

Title 7 – Chapter 7

Article I. General Provisions

Section 7.01 No person shall engage or participate in, aid, form, or start any event unless a special event permit (as hereinafter defined) is obtained. This section shall not apply to (1) funeral processions supervised by a licensed mortuary, (2) picketing as permitted in this chapter, or (3) an event that is under the control of the town for the use of other town facilities and properties.

Section 7.02 Special Event Permit: A special event permit is a permit issued by the town to authorize all parties to utilize public property, private property, town property, and/or limited town services for an event.

Section 7.03 *Compliance with other laws.* The granting of any special event permit required by this article shall not eliminate:

- (a) Requirements for any business license or any other permits that may be prescribed by any other federal, state or local statutes, ordinances, rules, or regulations.
- (b) Compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations.
- (c) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at assembly points or other areas which substantially damages planting or landscaping on public or private property. Adequate cleanup and sanitation must be provided.

Section 7.04 *Duties of and restrictions upon the permittee.* Generally, a permittee under this article shall comply with all special event permit directions and conditions, including the following.

- (a) *Display or carrying special event permit.* The permittee, individual, or any representative of the organization shall display the special event permit or carry it upon their person during the event.
- (b) *Event vendor's business license requirement.* Permittee of events that feature businesses or organizations providing goods or services for compensation shall notify all event vendors of the required business license/permit for the duration of the event. All vendors must possess a current valid town business license or obtain a one-day vendor permit. Vendors must contact the town's finance department regarding the required business license and/or one-day vendor permit options, and payment must be made to the town prior to the event.

- (c) *Weapons.* Individuals participating in the event will not carry, allow, or have weaponizable implements at the event without an express written waiver by the town administrator. All permittees acknowledge open carrying of firearms on public property is expressly prohibited during an event in accordance with § 23-31-520, SC Code. The permittee shall post signs at the event advising attendees whether open carrying of weapons is allowed or not allowed. If weapons are not allowed, these signs must be in compliance with S.C. Code § 23-31-220 and state *NO CONCEALABLE WEAPONS ALLOWED*.
- (d) *Glass containers.* No glass containers may be sold or distributed on the public right-of- way, street, sidewalk, plaza or other public property and no patron may carry a glass container on such property during an event. It shall be unlawful for any vendor to sell beverages in glass containers for off-premises consumption at events.
- (e) *Lotteries.* Permittees will not host or promote or allow lotteries or games of chance to occur at the events, where a prize of value is offered in exchange for payment without a test of skill, in compliance with § 16-19-10, SC Code.
- (f) *Town seal and signage.* Permittees will not permit individuals, businesses, or groups to use the town seal or other indicia of town support for a commercial, religious, political, or other cause, without the express sponsorship of the town council.

Section 7.05 The town administrator is authorized to develop policies and an application process to further the purposes of this article.

Article II. Application Process

Section 7.21 Application for permit. To secure a special event permit, the individual, group of individuals, or organization ("permittee") shall make an application duly signed by the organizer of the event or by an officer of the organization and submit it to the town administrator's office. The application will include, but not be limited to, the following information:

- (a) The name, address and telephone number of the person or organization seeking to conduct the event; and
- (b) The name, address and telephone number of the headquarters of the hosting organization (if any), and that of the authorized representative organizing such event; and
- (c) The purpose of the event, and date proposed for it to be conducted; and
- (d) The time, duration, the area in which the event will occur, including any route to be traveled, the starting point and the terminations point, and any areas sought to be closed off for the event; and
- (e) The approximate number of persons participating, and number and descriptions of expected animals and vehicles; and

- (f) The location, by street of any additional assembly areas or lay down lots, and the time such areas would be occupied; and
- (g) Written request for crowd, noise and traffic control; and overflow parking (such services and facilities shall be at the expense of the permittee); and
- (h) A description of food and beverages to be sold or distributed, and if beverages containing alcohol are to be sold, then evidence of a state permit, if needed, having been issued or applied for; and
- (i) The individuals or entity that will benefit, if revenue is anticipated to be generated by the event; and
- (j) A request for waiver if applicant requests to include weaponizable implements at the event.
- (k) Description of any structures or walls that will be erected for the event, any structures or walls that are erected must be approved by the building official prior to the event. Any event structures must be removed/dismantled within 72 hours of the event.**

Section 7.22 Upon receipt of the application for a special event permit, the Town administrator shall pass the application to the Special Events Board to make a recommendation for approval or denial of such application to the town administrator as expeditiously as possible, including the reasons therefor.

Section 7.23 The Special Events Board shall consist of a designee from the following departments:

- (a) Town Administration
- (b) Police department;
- (c) Town Council

Section 7.24 Submission Timeline: Applications may be submitted up to one year in advance but must be received at least 60 days before the event. Where good cause is shown, the town administrator or designee, shall have the authority to consider any application that is filed less than the required application period before the date sought.

