



City of Buena Vista Special Event Policy

April 14, 2021

Objective: To regulate the use of streets, sidewalks, parks, and other public property in the City for all organized outdoor special events, with the purpose of:

- protecting the health and public safety of citizens,
- limiting the inconvenience to residents, businesses, places of worship and learning, and other regular users of these facilities,
- establishing a straightforward and accountable process for event organizers, and
- enabling public agencies to manage these events in a cost-effective and well-coordinated way.

I. Special Event Definitions

For the purpose of this Policy, a Special Event is defined as any cohesive group of people, animals or vehicles, or combination thereof, upon any sidewalk, street, alley or other portion of the public right-of-way, or within a public park, or on any public property which is outdoors in the City of Buena Vista and which group does not comply with normal vehicular or pedestrian traffic, regulations or controls, or normal usage of the sidewalk, street, alley or other portion of the public right-of-way, or park or public property. Such special events include any gathering, parade, procession, running race, walk, block party, bicycle race, ceremony, show, exhibition, festival or similar event. Filming in public spaces throughout the City is also included in this policy. Special Event categories are set forth as follows:

- Races, Walks, and Parades:** Organized non-stationary activities involving running, biking, walking, marching, or other means of transportation, utilizing a fixed course that involves the use or obstruction of City street rights-of-way, City sidewalks, City parks or greenways.
- General Events:** Organized activities that have a stationary footprint in an identifiable location for a specific duration of time, often involving amplified sound, food, beverage, merchandise displays, and/or other forms of entertainment. Examples include festivals, performances, carnivals/fairs, rallies, exhibits, markets, parties, weddings, conventions and other similar events.
- Neighborhood Block Parties:** Organized small-scale activities that close a limited number of blocks on a low traffic volume residential street. These small-scale gatherings are initiated by and are intended to attract only residents who live on or in close proximity to the street being closed. Block parties are not intended for the general public
- Private Park Events:** Organized small-scale events that are held in park facilities. These small-scale gatherings are intended only to attract invitees and are not intended

for the general public. Examples include, birthday parties, baby showers, bridal showers, and other similar events. This does not include concerts or any event serving alcohol.

- E. **Filming:** An organized activity involving film and/or still photography production that requires the use of a public right-of-way, City park, or other outdoor City property. Filming activity that does not impact vehicular or pedestrian traffic or normal usage of the public right-of-way or other public property, such as individual portraiture, is exempt from review and permitting under this Policy.
- F. **Spontaneous Events:** Any public gathering, demonstration, procession or parade which is responsive to events recently in the news, or which attempt to influence an event in the near future (such as a legislative action or an election) for which the effectiveness of expression is time sensitive.

Use of City parks, greenways, and plazas is additionally subject to any existing policies and procedures of the City Parks and Recreation Department and applicable provisions of City Code. Use of certain facilities within parks and other publicly owned properties may require a separate facility rental application and fee.

II. **Public Administration:**

A. **Permit required.**

Special Events within the City require the issuance of a Special Event Permit by the Special Events Review Panel. It shall be unlawful to hold an organized public gathering except in the area noted on the permit. The requirement of a permit shall not apply to:

- A public assembly consisting of five (5) or fewer people on a public sidewalk which does not impede the ordinary flow of pedestrians on a sidewalk;
- A funeral procession where the Chief of Police or his or her designee either provides for traffic control or determines that no traffic control is needed;
- Recreational activities, including jogging, walking, and picnicking which the activities do not impede public use of facilities or the ordinary flow of pedestrians on a sidewalk;
- Activities by the U.S. government, Commonwealth of Virginia, or City of Buena Vista, or any division, department, or agency thereof

B. **City Responsibilities**

The City provides the following services to organizers and permit applicants of proposed Special Events: scheduling of events; assistance with obtaining necessary permits; reserving needed public space for events; and providing technical assistance and advice.

