

Town of Milton

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ORDINANCE NO. 2016-005

AN ORDINANCE TO CREATE A NEW CHAPTER IN THE TOWN CODE ENTITLED COMMUNITY EVENTS

WHEREAS, the Mayor and Town Council of the Town of Milton have the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Town of Milton, a majority thereof concurring that the following chapter be incorporated and effective immediately:

Chapter 97. Community and Special Events

GENERAL REFERENCES

Alcoholic Beverages – See Ch. 59

Clean Hands Policy – See Ch. 95

Conduct and Morals — See Ch.98.

Noise — See Ch.148.

Streets and sidewalks — See Ch.183.

§ 97-1. Intent.

The intent of this chapter is to:

- A. Promote the general health, safety and welfare of the community.
- B. Establish guidelines under which community or special events may be held.
- C. Promote the economic well-being of the community through the orderly attraction of people to community or special events.
- D. Ensure that Town personnel are adequate to provide proper services for a special event by having ample time to prepare.
- E. Ensure that any incremental or extraordinary costs to the Town are borne by the promoter of the event necessitating such costs.

§ 97-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICANT

The person or persons, organization, partnership, corporation, or other entity required to apply for a permit under this chapter.

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.

COMMUNITY or SPECIAL EVENT

Any public assembly or gathering of people which may, because of the location, time or anticipated number of persons involved, be reasonably expected to have a significant effect upon the ordinary use of the public streets, public parking areas, rights-of-way, sidewalks, public parks or any other public areas. Said event may require Town services to adequately ensure safety and coordination. By way of example and not in limitation, "community and special event" includes fairs, festivals, parades, motorcades, bicycle rides/races, rallies, marches, processions, walking and running events and concerts. Private social gatherings on private property or funeral processions are not included.

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.

§ 97-3. Types of events.

Event types are as follows:

- 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.

§ 97-4. 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 website and other printed publications.
- D. Only two 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 one intermediate events will be allowed within the same week.
- G. Only four intermediate events will be allowed in a month.

- H. Multiday and/or single-day events will only be allowed three weekends 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 deposits to the Town at the time of application.
- J. Deposits.
 - (1) Events will be required to make a nonrefundable deposit in an amount as outlined below:
 - (a) Major event: \$250.
 - (b) Intermediate event: \$150.
 - (c) Minor event: \$75.
 - (2) Deposit fee shall be due at time of application submittal.
 - (3) All deposits shall be applied to offset the cost incurred for Town Services.
- K. All events unless otherwise noted will be approved or disapproved by the Town Manager or designee.

§ 97-5. Special event permit submittal requirements.

- A. Submittal time.
 - (1) Major event. Initial requests, including permit application and all backup material, must be submitted to the Town Manager or 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 backup material, must be submitted to the Town Manager or 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 designee at least 30 days prior to the event, but not more than six months in advance.
- B. Submittal requirements.
 - (1) All events.
 - (a) Town of Milton special event application.
 - (b) Event, location or site plan.
 - (c) Certificate of event liability insurance naming the Town as a certificate holder and additional insured.
 - (d) 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) Police and/or private security plan.
 - (d) Alcohol control plan in accordance with **Chapter 59 Alcoholic Beverages**.
 - (f) Alcohol liability insurance.
 - (g) Maintenance/cleanup plan.
 - (h) Entertainment schedule.
 - (i) Load-in and take-down schedule.
 - (j) Any other items deemed applicable to the event.
- (3) If the applicant seeks a waiver of any Town ordinance, that request must be made in conjunction with the special event application, no less than 60 days in advance of the event

§ 97-6. Event staffing.

A. Police. Police or other trained non-sworn personnel may be required:

- (1) 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.
- (2) Mandatory private security 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.

B. Public Works and 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.

C. Public Works. The event producer will prepare and submit required DeIDOT permits for street closures. Public Works will provide barricades upon request.

§ 97-7. 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 Cape Henlopen School District.

C. All other events.

- (1) All other event producers, whether a nonprofit or a for-profit private producer, will be required to pay 100% of all Town staff and equipment costs for service provided for the event.
- (2) The event producer is also required to coordinate and 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.

(3) 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.

(4) Payment to the Town is due within 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 be 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 fees are established under § **97-4 J.**

§ 97-8. 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 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 10:00 p.m.

§ 97-9. Grounds for denial of permit.

Permit applications shall be reviewed by the Town Manager or designee within 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 § **97-5 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;
- 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 Milton and has not paid in full for such damage, or has other outstanding and unpaid debts to the Town of Milton in accordance with **Chapter 95 Clean Hands Policy**;
- 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 Milton 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.

§ 97-10. Approval.

The Town Manager, or designee, shall be allowed to approve all special events, provided that they meet the requirements of this policy. In the case of a new community or special event, the Town Manager, or designee, shall only be permitted to approve minor and intermediate special events. The Mayor and Town Council shall approve all major community or special events.

§ 97-11. Appeal process.

Community or special event permit or waiver denials may be appealed in writing to the Mayor and Town Council within 15 days of the denial. The Mayor and Town Council must render a written decision within 10 days after the Town Council meeting at which the appeal was considered.

I, THEODORE J. KANAKOS, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the ____ day of _____, **2016**, following a duly noticed meeting, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR