

Agenda
Special Called Meeting
Aberdeen Town Board

June 29, 2015
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Consider action on Fiscal Year 2015-2016 Budget Ordinance.
2. Continuation of Public Hearing on Amendment to Code of Ordinances Regarding Consumption of Alcoholic Beverages at Special Events.
3. Consider action on an Amendment to the Code of Ordinances Regarding Special Events.
4. Consider action on an Amendment to the Code of Ordinances Regarding Consumption of Alcoholic Beverages.
5. Adjournment.

SPECIAL ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS WILL BE MADE UPON REQUEST TO THE EXTENT THAT REASONABLE NOTICE IS GIVEN TO THE TOWN OF ABERDEEN.

**TOWN OF ABERDEEN
 FISCAL YEAR 2015-2016
 OPERATING BUDGET ORDINANCE**

BE IT ORDAINED by the Governing Board of the Town of Aberdeen, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2015, and ending June 30, 2016, in accordance with the chart of accounts heretofore established for this Town:

Administration	\$	122,837
Special Appropriations	\$	30,325
Governing Body	\$	29,106
Finance	\$	334,417
Buildings & Grounds	\$	285,080
Contingency	\$	0
Police	\$	2,156,108
Fire/Rescue	\$	1,267,578
Planning	\$	563,728
Parks & Recreation	\$	421,052
Streets & Beautification	\$	648,992
Powell Bill	\$	508,000
Sanitation	\$	491,763
Debt Service	\$	<u>474,505</u>
 Total	 \$	 7,333,491

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2015, and ending June 30, 2016:

Ad Valorem Taxes	\$	3,459,423
Intergovernmental-State	\$	2,365,920
Intergovernmental-Local	\$	91,500
License & Permit Fees	\$	193,900
Service Fees	\$	365,000
Investments	\$	1,700
Rents/Leases	\$	152,612
Franchise Fees	\$	16,000
Contributions	\$	0
Recreation Fees	\$	61,500
Miscellaneous Revenue	\$	201,920
Appropriated Revenues	\$	<u>424,016</u>
Total	\$	7,333,491

Section 3. There is hereby levied a tax at the rate of forty-five (\$.45) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2015.

Section 4. The following amounts are hereby appropriated in the Water & Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2015, and ending June 30, 2016, in accordance with the chart of accounts heretofore approved for the Town:

Water Production	\$	980,541
Water/Sewer Operation	\$	1,905,858
Water Billing & Collections	\$	<u>101,460</u>
Total	\$	2,987,859

Section 5. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 2015, and ending June 30, 2016:

Water Usage Charges	\$ 1,350,000
Sewer Usage Charges	\$ 1,150,852
Bulk Water Charges	\$ 333,500
Water/Sewer Tap Fees	\$ 20,000
Acreage Fees	\$ 50,000
Late Fees & Reconnect Fees	\$ 40,000
Application Fees	\$ 8,000
NSF Fees	\$ 1,500
Contract Reimbursable	\$ 7,500
Interest Income	\$ 0
Miscellaneous	\$ 20,000
Appropriated Revenues	\$ <u>6,507</u>
Total	\$ 2,987,859

Section 6. Water and sewer usage rates for each bi-monthly billing cycle are hereby established as follows for the fiscal year beginning July 1, 2015, and ending June 30, 2016:

(on following page)

In-Town Water Rates (per billing cycle)

Residential Base Rate Charges (includes no usage)	\$12.00
Commercial & Institutional Base Rate Charges	\$15.00
Industrial Base Rate Charges	\$50.00
1,000 – 5,000 gallons	3.01 per thousand
5,001 – 10,000 gallons	3.22 per thousand
10,001 – 15,000 gallons	3.42 per thousand
15,001 – 20,000 gallons	3.63 per thousand
20,001 – 25,000 gallons	4.04 per thousand
Over 25,000 gallons	4.42 per thousand

In-Town Sewer Rates (per billing cycle)

Residential Base Rate Charges (includes no usage)	\$12.00
Commercial & Institutional Base Rate Charges	\$15.00
Industrial Base Rate Charges	\$50.00
1,000 – 5,000 gallons	3.37 per thousand
5,001 – 10,000 gallons	4.04 per thousand
10,001 – 15,000 gallons	4.69 per thousand
15,001 – 20,000 gallons	5.37 per thousand
20,001 – 25,000 gallons	6.05 per thousand
Over 25,000 gallons	6.71 per thousand

