



Ratification
Number 2021-107

AN ORDINANCE

AN ORDINANCE TO REPEAL ARTICLE IX OF CHAPTER 19 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO PARADES AND TO AMEND ARTICLE IV, DIVISION 8 OF CHAPTER 2 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO THE SPECIAL EVENTS COMMITTEE TO PROVIDE NEW DEFINITIONS, TO INCREASE THE MEMBERSHIP OF THE COMMITTEE, TO PROVIDE ADDITIONAL REQUIREMENTS AND PROCEDURES FOR THE SPECIAL EVENTS PERMITTING PROCESS, TO PROVIDE OPEN CARRY RESTRICTIONS AND OTHER SAFETY PROHIBITIONS, AND TO PROVIDE ADDITIONAL REGULATIONS RELATED TO PARADES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article IX of Chapter 19 of the Code of the City of Charleston related to Parades is hereby repealed and deleted in its entirety.

Section 2. Article IV, Division 8 of Chapter 2 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

"DIVISION 8. SPECIAL EVENTS COMMITTEE

Sec. 2-185. Title.

This division shall be known as and cited as the "special events ordinance."

Sec. 2-186. Purpose.

The city council finds and declares that it is in the public interest to regulate events on the public streets, public property and events held on private property under certain circumstances pursuant to the police powers of the city in order to maintain, protect and promote the public health, safety and welfare of the citizens, residents and visitors of the City of Charleston.

Sec. 2-187. Definitions.

The following words and phrases when used in the special events ordinance shall have the following meanings:

Annual event means an event recurring each year at approximately the same date which has previously complied with the permit requirements of the special events ordinance.

Applicant means the sponsor or authorized agent of the sponsor who completes the special event or temporary use event application, as applicable, and acts as primary contact for the special event or temporary use event, as applicable.

Application means a written request on a form or forms that sets forth the information required to be provided by the special events ordinance.

Chief of police shall mean the chief of police or the chief's designee.

Commercial film/photographic event means movies, commercials, or fashion industry photography on public property, including public streets, sidewalks, trails and/or other public place.

First Amendment demonstration means any demonstration, assembly, picketing, speechmaking, marching, protesting, vigil or religious service, and all other like forms of conduct, in or upon any street, including the sidewalk area thereof, park or other public place in the city, that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers. (See Chapter 25, Article III). First Amendment demonstration shall not include a parade as defined below in this section.

Festival means a stationary event on public property, including public streets, sidewalks, trails and/or other public place, held one day or more and includes fairs, carnivals, rallies, concerts, and sporting events.

General liability insurance means a form of business liability insurance to protect a business or entity from injury or death claims, property damages and advertising claims.

Liquor liability insurance means a form of business liability insurance to protect a business or entity from injury or death claims or property damages from distribution or sale of alcoholic beverages.

Major event means an event which impacts multiple city departments, has one thousand (1,000) or more people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Medium event means an event which impacts multiple city departments, has more than five hundred (500) and less than one thousand (1,000) people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Parade means any organized group marching or in procession, whether on foot, animal, or vehicle, held on public property, including public streets, sidewalks, trails and/or other public place.

Parade means any organized group, formation or procession consisting of persons on foot, animals, vehicles and conveyances of any sort, or any combination thereof, moving in unison

upon any public street or sidewalk of the city which does not comply with normal traffic regulations or controls. A parade is a special event as defined below in this section.

This definition does not include:

(1) Funeral processions,

(2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities,

(3) A governmental agency acting within the scope of its functions, and

(4) First Amendment demonstrations as defined above in this section.

Small event means an event which impacts multiple city departments, has less than five hundred (500) and people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Special event means a pre-planned activity sponsored by an individual, group, organization or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the city which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of city services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, **First Amendment** demonstration **referred by the police department**, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

A special event shall also include events at the VRTC bus shed and events on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.

A special event shall not include the following:

(a) An event confined exclusively within the interior areas of the Old Exchange Building, the Charleston Maritime Center and that portion of the open area adjacent to the Charleston Maritime Center, the historic VRTC building and the Gaillard Auditorium and its **terrace** **front porch** and **adjacent parking lot** as identified in such facilities' annual approved operations plan as set forth in section 2-189(pq), provided these facilities operate in compliance with their approved annual operations plan during any special event.

(b) A news broadcast.

(c) An event that is held on private property in a residential neighborhood that is not required to obtain a temporary use event permit as defined herein.

