



City of Lincolnton – Special Event Policy

Section 1. Purpose

The City of Lincolnton supports special events, including festivals, shows, performances and programs as these events contribute to quality and promote the community. The City provides general services and operational support for special events to ensure public safety, to create an environment for a well-organized special event and to ensure a pleasant experience for participants. Adequate advance planning and coordination are key components to the success and safety of any outdoor special event.

The City of Lincolnton has developed this Special Events Policy to facilitate advance planning, coordinate scheduling and arrange for appropriate city services and support operations to serve the event in a timely manner. Event Organizers are required to secure a Special Event Permit in advance of the event date.

Section 2. Definitions of Terms in this Policy are defined as follows:

2-1. Special Event.

A special event is defined as a pre-planned event, whether publicly and/or privately sponsored, which is proposed to be held on public property, including but not limited to parks, streets and/or sidewalks. All special events require a Special Event Permit issued by the City of Lincolnton. There are two categories of Special Events:

- a. Park and/or Street Festival - Park and/or Street Festival means an organized neighborhood or public gathering on a public right-of-way (street, sidewalk, parking lot or alley) or public park on a specified date at a specific time in a designated area that may or may not require street closures or an admission fee to enter and participate.
- b. Procession/Parade/Organized Competitive Event - Procession/Parade means a public or private march, run, cortege, walk, cavalcade, autocade, parade of any kind, other gathering of persons that occurs upon public right-of-way, park or both in an area used for vehicular traffic. Organized Competitive Event means any planned race, walk, derby, or event that involves a contest of skill and/or strength and takes place upon public right-of-way or park.

2-2. Event Classification & Costs.

a. City-Sponsored/Operated Special Events

Events that are created, planned, and implemented by City Departments or Agencies. Funding for City sponsored events is reviewed annually during the budget process. All fees are waived for events falling within this category. City may seek sponsorships to offset event costs.

b. City Co-Sponsored Special Events (Signature Events)

Events that are created, planned, and implemented by non-City Agencies. Support for the co-sponsored events may include in-kind services from City staff based on regular staff hours, waiver of some or all fees, and/or financial support limited to funds approved in City's annual budget. Cost recovery expenses are to be paid to City agencies and may include staff overtime, supplies, materials, and other direct expenses.

c. Non-City Sponsored Special Events

Events that are created, planned, and implemented by non-City Agencies. The City does not provide financial support for these events and expects to be reimbursed for all costs associated with the activity, including overtime expenses, supplies, materials, and permit fees. In the case of Non-Profit Events, the City may, upon approval by the City Manager, assist with the event/activity operation by providing some services from City staff at no charge. Event organizers of a Non-Profit Special Event must submit a current IRS 501(c)3 Statement.

2-3. Event Organizer. A representative of the sponsoring organization or the individual in charge of planning and implementing the special event. The person submitting the permit application must be an adult age 18 years or older.

2-4. Events and Facilities Supervisor. City of Lincoln staff member who administers the Special Events Policy and permit application process.

2-5. Special Events Permit. An approval document issued by the City of Lincoln upon completion of the application process that officially schedules the event and identifies requirements for appropriate city services and operations after payment of any required fees.

2-6. City Services. Services provided by the City of Lincoln in support of special events, including regular and over-time staff hours, supplies, and/or other services.

Section 3. Application of this Policy

This policy shall apply to all events taking place in the public right-of-way or for which the event organizer is requesting use of city resources, services, or personnel. Examples of outdoor special events include, but are not limited to, festivals, concerts, parades, runs and rallies.

Note: The following activities are exempt from this outdoor special event policy:

- a. Funeral processions,
- b. Group demonstrations or lawful picketing on sidewalks, subject to Chapter 94 of the Lincoln City Code, and
- c. Sidewalk dining, subject to Chapter 14 of the Lincoln City Code
- d. Filming activities are covered under the City of Lincoln Film Policy.

Section 4. Special Events Permit

4-1. Application Procedure. At the beginning of the event planning process, the Event Organizer should contact the City of Lincoln Events and Facilities Supervisor to assess needs for City of Lincoln services and operational support and to obtain a copy of the Special Events Permit Application.

