

CHAPTER 2 – ARTICLE 8 – SPECIAL EVENTS

Sec. 2-72. - Definitions.

Alcoholic beverages. Providing or selling alcoholic beverages when a license is required by the Virginia Alcoholic Beverage Control Act (Virginia Code § 4.1-100-4.1-517, as amended), including but not limited to banquet, tasting, mixed beverage special events, or club events licenses.

Event. An activity is an event governed under this chapter only if it is an "identified activity," hereinafter defined, that occurs on the following:

- (a) Property owned by the Town of Vienna;
- (b) Property owned by another governmental entity and located within the Town of Vienna's corporate limits (including public streets, public rights-of-way, and other public property) when the identified activity includes more than three vendors selling goods;
- (c) Private property, when any part of the identified activity is conducted outside a permanent enclosed structure; or
- (d) Private property, when the identified activity is
 - (1) Conducted inside a permanent enclosed structure; and
 - (2) Planned to have more than three vendors selling goods.

The following are expressly excluded from the definition of event:

- (a) A funeral procession supervised by a licensed mortuary;
- (b) A farmer's market as allowed under Chapter 18;
- (c) Performances on private commercial patios as permitted under Chapter 18;
- (d) Yard sales as permitted under Chapter 18;
- (e) An identified activity produced and sponsored by an institutional use (herein defined) on property occupied by the same institutional use, so long as such identified activity (a) does not include more than three outside vendors selling goods, and (b) is not located on property owned by the Town; and
- (f) Uses as permitted under Chapter 18.

Event organizer. An "event organizer" is the person or entity that applies for an event permit and who is responsible for the event. An event permit, if granted, is issued to the event organizer.

Event permit. An event permit is a permit issued by the Town to the organizer of an event that allows a particular event to occur and without which the particular event may not lawfully occur.

Goods. Goods are items manufactured or produced for sale and include durable goods, non-durable goods such as food and beverage, and artistic goods such as original art, textiles, and crafts.

Identified activity. An identified activity is one of the following activities:

- (a) Festival – An event ordinarily celebrated by a community and centering on some characteristic aspect of that community and its religion or cultures.
- (b) Carnival or circus - A traveling amusement show, having sideshows, rides, acrobats, clowns and/or other performers.
- (c) Concert - A musical performance given in public
- (d) Parade/Marches – A public procession, especially one celebrating a special day or event and often including marching bands and floats.
- (e) Public screening - The showing of moving pictures to an audience in a public place. The event screened may be live or recorded, free or paid, and may use film, video, or a broadcast method such as satellite or closed-circuit television.
- (f) Performance - The staging or presenting of a play, concert, ceremony or other form of entertainment before an audience either in person or virtually.
- (g) Tournament - a series of sport, game, or exercise contests between a number of visiting competitors or teams, who compete for an overall prize or title. To be a "tournament" under this chapter, the visiting competitors or teams must be participating in a competition that includes teams from across the Commonwealth of Virginia, or a larger territory. A tournament that includes teams from only the Northern Virginia region is not a "tournament" under this chapter. Northern Virginia is made up of the counties of Arlington, Fairfax, Loudoun, and Prince William, as well as all independent cities and Towns within or near these counties.
- (h) Race/Run - A competition between runners, bicyclists, etc. to see which is the fastest in covering a set course.
- (i) Neighborhood block party - The opportunity for neighbors to get together, meet each other, have fun and maybe work together on a community activity, typically held on a public street.
- (j) Demonstration/Protest - A public expression of objection, disapproval or dissent towards an idea or action.
- (k) Sale of goods - Items manufactured or produced for sale and include durable goods, non-durable goods such as food and beverage, and artistic goods such as original art, textiles, and crafts.
- (l) Photoshoots and filming - The art of capturing memories and experiences of individuals and groups as a means for personal gain.
- (m) Car Show - A public exhibition of current automobile models, debuts, concept cars, or out of production classics.
- (n) Street Dance - A social gathering at which people dance in the street.

