

AN ORDINANCE AMENDING CHAPTER 7 OF THE TOWN CODE
OF THE TOWN OF HILLSBOROUGH

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS:

Section 1. Chapter 7 of the Town Code is amended by changing the Title of Article III to “Town Park Use and Event Management”, deleting sections 7-16, 7-17, 7-18, 7-19, 7-20, 7-21, 7-22 and 7-24 in their entirety, and adding in their place the following:

Section 7-16 Intent

The Town of Hillsborough recognizes that many local organizations sponsor events which add to the quality of life in town but which require some level of management. The town recognizes the following five guiding principles as critical to event management within the town:

1. A light regulatory hand is desired to preserve options and choices for event organizers and participants.
2. Public safety at events is the town’s primary interest and reason for involving itself in event management.
3. A secondary interest of the town is to mitigate and limit the impact of events on those who are not participating, thus limiting disruption of their daily lives.
4. Because the town recognizes that events add to the quality of life in Hillsborough and can serve as an economic development tool, the town has an interest in facilitating successful events.
5. The town’s involvement in event management is partially to assist sponsoring organizations cope with the reality of the town’s growing pains and inability to provide indefinite services at no cost.

Section 7-17 Definitions

The following terms, as used in this Chapter of the Town Code, shall have the following meaning:

Public Events — events open to the general public with or without an entrance cost, without any type of pre-requisite, membership or qualifying characteristic.

Private Events — events open to a limited population based on age, membership or other pre-qualifying characteristic.

Public Property — land and/or structures owned and operated by a government entity, including county facilities in and near town, the use of which may have an impact on town streets and services.

Private Property — land and/or structures owned and operated by a private individual, company, social organization or other entity that is not a government.

Street Event — any public or private event that requires the closure or partial closure of a public street right-of-way or involves participants walking, bicycling or otherwise traveling within the street right-of-way in a volume, concentration, duration or other manner greater than routine daily use.

7-18 Event Types and Thresholds for Review

To the extent that events of a short-term nature have an impact on the provision of public services and potentially affect public health and safety, the Town of Hillsborough hereby establishes the following thresholds and review requirements for a variety of events that may occur within the town limits.

- a. Private Events on Private Property** — Examples of this type of event include, but are not limited to, club meetings at private homes and weddings or receptions at churches or other non-public buildings. These events require permitting or review when the expected attendance exceeds the parking capacity of the site or 500 people. A courtesy call to the Police Department in advance of the event is encouraged.
- b. Private Events on Public Property** — Examples of this type of event include, but are not limited to, family reunions in town or county parks and club meetings in the courthouse. These events require permitting if attendance is expected to exceed 100 people to ensure that the event does not interfere with the public use of the property (see Section 7-20). Sponsors of private events on public property that is not owned by the Town of Hillsborough must submit documentation of approved use by the property owner as part of their permit review with the town.
- c. Public Events on Private Property** — Examples of this type of event include, but are not limited to, fund-raisers at churches or private sites, plate sales or organization yard sales, rallies at private sites, and use of privately owned parking for public events. These events require permitting if they take place outside an enclosed building and expect attendance of more than 100 people OR if they take place inside an enclosed building and attendance is expected to exceed the building capacity. The purpose for requiring a permit for this type of event is to ensure the events will not create unsafe conditions and will not negatively affect the provision of public services. For events which do not meet the permit threshold a courtesy call to the Police Department in advance of the event is encouraged.
- d. Public Events on Public Property** — Examples include, but are not limited to, Hog Day, Walkable Hillsborough Day and Last Fridays. These events require a permit if

attendance is expected to exceed 100 people. The purpose for requiring a permit for this type of event is to ensure that the events will not create unsafe conditions and will not negatively affect the provision of public services. This type of event may be eligible for town sponsorship with the approval of the Hillsborough Town Board.

- e. *Parades and Other Street Events* — Examples include, but are not limited to, the Holiday Parade, Handmade Parade and BikeFest. These events require a permit if attendance is expected to exceed 100 people, or if the event may result in the disruption of normal vehicular or pedestrian traffic or will require an escort of participants to ensure safe conditions for participants, spectators, and the general traveling public. This type of event may be eligible for town sponsorship with the approval of the Hillsborough Town Board.

Section 7-19 Public Sponsorship

The Town of Hillsborough may sponsor some public events. If the event is selected for town sponsorship, the town will absorb some or all (at the discretion of the Town Board) of the direct and indirect costs to the Police, Public Works and other departments involved in planning, supervising and providing services to the event. Event sponsors seeking Town sponsorship of events shall submit a written request for sponsorship to the Town Board at least ninety (90) calendar days before the scheduled date of the event.