(d) **A First Amendment demonstration for which a valid First Amendment demonstration permit has been issued by the police department pursuant to Chapter 25, Article III. The chief of police may require a person seeking a First Amendment demonstration permit to obtain a special events permit issued pursuant to section 2-189 when the duration of the demonstration is proposed to be more than three (3) hours, when a request is made to reserve a particular public area for use, when frequent requests are made for a particular public area, when the demonstration will require any use of city resources, staffing or departments beyond the scope of the police department, and when the city finds**

that requiring such special events permit is in the best interest of the public health, safety, and welfare of the city and its citizens.

A special event may not include a private event at a city park, playground or recreation facility where no alcohol is served; however, such an event may require a park permit, the requirements of which are set forth in section 22-4(1) of this Code.

Special event permit is a permit issued by the Special Events Committee of the City of Charleston pursuant to section 2-189 of this division.

Temporary use event means an event that requires a temporary use event permit.

Temporary use event permit means a permit required when an event is held on private property in a residential neighborhood in which members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound [is] to be amplified which carries beyond the boundaries of such private property, and the event is anticipated to impact available on-street parking and city service responses.

Sec. 2-188. Created; membership; powers; duties and responsibilities.

- (a) *Created.* There is hereby created the special events committee (the "committee").
- (b) *Membership.* The committee shall be appointed by the mayor and shall consist of seven ~~(711)~~ members, one of whom shall be the Special Events Manager of the department of livability and tourism who shall serve as the committee chair; one of whom shall be an employee of the department of parks or his designee; one of whom shall be an employee of the department of recreation-recreation facilities division or his designee; one of whom shall be an employee of the department of traffic and transportation—parking meters division or his designee; one of whom shall be an employee of the police department—~~traffic~~ and special operations division or his designee; one of whom shall be an employee of the department of planning, preservation and sustainability—business and neighborhood services division or his designee; ~~one~~three of whom shall be an employees of the executive department—one from cultural affairs division or his designee, one shall be the ADA coordinator or his designee, and one from mayor's office or his designee; and one of whom shall be an employee of the office of ~~the~~ clerk of council livability and tourism—tourism division or his designee; and one of whom shall be an employee of the fire department—fire marshal division or his designee. All members shall be voting members with the exception of the employee of the mayor's office who will vote if needed as a tie breaker and the chair who is a non-voting member. The members of the committee shall serve until their successors have been appointed and qualified. For purpose of committee action, a quorum of the committee shall consist of ~~four~~five (45) voting members of the committee in attendance.
- (c) *Powers.* The committee shall act as an administrative board and have authority to approve and issue special events and temporary use event permits upon the terms and conditions as set forth in the special events ordinance; coordinate with city departments and other governmental agencies for the provision of governmental services as needed to support special events and temporary use event permit events; collect special event permit fees and discharge such other duties as may be assigned by the mayor.

Sec. 2-189. Application; processing of special event and temporary use event permits and conducting special event and temporary use event permit evaluations.

Special event and temporary use event permits shall be obtained from the committee prior to hosting, conducting, holding or staging a special event or a temporary use event. Prior to a special event or temporary use event permit being issued, the following procedure shall be followed:

(a) An application shall be submitted to the city by the special events or temporary use event permit applicant accompanied by the applicable city special events or temporary use event permit processing fee as set forth on the city special events fee schedule, as approved by city council and amended from time to time, a copy of which may be obtained from the committee marked as Exhibit A, incorporated by reference herein. The application shall list the location and/or route, date, and time of the proposed special event or event requiring a temporary use event permit. For a major event, the application shall be filed at least one hundred twenty (120) days prior to the date of the proposed special event; for a medium event, the application shall be filed at least ninety (90) days prior to the date of the proposed special event; for a small event, the application shall be filed at least sixty (60) days prior to the date of the proposed special event; for a temporary use permit, the application shall be filed at least sixty (60) days prior to the date of the proposed event requiring a temporary use event permit, and for a commercial film and photography event, the application shall be filed at least three (3) days or seventy-two (72) hours prior to the proposed special event to allow adequate review of the application by the committee. First time events are encouraged to list several options for location, route, date, and time.

Notwithstanding the foregoing, the city reserves the right to: (i) process and approve a special event application for a major or medium event at a city-owned facility in less than sixty (60) days prior to the date of the proposed special event if exigent circumstances exist in the sole opinion of the city; and (ii) issue an annual temporary use event permit to private property owners who routinely host events that require a temporary use event permit provided the private property owner has submitted and received an approved operations plan from the special events committee on an annual basis, said operations plan to include but are not be limited to acceptable alcohol management and security measures governing its events.