Commented [TOV1]: Staff needs to define some of these terms.

- (o) Celebration - An act or event designed to commemorate something or make something special and enjoyable.
- (p) Craft Show - An event at which people sell goods they have made.
- (q) Art Exhibition - A place or area in which 'art' is presented by an artist or group of artists to be viewed.
- (r) Fireworks - A device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations.
- (s) Dramatic productions - The act of presenting a play or a piece of music or other entertainment.
- (t) Other similar activities as determined by the Town Manager.

Institutional use. Institutional use includes schools, colleges, churches, museums, libraries, community centers, and public safety facilities.

Sec. 2-73. - Event permit.

- (a) *Permit required.* No person may hold an event unless an event permit is first obtained from the Town. An event held without an event permit is unlawful activity, subject to penalty in accordance with this chapter.
- (b) *Event organizer.* Each event must have a designated event organizer, to whom the event permit is issued.
- (c) *Permit application.* A complete application for event permit ("application") must be submitted by the event organizer. An application is complete when it meets all of the application submission requirements set forth below. The Town's event specialist, or equivalent position, will review the application for completeness and, once complete, will distribute a copy of the application to each Town department affected by the proposed event for their review. Each Town department affected by the proposed event will review the application against the regulations set forth herein, will provide comment regarding the impact of the event on Town services, and will make suggestions for approval or denial. The application will be reviewed by the Town for impacts to, compliance with, and recommendations regarding the following:
 - (1) Emergency medical services;
 - (2) Police;
 - (3) Risk management;
 - (4) Traffic operations;
 - (5) Sanitation services;
 - (6) Zoning;

- (7) Fire and rescue; and
- (8) Business licensing, and taxation.

Submission of an application is not a guarantee of approval.

Sec. 2-74. - Application submission requirements.

- (a) *Application form.* A completed application form must be submitted with the application. If the proposed event is to occur on private property, the application form must be signed by the owner of such property and the event organizer. The application form must include a specific and accurate written representation of the proposed event so that the Town may identify the required level of Town services.
- (b) *Application fee.* The event organizer shall submit with the application a non-refundable Event Permit Application Review Fee to cover the cost to the Town of reviewing and acting on the application, made payable to the Town of Vienna. The application fees shall be as follows:
 - (1) Event Permit Application Review Fee: \$50 for in-Town residents/organizations/businesses/property owners and \$100 for those outside of Town limits. The event permit application fee is a fee that covers the Town's administrative cost to process the event permit application, and is required regardless of whether any Town services are required.
 - (2) Fees to be assessed after permit application is submitted and reviewed:
 - i. Public Works and Parks and Recreation Fee for Events: Up to \$65 per employee per hour with a four-hour minimum per employee. The number of employees required will be determined by the Town after review of the application.
 - ii. Town Police Fee for Events: Up to \$65 per officer per hour with a four-hour minimum per officer. The number of officers required will be determined by the Town after review of the application.
 - iii. Additional costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, prompt restoration, and monitoring.
 - iv. Individual vendor fee. All itinerant merchants at a permitted event shall pay a flat fee of \$50, per Section 8-28. Vendors that are already licensed by the Town will not need to pay this fee.
 - v. Meals tax flat fee. All itinerant merchants at an events serving meals shall pay an additional flat fee of. _____
 - (3) Fees to be assessed after completion of approved event:

Commented [TOV2]: Staff needs to add a meals tax fee and determine if a flat fee is appropriate.

- i. In any or all cases, if the amount of damage, extra cleanup required, and/or costs for services furnished by the Town exceeds the fee paid, the party shall be billed for the balance, to be paid in full no more than 30 days from the billing date. If payment is not received from the party within that time, all future special event requests will be denied until such time as payment is received and, in addition, the Town may take legal action to recover costs, including attorney fees.
- (4) Use of Town Green Fee – Nonprofit rentals only
- i. A fee of \$35/per hour for in-Town nonprofits and \$75/hour out of Town nonprofits (for the length of the event including set-up and clean-up time)
 - ii. Security Deposit of \$500 is required at least ten (10) days prior to the Special Event. If the Special Event is cancelled in writing less than twenty-four (24) hours prior to the scheduled date and time for the Special Event, twenty-five percent (25%) of the deposit amount may be kept by the Town to partially compensate the Town for any expended costs in facilitating the Special Event.
 - iii. The applicant shall be held responsible if the area used is not left in the same condition at the end of the Special Event as it was found to be at the beginning. The area used for the Special Event shall be inspected following the Special Event. If for any reason there is damage to any part of the area which was reserved for the Special Event, or damage to another area as a direct result of the Special Event, the extent of damage shall be determined and the dollar amount for any repair or replacement will be deducted from the deposit paid by the Applicant. If the cleanup involves Town staff, a clean-up fee may be charged to the Applicant.
 - iv. If the amount of damage, extra cleanup required, and/or costs for services furnished by the Town exceeds the deposit paid, the Applicant shall be billed for the balance, to be paid in full no more than thirty (30) days from the billing date. If payment is not received from the applicant within that time, all future applications by the applicant or individuals or other entities having a controlling interest in the applicant will be denied until such time as payment is received. In addition, the Town may take legal action to recover costs, including attorneys' fees. This provision shall also apply in the case where the applicant is not required to pay a security deposit for the Special Event
- (5) Refunds. If the event is canceled by the event organizer, any fees paid for Town services, but not the event permit application fee, will be refunded on a pro-rated basis in order to pay for services rendered by the Town prior to its notification of cancellation, and services that have been contracted for and cannot be cancelled without cost.

- (c) *Comprehensive event plan.* A comprehensive event plan must be submitted with the application that shows:
- (1) Detailed timeline of event from set up/logistic delivery; event start, duration, and end; including breakdown/logistics removal.
 - (2) An outline of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind, indicate the direction of travel and all street or lane closures.
 - (3) All proposed street closures. See Section 2-80 for street closure criteria and requirements.
 - (4) The location of all stages, vendors, platforms, bleachers, grandstands, performers, canopies, tents, portable toilets, inflatables, amusement rides, animals, portable lights, booths, beer gardens, cooking areas, trash containers and dumpsters and other temporary structures with their dimensions.
 - (5) Placement of vehicles and/or trailers.
 - (6) The location of fencing, barriers and/or barricades. Indicate any removable fencing or emergency access.
 - (7) The provision of minimum 20' emergency access lanes throughout the event venue.
 - (8) Exit locations for outdoor events that are fenced and/or locations within tents and tent structures, along with dimensions.
 - (9) Identification of all event components that meet accessibility standards.
 - (10) Generator location and/or source of electricity.
 - (11) The location of first aid facilities and ambulances.
 - (12) Placement of vehicles and/or trailers.
 - (13) All ADA-compliant access points to the event.
 - (14) Other related event components not listed above.
- (d) *Security plan.* A minimum amount of security or support staff may be provided by Town police officers and can be supplemented by other security and support staff. The appropriate number of both off-duty and on-duty officers shall be determined by the Town Police Department in consultation with the applicant. Any off-duty police officer hired by the applicant will operate under the direction of the Chief of Police, or designee. An application will not be approved until a security plan, if needed, has been finalized for the event.
- (e) *Anticipated attendance.* The application must include the anticipated attendance at the event and include per day attendance if it is a multi-day event.
- (f) *Parking Plan.* Applicant must provide map of available parking for attendees. Any shuttle service should be identified with locations of pick-up and drop-off.
- (g) *Health Plan.* Applicant must provide a Health and Safety plan for compliance with current local and state public health guidelines.