Section 7-20 Impact of Events on Public Use of Town Property

The town desires to balance the interests of event sponsors with the interests of those not attending the events. Therefore the Town Board may establish and from time to time amend capacity limits for town properties that may be the subject of requests for event use.

No private event may affect the general public's enjoyment of town-owned property to the extent that (1) attendance at the private event exceeds 30 percent of the facility's attendance capacity or (2) the event lasts for 30 percent or more of the facility's scheduled open hours, without Town Board approval.

No non-Town sponsored public event may affect the general public's enjoyment of town-owned property to the extent that (1) attendance at such event exceeds 50 percent of the facility's attendance capacity, or (2) the event lasts for 50 percent or more of the facility's scheduled open hours, without Town Board approval.

No Town owned facility may be closed to the general public during the event's duration, unless such event is Town sponsored and the Town Board authorizes, in advance, limited public access to the facility for the duration of the event.

Section 7-21 Permit Requirements

The sponsor of any event requiring a permit shall submit the following information on a form provided by the Town no less than 70 calendar days in advance of the event. The following information will shall be provided for all events requiring a permit:

- Name of event
- Type of event (from the five defined types)
- General event description — what is being offered, who is the target audience
- Contact information for manager and sponsoring agency
- Contact information for on-site manager(s) during event
- Documentation confirming sponsoring organization’s status (formal/informal; profit/not for profit)
- Expected attendance, including maximum or peak-period attendance
- Site capacity (if this is not available from the owner, the town will establish a capacity based on available parking, access and open space available)
- Dates and times (including time to set up and break down)
- Location and site layout (map needed)
- Any street closures or change in traffic flows
- Any specific services requested
- Proof of liability insurance
- Parking and traffic flow
- Pedestrian access and flow
- Comfort facilities (restrooms)
- Trash and recycling facilities/provisions
- Written consent of owner if different than sponsor

Section 7-22 Permit Review

Permit requests involving town parks shall be submitted to the Planning Department staff and shall be referred to the event committee if they qualify as an event requiring a permit.

All other permit requests/event requests shall be submitted to the Police Department and may be referred to the event committee and to the fire marshal and Public Works and Finance departments as necessary for appropriate recommendations.

Section 7-23 Piggyback Events

The town recognizes that events generate an energy and volume of potential customers which may encourage multiple events at the same time or smaller events to adjoin large events. Sponsors of such “piggyback” events must obtain a permit from the Town, even though their event might not otherwise require a permit if conducted separately.

Section 7-24 Permit Fees

The Town Board may establish, and from time to time amend, a schedule of fees for park use and event permits. The purpose of the fees is to equitably distribute the cost of administering and coordinating event preparation and clean-up and to protect the Town from absorbing the cost of extraordinary events. The Town Board may also establish a requirement for additional financial security (such as a bond or letter of credit) for events which may present significant burdens on Town facilities and services.

Section 7-25 Permit Denial

The town may refuse a permit if the Town determines that it will not be able to ensure public health and safety during the event. All event sponsors will be encouraged to adjust the date or time of their event to accommodate the Town’s ability to ensure public health and safety.

The town may refuse a permit to anyone seeking an event permit if the entity has a poor record of conformance with permit requirements. No permit shall be issued until the permit fee established by the schedule of fees has been paid in full.

Any entity denied a permit may appeal that denial to the Town Board.

Section 7-26 Penalties and Remedies

The police chief, fire marshal or their designee may intervene in the operation of any public or private event that poses a clear danger to the participants or the public or where State or local laws or ordinances are being violated, regardless of whether the event is properly permitted and complying with permit requirements. Intervention may include closing the event if it is necessary in the professional judgment of the police chief or fire chief.

Section 3. Existing Section 7-23 “Street Closings” is renumbered and designated as Section 7-27.

Section 4. Existing Section 7-25 “Exemption for First Amendment-related Activity” is renumbered and designated as Section 7-28.

Section 5. All provisions of any Town ordinance in conflict with this ordinance are repealed.

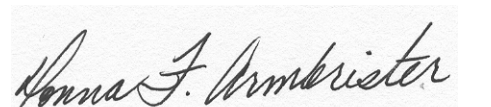
Section 6. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 11th day of January, 2010.

Ayes: 5

Noes: 0

Absent or Excused: 0



Donna F. Armbrister, Town Clerk