Out of Town Water Rates (per billing cycle)

Residential Base Rate Charges (includes no usage)	\$20.00
Commercial & Institutional Base Rate Charges	\$30.00
Industrial Base Rate Charges	\$100.00
1,000 – 5,000 gallons	6.04 per thousand
5,001 – 10,000 gallons	6.62 per thousand
10,001 – 15,000 gallons	7.19 per thousand
15,001 – 20,000 gallons	7.78 per thousand
20,001 – 25,000 gallons	8.35 per thousand
Over 25,000 gallons	8.94 per thousand

Out of Town Sewer Rates (per billing cycle)

Residential Base Rate Charges (includes no usage)	\$20.00
Commercial & Institutional Base Rate Charges	\$30.00
Industrial Base Rate Charges	\$100.00
1,000 – 5,000 gallons	6.73 per thousand
5,001 – 10,000 gallons	7.32 per thousand
10,001 – 15,000 gallons	7.89 per thousand
15,001 – 20,000 gallons	8.47 per thousand
20,001 – 25,000 gallons	9.04 per thousand
Over 25,000 gallons	9.63 per thousand

Duly adopted this _____ day of June, 2015, while in regular session.

Robert A. Farrell
Town Mayor

Attest:

Amy H. Fulp
Notary Public



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: Staff **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 6/25/2015

Agenda Item Title: Amendment to Code of Ordinances Regarding Consumption of Alcoholic Beverages

Date of Board Meeting to hear this item: 6/29/2015

Board Action Requested:

New Business	<input checked="" type="checkbox"/>	Information Only	<input type="checkbox"/>
Old Business	<input type="checkbox"/>	For Action at Future Meeting	<input type="checkbox"/> Date <u> </u>
Public Hearing	<input checked="" type="checkbox"/>	Informal Discussion & Public Comment	<input type="checkbox"/>
Other Business	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>

Summary of Information:

Text amendment to the Code of Ordinances regarding the consumption of malt beverages and fortified wine was scheduled for public hearing on 6/22/15 at the request of the Board of Commissioners and has been continued until 6/29/15.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):



MEMORANDUM TO THE BOARD OF COMMISSIONERS – June 29, 2015 Public Hearing

Description of Request

Request:

Code of Ordinance
Text Amendments
Regarding Special
Events and
Consumption of
Alcohol at Special
Events

Prepared by:

Pamela Graham,
Planning Director

Planning Staff has coordinated with Parks and Recreation Director Adam Crocker and Chief of Police Tim Wenzel to address needed updates to the town's special events policies and regulations. The attached draft text amendments propose revisions to the ordinance for consideration. A summary of the amendments proposed follows:

1. Special Event Permits will be issued, and subsequently revoked if warranted, by the Director of Parks & Recreation, in coordination with other relevant department heads, as opposed to the Board of Commissioners. This revision will remove the public hearing requirement for each Special Event Permit application submitted to the town.
2. The Board of Commissioners will continue to approve temporary street closures associated with a special event.
3. Submittal deadlines for Special Event Permits have been reduced unless a street closure is required.
4. A subsection has been added that requires that all special events comply with the Parks and Recreation Outdoor Special Event Guide.
5. The responsibility for determining if additional police and/or emergency medical personnel are required to ensure public health or safety shall be Chief of Police or Fire Chief, rather than the Town Manager.
6. Insurance requirements have been increased or otherwise amended to coordinate with the Outdoor Special Event Guide.
7. The arrangements for allowing sale and consumption of alcoholic beverages have been revised as such:
 - a. To require a fifty (50) foot separation from places of worship (or as required by the ABC Commission) and,
 - b. To allow persons under the age of twenty-one to be in the area where alcohol is sold and consumed and,
 - c. To amend language regarding the identification of persons twenty-one years of age or older to include the issuance of wristbands identifying them as such.

8. §111.01 of the Code is amended to clarify that alcoholic consumption on town properties is allowed under certain circumstances, with those circumstance and additional information to be found in the Special Events Ordinance.

