

TOWN OF KILMARNOCK



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SPECIAL EVENTS POLICIES & PROCEDURES

INTRODUCTION and PURPOSE

The Town of Kilmarnock supports the enhancement of Kilmarnock's quality of life through special events in our community. This document serves to describe the principles and requirements for these events. This applies to events, or portions of events, held within the Town's geographic boundaries.

The Town of Kilmarnock supports the public's use of the Town's streets and public property as venues for community events. These policies apply to Town owned properties and public roadways and streetscapes as owned and maintained by the Commonwealth of Virginia.

It is recognized that Special Events provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as part of governmental services. Further, Kilmarnock recognizes that tax exempt, non-profit organizations that benefit the community are central to the quality of life in Kilmarnock and that through these special events can provide essential services to our citizens.

It is further intended to provide coordinated policies for the regulation of certain activities to be conducted in conjunction with Special Events, to ensure the health and safety of patrons of Special Events, to prohibit illegal activity from occurring within Special Events and to protect the rights and interests granted a Special Events Permit holder.

It is also intended to create a mechanism for cost recovery for the Town for Special Events without having an adverse effect on those Events that contribute economically and socially to the community.

It is recognized that the intent of the Town of Kilmarnock is to protect the rights of its citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable time, place, and manner regulation of these activities within the overall context of rationally regulating Special Events that have an impact upon public facilities and services.

The purpose of these policies and procedures is to have a consistent process by which the Town, and therefore its citizenry, is aware of events so that the interests of all parties are met.

Use of the Future Town Centre Commons

The Town Centre Commons adjacent to the Town Centre Administration Building and bordered by North Main and First Streets will be designated as an area of public access and enjoyment. The Commons may be reserved for use by public groups utilizing the terms of these policies and procedures. A user fee will be required.

Use of Sidewalks

Use of sidewalks for other than pedestrian purposes (displays, sales) must have the permission of the property owner where the use is requested and must comply with Town zoning regulations for such use.

Fees and charges for these community events have been approved by the Town Council. These fees offset tax supported funds to operate the Town.

A. DEFINITIONS:

A "Special Event" means an activity that meets any one of the following definitions must execute a Special Events Permit application with the Town. Examples include but are not limited to: concerts, parades, circuses, fairs, festivals, community events, mass participation sports, etc. This does not apply to organizations/businesses that have large public groups in the normal course of their activities. Examples: church events, funerals...

1. Any organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit which involves the use of, or has an impact on a public property, park or facility that requires Town services beyond those conveyed in the course of normal and usual Town operations.
2. Any other event with one thousand (1000) or more persons at one time, or a total of three thousand (3000) persons in attendance over the duration of the event, whose intent is to gather for a common purpose under the direction and control of a person, organization or company.
3. Any organized formation, parade, procession or assembly which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls.
4. Any other organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit which involves the use of, or has an impact on a public property, park or facility in a manner inconsistent with the design and normal and usual function of such property, park or facility.
5. Any other organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit which involves the use of, or has an impact on a public property, park or facility that plans to sell alcoholic beverages.

6. Any other organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit which involves the use of, or has an impact on a public property, park or facility that plans to charge an admission fee.

7. Specifically Permitted Uses

- a. Public events (festivals, markets, civic events, parades, demonstrations, exhibitions, fund raising for non-profits, sporting events, etc.). Those events by their very nature are open to the general public.
- b. Meetings (civic clubs, church groups, neighborhood associations, boards and commissions, political gatherings, Town meetings, etc.)
- c. Arts and Educational Activities (recitals, art shows, lectures, children and youth programming, dance instruction, self-help and how to courses, lectures, training sessions, clinics, private instruction through health agencies, etc.)

8. Specifically Prohibited Uses

- a. No organization may request a permit for another organization's use.
- b. The Town's property or public spaces are not intended as venues for commercial selling activities. No Town or public property is to be used for a function that is strictly for-profit.

Example: a for-profit business wants to utilize public property as overflow space to sell their products. "Commercial selling activities" does not refer to the individual vendors at an event.

- c. Gatherings that may lead to disorderly conduct of the type prohibited in Sections 18-111 of the Kilmarnock Code (Solicitation of business by public outcry) and those prohibited in 18.2 of the Code of Virginia (Crimes and offenses generally).
- d. Use of fireworks requires permitting from the Commonwealth of Virginia and is subject to review by the Kilmarnock Volunteer Fire Department.
- e. No open fires are permitted unless specifically approved.