- a. The Event Organizer should complete the application with required attachments and return it to the Events and Facilities Supervisor no later than 45 days prior to an event. Applications for special events that include a request for a temporary closure of a state-maintained street are advised that the North Carolina Department of Transportation requires closure notification be submitted to NCDOT for approval no later than 120 days prior to the event.
- b. The Events and Facilities Supervisor will review the application for completeness and route the application to the appropriate City staff for acknowledgement of service and operations support for the event and for comment. When all requirements listed on the application have been met, the Events and Facilities Supervisor will issue a Special Event Permit to the Event Organizer for the specific event at the specified times and locations.
- c. The City of Lincoln reserves the right to deny event activities that, in the City's view, pose a threat to public health and safety and/or if determined that the City or Event Organizer will be unable to provide adequate services to ensure public health and safety during the event. The Events and Facilities Supervisor may convene the appropriate City staff to meet with the Event Planner prior to issuing the permit and as needed after the permit is issued to facilitate coordination of activities and services.

4-2. Change in Plans. The permit is issued based on the conditions outlined in the permit application. The Event Organizer must notify the Events and Facilities Supervisor about any changes in plans, activities and/or service requirements as soon as possible, and no later than three weeks prior to the event so that accommodations can be made, if feasible. If accommodations for the proposed changes are not feasible, then the Event Planner must follow the arrangements specified in the permit application.

4-3. Permit Amendments. The Events and Facilities Supervisor shall document changes in plans in writing as an amendment to the Special Events Permit and circulate to respective City departments.

Section 5. Locations for Special Events

5-1. Events Located Within Right-of-Way. Many outdoor special events involve a temporary street closure. If the special event involves the temporary closure of a public street, use of sidewalks or other public property including event activities using parking spaces on city streets, the event organizer will need approval from the City. If the special event involves the closure of a state-maintained street, the event will also need to be approved by the North Carolina Department of Transportation. NCDOT requires 120 advance notification to approve all special events that request to temporarily close a state-maintained street. The city will facilitate this approval process but cannot guarantee NCDOT approval for requests made less than 120 days before the planned event.

5-2. Pre-Designated Routes for Organized Runs or Races. The City of Lincolnton has several pre-designated routes available for organized runs or races. Run or race event organizers are encouraged to utilize one of these pre-designated routes.

5-3. City Facilities. Event organizers may also consider use of the following City of Lincolnton public facilities that are available for outdoor special events subject to approval by the Parks and Recreation Department:

- a. Betty G. Ross Park
- b. Highland Drive Park
- c. City Park
- d. First Federal Park

Section 6. Charges and Fees

6-1. Schedule of Fees. The City may collect fees for one or more of the activities included with the special event, as outlined by the City of Lincolnton Fee Schedule. Fees may also be charged by agencies other than the City of Lincolnton for required permits and/or services. It is the Event Organizer's responsibility to identify and pay such fees.

6-2. Payment of Fees. Payment of any required fees is due to the City prior to receipt of the outdoor special event permit.

Section 7. Rules, Regulations and Requirements for Special Events

7-1. Availability/Visibility of Event Organizers Prior to and During the Event. During setup and the event itself, the Event Organizer or a designee must be on-site at all times. The Event Planner should be prepared to handle questions and problems regarding the event, such as resolving disputes among vendors, rain delays and coordination of City services.

7-2. Care of Public Property. The Event Organizer shall ensure that public property is protected from damage other than normal wear and tear, including, but not limited to, vandalism; damage to grass, shrubbery, or trees; damage to monuments, benches, or other amenities; damage to utilities and damage to sidewalks, asphalt in streets and parking lots.

7-3. Removal of Publicity Items. The Event Organizer is responsible for removal of any flyers, banners, posters and/or temporary signs placed in public areas to publicize the event immediately following the end of the event.

7-4. No Posting on Poles or Regulatory Signs. In accordance with City of Lincolnton regulations, event signs are not allowed to be attached to electric utility poles or to regulatory signs.

7-5. Permits from Other Agencies. The Event Organizer is responsible for securing any other required permits, permissions, or services from agencies other than the City of Lincolnton that may have jurisdiction over activities at the special event. A copy of these permits must be provided to the City for the Special Event file.

7-6. Insurance. Special Events require a Certificate of Insurance covering the specific event in the minimum aggregate amount of one million dollars (\$1,000,000). Insurance coverage must name the City of Lincolnton as an additional insured.

7-7. Fire Prevention. Event activities must comply with the City of Lincolnton and the North Carolina State Fire Code as administered by the City Fire Marshal.

7-8. Waste Disposal. It is unlawful to dispose of solid and/or liquid wastes in rivers, creeks, drainage ways, storm sewers, streets, parking lots or park areas. It is the responsibility of the sponsoring organization to arrange for proper disposal of grease and/or hazardous materials generated at the special event.