Staff recommends that the Board of Commissioners accept public input for the proposed Code of Ordinance Text Amendments during the June 29, 2015 Public Hearing and render a decision on the proposals. The following motion format is recommended.

Motion 1: The Board (does/does not) approve the following amendments to the Town of Aberdeen Code of Ordinances:

- Amend Title IX, Article II “Special Events” as indicated in the attached draft text amendment;
- Amend Subsection 111.01 as indicated in the attached draft text amendment.

Enclosures: Special Events Text Amendment draft (clean version)
Special Events Text Amendment draft (Red-line version)
Subsection 111.01 Text Amendment draft (clean version)
Subsection 111.01 Text Amendment draft (Red-line version)

**AN ORDINANCE AMENDING THE ABERDEEN CODE OF ORDINANCES
REGARDING SPECIAL EVENTS**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN THE FOLLOWING:

Section 1. Aberdeen Code of Ordinances title IX, Article II, “Special Events,” is hereby amended as follows:

**Article II
Special Events**

§ 96.16 Activities Covered.

- (a) This article applies to all street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protection under the First Amendment of the United States Constitution, and/or that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this article shall hereafter be referred to as a “special event.”
- (b) This article shall not apply to:
 - (1) An activity occurring entirely on property owned by Moore County or another unit of government;
 - (2) Funeral processions;
 - (3) Student going to and from school or participating in an educational activity where such activity is under the immediate supervision and direction of proper school authorities; or
 - (4) A governmental agency acting within the scope of its function.
- (c) In addition to the requirements of this ordinance, all Special Events shall comply with the requirements and procedures detailed in the Aberdeen Parks and Recreation Department Outdoor Special Event Guide. In the event that the ordinance and guide conflict, this ordinance shall control.

§ 96.17 Permit Required.

No person may run, operate, or sponsor any special event in any public street or right-of-way without a permit obtained from the ~~Board of Commissioners~~ Director of Parks and Recreation in accordance with this Article.

§ 96.18

(a) A person seeking to obtain a special events permit shall file an application with the ~~Town Manager~~ Director of Parks and Recreation on a form provided by the ~~Manager Parks & Recreation Department~~ no less than ~~60~~ 30 days before the date the special event activity will commence, except that if the event requires the temporary closure of one or more streets, the application shall be filed no less than 60 days before the event date. The following information shall be contained in the application:

- (1) The name, address, and telephone number (~~and pager number, facsimile number,~~ and email address, if available) of the person seeking to conduct the special event, and the name, address, telephone number (~~and facsimile number~~ and email address, if available), of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the special event (collectively "Applicant");
- (2) The name, address, and telephone number (~~and pager number, facsimile number,~~ and email address, if available) for an individual who shall be designated as the "person in charge" or "responsible planner and on-site manager" of the special event;
- (3) The request date, time, place, and route (from starting point to ending point) of the special event, including the location where and time when the special event will assemble and disband, and any requested sidewalk or street closings;
- (4) The anticipated number of persons, vehicles, and things other elements that will constitute the special event (including the basis on which this estimate is made), and a description of the vehicles and things other elements that will be part of the special event;
- (5) A list of the number and type of animals that will be a part of the special event, and their intended use;
- (6) Any barrier or traffic control devices that will be erected; and the location of fire hydrants and electrical hook-ups, as well as the location of proposed concession stands, booths, platforms, benches, or bleacher, toilet facilities and garbage facilities;
- (7) A description of the extent to which the special event will occupy all of a portion of any street or sidewalk;

- (8) A general description of the activities planned during the special event, including whether any alcoholic beverages will be sold or consumed, and a sketch map of where such beverages will be sold and consumed;
 - (9) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the special event;
 - (10) Arrangements for additional police protection, and/or additional emergency medical services and/or liability insurance, if required under Section 96.16 and 96.24;
 - (11) The approximate number of anticipated spectators of the special event;
 - (12) Any additional information, attachments and submissions that are requested on the application form.
- (b) A special event permit issued under this article shall include the information set out in paragraph (a) of the Section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, manner and conditions of the special event.
- (c) The sponsor of a special event that consists of a series of activities spread over more than one day shall be required to obtain only one permit, which will cover the entire duration of the special event. This subsection applies only to special event activities lasting four months or less.

