

**ORDINANCE #16-11**

**AN ORDINANCE AMENDING CHAPTER 9, LICENSES, PERMITS AND BUSINESS REGULATIONS, ARTICLE II. SPECIAL EVENTS**

**WHEREAS**, this revision to the Williamsburg Code, Chapter 9, Licenses, Permits and Business Regulations, Article II. Special Events, Section 9-42 is intended to clarify that the City Manager has the authority to decide between competing requests for short-term special events licenses which cannot both be accommodated due to conflicting dates and locations or insufficient staff resources.

**THEREFORE, BE IT ORDAINED** that Chapter 9, Licenses, Permits and Business Regulations be amended to read as follows:

**CHAPTER 9. LICENSES, PERMITS AND BUSINESS REGULATIONS**

**ARTICLE II. SPECIAL EVENTS**

**Sec. 9-42. - Standards for issuance of short-term special events permit.**

(a) The City Manager is authorized to grant a short term special events permit if properly and timely applied for and if the following conditions are met:

(1) Any proposed use of public property will not unreasonably interfere with the normal use of such property by the City or the general public.

(2) The proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard.

(3) The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors.

(4) The applicant has provided proof of liability insurance underwritten by insurers acceptable to the City indemnifying the City against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the City Manager, based upon risks associated with each type of event, in consideration of anticipated attendance.

(5) City resources necessary to support the proposed activity are reasonably available.

(6) The proposed activity is not to be held for the purpose of advertising any product, goods or event and is not designed to be held primarily for private profit; however, the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing floats, transportation, equipment or facilities for the event and shall also not apply to sales of goods and services as part of a permitted event such as an art show or farmers market.

(7) Participants in the proposed activity shall not be masked or otherwise dressed or costumed in such manner as to be unrecognizable. However, this restriction shall not apply to persons (i) costumed as Santa Claus or other costumed seasonal figures; (ii) engaged in professions, trades, employment or other activities, wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball or (iv) wearing a mask, hood or other device for bona fide medical reasons upon the advice of a licensed physician or osteopath and carrying on his or her person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device.

(8) Amplified sound shall not exceed a level beyond that reasonably necessary to be heard by event participants.

The above conditions shall apply to all persons covered by the permit throughout the duration of the permit.

(b) When the grounds for anticipated denial of an application can be corrected by altering the date, time, duration, route or location of the event, the City Manager or his designee may conditionally approve the application, subject to the applicant's acceptance of such conditions. Any conditions so imposed shall provide only for such modification of the applicant's proposal as may be necessary to achieve compliance with this article.

(c) If it is determined that two or more applications are received to permit proposed activities which will likely interfere with one another due to the date, time or location of the proposed activities, or will otherwise overburden City resources if approved, the City Manager, based on the best interest of the City, and utilizing such criteria as the City Manager deems appropriate, may deny one or more such applications. The City Manager may seek to resolve such conflicting applications as hereinabove provided in subsection (b) prior to denying a permit.

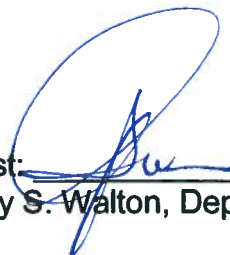
(de) Prior to final denial of any application, the applicant shall be apprised of the reason therefor and shall be entitled to a hearing before the City Manager.

(ed) The City Manager or his designee may impose, as conditions to granting a permit, such further requirements and restrictions as are necessary to reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to:

(1) The payment of a reasonable fee for the use or allocation of City property, equipment and personnel not exceeding the actual costs incurred by the City in connection with the proposed activity including but not limited to, the following: (i) sanitation expenses, including manpower, equipment and material; (ii) police services for traffic maintenance and other related duties, but not services related to expected or actual crowd control; (iii) all signs, barricades and related traffic-control support, manpower, equipment and materials. These costs shall be determined by the department responsible for the provisions of the appropriate services, based upon the nature and size of the special event. The costs will be assessed by the City Manager and shall be paid by the person requesting the permit a minimum of three business days in advance of the parade or special event. If the actual costs are lower than the assessed costs, the City Manager shall issue a refund of the difference to the applicant within 90 days of the parade or special event.

(2) The provision of adequate crowd and traffic control, security, fire protection, food handling, waste and refuse disposal and noise restrictions.

Adopted: May 12, 2016

Attest:   
Gerry S. Walton, Deputy Clerk of Council

  
Clyde A. Haulman, Mayor