7-9. Portable Restrooms. It is the responsibility of the event organizer to provide adequate on-site restrooms to meet the specific needs of the event. The required number and location of restrooms for any event shall be determined by the City.

7-10. Tents/canopies.

- a. No tents and/or canopies shall be staked. All tents and/or canopies shall be secured or weighted down at all corners.
- b. No tent and/or canopy shall be erected within fifteen (15) feet of a fire hydrant or obstruct any building exit or doorway.
- c. Tents and/or canopies may not entirely block streets. A minimum of 14 feet clearance width and 13.5 feet overhead height for fire vehicle access must be maintained on all streets.
- d. Tents over cooking and/or open flames shall be required to have an attached label indicating flame resistance by National Fire Protection Association (NFPA), North Carolina State Fire Marshall, or other approved testing agency.
- e. There are additional requirements for tents and/or canopies depending on size and use. Tents and/or canopies 700 square feet or less, or when the aggregate total of multiple tents and/or canopies side by side do not exceed 700 square feet without a fire break of twelve feet, are exempt from being certified as flame retardant if all the following are met:
 - i. No enclosing side walls are present.
 - ii. No cooking or open flames.
 - iii. A minimum of twelve feet clearance is present from other structures or tents.
 - iv. At least one UL rated 2A, 10B or 10C extinguisher shall be provided for all tents exceeding 500 square feet or any size tent where there is cooking with open flames. When cooking areas include deep fryers, one (1) Class K portable fire extinguisher shall be provided for every four (4) fryers. Additional extinguishers may be required after the inspection. All required fire extinguishers shall bear a tag by a certified company verifying that the fire extinguisher has been inspected within the last 12 months. LP Gas use shall be restricted to cylinders no larger than 125 gallons water capacity (100 pounds of gas). Cylinders shall be secured to prevent over-turning.

7-11. Pets. No pets shall be allowed in the event area during Special Events unless authorized as a part of the application review. Exception shall be made for persons requiring the use of trained service animals. Service animals shall have proper identification. Service animals that pose a direct threat to others by growling, lunging, or otherwise menacing people can be barred from public access.

7-12. Alcohol. Any Special Events that serve beer, wine, spirits or other alcoholic beverages will require a contract with the City of Lincolnton approved by City Council and must adhere to all North Carolina Alcoholic Beverage Control rules, regulations and requirements.

Section 8. Provision of City of Lincolnton Services and Operational Support to Event

With proper advance notification as outlined in the Special Events Permit process, the City of Lincolnton can provide the following services and operational support for special events:

8-1 . Public Safety. Routine police and fire services are provided by the City of Lincolnton.

- a. The Police and Fire Departments will assess the need for traffic and/or crowd control and emergency response in advance based on information provided on the Special Event Permit Application and/or interviews with the event coordinator.
- b. During event set up, implementation and follow-up, public safety officials may open or close areas or take other actions that may impact the event in order to preserve public safety.
- c. The City of Lincolnton reserves the right to suspend an activity or activities if circumstances pose a threat to public health and safety and/or to public or private property.
- d. Police and fire personnel stationed on location at the event by the City are subject to being called away for emergencies in other areas of the City.
- e. The City of Lincolnton Police and Fire Departments reserve the right to determine the number of on duty and/or off duty public safety personnel needed to safely accommodate the event. If the City determines that off duty public safety personnel are required to safely accommodate the special event, hourly charges may apply for the off-duty personnel as determined by the City Police and Fire Departments.

8-2. Street closings. Upon request, the City can provide barrels, cones, and/or barricades for blocking of streets in accordance with the required deadlines prior to the event.

- a. The Event Organizer may be required to set up barrels, cones and/or barricades that the City has delivered to the event venue.
- b. Any outdoor special event request that includes a request to temporarily close a state-maintained street requires the approval of the NC Department of Transportation and submittal of the application a minimum of 120 days in advance of the event.

8-3. Solid waste services. Upon request, the City may provide delivery of temporary garbage containers to the event location prior to the event.

- a. The Event Organizer may need to place the containers in the desired location.
- b. The City will remove temporary containers at the conclusion of the event and may require that the Event Organizer consolidate containers into a single location.

8-4. Electrical and water services. Upon request, the City may provide electrical and water connections for the event.

8-5. Publicity resources. While it is the responsibility of the Event Organizer and/or sponsoring organization to notify the public about the event, the City may be able to assist with event publicity through the City's community calendar listings, the City's web site, social media and/or city outdoor signage.