(b) The special events committee shall review the application to determine if the proposed special event or temporary use event can be approved. The committee shall meet with the applicant to review and evaluate the application for compliance with the requirements herein and prioritize locations and/or routes, if necessary (the "meeting"). Prior to the meeting, the applicant shall be required to provide the committee with a complete package of information on the proposed special event or temporary use event at least ten (10) business days prior to the meeting including, but not limited to the following information:

- (1) Description of the proposed special event or temporary use event, as applicable.
- (2) A tentative site plan which may include designating the location of entrances and exits, retail, food, and alcoholic beverage vendors, tents, stages, bleachers, signs or banners, portable restrooms and sinks, electric and water hookups, first aid stations, fire extinguishers, garbage and recycling receptacles, barricades, hazardous materials, and security.
- (3) A security plan.
- (4) A sanitation plan which includes provisions for trash removal and recycling removal.
- (5) A traffic control plan.

- (6) An alcohol plan.
- (7) An Amplified sound plan.
- (8) The time of all activities associated with the proposed special event or temporary use event.

(9) For a parade, include the approximate number of persons who, and animals and vehicles which, will constitute such parade; and the type of animals and description of vehicles, if applicable; the location of any assembly areas needed; whether the parade will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed; the interval of space to be maintained between units of the parade; the length of the parade in miles or fractions thereof; and proposed speed of parade.

- (c) The meeting shall also include a discussion of the committee's comments and possible conditions and fees.
- (d) Once a special event or temporary use event permit application is approved, the committee shall send a notification letter to the applicant listing fees and special conditions. Special event fees shall be paid by the applicant thirty (30) days prior to the date of the special event or temporary use event, as applicable, and a stamped permit is given to applicant within five (5) days of the committee's receipt of payment of the required fees and any other documentation required by the committee, or as soon thereafter as is reasonably possible.
- (e) The applicant shall provide written notification to: (i) the city councilmember in whose district the special event or temporary use event, as applicable, shall occur; and (ii) the impacted neighborhood president(s) and business(es) advising of the approval of the special event or temporary use event, as applicable, and listing date(s), time(s), and location/route thereof no later than thirty (30) days prior to the date of the special event or temporary use event, as applicable. A reminder notice to: (i) the city councilmember in whose district the special event or temporary use event, as applicable, shall occur; and (ii) the impacted neighborhood president(s) and business(es) shall also be sent by the applicant fifteen (15) days prior to the date of the special event or temporary use event, as applicable, and which shall contain all of the information required in the initial notice as specified above.
- (f) A post special event or temporary use event, as applicable, evaluation shall be conducted by the committee or its chair. The evaluation may include a survey of impacted residents and/or businesses, a meeting with the applicant and feedback from the committee.
- (g) Events subject to alcohol policy requirements.
 - (1) A temporary use event on private property in a residential neighborhood in which the members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound is to be amplified, the event is anticipated to require on-street parking and alcohol is to be served. A temporary use event shall be exempt from the requirements of subsections (h)(2)a. and (h)(2)c. below.
 - (2) A special event on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.
 - (3) A special event in/on city-owned and/or operated facilities, including city parks, where alcohol is to be served.

(h) Requirements of alcohol policy.

(1) *Certification/training.* The special event permittee or temporary use event permittee, as applicable, shall be required to utilize at least one bartender and/or floor/door monitor with certification from a smart serve or servers intervention program or an equivalent alcohol server training program as approved by the city. The city reserves the right to increase the number of bartenders and floor/door monitors as required to satisfy public safety.

(2) *Controls.*

a. The special event permittee shall be required to establish a controlled entrance and exit location by the posting of signage stating that alcoholic beverages are prohibited beyond the permitted area. As required by the chief of police or his designee, a controlled area for the serving and consumption of alcoholic beverages during the event may be required.

b. No alcoholic beverages shall be served within thirty (30) minutes of the conclusion of the special event or temporary use event, as applicable. No more than two (2) alcoholic beverages shall be served to any person at any one time during a special event or temporary use event, as applicable.

c. No alcoholic beverages shall be served to any person at a special event unless such person has been issued a wristband by the special event permittee which indicates that the person has shown valid proof of being at least twenty-one (21) years of age.

d. The special event permittee or temporary use event permittee, as applicable, and its invitees shall be in compliance with all applicable federal, state, local statutes, ordinances, rules, regulations, licenses and permits, including permits required by the South Carolina Alcohol Beverage Commission, governing the special event or temporary use event, as applicable.

e. No alcoholic beverages other than those alcoholic beverages served by the special event permittee or the temporary use event permittee, as applicable, shall be permitted within the controlled area as described in section 2-189(h)(2)a. for special events or within the temporary use event, as applicable.