§ 96.19 Fees; Costs Incurred by the Town.

- ~~(a) At the time a permit application is submitted, the sponsor must pay a fee to cover the cost of advertising the public hearing provided for in Section 96.21. This fee is included in the fee schedule set by the Town Manager.~~
- ~~(a)(b)~~ Additionally, if the Town is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the ~~Town Manager~~ Chief of Police or Fire Chief otherwise determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, the ~~Board of Commissioners~~ staff person making such determination shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provisions of such services or equipment.

- ~~(c)(b)~~ The ~~Board of Commissioners~~ Chief of Police or Fire Chief may require the sponsor to ~~provide additional police/emergency medical services or to~~ pay the Town a fee sufficient to reimburse the Town for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the Town.

§ 96.20 Staff Review.

Upon receipt of the permit application and applicable fees, the ~~Town Manager~~ Director of Parks and Recreation shall circulate it to all appropriate department heads of the Town for their comment. The ~~Town Manager~~ Director of Parks and Recreation may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads of the Town.

§ 96.21 ~~Notice and Public Hearing.~~

- ~~(a) — Before issuing a permit, the Board of Commissioners shall hold a public hearing on the permit application. This hearing may be held at any regular or special meeting of the Board.~~
- ~~(b) — Notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.~~

(Reserved.)

§ 96.22 Standard for Issuance of Permit.

- (a) The ~~Board of Commissioners~~ Director of Parks and Recreation shall issue the permit authorizing the request special event activity unless it finds that:
- (1) The conducts of the activity will require the assignment of so many police officers that the remainder of the Town cannot adequately be protected; or
 - (2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be adequately provided throughout the Town; or
 - (3) Allowing the activity to be held would constitute a clear and present danger to the public health or safety; or
 - (4) The activity, if held at the time or location proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or

- (5) The activity will work a severe hardship on property owners or property occupants near the special event location as a result of the denial of access to their properties or for other substantial reasons; or
 - (6) The person in charge and/or the sponsor of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, ~~privilege licenses~~, and alcohol permit, or the application is otherwise in violation of any provisions of the Aberdeen Code of Ordinances or other applicable law; or
 - (7) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area or route during substantially the same time frame as allotted to the previously permitted activity.
- (b) The ~~Board of Commissioners~~ Director of Parks and Recreation may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued under this Article shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

§ 96.23 Modification; Alternate Permit.

- (a) If the ~~Board of Commissioners~~ Director of Parks and Recreation finds that it cannot issue the permit for any reason specified in section 96.22 of this Article, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice ~~or hearing~~.
- (c) If the ~~Board of Commissioners~~ Director of Parks and Recreation finds that it cannot issue the permit for any reason specified in section 96.22 of Article and if modification of the permit does not appear possible, the ~~Board~~ Director may, in ~~its~~ his or her discretion, issue a permit specifying an alternative location, route or time for special event activity.

§ 96.24 Insurance.

The ~~Board of Commissioners~~ Director of Parks and Recreation may require as a condition to the issuance of a permit that the sponsor obtain a comprehensive general liability insurance policy or comparable liability insurance coverage that includes the entire area or route of the special event activity. If such policy is required, the Town shall be named as an additional insured on the policy. The limits of such policy shall not be less than the following, and the ~~Board~~ Director may require higher limits of ~~it~~ he or she finds that the risks associated with the activity warrant such higher limits:

Property Damage	\$50,000 for each occurrence.
Bodily Injury or Death	\$100,000 for each person, \$300,000 for each occurrence.
Personal Injury	\$500,000 for each person
Personal Injury for Aggregate Liability	\$1,000,000
Property Damage	\$500,000 for each occurrence

§ 96.25 Town Indemnified.

Any sponsor obtaining a permit pursuant to this article agrees as a condition of the permit to indemnify the Town and hold the Town harmless from any expenses, including but not limited to attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

§ 96.26 Street Closings.