9. Eligible Organizations in Priority of Use

- a. Town Government: Town of Kilmarnock, its Council, Departments, Boards and Commissions, Kilmarnock Volunteer Fire Department and Kilmarnock-Lancaster Volunteer Rescue Squad.
- b. Town Residents, Civic Groups, Local Public Schools, and Non-Profit Organizations: Individual residents, civic, school and neighborhood associations, non-profit organizations and Town based private organizations.
- c. Non-Town Governmental: Neighboring jurisdictions, regional entities, State and Federal agencies.
- d. Non-Town Residents and Private Organizations: Residents of other jurisdictions such as Lancaster County, and private users.

B. SPECIAL EVENT PERMITS

1. The special events permit requires that the event designate one contact person for the group. The applicant becomes a "User" once the Special Events Permit is

received by the Town Manager, the Community Development Strategist or his designee and proper fees are paid. An applicant should use the Special Events Permit form to indicate any special needs from the Town.

2. Special Event Permit applications will be accepted on a first come, first served basis within a rolling 12 month window. Applicants may expedite the process by filling in the permit application information online. To access the Special Event Permit application, go to the Town of Kilmarnock Website at www.kilmarnockva.com and follow the links to the permit application home page. For applicants without computer access, Special Event Permit application forms are available from 9:00 a.m. to 5:00p.m. at the Town Office, 514 North Main Street, Kilmarnock, Virginia 22482 (Telephone (804) 435-1552).
3. Once the completed Special Event Permit application and applicable fees have been received, Town Staff will process the application and issue a permit, as appropriate. All fees must be paid in person or mailed to the Town office at P.O. Box 1357, Kilmarnock, VA 22482.
4. All permit applications will be processed only after all required documents are in hand. See the application for the checklist of required documents.
5. All permit applications are to be accompanied by a completed Certificate of Liability Insurance document.
6. Only those individuals who are at least 21 years of age or older may submit a Special Event Permit application. All events must have one person 21 years of age or older for every 20 persons under 21.
7. A refundable, damage deposit must be made upon application. The Town Manager or his designee reserves the right to increase or decrease the amount of the deposit if deemed that circumstances so require.
8. Reservations may be made no earlier than one year in advance of the event date and no less than **60** days prior to the requested date. See Fee Policy for reservations made less than **60** days prior to the event. Cancellation of events must be made in writing at least **30** days prior to the date reserved. Late reservations may be made at the discretion of the Town, but no less than 10 business days prior to the requested date.
9. Special Events are subject to modification due to unforeseen circumstances beyond the Town of Kilmarnock's control.
10. The Town does not discriminate against persons for race, color, religion, sex, national origin, age, or physical or mental disability.

C. FEE POLICY

1. Fees apply to all users. Provided further that fees will not normally be assessed for Town government functions. The Town reserves the right to adjust fees for extraordinary circumstances with the Town Manager's approval.
2. Payments of cash or check are accepted. Checks shall be made to the **Town of Kilmarnock**. Payments may be made via mail or collected at the Town office at 514 North Main Street in the Town office building. Returned checks will be assessed the prevailing Town surcharges in effect at the time.
3. Receipt of the Special Event permit, Damage Deposit and required items from the application checklist are necessary to finalize a reservation.
4. The User Fee will be determined in accordance with the rate schedule. This includes preparing the site for rental equipment, deliveries, set-up or decorating and clean up. Full payment of the User Fee must be received at least **60** days prior to the event. **If full payment of the user fee is not received 30 days prior to the event, the reservation may be cancelled and the damage deposit less a 50% cancellation fee returned to the applicant.**
5. For Special Events with multiple dates (not consecutive dates) within a calendar year where the event is essentially the same, a single permit application may be made. **All major aspects of the event must be the same** (use of property, size of event, attendance, services needed and event plan as examples).
6. Damages in excess of the deposited amount may be assessed by the Town and charged to the User, in addition to the loss of deposit. Claims may be made against the deposit by the Town for any unpaid fees or charges related to clean-up expenses, or repairing damages, or payment of off-duty police. **The deposit will be refunded upon settlement of all financial obligations contained in the permit.**
7. Deposit will be refunded unless the Town finds that there is:
 - Damage to building(s) or ground(s)
 - Damage to equipment (if such is used)
 - Failure to properly clean up food, beverage, trash
 - Incomplete removal of decorations, rental items or equipment
 - Failure to vacate within stipulated hours after scheduled conclusion of event, or other reasons as outlined in the permit.
 - Other incremental costs incurred by the Town that should have been covered by the permit applicant.
8. Cancellation of events must be made in writing at least **30 days prior** to the date reserved. A cancellation fee equal to $\frac{1}{2}$ damage deposit will be charged if cancellation notice is received less than **30** days prior to the event. Cancellation less than **15** business days prior to the event will result in loss of the entire Damage Deposit.