(i) *Security.* The special event permittee or temporary use event permittee, as applicable, shall be required to provide adequate security for its special event or temporary use event, as applicable, as directed by the chief of police, including the hiring of off-duty police officers and/or security enforcement officers as approved by the chief of police or his designee.

(j) Considerations in granting a special event permit or temporary use event permit, as applicable. In deciding whether to approve, approve with conditions, or deny a special event permit or temporary use event permit, as applicable, the committee shall determine whether:

(1) The proposed special event or a temporary use event, as applicable, can function safely.

(2) The use of police and fire resources to support the proposed special event or temporary use event, as applicable, shall not deny reasonable police and fire protection to the city.

(3) The proposed special event or temporary use event, as applicable, shall not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance, another special event, another event that has been granted a temporary use event permit or other activity or activities.

(4) The proposed special event or temporary use event, as applicable, can provide an adequate traffic control plan for traffic control and parking management and which may require accommodating transportation and parking demand management measures.

(5) The location and route plan of the proposed special event or temporary use event, as applicable, meets the criteria established in the special events ordinance.

(6) The special event or temporary use event will not substantially interrupt the safe and orderly movement of other traffic, pedestrian and vehicular, contiguous to its route.

(7) The special event or temporary use event is not reasonably likely to cause injury to persons or property, or to provoke disorderly conduct.

(k) Conditions authorized and additional permits and licenses. The committee may include in a special event permit or temporary use event permit, among other provisions:

(1) Reasonable terms and/or conditions as to the time, place, and manner of the special event or temporary use event permit, as applicable.

(2) Compliance with health and sanitary regulations, emergency services, and security.

(3) Additional permits and/or licenses as are required to meet the conditions established by the special event permit or temporary use event permit, as applicable, and/or other city ordinances, including but not limited to city business licenses, building permits, and county or state code permits.

(4) In order to accommodate other concurrent special events or temporary use events, as applicable, the rights of adjacent property owners and the needs of the public to use streets or parks, additional conditions may be imposed on the applicant which may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed special event or temporary use event, as applicable, as well as accommodations for pedestrian and/or vehicular traffic using public right-of-ways and limitations on the duration of the special event or temporary use event, as applicable.

(l) Alternates. The committee, in denying an application for a special events permit, shall be empowered to authorize the conduct of the special event on a day, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the committee within 10 days or a reasonable time period as determined by the Special Events Manager or Committee Chair. An alternate special events permit shall conform to the requirements of and shall have the effect of a special events permit under this division.

(m) Application and permit fees.

(1) All special events and events that require a temporary use event permit shall be subject to the payment of all applicable fees set forth in the city special events fee schedule as approved by city council.

(2) Additional fees may include department of parks user fees and deposits enumerated in the park permit fee structure as set forth in section 22-4(l) of this Code ("park permit fees"). Park permit fees associated with permit conditions, including but not limited to electrical, security, meter bags or fire permits are in addition to the above special events fee schedule and are the sole responsibility of the applicant.

(3) All fees and deposits are due thirty (30) days prior to the date of the special event or temporary use event, as applicable. Subject to the city's authority as set forth in section 2-1904, deposits shall be refunded within fourteen (14) business days following the special event or temporary use event, as applicable, if all conditions are followed, and with respect to a special event, public property on which the special event is held is left in good condition and without damage. Failure to comply with restrictions and conditions of a special events permit or temporary use event permit, as applicable, shall cause an automatic forfeiture of the security deposit(s).

(4) Subject to the city's authority as set forth in section 2-1904, refunds for fees and deposits charged pursuant to the special events fee schedule are refundable (minus the application fee), if the special event or temporary use event, as applicable, is canceled after such permit is issued, and written notice is received by the special events committee five (5) business days prior to the date of the special event or temporary use event, as applicable.

(~~mn~~) Hold harmless. As a condition to the issuance of any special events permit or temporary use event permit, as applicable, the permittee of a special event or temporary use event permit, as applicable, shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents, for and against any and all suits, claims, damages, costs or liabilities caused by or arising out of any use authorized by the permittee of the special event or temporary use event, as applicable.