- (a) ~~If the Board of Commissioners finds that the permit should be issued and that to conduct the special event activity it is necessary to close a street to reroute traffic, it may pass a resolution authorizing this to be done.~~ The Board of Commissioners may authorize the temporary closure of a street for a Special Event. No such resolution shall be passed affecting streets that are part of the State Highway System without the approval of the North Carolina Department of Transportation.
- (b) A resolution passed pursuant to subsection (a) shall identify the street or portion thereof and shall indicate the date and time when the street or portion thereof is to be closed or access is to be limited in some way. The resolution shall also direct the Town ~~Manager~~ staff to have appropriate traffic control devices installed to give notice of the temporary traffic restrictions.
- (c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with this section.
- (d) At least seven (7) days prior to the start of any special event activity, the ~~Town Manager~~ Director of Parks and Recreation shall cause written notice to be provided to the occupants, or if they are unavailable the owners, of each property abutting the street(s) to be closed pursuant to a resolution passed under this section. For activities that are scheduled to occur less than seven (7) days after the permit application has been submitted, the ~~Town Manager~~ Director need only provide such notice as is reasonably possible.

§ 96.27 Person in Charge/Responsible Planner and On-Site Manager.

- (a) The person in charge shall be the person primarily responsible for complying with the requirements of this Article; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting and cleaning up after the activity.

- (b) The person in charge shall have the permit issued pursuant to this article, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by Town staff during the special events activity.
- (c) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor or other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

§ 96.28 Special Events Involving the Sale and Consumption of Alcoholic Beverages.

- (a) For any special event where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special event area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to ~~prevent underage persons from being permitted in to the area~~ issue wristbands to those persons 21 years of age or older.
- (b) Any area designated for the sale and consumption of alcoholic beverages as a part of a special event shall be located at least ~~150-50~~ feet from any church, mosque, synagogue or other place of worship, or as required by the NC Alcoholic Beverage Control Commission regulations.
- (c) No alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area for such sale or consumption.
- (d) Prior to the beginning of the special event, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured. ~~Copies of such permits shall be provided to the Director of Parks and Recreation.~~
- (e) Nothing in this article shall prevent the ~~Board of Commissioners~~ Chief of Police, Fire Chief, or their designee(s) from prohibiting the sale and /or consumption of alcoholic beverages at any special event if ~~the Board~~ he or she determines that such sale or consumption is not in the best interest of the health, safety, and welfare of the Town.

§ 96.29 Prohibitions.

The following prohibitions shall apply to all special events:

- (a) It shall be unlawful for any person to stage, present, or conduct any special event without first having obtained a permit under this Article.

- (b) It shall be unlawful for any person to participate in a special event for which the person knows a permit has not been granted.
- (c) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special events permit.
- (d) It shall be unlawful to assign or sell any special event permit granted under this Article.
- (e) All participants in any special event shall be subject to all other applicable local, state and federal laws.

§ 96.30 Public Conduct During Special Events.

- (a) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special event.
- (b) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a special event. The Chief of Police shall post signs to that effect, and shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

§ 96.31 Revocation of Permit.

- (a) The ~~Board of Commissioners, the Town Manager~~ Director of Parks and Recreation, or the Chief of Police shall have the authority to revoke a special permit upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.
- (b) After a permit is revoked under paragraph (a) this Section, the Chief of Police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

§ 96.32 Penalties.

A violation of any section or subsection of this article shall be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt or by a misdemeanor punishable by up to a \$500.00 fine as provided in Section 14-4 of the N.C. General Statutes.

Section 2. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of June, 2015.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk

“Clean” Version

AN ORDINANCE AMENDING THE ABERDEEN CODE OF ORDINANCES REGARDING SPECIAL EVENTS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN THE FOLLOWING:

Section 1. Aberdeen Code of Ordinances title IX, Article II, “Special Events,” is hereby amended as follows:

Article II Special Events

§ 96.16 Activities Covered.

- (a) This article applies to all street fairs, festivals, athletic events, carnivals, parades, marches, rallies, or other similar activities or public events not intended in whole or in part to exercise freedom protection under the First Amendment of the United States Constitution, or that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinder or prevent the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this article shall hereafter be referred to as a “special event.”

- (b) This article shall not apply to:
 - (1) An activity occurring entirely on property owned by Moore County or another unit of government;
 - (2) Funeral processions;
 - (3) Student going to and from school or participating in an educational activity where such activity is under the immediate supervision and direction of proper school authorities; or
 - (4) A governmental agency acting within the scope of its function.