- (h) *Safety Plan.* A formal detailed written plan including layout using the Fairfax County Fire Marshalls office outline for events and festivals. For events over 500 people, an application must be filed and approved by the Fairfax County Fire Marshalls Office.
- (i) *Vendors.* The application must identify whether vendors will be participating in the event. If vendors will be participating, the application must:
 - (1) Identify the estimated number of vendors, and general description of what each vendor is selling. An updated and final vendor list must be provided to the Town after approval of the event permit and at least seven days prior to the event.
 - (2) Include a diagram of the food booth and cooking area configuration including tent dimensions and booth identification of all vendors cooking with flammable gases or barbecue grills.
- (j) *Signage.* The application must include a sign plan that conforms to the sign regulations set forth in Chapter 18 of the Town Code.
- (k) *Public Use.* Any event held on public property to include the Town Green requires that the park remain open to the public for the duration of the event. Events may not close off all or part of the park to the public. No required entrance or admission fees are permitted. Any event that is partially or completely located on NOVA Parks, such as the Washington and Old Dominion Railroad Regional Park and Centennial Park, property must submit a separate application to NOVA Parks for their separate approval.
- (l) *Photography and Filming.* No person shall without prior written authorization make still or moving pictures that involve the use of special settings structures, lighting or apparatus or the performance of a cast of persons either amateur or professional, or the posting of the professional models. Written permission may be issued only when such activities will permit normal use of facilities by other visitors. However, the provisions of this section do not in any way restrict the use of cameras by amateur photographers.

Commented [TOV3]: More information needs to be included in what a safety plan should include.

Sec. 2-75. - Application submission and review deadlines.

- (a) The completed application should be submitted as early as possible, at least 75 calendar days and no more than 12 months prior to the event. For events located on the Town Green, the completed application should be submitted no more than 180 calendar days prior to the event. However, returning events have 90 calendar days from the last day of most recent event to submit an application for the following year's adjusted date.
- (b) The Town will complete its first review of an application within 20 business days, provided all information and materials requested by the Town are promptly provided by the event organizer.
- (c) Applications submitted fewer than 75 calendar days prior to the event may be rejected without review if the Town's event specialist determines that the size and complexity of the event coupled with the volume of applications under review by the Town make it unlikely or impossible to process the application prior to the event date; the Town assumes

no liability if an application submitted fewer than 75 calendar days prior to the event date is accepted for review by the Town but cannot be fully processed prior to the event date.

- (d) Each application will be processed in the order it is received, except for returning events that submit their application 90 calendar days from the last day of most recent event for the following year's adjusted date. If multiple applications are received simultaneously, then the Town will utilize a lottery system to select the order in which such applications will be processed. If multiple applications are received simultaneously for the same venue and the same date, then the Town will utilize a lottery system to select only one such application for review and action, and may deny the other applications pursuant to Section 2-77.a.
- (e) If applicant fails to submit the Special Event Permit Application within the time frame stated above, the Town reserves the right to deny the application.

Sec. 2-76. – Road races.

In addition to other regulations contained herein, road races must also meet the following conditions:

- (a) A maximum of six road races will be allowed each calendar year, with no more than one road race to occur in a given month.
- (b) Applications will be considered in the order they are received; if multiple applications are received simultaneously, then the applicants will be selected by lottery.
- (c) No road race whose route is entirely within the Town of Vienna may exceed 5K without the approval of the Police Department.
- (d) The road race course must be approved by the Police Department.

Sec. 2-77. - Criteria for event permit approval.

An application for event permit will be approved if it meets all of the following criteria for event permit approval:

- (a) *Venue is available.* The proposed venue must be available for the requested date and time. The proposed venue must be able to accommodate the expected participants, including vendors and exhibitors, without posing a security or safety risk. Events are permitted in all Town zoning districts.
- (b) *Date; time; duration.* Events must have a specific start date and time and a specific end date and time. The date, time, and duration of the event must not conflict, impact, or directly compete for resources previously approved by the Town, or with scheduled construction, scheduled maintenance, previously approved events, or event permit applications that have already been accepted by the Town for review. Events must conclude

no later than 11:00 pm on Friday and Saturday nights, and on the night before a federal holiday. Events must conclude no later than 10:00 pm on all other nights. Events may commence no earlier than 8:00 am. An exception may be made for a New Year's Eve event.

