Provisions for returning the site to its pre-event conditions including, but not limited to, the removal of all debris and trash immediately after the event;

(7) The number and types of concessions;

(8) The amount, type, and location of temporary signage, subject to the following:

- a. The total amount of temporary signage shall not exceed 200 square feet in area. Such signage may be in a single sign or a combination of signs.
- b. All temporary signs shall be located within the boundaries of the area in which the event will be held.
- c. Temporary signs shall not be located on town owned property.
- d. Temporary signs shall be displayed only during the actual time period of the event and shall be promptly removed by the permittee at the close of such event.
- e. Temporary signs shall not be illuminated.
- f. Temporary signs shall not be located in a manner that impedes the movement of pedestrians or life safety vehicles on the beach.

(9) Modifications to the temporary signage restrictions and requirements of section 4-1 of this chapter and subsection (b)(8) above may be approved by a board of commissioners sub-committee for annual outdoor sporting events and competitions sponsored by a nonprofit organization recognized as exempt under Section 501(c)(3) or Section 501(c)(7) of the Internal Revenue Code with an anticipated attendance of over 500 participants and spectators.

Such modifications to signage requirements shall only be approved by a board of commissioners sub-committee when such modifications are determined to be essential to the successful operation of the event and are not contrary to the safety or interests of the general public. Any and all approved signage modifications shall be plainly stated in the permit approval issued.

(c) *Review of application; conditions to be met.* The town manager shall, upon receipt of an application for a permit, review the application with the applicant or sponsoring organization to determine any other matters deemed relevant by the town manager and for the obtaining of more specific information concerning the items presented in the permit. In determining whether or not to issue such permit, the town manager shall consider those items required to be presented in the permit and shall also consider conflicts and possible conflicts with other events and performances, the burden placed by the event on public agencies, the adequacy of security, traffic control and crowd control provisions, the health and safety conditions for those attending the performance or event and the capacity of the area designated for the event to contain the expected number of vehicles, participants and spectators. The town manager shall issue a permit when he finds that the proposed activity will not unreasonably interfere with the rights of the general public in having free access along public ways and streets, after consultation with the chief of police and other public officials, deemed appropriate, that the

proposed activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation, that adequate public services are available for crowd and traffic security and control, that the proposed activity is not reasonably anticipated to incite violence, crime or disorderly conduct, that the proposed activity will not entail extraordinary or burdensome expense or operations on the police department and other public agencies, and that the activities will not interfere with other scheduled events. In addition, the town manager must find that the provisions and plans for crowd and traffic control and security, health and sanitation and all matters required to be included in the permit application are adequate and that the applicant and sponsor have the reasonable capability of carrying out such plans and preparations.

(d) *Form of permit; conditions to be set out.* The town manager, after due consideration of the matters contained in this article, shall either grant or deny such permit within five working days after his conference with the applicant or sponsor after a permit application has been submitted. The granting of a permit shall be by letter to the applicant setting out all conditions of the permit and incorporating any provisions or conditions in addition to statements and presentations in the permit application. Any deviation from the terms and conditions of the permit, or the approved statements contained in the application, or any misstatement of fact made in such application shall be grounds for immediate revocation of the permit at any time by the town manager.

(e) *Denial; appeals.* If the town manager denies such permit, or subsequently revokes the permit, the applicant shall have seven days in which to appeal such denial or revocation to the board of commissioners. Such appeal shall be in writing, stating the grounds therefor and shall be addressed to the mayor of the town with a copy to the town manager. The board of commissioners shall hear the appeal at the next regularly scheduled meeting or regular adjourned session, whichever occurs first. The decision of the board of commissioners shall be final.

(f) *Grant not grounds for other violations.* The granting of an application is not grounds for the violation of any other ordinance of the town, and the applicant shall take whatever steps are necessary to comply with all ordinances of the town, including article III, chapter 16 of this Code regulating noise, section 13-11 regulating camping, and article V of this chapter regulating parades. As a condition of approval, the applicant shall notify the town two hours prior to the performance or event that the site is ready for inspection. The town may inspect the site prior to, during or after the performance or event to verify compliance with this chapter, the issued permit and all applicable town regulations. Failure to make provisions for complying with this Code shall be grounds for revocation under this article.

(Code 1990, §§ 3-27--3-32; Ord. No. 05-07-026, § I, 7-6-2005; Ord. No. 06-08-031, § I, 8-2-2006)

#### **Sec. 4-43. Events exceeding expected attendance.**

Any event for which a permit would be required except that the expected number of participants and spectators is less than 100, which actually exceeds 100 participants and spectators, and no permit is applied for, shall immediately be cancelled and all participants with their associated equipment shall be disbursed from the site. It is expected that the sponsor will act in compliance with this section on his own initiative. However, cancellations of the event may be ordered by the town manager or chief of police or their representative if the number of participants and spectators exceeds 100.

(Code 1990, § 3-33)

#### **Sec. 4-44. Disclaimer of liability.**

In no event shall the issuance of a permit under this article make or cause the town to be deemed a sponsor of the event. Further, the town shall incur no liability for any injury to person or property arising out of any events regulated by this article. Further, as a condition of any permit issued pursuant to this article, the applicant and sponsor shall hold the town harmless and indemnify the town for any liability incurred as the result of a valid judgment in a court of law. It is further provided as a condition of any permit issued hereunder that the applicant shall defend the town against any action filed against it arising out of any event for which a permit is issued.

(Code 1990, § 3-34)

Secs. 4-45--4-80. Reserved.