- (c) In addition to the requirements of this ordinance, all Special Events shall comply with the requirements and procedures detailed in the Aberdeen Parks and Recreation Department Outdoor Special Event Guide. In the event that the ordinance and guide conflict, this ordinance shall control.

§ 96.17 Permit Required.

No person may run, operate, or sponsor any special event in any public street or right-of-way without a permit obtained from the Director of Parks and Recreation in accordance with this Article.

§ 96.18

- (a) A person seeking to obtain a special events permit shall file an application with the Director of Parks and Recreation on a form provided by the Parks & Recreation Department no less than 30 days before the date the special event activity will commence, except that if the event requires the temporary closure of one or more streets, the application shall be filed no less than 60 days before the event date. The following information shall be contained in the application:
- (1) The name, address, and telephone number (and email address, if available) of the person seeking to conduct the special event, and the name, address, telephone number and email address, if available, of the organization with which the person is affiliated or on whose behalf the person is applying to conduct the special event (collectively "Applicant");
 - (2) The name, address, and telephone number (and email address, if available) for an individual who shall be designated as the "person in charge" or "responsible planner and on-site manager" of the special event;
 - (3) The request date, time, place, and route (from starting point to ending point) of the special event, including the location where and time when the special event will assemble and disband, and any requested sidewalk or street closings;
 - (4) The anticipated number of persons, vehicles, and other elements that will constitute the special event (including the basis on which this estimate is made), and a description of the vehicles and other elements that will be part of the special event;
 - (5) A list of the number and type of animals that will be a part of the special event, and their intended use;
 - (6) Any barrier or traffic control devices that will be erected; and the location of fire hydrants and electrical hook-ups, as well as the location of proposed concession stands, booths, platforms, benches, or bleacher, toilet facilities and garbage facilities;
 - (7) A description of the extent to which the special event will occupy all of a portion of any street or sidewalk;

- (8) A general description of the activities planned during the special event, including whether any alcoholic beverages will be sold or consumed, and a sketch map of where such beverages will be sold and consumed;
 - (9) A general description of any recording equipment and sound amplification equipment, along with a general description of the size and composition of any banners, signs, flags, or other attention-getting devices to be used in connection with the special event;
 - (10) Arrangements for additional police protection, and/or additional emergency medical services and/or liability insurance, if required under Section 96.16 and 96.24;
 - (11) The approximate number of anticipated spectators of the special event;
 - (12) Any additional information, attachments and submissions that are requested on the application form.
- (b) A special event permit issued under this article shall include the information set out in paragraph (a) of the Section, which information shall constitute conditions of the permit to the extent such information sets out the time, place, manner and conditions of the special event.
 - (c) The sponsor of a special event that consists of a series of activities spread over more than one day shall be required to obtain only one permit, which will cover the entire duration of the special event. This subsection applies only to special event activities lasting four months or less.

§ 96.19 Fees; Costs Incurred by the Town.

- (a) If the Town is required to provide additional police protection and/or additional emergency medical services or any other extraordinary services or equipment or if the Chief of Police or Fire Chief otherwise determines that such additional police/emergency medical services or other extraordinary services or equipment should be provided for reasons related to public health or safety, staff person making such determination shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provisions of such services or equipment.
- (c) The Chief of Police or Fire Chief may require the sponsor to pay the Town a fee sufficient to reimburse the Town for providing additional police/emergency medical services or for providing the costs of any extraordinary services or equipment provided by the Town.

§ 96.20 Staff Review.

Upon receipt of the permit application and applicable fees, the Director of Parks and Recreation shall circulate it to all appropriate department heads of the Town for their comment. The Director of Parks and Recreation may arrange to have a conference on the application with the sponsor and/or applicant and one or more of the department heads of the Town.

§ 96.21

(Reserved.)

§ 96.22 Standard for Issuance of Permit.