Acts of nature or national security related circumstances may result in an event's cancellation. In these cases, deposits will be refunded assuming no costs have been incurred that the deposit would cover.

9. Events that involve money being collected at the entrance may require an off duty police officer to be present at the User's expense.
10. Current Fee Schedule:

SPECIAL EVENT APPLICATION FEES	Group size<100	101-1,000	1,001 & above
Town Government	\$0	\$0	\$0
Town Residents, Civic Groups and Non-Profit Organizations, Public Schools	\$25	\$50	\$75
Non-Town Governmental & Non-Town Residents and Private Organizations	\$50	\$100	\$150
For events less than 60 days in advance, add	\$100	\$250	\$500

DAMAGE DEPOSIT FEES	Group size<100	101-1,000	1,001 & above
Town Government	\$0	\$0	\$0
Town Residents, Civic Groups and Non-Profit Organizations, Public Schools	\$100	\$250	\$500
Non-Town Governmental & Non-Town Residents and Private Organizations	\$200	\$500	\$1000

D. SITE RULES/PROHIBITIONS

1. The user will be required to provide on-site cleanup during events and provide containers (number to be specified at discretion of Town) for appropriate disposal of refuse.

2. The user must provide adequate toilet facilities. "Adequate" is defined as 1 unit per 150 attendees and providing handicapped accessible facilities.
3. Vendors will be required to provide refuse bags and grease containers at their concession stands.
4. User is responsible for all damages to the streets or grounds occurring during the special event.
5. User is responsible for enforcing law and order or obtaining at his/her own expense the aid of an off duty law enforcement professional to do so.
6. User must comply with all smoking, fire, alcoholic beverage, noise, and other Commonwealth of Virginia Code regulations.
7. ~~No loud music.~~ Music should not be heard from the event as per the Town Noise Ordinance. Amplified sound systems may be used but must be held to the minimum volume necessary to address those in attendance, and must not disturb surrounding residential areas.
8. No alcohol without proper ABC permits and explicit conditional approval as stated in the Special Event permit application.
9. No sale of items without a current Town business license as per section I. LICENSES.
10. Collections of money or admissions only as approved in the Special Event permit application.
11. Promotional materials, advertising materials, and decorations must not list the Town of Kilmarnock as a co-sponsor unless approved prior to posting.
12. The Town of Kilmarnock, solely at its discretion, may grant exemptions and will so note on the permit.

E. SETUP PROCEDURES

1. Requests are due one month ahead of event date.
2. Setup of Town owned equipment i.e. safety cones, fencing etc., if performed by the Town, will occur one day before the event unless special arrangements are made. Setup of all other items is the responsibility of the user.
3. Setup and preparation time is to be included in the hours reserved. **Once the user fee has been established, any requests for earlier entry may result in additional user fees being deducted from the damage deposit.**
4. Storing of materials in advance of an event must have prior approval from the Town of Kilmarnock.

F. CLEANUP PROCEDURES

1. Cleanup and disassembly time is to be included in the hours reserved. The public space must be cleaned, with all decorations and trash removed and vacated by the stop time indicated on the reservation agreement. Otherwise the cost of cleanup and additional hourly usage will be deducted from the damage deposit.
2. It is the responsibility of the user to have any rental equipment and other items removed from the site at the conclusion of the event. Failure to do so may result in the loss of damage deposit.

G. PERMIT DENIAL, REVOCATION OR SUSPENSION

1. The Town Manager or his designee shall be authorized deny an application or to revoke or suspend a permit for violations of the terms outlined in this article or when weather conditions render the subject activity unsafe or when required in the interest of public health, safety or welfare or environmental considerations.
2. Such denial, revocation or suspension shall be by written notice to the special event user and shall specify the reasons for the actions.
3. The special events user shall immediately discontinue or cause to be discontinued, the activity for which the permit was granted, but shall be entitled to request a hearing regarding such action before the Streets and Sidewalks subcommittee of the Town Council.
4. The request must be in writing, directed to the Town Manager and received within ten (10) days of the notice of denial, revocation or suspension. Upon receipt of a timely and proper hearing request, the hearing shall be scheduled within ten (10) days. At the hearing, the sub-committee chair may uphold, modify or over turn the previous action.

H. INSURANCE

1. The User must provide a Certificate of Insurance for General Liability for \$1,000,000 (one million dollars) covering the event with the Town of Kilmarnock named as an additional insured as part of the permit application. The permit application will not be processed until this is presented to the Town along with the deposit monies.
2. Obtaining insurance is the responsibility of the party obtaining the permit.