The Department of Community & Economic Development is responsible for issuance of the Special Event permits. The Department of Community & Economic Development facilitates the review of each special event for compliance with this policy. Upon receipt of a complete Special Event Permit application the Department of Community & Economic Development in consultation with a Special Events Review Panel, shall issue a permit or, if deemed necessary, shall place conditions upon, reschedule, relocate, or deny any requested Special Event that does not meet this Policy and the requirements of applicable City Code or cannot otherwise be held as proposed.

1. **Special Events Review Panel (SERP)** The City will maintain a Special Events Review Panel (SERP) for coordination, notification, and collaborative purposes that will include representatives from the following groups: Community & Economic Development, Public Works, Emergency Management Services, Parks and Recreation, Police, and any other agency or organization needed to coordinate specific events. SERP members will review the Special Event Permit Application and offer recommendations for approval or denial. The Department of Community & Economic Development will facilitate meetings of the SERP to hear feedback and suggestions regarding current and future Special Events.
2. **Communication:** City staff will collaborate to issue notifications of street closures related to all authorized Special Events. City staff will maintain a website that allows community members to view a master Special Events calendar, which will provide details with respect to each Special Event.

C. Additional Permitting Requirements

Certain special events may also require federal, state or local permits, including but not limited to: amusement device permit, land use permit for events conducted in the Virginia Department of Transportation right-of-way; special event license from the Virginia Department of Alcoholic Beverage Control; and temporary restaurant permit from the Virginia Department of Health. The applicant shall be responsible for obtaining and complying with any such permit(s) and furnish a copy(s) with the application and bear any costs thereof.

III. Permit Application Process

The City will establish a Special Event application and webpage that will outline the process, timelines, application materials, notification requirements and additional information necessary for event organizers to apply for a special event permit. The goal of this Application Policy and Procedure is to provide a predictable timeframe for approval and to enable agencies to anticipate the impact of a Special Event and to plan accordingly.

- A. **Application:** The fee for a permit application will be twenty-five dollars (\$25.00). Application shall be submitted on the City website or a physical application may be picked up at the office of Community & Economic Development. The Application shall set forth:
 1. The name of the applicant and the names of the persons who will oversee the event, at least one of whom will be present at all times during the event together with contact information including cell phone numbers;
 2. The date, time, duration, nature, and place or route of the proposed event;
 3. An estimate of the number of persons expected to attend over the course of the event and the maximum expected at any one time;
 4. A description of the resources they are requesting from the city
 5. Any additional information to determine need for additional local, state, or federal licenses and permits

Application fees may be rebated or waived at the discretion of the Special Events Review Panel.

B. Application Submittal Timeframe: Special Event applications must be submitted according to the timelines for each specific event type as outlined below and will be accepted no more than one (1) year prior to the proposed date of the Special Event. Submission of an application does not guarantee the issuance of an assembly permit. Applications cannot be fully reviewed and approved until all required Special Event information (e.g. projected attendance, Certificate of Insurance, site plan) has been received.

1. **Races, Walks and Parades.** Applications must be received at least thirty (30) calendar days prior to the proposed date of the event. Processing and approving a race, parade, or walk route is a complex process that requires coordination with numerous city departments and/or other entities.
2. **General Events – up to 100 people:** Applications for general events or assemblies with less than one hundred (100) persons in attendance must be received at least thirty (30) calendar days prior to the proposed date of the event.
3. **General Events – 100+ people OR street closure:** Applications for general events with one hundred (100) or more persons in attendance or general events involving street closures must be received at least sixty (60) calendar days prior to the proposed date of the event.
4. **Neighborhood Block Parties:** Applications for neighborhood block parties with less than one hundred (100) persons in attendance must be received at least thirty (15) calendar days prior to the proposed date of the event.
5. **Filming:** Applications for filming must be received at least fourteen (14) calendar days prior to the shoot date. It is recommended that applications for extensive filming spanning multiple days or locations be submitted at least thirty (30) calendar days in advance.
6. **Spontaneous Events:** Applications for spontaneous events as outlined in section I, subsection F, must be received at least forty-eight (48) hours prior to the demonstration or assembly. It is recommended that applications be submitted as soon as the event is planned if prior to forty-eight hours in advance.
7. **Late applications.** The Special Event Review Panel may consider late applications. The SERP cannot guarantee that any event application will be reviewed if it is submitted in less that the number of days prescribed above.

C. Issuance: The SERP shall, within seven (7) business days and subject to the provisions of this section,

1. Issue a permit; or
2. Notify the applicant of deficiencies, missing information, or questions necessary to properly review and permit the application; or
3. Notify the applicant in writing that the application is denied, and provide reason(s) for denial, and the applicant's appeal rights granted by subsection J of this ordinance.

The applicant shall have the opportunity to amend their application by submitting additional information or a new application.

Larger events or events requiring additional resources may require additional review time. The SERP will inform the applicant if the review will take longer than seven (7) business days.

- D. Site Plans:** When required by this subsection, the applicant shall submit a site plan to the SERP with the application to address traffic disruption, pedestrian safety, starting and ending times, lighting, and any other factors bearing on the safety, order, and accessibility of streets and sidewalks, including sign size, maximum number of persons in an area, sound amplification, and control of animals. A site plan may be rejected by the SERP for any valid reason including, but not limited to, the site plan creating an unreasonable risk of injury to pedestrians or interference with lawful businesses, commerce, professions, non-profit organizations, or civic events. For a renewal, the SERP will require a new site plan if the existing site plan proved inadequate under this standard
1. Site Plans are required under the following circumstances:
 - a) Street closures and parades. The site plan shall provide for law enforcement personnel to direct traffic for any parade or for a street closure if necessary for public safety. The number of officers required shall be based solely on the number of participants and the location of the event.
 - b) If a sidewalk gathering involves a procession of persons crossing streets as part of the event, a site plan is required. The plan shall provide for law enforcement personnel for traffic control at any major intersections along the route of the procession.
 - c) If any part of an organized public gathering will occur between dusk and dawn, a site plan is required.
 - d) If alcohol will be served at an event a site plan is required.
 2. An applicant shall submit any required site plan to the City with the application.
 3. The SERP will review all site plans within seven (7) business days (unless otherwise notified as outlined in subsection C of this section) of the application's receipt and notify the applicant promptly if the plan is rejected, giving the reasons for the rejection. The applicant may revise a rejected site plan and resubmit it at least ten (10) business days before the event. If the resubmitted plan resolves the deficiencies noted in the rejection and there are no other grounds for rejecting the permit, the permit shall be granted. No changes may be made to an approved site plan without the expressed, written consent of the SERP.
 4. If the SERP rejects the proposed safety plan, he or she shall inform the applicant of the appeal rights granted under subsection I of this section.
 5. No person may violate any of the terms of a site plan while participating in an organized public gathering.
 6. Any event requiring a site plan will require insurance: The applicant will provide the City with the following:

- a) A Certificate of Insurance (COI) providing evidence of appropriate liability insurance of a minimum of \$1,000,000 and property damage of \$100,000. The addendum must include this exact wording: “The City of Buena Vista, 2039 Sycamore Avenue, Buena Vista, VA 24416, is hereby named as additional insured.” If the event involves alcohol consumption, then the liability insurance minimum will be \$2,000,000.
 - b) An Endorsement from the insurance company licensed to do business in the Commonwealth listing the City as an Additional Insured is also required. The insurance company must have a minimum financial rating from the A.M. Best Company of an “A” or better. If alcohol will be served, the City requires a Liquor Liability endorsement to be added to the insured’s policy.
 - c) Pursuant to Virginia Code § 15.2-2013(2), the site plan for any event involving any street closure shall be accompanied by proof of insurance with an insurance company licensed to do business in the Commonwealth and insuring against personal injury, death, and property damage resulting from the temporary use of the street in a coverage amount of at least \$1,000,000.00, naming the City as an additional insured. However, under Virginia Code § 15.2-2014, the City Manager may temporarily close any public right-of-way to vehicular traffic when in his or her judgment the public safety so requires and shall do so if an applicant is unable to obtain insurance.
7. In addition to any other information required in a site plan, depending on the scale of the planned event, the following considerations may need to be addressed:
- a) Water supply. If required, the applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of events.
 - b) Toilet and/or lavatory facilities. Event organizers are required to provide adequate restroom facilities for participants and attendees per the Virginia Department of Health. Event organizers can meet this requirement by renting portable toilets. It is recommended that each event have one (1) portable toilet for every 150 people anticipated to attend the event during peak attendance time. Ten percent (10%) of the portable toilets must be ADA accessible. The Public Works Department can provide options for companies that rent portable toilets if needed. If required, the applicant shall provide a statement and plan concerning adequate toilet and/or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided.
 - c) Emergency medical and fire services. If required, a medical/fire plan is to be submitted to describe the measures that will be taken to ensure adequate provisions of emergency medical services and fire protection. The plan is subject to review and approval of the Fire Chief.
 - d) Traffic and parking control plans. If required, the applicant shall submit the following:

- (1) A detailed map indicating the type of existing traffic control for each intersection impacted along the route of the parade or road race and a plan shall be provided for temporary traffic control at each impacted intersection during the event.
- (2) A plan to provide adequate parking for the event.
- (3) A detailed map showing the location of vendors, booths, or other installations which might hinder the ability of rescue or safety vehicles at the site.
- (4) A depiction of the areas designated for alcohol consumption and distribution if applicable.
- (5) A depiction of the location of any sound amplification devices to be used in connection with the event.

E. **Security:** Security officers will be required for the duration of any event including alcohol and any event where public safety is found to be of concern. The event security officer(s) must be certified by the Department of Criminal Justice Services (DCJS). The event shall always have a minimum of one (1) security officer. The applicant shall submit proof of security to the SERP with the application.

1. More than one officer may be required under the following circumstances:

- a) If alcohol will be served at an event, more than one (1) security officer will be required. The number of officers will be determined by the SERP upon review of the expected attendance.
- b) If the SERP sees it is necessary for public safety.

F. **Reimbursement of Cost for Damages and Event Cleanup:** The organizer and/or applicant of the special event shall be responsible for producing a copy of the permit upon request of any City official throughout the duration of the event. The City reserves the right to bill an organizer and/or applicant of a special event for reimbursement of the cost for event clean-up and/or repair of damage to streets, sidewalks, structures, or other public property, caused by or directly related to the event. Any organizer and/or applicant of a special event who fails to pick up trash caused by their event and/or causes damage to public property and/or dumps hazardous materials on public property may be assessed the cost of such damages plus an administrative fee of twenty percent (20%) of such costs. All bills must be paid within thirty (30) calendar days of receipt or such will be submitted to the City Treasurer for collection.

G. **Reservation of Dates:** Dates for Special Events will be reserved on the Special Event calendar based on a first-come, first-served basis, and are subject to the restrictions noted in this Policy and under applicable provisions of City Code. Recurring Special Events will be given priority to reserve the same day of the same week of the following calendar year (e.g. the second Saturday of February) or to reserve the same exact date of the following calendar year (e.g. February 14th). Conflicts that arise due to these two different reservation methods (e.g. if February 14th falls on the second Saturday of February) will be handled by the Department of Community & Economic Development in consultation with the Special Event Review Panel, on a case-by-case basis. Determining priority for date reservation between conflicting Special Events will be at the discretion of the

Department of Community & Economic Development. An official application will still need to be submitted by the corresponding deadline (see Section 3.B).

- H. **Notification Policy:** The organizer and the applicant for a Special Event Permit shall be responsible for notifying as soon as possible all businesses and residences which adjoin any right of way which will be barricaded as a result of the Special Event.
- I. **Provisional approval:** Where an event also requires federal, state, or other local permits, a conditional permit may be issued to provide preliminary proof of local approval. Before a final permit is granted, an applicant who is granted a conditional permit for any event shall provide final site plan that includes proof of other federal, state, or local approvals, licenses or permits as required by law, whether for the event or by the vendors and performers. Upon receipt of such final site plan and proof of such other approvals, licenses or permits, the Department of Community & Economic Development shall issue a final permit within seven (7) calendar days.
- J. **Appeal Procedure:**
 - 1. In some cases, permit applications may be denied. Reasons for denial may include, but are not limited to, undue disruption to either pedestrian or vehicular traffic, undue interference with movement of public safety equipment, undue interference with the ability to provide public safety services, or interference with another permitted assembly.
 - 2. Should an application be denied, the applicant may appeal the decision within five (5) business days of the date notice is given to the applicant by submitting a written notice of appeal to the City Manager.
 - a) Should an applicant wish to appeal the decision made by the City Manager, the applicant may submit an additional letter of appeal to the City Manager to be brought to City Council.

IV. **Limitation on Special Events within the City:**

The City of Buena Vista is committed to supporting Special Events, recognizing the societal benefits, enhanced quality of life, and economic development, such events can generate. The City also recognizes the need to balance the beneficial aspects of Special Events with public budget and staff constraints and the interests of community members who are regular users of public streets, sidewalks, parks, and greenways and are adversely impacted by their closure. Therefore, the following limitations shall be considered by the approving agencies in the reservation process

- A. **Overall Limitation on events.** While there is no cap on the number of special events, the Special Events Review Panel has the discretion to disallow any event if it will create an undue burden on a particular geographic area or the City as a whole. The Special Events Review panel has the discretion to disallow an event if it provides constraints to public budget and/or staff for the City and any department, division, or agency thereof.
 - 1. The Special Events Review panel may establish a fee structure for use of City resources.
- B. **Event Priority:**

1. **Events Produced by the City.** Events produced by the City of Buena Vista have priority use of any public property or right-of-way. Other applications for special events are processed in order of receipt and subject to the requirements in section 3.
2. **Annual Events.** Applicants who held an event the previous year have priority for the same time and location the following year, subject to future compliance with section 3.
3. **Downtown Buena Vista Events.** The following items shall be considered by the Special Events Review Panel when reviewing applications for special events in the Downtown District:
 - a) Positive and negative impacts to other businesses, merchants, schools, and places of worship.
 - b) Impacts to pedestrian and vehicular traffic flow and public transportation, particularly during regular weekday business hours.
 - c) Ability of the City to provide necessary public safety and support personnel.
 - d) Suitability of the chosen venue for the size and scope of the proposed Special Event.

C. Permitted and Prohibited Activities:

1. Signs may not be so similar to traffic signs that motorists are likely to mistake them for actual road signs. No portion of a sign is allowed in the portion of the right-of-way available for use by motor vehicles
2. Any animals in a parade or gathering must be under constant control as provided for in the site plan. The site plan must make provisions either for the avoidance of animal waste being deposited on the ground during any parade or gathering or for the immediate removal of such waste. In addition to other requirements hereunder, in any event involving animals, the individual identified in section 3 paragraph B.1. will be responsible for the removal of all animal waste at the conclusion of the event.
3. The Buena Vista Police Department may mark off areas needed for sight distance by drivers, and persons participating in the event shall stand clear of such areas.
4. Accepting payment for goods or services is permitted only if the applicant has all necessary licenses.
5. Sleeping is not permitted as part of any organized public gathering.
6. No structures may be built or placed on public property except as permitted by a site plan or park rental contract.
7. No person may violate any city rules or regulations.

V. Revocation or Suspension of Permit:

- A. The City Manager may revoke or suspend any permit previously granted by him:

1. For violation of any provisions of this section or of any condition of the permit;
 2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
 3. When weather conditions render the subject activity unsafe; and
 4. When otherwise required in the interest of public health, safety and welfare or environmental considerations.
- B.** In the event a permit is revoked or suspended, the City Manager shall notify the responsible person as identified on the application, and then the permittee shall immediately discontinue, or cause to be discontinued, the special event for which the permit was granted, but shall thereafter be entitled to a hearing concerning the revocation or suspension decision and for prompt judicial review as provided above. The City shall not be liable for any damages, claims, costs, or expenses incurred by the event sponsor as a result of the revocation or suspension of a permit.

VI. Annual Policy Review: Each year City staff, in conjunction with the SERP, will review the Special Event Policy. Revisions may be made based on the prior years' experience.