- (a) The Director of Parks and Recreation shall issue the permit authorizing the request special event activity unless it finds that:
 - (1) The conducts of the activity will require the assignment of so many police officers that the remainder of the Town cannot adequately be protected; or
 - (2) The activity will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be adequately provided throughout the Town; or
 - (3) Allowing the activity to be held would constitute a clear and present danger to the public health or safety; or
 - (4) The activity, if held at the time or location proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
 - (5) The activity will work a severe hardship on property owners or property occupants near the special event location as a result of the denial of access to their properties or for other substantial reasons; or
 - (6) The person in charge and/or the sponsor of the activity has failed to obtain or does not intend to obtain any and all necessary permits or licenses, including but not limited to building permits, and alcohol permit, or the application is otherwise in violation of any provisions of the Aberdeen Code of Ordinances or other applicable law; or
 - (7) If permitted, the activity will conflict with any other activity previously permitted under this chapter by covering any part of substantially the same area or route during substantially the same time frame as allotted to the previously permitted activity.
- (b) The Director of Parks and Recreation may attach any reasonable conditions to the issuance of a permit; and any special event conducted pursuant to a permit issued

under this Article shall be conducted strictly in accordance with the terms of the permit, including any conditions attached to the permit.

§ 96.23 Modification; Alternate Permit.

- (a) If the Director of Parks and Recreation finds that it cannot issue the permit for any reason specified in section 96.22 of this Article, it may request that the applicant modify its application to remove said objection(s) to the issuance of the permit, and the applicant may do so without further notice.
- (c) If the Director of Parks and Recreation finds that it cannot issue the permit for any reason specified in section 96.22 of Article and if modification of the permit does not appear possible, the Director may, in his or her discretion, issue a permit specifying an alternative location, route or time for special event activity.

§ 96.24 Insurance.

The Director of Parks and Recreation may require as a condition to the issuance of a permit that the sponsor obtain a comprehensive general liability insurance policy or comparable liability insurance coverage that includes the entire area or route of the special event activity. If such policy is required, the Town shall be named as an additional insured on the policy. The limits of such policy shall not be less than the following, and the Director may require higher limits of he or she finds that the risks associated with the activity warrant such higher limits:

Personal Injury	\$500,000 for each person
Personal Injury for Aggregate Liability	\$1,000,000
Property Damage	\$500,000 for each occurrence

§ 96.25 Town Indemnified.

Any sponsor obtaining a permit pursuant to this article agrees as a condition of the permit to indemnify the Town and hold the Town harmless from any expenses, including but not limited to attorney's fees, litigation costs and judgments, incurred as a result of claims made for damages arising out of the permitted activity.

§ 96.26 Street Closings.

- (a) No such resolution shall be passed affecting streets that are part of the State Highway System without the approval of the North Carolina Department of Transportation.
- (b) A resolution passed pursuant to subsection (a) shall identify the street or portion thereof and shall indicate the date and time when the street or portion thereof is to be closed or access is to be limited in some way. The resolution shall also direct the Town staff to have appropriate traffic control devices installed to give notice of the temporary traffic restrictions.

- (c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with this section.
- (d) At least seven (7) days prior to the start of any special event activity, the Director of Parks and Recreation shall cause written notice to be provided to the occupants, or if they are unavailable the owners, of each property abutting the street(s) to be closed pursuant to a resolution passed under this section. For activities that are scheduled to occur less than seven (7) days after the permit application has been submitted, the Director need only provide such notice as is reasonably possible.

§ 96.27 Person in Charge/Responsible Planner and On-Site Manager.

- (a) The person in charge shall be the person primarily responsible for complying with the requirements of this Article; for obtaining all required permits and/or approvals prior to the start of the special event activity, and for setting up, conducting and cleaning up after the activity.
- (b) The person in charge shall have the permit issued pursuant to this article, as well as any other required permits or approvals necessary for the activity, available at all times for inspection by Town staff during the special events activity.
- (c) The person in charge shall be responsible for cleaning up any litter caused by the special event activity; removing any temporary signs or structures erected by the sponsor of other individuals or organizations participating in the activity; and in returning the area where the activity takes place to the condition that existed prior to the activity.

§ 96.28 Special Events Involving the Sale and Consumption of Alcoholic Beverages.

- (a) For any special event where alcoholic beverages will be sold and consumed, the person in charge of the event shall ensure that an area within the special event area is designated for the sale and consumption of alcoholic beverages. The perimeters of the area shall be clearly marked, and entrance to the area shall be constructed so as to allow ready control of patrons, including the viewing of identification to issue wristbands to those persons 21 years of age or older.
- (b) Any area designated for the sale and consumption of alcoholic beverages as a part of a special event shall be located at least 50 feet from any church, mosque, synagogue or other place of worship, or as required by the NC Alcoholic Beverage Control Commission regulations.
- (c) No alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area for such sale or consumption.