- (c) *Limitation on the number of events.* No more than one event per week is permitted on each privately-owned parcel of land. For purposes of this paragraph, "privately-owned parcel of land" is defined to mean a particular parcel identification number, as assigned by Fairfax County. There is no limit to the number of events that may occur on public property.
- (d) *Venue owner and event organizer are in good standing.* If either the owner of the event venue or the event organizer is not in good standing with the Town with regard to fees, taxes or other obligations, including but not limited to parking tickets and personal or real property taxes, the Town reserves the right to deny the application for event permit.
- (e) *Certificate of insurance.* Prior to issuance of an event permit for an event located on property owned by the Town of Vienna or property owned by another governmental entity, with the exception of neighborhood block parties, the event organizer shall submit the following to the Town:
- a. A certificate of insurance demonstrating current comprehensive general liability insurance of at least \$1,000,000.00 per occurrence for bodily injury and property damage, or such higher amount as may reasonably be deemed necessary by the Town based on its risk assessment; protecting the Town, its elected and appointed officials, employees and agents from and against any and all claims which may result from or in connection to the Special Event;
 - b. A certificate of insurance demonstrating a deductible in an amount no higher than \$1,000.00; and
 - c. An endorsement to the general liability policy naming the Town of Vienna, its elected and appointed officials, employee and agents as an additional insured. The certificate of insurance and endorsement are required to ensure that the Town of Vienna is not held financially responsible for any incidents or lawsuits that are indirectly or directly related to the event. The insurer must be licensed to conduct business in the Commonwealth of Virginia and must have an A.M. Best rating of A- or better.
- (f) *Public property accepted in as-is condition.* The event organizer must accept the public property as-is; the Town does not warrant that any public area is suitable for the activities to be conducted as part of the event. The event organizer is solely responsible for any damages or injuries resulting to any person or property arising from the event. The Town expressly reserves all sovereign and governmental immunity to which it, and its officers, officials, and employees may be entitled to under the laws of the Commonwealth of Virginia.
- (g) *Event services fees.* Each event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the event and

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will assess and collect those costs against the event organizer as a condition to issuing an event permit.

- (h) *Mitigation of issues.* All issues identified by the Town in its review of the application are mitigated by the event organizer, including but not limited to litter prevention, portable restrooms, traffic control, parking, public safety, emergency services, and clean-up. Such mitigation shall be documented by amending the event permit application.
- (i) *Requirements met.* The application for event permit complies with all requirements set forth in these regulations and all other Town ordinances.

Sec. 2-78. - Permit denial.

If an event permit application fails to meet one or more of the criteria for event permit approval, the application will be denied in writing, with the reasons for denial specified. Applicants that have been denied a permit are able to re-submit, adjusting the event to meet Town criteria. Common reasons for denial of an event permit application may include:

- (a) *Receipt of multiple requests.* A fully executed and complete application was previously received by the Town for the same venue and date, and the venue requested for the event will not reasonably accommodate multiple events.
- (b) *Dangerous activity or location.* It reasonably appears that the proposed activity will present a danger to the public safety or health, or would be unlawful. Examples of unlawful activity include, without limitation, instances in which a permit or license is required by the Virginia Department of Health or the Virginia Department of Alcohol Beverage Control, and has not been obtained.
- (c) *Incompatible use.* The proposed venue cannot reasonably accommodate the nature or duration of the proposed event, or is otherwise incompatible or inconsistent with the proposed event.
- (d) *No responsible person or entity.* There is no person or entity authorized to sign an application on behalf of a group applying for a permit, or there is no person or legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations, or if there is no person or entity that appears capable or incapable of executing the planned special event.
- (e) *Size of event.* The existing Town infrastructure cannot reasonably accommodate the proposed event, given the event's anticipated attendance.
- (f) *Cost of event to the Town.* Budgetary considerations at the time of the application creates such a heavy burden upon the Town financial and/or human resources that it may not be practical to hold the proposed special event at the time requested. Additionally, the holding of the special event as planned creates an undue burden upon the manpower resources of the Town and the health and safety of the public may be compromised.