(~~no~~) Insurance requirements. The permittee of a special event or temporary use event, as applicable, shall provide general liability insurance insuring the special event or temporary use event, as applicable, and shall name the city as an additional insured on such general liability insurance policy. Certificates of insurance shall be submitted to the city for approval at least fifteen (15) working days prior to the date of the special event or temporary use event, as applicable. The following limits of insurance are required per individual occurrence:

- (1) General liability of one million dollars (\$1,000,000.00).
- (2) Liquor liability of one million dollars (\$1,000,000.00), if alcohol is served.

(~~ep~~) Promulgation of procedures. The committee, with the approval of the mayor and corporation counsel, may promulgate procedures for the purpose of implementing the special events ordinance or to carry out other responsibilities as may be required by the special events ordinance or other codes, ordinances of the city or other agencies.

(~~pg~~) Requirements for certain city-owned facilities. Events which are exclusively confined within the interior areas of the Old Exchange Building, the Charleston Maritime Center, the historic VRTC building and the Gaillard Auditorium shall not be required to obtain a special events permit provided:

- (1) Each facility has an annual approved operations plan, which shall include but not limited to acceptable alcohol management and security measures, which is approved by the committee.
- (2) Each facility complies with its approved operations plan while hosting events which are exclusively confined within the defined interior areas of such facility.

Notwithstanding the foregoing, events at the VRTC bus shed shall require a special events permit.

(r) First Amendment demonstrations for which a special events permit has been issued pursuant to this section shall comply with all regulations, conditions and requirements provided in Chapter 25, Article III.

Sec. 2-190. **Revocation.**

The committee shall have the authority to revoke a special events permit issued hereunder upon the violation of the standards for issuance as set forth in this division.

Sec. 2-191. Appeal.

See Chapter 25, Article III for appeals of denials of special events permits issued for First Amendment demonstrations.

Sec. 2-192. Special events permit required.

No person shall engage in, participate in, aid, form or start any special event as defined in this division unless a special events permit shall have been obtained from the Special Events Committee of the City of Charleston pursuant to section 2-189. Any person engaging in any special event for which a special events permit has been issued shall not violate any of the conditions or provisions of such permit.

Sec. 2-193. Safety Restrictions and Prohibitions

(a) Threats to safety.

(1) It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code § 16.25.10(7)), or to brandish a weapon (as defined in City Code § 21-219), while participating in or attending a special event as defined in this division.

(2) For purposes of this division, brandish shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.

(3) For purposes of this division to present a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.

(b) Open carry prohibited.

It shall be unlawful for any person(s) participating in a special event to openly carry a firearm. The person or entity hosting the event must post signs as approved and directed by the special events committee to indicate the specific area where the open carry of firearms are prohibited.

(c) Driving through parades.

No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion or conspicuously designated as a parade, except that this portion shall not apply to single file parades on the sidewalk areas of the city, where vehicular traffic and those constituting the parade shall be required to obey all traffic-control signals unless otherwise directed by a police officer.

(d) Parking on parade route.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a street or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

(e) Obstructing or interfering with parades.

No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(f) Hours for conducting parade restricted.

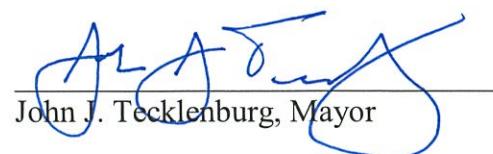
No special events permit shall be granted for a parade to convene before 8:00 a.m. or terminate after 8:00 p.m.

Sec. 2-194. Penalty and retention of deposits.

Any person violating any provision of the special events ordinance, **to include any conditions or provisions of a special events permit**, shall be subject to the general penalty set forth in section 1-16 of this Code. In addition, the special events committee shall have the authority to retain deposit(s) in the event a permittee of a special event or temporary use event, as applicable, causes the city to incur costs or damage(s) as a result of permittee's special event or temporary use event, as applicable, and to pursue any other remedy against a permittee of a special event or temporary use event, as applicable, available to the city at law or in equity for a violation of any provision of this special events ordinance.”

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this 29th day of July in the Year of Our Lord, 2021, and in the 241st Year of the Independence of the United States of America.



John J. Tecklenburg, Mayor

ATTEST:



Jennifer Cook,
Clerk of Council