Section 9. General Restrictions

9-1. Natural or civil disasters. In the event of natural or civil disasters, the City reserves the right to cancel all outstanding special event permits within the City limits. Should evacuation of a street or neighborhood be deemed necessary by fire, police, or other emergency authorities, all outstanding permits for that area are null and void. Permits will be re-granted as soon as possible following a safety evaluation by the City.

9-2. Public Safety. The City reserves the right to change, modify, update, or waive provisions of these policies where necessary for the public's safety.

9-3. Permit Cancellation or Restriction. The City reserves the rights to cancel special event permits and/or take further restrictive actions where necessary to assure adherence to these standards.

Section 10. Disclaimer of Liability; Indemnity

Every person and/or organization to whom a Special Event Permit is issued and every person who attends an Special Event acknowledges and agrees that the City of Lincolnton, its elected officials and employees, shall not be held liable for any injury, loss, damage, liability or obligation arising out of, or connected in any manner with, the planning, permitting, or conduct of an Special Event.

Every person and/or organization to whom a Special Event Permit is issued, as a condition of the issuance of the Outdoor Special Events Permit, agrees to indemnify and hold harmless the City of Lincolnton.

SPECIAL EVENT RELEASE AND INDEMNITY AGREEMENT

AGREEMENT TO RELEASE AND INDEMNIFY THE CITY OF LINCOLNTON, NC FOR

SPECIAL EVENT: _____

TO BE HELD ON: _____ from _____ to _____
Day/Date/Time

AT LOCATION: _____

Entity/Event Organizer

In consideration of the issuance of the special event permit by the City of Lincolnton, NC (hereinafter "City") to _____ (hereinafter "Event Organizer") for the above event (hereinafter the "event") and other good and valuable consideration, Event Organizer hereby agrees as follows:

The Event Organizer shall release, indemnify, keep and save harmless the City, its officers, officials, agents and employees (hereinafter collectively "Releasees") from any and all responsibility or liability for any and all damage or injury of any kind or nature whatever (including death resulting therefrom) to all persons, whether, officers, officials, agents or employees of the City or third persons, and to all property proximately caused by, incident to, resulting from, arising out of or occurring in connection with Event Organizer's use or occupancy of trails, sidewalks, rights-of-way and/or pedestrian ways or alternative routes located within the City as may be permitted pursuant a permit (or by any person acting for Event Organizer or for whom Event Organizer is or is alleged to be in any way responsible), whether such claim is based in whole or in part on contract, tort (including alleged active or passive negligence or participation in the wrong) or upon an alleged breach of any duty or obligation on the part of Releasees.

The provisions of this agreement shall include any claims for equitable relief or for damages (compensatory or punitive) against the Releasees including alleged injury to the business of any claimant, and shall include any and all losses, damages, injuries, settlements, judgments, decrees, awards, fines, penalties, claims, cost and expenses. Expenses as used herein shall include without limitation the costs incurred by Releasees in connection with investigating any claim or defending any action, and shall also include reasonable attorney's fees by reason of the assertion of any such claim against Releasees. Event Organizer expressly understands and agrees that any insurance protection required as a condition to the issuance of the permit herein applied for, or otherwise provided by Event Organizer, shall in no way limit Event Organizer's responsibility to release, indemnify, keep and save harmless and defend Releasees as herein provided. Permittee expressly accepts those portions of trails, sidewalks, rights-of-way and/or pedestrian ways to be used for the event identified in Event Organizer's application for a permit and any alternative route used in their present condition.

The intention of Event Organizer and the City is that this release and indemnity be incorporated into any permit for the event issued by the City. It is further the intention of the Event Organizer and the City that this release and indemnity be broadly construed and applied in favor of Releasees, subject to the limitations, if any, set forth in N.C.G.S. 5 22B-1.

AGREED BY: _____
Signature & Printed Name Date

OF: _____
Organization Name



City of Lincolnton

114 W Sycamore Street
Lincolnton, North Carolina 28092
(704) 736-8980 * Fax (704) 736-8995



Special Event Permit for: _____

Day/Date/Time: _____

Departmental Review & Approval

FIRE DEPARTMENT

Name of official: _____ Date: _____ Approved: Yes No

Conditions:

POLICE DEPARTMENT

Name of official: _____ Date: _____ Approved: Yes No

Conditions:

PUBLIC SERVICES – Solid Waste/Streets

Name of official: _____ Date: _____ Approved: Yes No

Conditions:

PARKS AND RECREATION

Name of official: _____ Date: _____ Approved: Yes No

Conditions:

EVENTS & FACILITIES

Name of official: _____ Date: _____ Approved: Yes No

Conditions:

NOTES:

