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| CITY OF KINSTON, NORTH CAROLINA | | KINSTON POLICE DEPARTMENT | | |
| SUBJECT: SPECIAL EVENTS POLICY | Policy# 062 | Revision No. 1 | Effective Date: 9/1/17 | Page 1 |
| | Supersedes 0 | | | |

1.0 Purpose: The city of Kinston recognizes that Special Events held within the City of Kinston and Lenoir County enhances the quality of life for residents of the City. Therefore, it is the intention of the City to establish a process for permitting Special Events to be held within the City conducted on public property, street, sidewalk, park or facility and that require support in the form of City services, equipment and facilities.

2.0 Department Affected: All Departments, with special emphasis for Police, Parks and Recreation, Fire and Public Services.

3.0 Policy :

3.1 To provide coordinated procedures for Special Events to ensure the health and safety of participants of the events and the general public, protect the City and reduce the City's exposure to liability and risk, and ensure that adequate and proper notification has been provided for use of City services, equipment and facilities.

4.0 Definitions: A Special Event is an activity that meets any one of the following definitions:

- a. Any organized formation, parade, march, procession or assembly which may include animals, vehicles, or any combination which will travel on any street and that does not meet with normal or usual traffic regulations and/or control.
- b. Any organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit that involves the use of, or has an impact on any public property, street, sidewalk, park or facility and that requires City services beyond the normal and usual scope of City operations.
- c. Any organized activity conducted by a person, organization or company for a common or collective use purpose or benefit that involves the use of any public property, street , sidewalk, park or facility in a manner inconsistent with the design and normal and usual function of such public property, street, sidewalk, park or facility.

Any organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit that involves the use of any public property, street, sidewalk, park or facility at which alcoholic beverages will be sold.

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- d. Any organized activity conducted on private property that requires City services beyond the normal and usual scope of city operations, such as street closings, police protection, traffic control devices and solid waste services.

Examples of Special Events include, but are not limited to: parades, festivals, community events, fireworks displays, protest marches, mass participation sports (e.g. road races), neighborhood block parties.

Special events **do not include** funeral processions, government sponsored activities, athletic contests and related activities, the use of any public property, park or facility that is inconsistent with the design and normal and usual function of such property , park or facility unless the services required of the City are beyond the normal an usual scope of City operations.

City sponsored Special Events – An event organized, controlled and conducted by the City.

Event Organizer – Any person, organization, or company that conducts, manages, promotes, organizes, aids or solicits attendance at a Special Event.

Fees – Charges to Event Organizers for the use of City services, equipment, property, and facilities and permits associated with the Special Event.

For Profit Special Event – An event for which admission is charged.

Large Special Event – An organized event that is expected to have 250 or more participants and that will require support from the City beyond the normal and usual scope of City operations, such as street closings, police protection, traffic control devices and solid waste services.

Small Special Event – An organized that is expected to have more than 20 but fewer than 250 participants and that will require support from the City beyond the normal and usual scope of City operations, such as street closings, police protection, traffic control devise and solid waste services.

Special Event Permit – Permit issued by the Kinston Police Department or Department of Parks and Recreation which authorizes the use of any public property, street, sidewalk, park, or facility for a Special Event.

Vendor – Any person who sells or offers to sell any goods, food or beverages within a Special Event.

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5.0 City Services

5.1 In order to recover the additional costs incurred by the City in providing services in support of a For-Profit Special Event, the Event Organizer will be required to reimburse the City at rates established in the adopted Manual of Fees and Charges.

5.1 a These costs include but are not limited to: overtime costs for Police personnel, costs associated with clean up or emptying of trash receptacles in the event areas, the placement of barricades and the removal of such and for temporary electrical service.

5.1 b The City shall be reimbursed for the actual cost of damaged and/or stolen trash receptacles, damaged and/or stolen traffic barricades and traffic cones.

6.0 Insurance Provisions

6.1 For Large Special Events, the Event Organizer shall hold the City harmless, carry appropriate liability insurance and provide a certificate of insurance coverage.

6.2 The Event Organizer of a Large Special Event will be required to have a commercial general liability policy and, if auto liability exposure exists, a business auto liability police. Special events on any public property street, sidewalk, park or facility at which alcoholic beverages will be sold shall have a liquor liability policy in addition to a commercial general liability policy and any other appropriate insurance coverage.

6.2 a Commercial General Liability – Coverage shall have minimum limits of \$1,000,000 for general aggregate, products/completed operations aggregate, personal and advertising injury and each occurrence. This shall include premises and operations, independent contractors, products and completed operations, broad form property damage and contractual liability. Coverage shall be written on an occurrence basis.

6.2 b Business Auto LIABILITY – Coverage shall have minimum limits of \$1,000,000 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hire and non-owned vehicles and employee non-ownership. This requirement does not apply if no auto liability exposure exists.

6.2 c Liquor Liability – Coverage shall have minimum limits of \$1,000,000 for general aggregate, products/completed operations aggregate and each occurrence. Coverage shall be written on an occurrence basis.

6.3 Special Requirements

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6.3 a The City is to be included as an additional insured on the commercial general liability, business auto liability and liquor liability policies.

6.3 b Current, valid insurance policies meeting the requirements herein identified shall be maintained during the duration of the Special Event. There shall also be notice provided to the City in the event of cancellation, modification of coverage or erosion of aggregate limits of any stipulated insurance coverage. Certificates of insurance coverage meeting the required insurance provisions shall be forwarded to the City. Wording on the certificate, which states that no liability shall be imposed upon the company for failure to provide such notice, is not acceptable.

6.3 c it shall be the responsibility of the Event Organizer to insure that all subcontractors comply with the same insurance requirements that he is required to meet.

6.4 Hold Harmless – The Event Organizer agrees to protect, defend, indemnify and hold the City, its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of this agreement and/or the performance hereof that are due to the negligence of the sponsor, its officers, employees, or agents, not the result of the City’s sole negligence. The Event Organizer further agrees to investigate, handle, respond to, provide defense for, and defend the same at its sole expense and agrees to bear all other costs and expenses related thereto.

6.5 A certificate of insurance coverage shall be provided during the application process for a Special Event Permit. Failure to present a certificate of insurance coverage for commercial general liability and any other appropriate insurance coverage may result in the denial of a Special Event Permit.

7.0 Procedure

7.1 The Event Organizer shall obtain a Special Event Permit from the Kinston Police Department. For Special Events involving Parks and Recreation Department facilities, the Event Organizer shall obtain a Special Event Permit from the Department of Parks and Recreation.

7.2 In making an application for a Special Event Permit, the Event Organizer shall provide information regarding the date, time, location, estimated attendance and the nature of the event. Written application will be on the prescribed form and will require the application to be signed by the person filing such application. The Event Organizer shall provide all relevant information necessary to determine the extent of City services, property, equipment required in support of the Special Permit.

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7.3 The Event Organizer shall file the application for Special Event Permit, along with the appropriate Special Event Permit Fee as established in the adopted Manual of Fees and Charges, no later than 15 business days prior to the Special Event.

7.3 a An application for Special Event Permit filed after the appropriate deadline is subject to non-refundable late application fee established in the adopted Manual of Fees and Charges.

7.4 The Police Chief or the Director of Parks and Recreation, whichever is applicable, shall approve or deny an application and issue a Special Event Permit as soon as possible and should act within seven business days of receipt of a completed application. The grounds for denial of an application shall be set forth in writing.

7.5 City council approval will be required for Special Events on any public property, street, sidewalk, park or facility at which alcoholic beverages will be sold.

7.6 Special Events at which alcoholic beverage will be sold shall have the necessary permits from the NC Alcoholic Beverage Control Board, prior to issuance of a Special Event Permit.

7.7 City Council approval will be required for Special Events that require the temporary closure of certain City streets or parts of street. The Event Organizer shall be responsible for notifying owners affected by such temporary street closures.

7.8 The Event Organizer is responsible for ensuring vendors at the Special Event follow established procedures for obtaining an itinerant merchant's license or appropriate license for conducting business in the City.

7.9 The Kinston Police Department is authorized to:

a. Set the length, speed of travel, and spacing between persons or vehicles for parades, marches or processions.

b. Limit the concentration of participants within any designated area of a street or sidewalk in any area subject to normally heavy pedestrian or vehicular traffic.

7.10 The requisites for the issuance of a Special Event Permit are:

7.10 a The activity shall not require excessive diversion of Police from other necessary duties.

7.10 b the activity shall not interfere with the right of property owners in the area to enjoy peaceful occupancy and the use of their property.

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7.10 c The activity can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area and will not prevent normal police or fire protection to the public and will not be likely to cause injury to persons or property or provoke disorderly conduct or create a public disturbance.

7.11 The Event Organizer shall specify on the permit the person responsible for the Special Event. The Event Organizer or his/her designee shall be present at the Special Event and shall carry the Special Event Permit at all times.

8.0 Denial or Revocation of Special Event Permit

8.1 A Special Event Permit may be denied for the following reasons:

- a. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicants or the public;
- b. Applicant has on prior occasion made material misrepresentations regarding the nature or scope of an event or activity previously permitted;
- c. Applicant has violated the terms of prior permits issued to or on behalf of the applicant;
- d. The application for permit (including any required attachments and submissions) is not fully complete or executed;
- e. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the City;
- f. The application for permit contains a material falsehood or misrepresentation;
- g. The applicant is legally incompetent to contract or to sue or be sued;
- h. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
- i. A fully executed prior application for permit for the same time and place has been received and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

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j. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;

k. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the location of the proposed use or activity;

l. The applicant has not complied or cannot comply with the applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services;

m. The use or activity intended by the applicant is prohibited by law, by the City Code and ordinances of the City;

n. The activity requires excessive diversion of police from other necessary duties;

o. The activity interferes with the right of property owners in the area to enjoy peaceful occupancy and the use of their property; and

p. The activity cannot be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area and will prevent normal police or fire protection to the public and will be likely to cause injury to persons or property or provoke disorderly conduct or create a public disturbance.

8.2 Violation of the terms of the permit by those participating in the Special Event, provides grounds for the revocation of the permit and an order for the dispersal of those participating.

8.3 Nothing in this policy shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.

9.0 Appeal Procedure for Denial of Special Event Permit

9.1 Any person aggrieved by the denial of a Special Event Permit shall have a right of appeal to the City Council, but such appeal notice must be given within (5) days thereafter and the appeal upon such notice will be heard by the City Council at its next regular meeting or at any special called meeting the City Council may set.