Section 7.25 *Action on application.* The town shall act upon the application for a special event permit required by this article as expeditiously as possible, notifying the permittee in writing of the decision. The town administrator may deny an application for a special event permit under this article but may recommend the conduct of the event on a date, at a time, over a route or under different conditions from that requested by the applicant that can be approved. In the event of a denial of the application for a special event permit under this article, the permittee shall have the right to appeal to town council. The appeal shall be provided by written notice to the town clerk within forty-eight (48) hours after notice of the denial of the special event permit. The town council shall act upon this appeal with reasonable promptness under the circumstances.

Section 7.26 *Criteria for issuance.* The town shall issue a special events permit for a proposed event, unless it is determined that:

- (a) The conduct of the event will substantially interrupt the safe and orderly movement of traffic contiguous to its route.
- (b) The conduct of the event will require the diversion of a significant number of police officers to properly police the line of movement and of contiguous areas that adequate police protection of the town in general cannot be maintained.
- (c) The concentration of persons, animals, equipment or vehicles at assembly points or other areas will substantially interfere with adequate fire and police protection of, or ambulance service to, areas near such points, or will hinder the movement of firefighting equipment.
- (d) The conduct of the event is reasonably likely to result in violence to persons, damage to property, or cause serious harm to the public.
- (e) The route has been requested recurrently in the past year and is too disruptive to residents or businesses.
- (f) Events requesting alcohol permits must be approved by the events board prior to receiving approval for an alcohol permit.

Article III. Special Event Permit Fees, Charges, and Insurance

Section 7.31 Application Fee

All applicants seeking a Special Event Permit shall pay a non-refundable application fee of two hundred fifty dollars (\$250.00) at the time of submission. Payment must be made by credit card, debit card, money order, or ACH (check). No application will be processed without payment of this fee.

Section 7.32 Permit Fee

A daily permit fee of one hundred dollars (\$100.00) per day shall be assessed for each day of the approved event. Payment is required before the issuance of the Special Event Permit.

Section 7.33 Public Safety Fees

- (a) If the Town of Atlantic Beach Police Department determines that police presence is necessary for public safety, the event organizer shall be responsible for the costs associated with police services.
- (b) The rate for an officer shall be forty-five dollars (\$45.00) per hour, per officer assigned to the event.
- (c) Full payment for police services shall be made no later than twenty-one (21) days prior to the event date. Failure to make timely payment may result in the denial or revocation of the permit.

Section 7.34 Cleanup and Refuse Deposit Fees

A refundable cleaning deposit in the amount of \$500.00 shall be required as a condition of the special event permit. This deposit shall be returned to the permittee within ten (10) days following the event, provided that the event area is left in a clean and orderly condition, as determined by the Special Events Board or its designee.

Section 7.35 Discretionary Adjustments

The Town Manager shall have the authority to adjust or waive any of the above fees based on the nature, size, and impact of the event, as well as considerations of public benefit and community interest. Any such adjustments shall be made in writing and documented as part of the event approval process.

Section 7.36 Payment of costs of services and equipment provided by the town.

- (a) The town may impose reasonable fees and requirements upon the permittee for the use of public property, or as necessary to cover the cost of public services and equipment provided by the town for the event. The permittee shall be responsible for cleanup after an event. A bond may be required.
- (b) Town may choose to co-sponsor an event if it is determined such event to be in the general interest to the public and advance the promotion of the community, or have a charitable purpose. In such case, the town may waive any of the fees identified herein for such events.
- (c) Town co-sponsored events will at the recommendation of the town administrator.
- (d) Town sponsored events will be pre-determined on an annual basis at the recommendation of the town administrator, and pursuant to approval of town council, during the annual budgeting process.

Section 7.37 *Liability insurance.* The town requires proof of liability insurance of the permittee as prescribed in the town's special event permit application.

Article IV. Violations; penalties.

Section 7.41 Anyone who attempts to organize an event or knowingly participates or aids and abets in the staging of an event on public property in violation of this article shall be guilty of a misdemeanor.

Section 7.42 : Should the permittee fail to comply with the terms and conditions of the application, special event permit, and this article, the special event permit may be immediately revoked and voided, and such permittee shall be guilty of a misdemeanor.

Section 7.43 No person shall unreasonably hamper, obstruct, impede, or interfere with any event or with any person, vehicle or animal participating or used in the event.

Section 7.44 No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such parade vehicles are in motion and are conspicuously designated as a parade, nor shall any driver drive around or through any event or a properly designated or barricaded area.

Section 7.45 The town shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for an event, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

Section 7.46 Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and shall be subject to punishment in accordance with section 1-16 of the Town Code of Ordinances.

Section 7.47 Nothing herein shall alter, amend, abridge or change the right of the town to conduct law enforcement, in the interests of public safety.

Atlantic Beach Town Council

Jake Evans, Mayor

John David, Jr., Mayor Pro Tem

Jacqueline Gore, Councilmember

Edward Campbell, Councilmember

Carla Y. Taylor, Councilmember

Attest:

Town Clerk

Town Manager