

STATE OF SOUTH CAROLINA)	ORDINANCE 2023-06
COUNTY OF LEXINGTON)	Enacting a New Article VII (“Special Events;
TOWN OF GASTON)	Permit Required”) in Chapter 11 (“Public Peace.
)	Order, Morals, and Decency”) of the Town Code

WHEREAS, the Town Council has determined that it is in the interest of the Town and its citizens, inhabitants, visitors, and businesses, and that it further is in accord with the Town's authority to enact ordinances which appear necessary and proper for the security, general welfare, and convenience of the Town, as well as to preserve health, peace, order, and good government within the Town, to enact new Town Code provisions establishing a permitting process for the conduct of special events, as defined, within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Gaston, in Council, duly assembled, that a new Article VII ("Special Events; Permit Required") in Chapter 11 ("Public Peace, Order, Morals, and Decency") of the Town Code is hereby enacted to provide as follows:

ARTICLE VII. - SPECIAL EVENTS; PERMIT REQUIRED

Section 11.701. - Title.

This article shall be known as and cited as the Special Events Ordinance.

Section 11.702. - Definition.

When used in this article, and except when the context clearly indicates a different meaning, the words **Special Event** mean any (1) activity on private or public property other than the normal use for which the property is zoned, and (2) any event including, but not limited to, festivals, block parties, races, musical events or concerts, exhibitions, fairs, and carnivals. **Special Event**, for purposes of the permitting process and permit required by this article, does not include an event held inside a church, place of worship, school, assembly hall, concert hall, or government building.

Section 11.703. - Requirement for permit; application for permit.

Any person, group or organization wishing to hold a Special Event within the Town is required to obtain a Special Event permit after completing and submitting to the Town a Special Event permit packet no later than 30 days prior to the date of the event. The Special Event permit packet, when completed, is to be reviewed for comments or recommendations by the following City departments/persons: Special Event Coordinator, Planning and Development, Fire Chief/Marshal, and Chief of Police. The Town Mayor will make the final review and the final determination on whether the permit is approved, approved with modifications and conditions, or denied.

Section 11.704. - Permit requirements.

All Special Events on public or private property:

- a. Shall adhere to all Federal, State or local laws or regulations and all guidelines of the Town
- b. Shall not have a significant adverse impact on nearby properties
- c. Shall not impede or interfere with the flow of traffic without a road closure approval
- d. Shall not be of such size or duration that the event cannot reasonably be accommodated at the location
- e. Shall adhere to all noise ordinances. No event may begin earlier than 7:00am and must end by 10:00pm.
- f. Shall not create risks of :
 - 1. damage to public or private property
 - 2. injury to persons, or
 - 3. unlawful disturbances
- g. Shall provide the address of the location, as well as the name and relevant contact information of the owner and lawful occupant of the premises, and, when applicable, the name of the manager of the premises
- h. Shall provide the following information if security is to be utilized for the event: The name and contact information of the security company or police agency, and description of the number, placement, duties, and authority of the security personnel
- i. Shall provide written authorization stating that both the owner of the property and the tenant or other lawful occupant affirm that they are aware of the special event and that they authorize the special event
- j. Shall provide a site plan showing a reasonably accurate representation of all vendor locations, stages, first aid locations, carnival rides, portable restrooms, etc. The site plan shall include indicated access for first responder equipment.

Section 11.705. - Issuance of permit; conditions.

The Town will process and issue a permit for a Special Event unless the Town, in its sole discretion, determines that:

- a. The event organizer conducted a Special Event or other event within the Town during the previous twenty-five (25) months in a manner that failed to substantially comply with Town permitting conditions or with Federal, State or local law.
- b. The conduct of the event will substantially interrupt traffic or otherwise adversely impact public safety.

c. The nature of the event will require significant Town police presence such that adequate police staffing cannot be provided to the remainder of the Town.

d. The application was not received at least 30 days prior to the event (45 days prior if requesting road closures).

e. Another event already has been approved for the same location and/or for a location in such close proximity that both events cannot occur with due regard for public safety.

f. The event and/or organizer will be in violation of Town, State or Federal laws.

g. The concentrations of persons, animals, or vehicles within the Special Event venue or immediate area will interfere with the movement of police, fire, ambulance or other emergency vehicles.

h. The event organizer demonstrates an inability or unwillingness to comply with all Special Event conditions.