- (g) *Failure to meet the criteria for event permit approval.* The event permit application does not meet one or more criteria for event permit approval, as set forth in these regulations.
- (h) *Inconvenience.* The inconvenience which may be suffered by the general public outweighs the potential benefit to the community as a whole.

Sec. 2-79. – Permit revocation.

An event permit may be revoked by the Town prior to the event or during the event, as set forth below. Upon revocation of an event permit the Town shall notify the event organizer, specifying the reason for the revocation. An event permit may be revoked by the Town under the following conditions:

- (a) An event permit may be revoked by the Town prior to the event upon a finding by the Town that there is a violation of a rule, ordinance, law, regulation, or a violation of a condition of the event permit, and the event organizer failed to cure such violation after reasonable notice.
- (b) An event permit may be revoked during an event upon finding by the Town that:
 - (1) Continuation of the event presents a danger to the public health or safety, including inclement weather; or
 - (2) Violation of an applicable law or regulation at the event cannot reasonably be mitigated other than by terminating the event.

Sec. 2-80. – Street closures.

- (a) No public street may be closed for any event, unless done pursuant to an event permit expressly authorizing such street closure. No street closure shall be granted by the Town unless the Town first determines that:
 - (1) Such street closing is necessary because the event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
 - (2) Such street closing would not be unduly injurious to public safety and convenience; and
 - (3) Adequate provision can be made to detour through-traffic during the event; and
 - (4) The event organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.
- (b) No street may be closed for an event except on a temporary basis, not to exceed 72 hours in duration.

- (c) If the circumstances of a proposed event are such that a street closing is necessitated because the event will likely impede vehicular or pedestrian travel, then the Town will require a street closing in connection with the event even if such closure is not requested by the event organizer. If all conditions for street closure cannot be met when street closure is necessitated by the event, then the event permit will be denied.
- (d) *Speech, advertising and solicitation at events.* For events held on property owned by the Town of Vienna, the Town may impose restrictions on the time, place, and manner of speech protected under the First Amendment to the United States Constitution, provided that such restrictions are content neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternatives for communication.
- (e) *Noise.* Noise, including live music, recorded music, public address systems, crowds, etc., shall be limited to levels allowed under the Vienna Town Code unless a waiver from the Town Manager has been granted.

Sec. 2-81. - Priority of use.

Events that are entirely or largely sponsored by the Town shall have priority use of public property. The Town reserves the right to cancel an event on public property at any time due to unforeseen emergency circumstances.

Sec. 2-82. - Vendors at events.

- (a) *Health and licensing requirements.* The Virginia Department of Health ("VDH") requires that all food or beverage operations hold a permit issued by VDH when a sale price is associated with the exchange of food or beverages, or when food or beverages are free to the general public. The event organizer is responsible for ensuring that all food and beverage vendors have obtained such permit from VDH prior to the event. A list of all food and beverage vendors must be submitted to the Town no fewer than 30 days prior to the event.

Sec. 2-83. - Alcohol.

- (a) Alcohol is not permitted on public property during any event unless the event permit specifically allows for it and all alcohol-related event permit conditions are met, including a requirement that the event organizer provide proof of liquor liability insurance in the minimum amount of three million dollars (\$3,000,000) on an "occurrence" basis, naming the Town of Vienna as certificate holder. A copy of the certificate must be provided to Town at least 30 days prior to the event.

