

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, January 27, 2016
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of January 13, 2016 Town Council Minutes
5. 1st Reading of Ordinance
 - A. Ordinance #2016-1 Special Events Policy
6. Departmental Reports
 - A. Gene Dvornick – Town Manager
7. Public Comment
8. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).



ORDINANCE #2016-1

AN ORDINANCE TO AMEND THE CODE TO THE TOWN OF GEORGETOWN, BY AMENDING CHAPTER A240, ENTITLED POLICIES

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND HEREBY ORDAINS:

Section 1. The Code of the Town of Georgetown is hereby amending Chapter A240, Policies, to read as follows:

ARTICLE V **Special Events Policy**

§ A240-18. Definitions

§ A240-19. Types of Events

§ A240-20. General Policies

§ A240-21. Special Event Permit Submittal Requirements

§ A240-22. Event staffing

§ A240-23. Event Payment for Town Services

§ A240-24. Parking

§ A240-25. Neighborhood Block Parties

§ A240-26. Grounds for Denial of Permit

§ A240-27. Approval

§ A240-28. Appeal Process

§ A240-18. Definitions

- A) **Special Event** — **A special event is a non-routine happening or social activity bringing people together in a defined area on Town facilities, right of way, or private property which requires Town services to ensure safety and coordination. Special events include activities such as festivals, concerts, sporting events, parades, walks and runs, etc.**
- B) **Producer** — **An organization that is responsible for all aspects of an event or performance (advertising, marketing, talent costs, insurance, hold harmless agreement, etc.) and is responsible for all revenue and expenses for that event.**
- C) **Sponsor** — **A business, organization, agency or individual who gives cash or in-kind product or service to support a producer of an event or production by agreement, for the benefit of that agency, business, organization or person.**

§ A240-19. Types of Events

- A) **Major Event** — **An event of one or more day duration with a cost of over \$12,000 for Town services, staff time and equipment use.**

- B) Intermediate Event — An event of one or more day duration with a cost of between \$1,500 and \$12,000 for Town services, staff time, and equipment use.
- C) Minor Event — An event of one day or less duration, with a cost of under \$1,500 for Town services, staff time, and use of equipment.

§ A240-20. General Policies

- A) Event producers are required to obtain all Town, State, County and Health Department permits, licenses and/or inspections as may be needed.
- B) Event producers are responsible for submitting in writing permission as may be required from other governmental agencies and private property owners for use of their sites for an event.
- C) Event producers are responsible for overall event planning and management, promotion, marketing, advertising, entertainment, and vendor selection. The event producer is responsible for actions of their vendors. The Town may, at its discretion, announce the event on its web site and other printed publications.
- D) Only three (3) major events will be allowed per month.
- E) A major and intermediate event will not be allowed on the same day.
- F) No more than two (2) intermediate events will be allowed within the same week.
- G) Only four (4) intermediate events will be allowed in a month where there is a major event and only five (5) will be allowed in a month without a major event.
- H) Multiday and/or single day events will only be allowed three (3) weekends (Saturday and Sunday) in any given month, excluding minor events.
- I) Event producers are required to submit required certificates of insurance, to include liquor liability when applicable, hold harmless agreements, on behalf of themselves and their contractors/vendors, and any required cash bonds or deposits to the Town at least two (2) weeks before the event.
- J) First time events will be required to make a nonrefundable deposit in an amount as outlined below:
 - a. Minor Event \$75.00
 - b. Intermediate Event \$150.00
 - c. Major Event \$250.00
 - d. Deposit fee shall be due at time of application submittal
 - e. All deposits shall be applied to offset the cost incurred for Town Services
- K) All events will be approved or disapproved by the Town Manager.

§ 240-21. Special Event Permit Submittal Requirements

A) Submittal Time

1. **Major Event – Initial requests including permit application and all back up material, must be submitted to the Town Manager or his designee at least 120 days prior to the event, but not more than 12 months in advance.**
2. **Intermediate Event — Initial requests including permit application and all back up material must be submitted to the Town Manager or his designee at least 90 days before the event, but not more than 12 months in advance.**
3. **Minor Event — Initial requests including permit application and all backup material must be submitted to the Town Manager or his designee at least 30 days prior to the event, but not more than 6 months in advance.**

B) Submittal Requirements

1. All Events

- a. **Town of Georgetown Special Event Application**
- b. **Event budget to include revenues and expenses and previous year's actual if not a new event**
- c. **Site Plan**
- d. **Certificate of Event Liability Insurance naming the Town as a certificate holder and additional insured**
- e. **Hold Harmless Agreement**

2. The following additional items may be required based on the size and nature of the event:

- a. **Parking Plan**
- b. **Traffic Plan**
- c. **Private security plan**
- d. **Alcohol control plan**
- e. **Police security plan**
- f. **Alcohol Liability Insurance**
- g. **Maintenance/cleanup plan**
- h. **Entertainment schedule**
- i. **Load in and take down schedule**

If the applicant seeks a waiver of any Town ordinance, that request must be made in conjunction with the special event application.