I. LICENSES

1. Vendors participating in a Special Event (independent of the relationship to the User) are classified as either "existing merchants" or "Temporary\Special Event Vendor" for the purposes of business licenses.

"Existing merchants" are those who have a current, valid Town business license.

"Temporary\Special Event Vendors" are those who only conduct business in Town as a function of participating in a Special Event.

There are two types of "Temporary\Special Event vendors"-either food related or non food. Food related vendors are supplying prepared meals or portions of prepared meals.

"Temporary\Special Event vendors" of prepared food pay a fee in lieu of submitting a prepared meals tax for the event.

All vendors must have either of these valid licenses posted during the Special Event. Business license applications can be found on the Town's website, www.kilmarnockva.com/permits or at the Town office at 514 North Main Street, Kilmarnock, VA 22482.

2. Non-profit organizations are required to comply with this requirement, however no fees will be charged.
3. Failure to comply with securing an appropriate permit may result in closing the vendor's operation for that event. Repeated failures will be considered in assessing Special Event permit applications in the future.
4. Current rates are as follows:

License Type	Cost
Annual Business	\$30 or % of gross sales
Special Event Non Food Vendor	\$10
Special Event Food Vendor	\$50

J. FOOD AND BEVERAGE POLICIES

1. In order for a User to serve alcoholic beverages, a valid beverage license from Virginia Department of Alcohol Beverage Control is required. Use of a caterer with an ABC license is recommended. ABC license must be posted on the public \Town property before the start of the event. Contact the VA ABC representative at (804) 313-0104.
2. The sponsoring person or organization accepts full responsibility for maintaining control of consumption and enforcing moderation. Any behavior which indicates intoxication of any participant shall be cause for consumption to immediately cease, and also shall be cause for future denial of permission for the sponsoring organization.

3. No alcohol may be consumed in any other area except the designated, restricted area. No alcohol may be consumed beyond the times and locations designated by the ABC Board permit.
4. Use of a caterer is recommended for food and alcohol service. Caterers must be appropriately licensed to do business in Kilmarnock. Caterers must get applicable Health Department and ABC Commission permits.
5. The User is required to provide a listing of the food and beverage vendors to the Town staff 10 business days prior to each event.

K. STREET CLOSURES

1. Streets in Kilmarnock are owned and maintained by the Commonwealth of Virginia. Any event requiring a street closure must apply for a VDOT permit. The application is available online at www.kilmarnockva.com/permits . The final VDOT permit must be received at the Town office prior to the Town's permit being created.

VDOT currently requests applications be received 30 days prior to the event.

L. USE OF A TENT OR AIR SUPPORTED STRUCTURES

1. A permit is required from either the Lancaster or Northumberland County Building Permit office for any contiguous, temporary structure(s) that total more than 900 square feet. Issues such as exit signs, emergency lighting, and an aisle space may need to be addressed. Contact Lancaster County at 804-462-5124. Contact Northumberland County at 804-580-8910. There will be a fee for the permit.
2. Temporary structures should be erected no later than the day prior to the event and must be disassembled and removed from the Town property no later than 10 a.m. the following business day.
3. The Building permit must be displayed during the event at the structure involved.

M. ELECTRICAL PERMITS

1. Electrical hookups may require permitting from either the Lancaster or Northumberland County Building Inspection offices. Portable generators, when used in conjunction with tents will require a review. Contact Lancaster County at 804-462-5124. Contact Northumberland County at 804-580-8910.

N. AMUSEMENT DEVICES

1. Check with either the Lancaster or Northumberland County for the appropriate inspections and permits. Contact Lancaster County at 804-462-5124. Contact Northumberland County at 804-580-8910.

O. DISCLAIMERS

1. Town is not responsible for property placed in or on the premises. **All property must be brought in and removed the day of event unless otherwise approved as part of the application.**
2. Town reserves the right to deny applicants, cancel approved reservation dates for unforeseen circumstances such as inclement weather or electrical outages, and request police security at events at the expense of the applicant.
3. Town reserves the right to remove from the premises any person or persons failing to abide by Special Event rules, including disorderly conduct and inappropriate behavior. Blatant disregard for Special Event rules, Code of Virginia or fire codes may result in closure of the Special Event.
4. Persons failing to abide by Special Event rules may be prohibited from applying for future use of the public, Town property for a period of one year.
5. The permit may not be assigned in whole or in part.
6. Nothing in this policy supersedes the Town Code, applicable fire codes or the Code of Virginia.

P. IMPLEMENTATION

1. Town Council adopted this policy in its entirety April 21, 2008.
2. Implementation of the fee structure portion is deferred until 01\01\2009 as adopted by Town Council April 21, 2008.