Section 11.706. - Duties of organizer.

Based on the size and/or nature of the event, the Town may require liability insurance be carried by the organizer and naming the Town, or the owner of private property, as an additional insured. Unless specified by the Town, the organizer of any Special Event will be required to:

a. Turn in all required paperwork 30 days prior to the event (45 days prior for road closures or special circumstances)

b. Read and become familiar with all guidelines and rules for Special Events within the Town

c. Obtain all necessary permits and insurance prior to the event

d. Ensure all food vendors have completed business licensing requirements and necessary inspections prior to the event

e. Obtain any necessary permissions from local businesses or property owners (for events on private property)

f. Notify residents within the surrounding area at least seven (7) days prior to the event of possible disruptions (for events on private property)

g. Provide adequate security

h. Have a copy of permit on their persons at all times during the event

i. Ensure the event follows all guidelines from the Town

j. Ensure all property is cleaned and returned to its prior state

k. Remove all signs immediately after the event.

Section 11.707. - Road closures.

- a. Completed permit packets involving requested road closures are due no later than 45 days prior to the event. A map of affected roads must be turned in to the Gaston Police Department. The applicant is responsible for placing and removing barricades unless otherwise directed by the Chief of Police.
- b. Organizer is responsible for obtaining a letter of approval from the Gaston Police Department, along with a completed Road Closure form to SC DOT.
- c. Organizer must provide notification of road closures to all adjacent businesses and residents no less than 10 days prior to the event.

Section 11.708. - Denial or revocation of permit.

The Town reserves the right to revoke and cancel any permit for a Special Event determined by the Town, in its sole discretion, to be in violation of Federal, State or local laws or determined by the Town, in its sole discretion, to create any noise or disturbance to the surrounding area above what is considered reasonable. The Town may also charge fees to any organizer whose event is determined, in the sole discretion of the Town, to require police, fire, or emergency services greater than originally determined. If adequate security is not provided for an event, the Chief of Police may require additional security or cancel the event.

The Town also may revoke or deny a Special Event permit when:

- a. The completed packet was not returned within the allotted time frame
- b. The applicant is found to have violated Federal, State, or local laws in a previous event
- c. Sufficient insurance has not been provided
- d. Police have determined that the event requires more security than is or can be provided
- e. Adequate parking is not provided
- f. Organizer has failed to obtain any necessary permits and licenses from other agencies
- g. The event will violate public health or jeopardize public safety
- h. The organizer has failed to notify surrounding businesses or residents
- i. Noise is found above allowable decibels or agreed upon levels
- j. Facts or assertions in application have been falsified
- k. The permit was issued in error, or
- l. Any other urgent or emergency situation is presented that, as determined by the Town, endangers the health or safety of event participants or the general public.

Section 11.709. - Enforcement of laws. Nothing contained in this article precludes the exercise of the authority of any law enforcement officer to arrest a person, even if the person is engaged in an act or activity permitted under this article, when the conduct of such person violates the laws of the State, other ordinances of the Town, or unreasonably obstructs the public streets and sidewalks of the Town, or if the activity causes undue disturbance, interference, or molestation of other persons making lawful use of the space in a peaceful manner.

All participants and organizers of Special Events on public or private property shall comply with all relevant Town, State and Federal laws including but not limited to laws concerning:

- a. Alcohol possession and consumption (must be 21, no open containers on public property)
(Ordinance 11.212)
- b. Parking and traffic laws (Ordinance 14.401)
- c. Noise ordinances (Ordinance 11.306)
- d. Disorderly conduct (Ordinance 11.304)
- e. Trespassing, or (Ordinance 11.404)
- f. Wildlife and environmental protections. (Ordinance 3.401 – 3.504)

This Ordinance shall become effective upon Council approval on second reading.

DONE IN MEETING DULY ASSEMBLED, this 11th day of July 2023.

Mayor Troy R. Bivens

Mayor Troy R. Bivens

Attest:

Jennifer Hoyt

Jennifer Hoyt, Town Clerk

First Reading: June 6, 2023

Second Reading and Adoption: July 11, 2023