§ A240-22. Event staffing

1. **Police — police or other trained non-sworn personnel may be required.**
 - a. **At the discretion of the Chief of Police or his/her designee based upon projected attendance numbers, type of event, traffic/pedestrian concerns, geographic location, and site layout.**
 - b. **Mandatory police personnel are required for events where alcohol is served or sold by the event producer, event vendor, or other businesses within the designated event area.**
 - c. **When mandated by the Delaware Department of Transportation (DelDOT) during events requiring closure of The Circle.**
2. **Public Works & Maintenance – Public Works staff may provide assistance when requested for event site cleanup and trash collection and disposal. Event producers may substitute this function with volunteers and/or private contractor with Town approval. Public Works staff will also set up and take down Town stage(s) when requested.**
3. **Public Works – The event producer will prepare and submit required DelDOT permits for street closures. Public Works will install barricades, set up portable light towers and generators, if requested.**

§ A240-23. Event Payment for Town Services

- A) **Town Produced or Co-Produced Events: There are no charges levied for any Town services or rentals for Town produced or co-produced events.**
- B) **School Produced Events: There are no charges levied for any minor events that are produced by a public or private school located within the Indian River School District.**
- C) **All Other Events: All other event producers, whether a nonprofit or for a profit private producer, will be required to pay 100% of all Town staff costs for service provided for the event.**

The event producer is also required to pay 100% of land and/or equipment rental, signage, stage rentals, trash boxes and liners, and vehicle towing costs. Equipment rentals include but are not limited to barricades, message boards, arrow boards, tables, chairs, tents, light towers, port-a-potties and portable generators.

In addition, event producers will be required to pay for any site damage caused by their event, pressure cleaning, and any other site cleanup necessary, plus any fines that may be levied.

Payment to the Town is due within sixty (60) days of receipt of the Town invoice. Failure to pay within this time frame could be grounds for denial of future events.

D) Events that include food preparation and service vendors shall at the discretion of the Town:

- 1. Provide a container of adequate capacity designed for grease and oil collection containers, the contents of which shall be legally disposed of by a certified hauler.**
- 2. Provide a dumpster of sufficient size and type for garbage and trash collection, contents of which shall be disposed of by a certified hauler.**
- 3. The above are the sole responsibility of the event producer.**

E) Permit Fees: Permit fee are established under Section III General Policies, Item J.

§ A240-24. Parking

- A) Reserved Parking: Event producers may request use of Town owned surface lots for reserved parking. Requests need to be in writing and/or on the site plan included in the event permit package.**

§ A240-25. Neighborhood Block Parties

Permit applications for neighborhood block parties will be reviewed by the Town Manager or his designee. Consideration of approval will be based upon the following policies:

- A) Permit applications must be submitted by a property owner on the block and received in writing by the Town Manager's Office at least 30 days prior to the event.**
- B) Approvals will only be given for closure of the street for one (1) block, as determined upon the two intersecting perpendicular streets at either end of closed street.**
- C) Consumption or sale of alcohol on Town rights-of-way will not be permitted.**
- D) Structures other than barricades are not allowed in the Town rights-of-way.**
- E) Applicant will be required to pay all Town costs that may be incurred.**
- F) Impacts due to other events will be considered in approval process.**
- G) Applications will not be approved for any activity which extends beyond 10 p.m.**

§ A240-26. Grounds for Denial of Permit

Permit applications shall be reviewed by the Town Manager or his/her designee within thirty (30) days of submission of the permit application. Permits may be denied for any of the following reasons:

- A) **The application for permit (including any required attachments and submissions) is not fully completed and executed;**
- B) **Untimely submittal of permit application less than the minimum submittal day requirements per section IV (A);**
- C) **The applicant has not tendered the required application deposit with the application, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Town Manager or his/her designee;**
- D) **The applicant has not tendered the required fee, or a portion thereof, for prior year's events;**
- E) **The application for permit contains a material falsehood or misrepresentation;**
- F) **The applicant is legally incompetent to contract or to sue and be sued;**
- G) **The applicant or person on whose behalf the application for permit was made has on prior occasions damaged municipal property within the Town of Georgetown and has not paid in full for such damage, or has other outstanding and unpaid debts to the Town of Georgetown;**
- H) **A fully executed prior application for permit for the same time and/or 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 municipal property or part hereof, or multiple events on the same day(s).**
- I) **The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Town of Georgetown and previously scheduled for the same time and place;**
- J) **The proposed use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, or Town Employees or of the public;**
- K) **The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Town concerning the sale or offering of any goods or services;**
- L) **The use or activity intended by the applicant is prohibited by law, by the Town's Code of Ordinances or by these regulations.**
- M) **The applicant's staffing/parking needs cannot be met by the Town.**

§ A240-27. Approval

The Town Manager, or his/her designee, shall be allowed to approve all special events, provided that they meet the requirements of this policy. In the case of a new special event, the Town Manager, or his/her designee, shall only be allowed to approve Minor and Intermediate special events. The Town Council shall approve all new Major special events.

§ A240-28. Appeal Process

Special Event Permit or waiver denials may be appealed in writing to the Town Council within fifteen (15) days of the denial. The Town Council must render a written decision within ten (10) days after the Town Council meeting at which the appeal was considered.

Section 2. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____ A.D., 2016.

William E West, Mayor

Steve M Hartstein, Secretary

1st Reading: January 27, 2016
2nd Reading: February 10, 2016
Adoption: February 10, 2016