- (d) Prior to the beginning of the special event, the person in charge shall ensure that all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured.
- (e) Nothing in this article shall prevent the Chief of Police, Fire Chief, or their designee(s) from prohibiting the sale and /or consumption of alcoholic beverages at any special event if he or she determines that such sale or consumption is not in the best interest of the health, safety, and welfare of the Town.

§ 96.29 Prohibitions.

The following prohibitions shall apply to all special events:

- (a) It shall be unlawful for any person to stage, present, or conduct any special event without first having obtained a permit under this Article.
- (b) It shall be unlawful for any person to participate in a special event for which the person knows a permit has not been granted.
- (c) It shall be unlawful for any participant in a special event to knowingly fail to comply with any conditions of the special events permit.
- (d) It shall be unlawful to assign or sell any special event permit granted under this Article.
- (e) All participants in any special event shall be subject to all other applicable local, state and federal laws.

§ 96.30 Public Conduct During Special Events.

- (a) No person shall unreasonably hamper, obstruct, impede, or interfere with any person, vehicle, animal, or thing participating or used in any special event.
- (b) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a special event. The Chief of Police shall post signs to that effect, and shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs.

§ 96.31 Revocation of Permit.

- (a) The Director of Parks and Recreation or the Chief of Police shall have the authority to revoke a special permit upon a violation of any conditions of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health or safety of persons or property.

- (b) After a permit is revoked under paragraph (a) this Section, the Chief of Police shall notify the applicant of the reasons for the revocation in writing by mailing a copy of the revocation to the applicant by registered or certified mail, return receipt requested, which mailing shall be posted no later than the first business day after the revocation.

§ 96.32 Penalties.

A violation of any section or subsection of this article shall be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt or by a misdemeanor punishable by up to a \$500.00 fine as provided in Section 14-4 of the N.C. General Statutes.

Section 2. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of June, 2015.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk

“Red-line” Version

**AN ORDINANCE AMENDING THE ABERDEEN CODE OF ORDINANCES
REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN THE FOLLOWING:

Section 1. Aberdeen Code of Ordinances Section 111.01, “Consumption on Public Property Prohibited,” is hereby amended as follows:

§ 111.01, “Consumption on Public Property Prohibited,”

It shall be unlawful for any person to drink or consume beer, wine or other intoxicating beverage on any public street, alley, sidewalk, town park ~~(with the exception of the Aberdeen Lake Recreation Station)~~ or any other public property within the corporate limits of the town whether in a vehicle or on foot, except during an event at the Aberdeen Lake Recreation Station or as part of a special event, as that term is defined in section 96.16. Events held at the Aberdeen Lake Recreation Station shall be held in accordance with the rules and policies established by the town. Special events permits shall be issued in accordance with sections 96.16 through 96.31. ~~Alcoholic beverages may be consumed at the Aberdeen Lake Recreation Station during special events upon demonstration of receipt of an ABC permit from the North Carolina Alcoholic Beverage Control Commission. The area of consumption is limited _____ to the inside of the recreation building only. Security is required on site for the duration of the event.~~

Section 2. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of June, 2015.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk

“Clean” Version

**AN ORDINANCE AMENDING THE ABERDEEN CODE OF ORDINANCES
REGARDING CONSUMPTION OF ALCOHOLIC BEVERAGES**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN THE FOLLOWING:

Section 1. Aberdeen Code of Ordinances Section 111.01, “Consumption on Public Property Prohibited,” is hereby amended as follows:

§ 111.01, “Consumption on Public Property Prohibited,”

It shall be unlawful for any person to drink or consume beer, wine or other intoxicating beverage on any public street, alley, sidewalk, town park or any other public property within the corporate limits of the town whether in a vehicle or on foot, except during an event at the Aberdeen Lake Recreation Station or as part of a special event, as that term is defined in section 96.16. Events held at the Aberdeen Lake Recreation Station shall be held in accordance with the rules and policies established by the town. Special events permits shall be issued in accordance with sections 96.16 through 96.31.

Section 2. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of June, 2015.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk