

CHAPTER 6

MASS GATHERINGS/SPECIAL EVENTS

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16-601. Purpose. The purpose of this legislation is to set forth permitting procedures and requirements for special events in a way that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollution to the environment; maintain adequate sanitation and public health; protect the safety of the public; and reduce the threats or effects of terrorism or weapons of mass destruction. (as added by Ord. #3851, June 2010)

16-602. Definitions. (1) "City/City of Columbia" shall mean all of the incorporated areas of the City of Columbia, Tennessee.

(2) "City sponsored events" shall mean events that are solely planned, administered, coordinated, held by, and paid for by the City of Columbia. City sponsored events shall not be exempt from obtaining a special event permit.

(3) "Co-sponsored events" shall mean events that are planned, administered, coordinated, and held in conjunction with another event sponsor and the city. Co-sponsored events shall not be exempt from obtaining a special event permit.

(4) "Event sponsor" shall mean any organizer, promoter, coordinator, person, group, corporation, partnership, governing body, association, or other public or private organization, or property owner that is responsible for the operation of a special event.

(5) "Extraordinary or exceptional demands on services." Regardless of how many people an event attracts, it may be determined by the Columbia City Manager that the regular and/or emergency services could have

extraordinary or exceptional demands placed upon them by an event. Any/all events that are determined to likely place extraordinary or exceptional demands upon the regular and/or emergency services shall be considered a special event and a special event permit shall be required.

(6) "Financial assurance" shall mean liability insurance underwritten by a company licensed to underwrite business in the State of Tennessee, which shall indemnify and hold harmless the City of Columbia and its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting a special events permit, and from any cost incurred in cleaning up any waste material produced or left after the event.

(7) "Independent events" shall mean those events that are not co-sponsored or city sponsored events.

(8) "Mass gathering or special event" shall mean any outdoor temporary public gathering including but not limited to block parties, parades, festivals, music concerts, celebrations, carnivals, fairs, exhibits, trade shows, or any similar occurrence to be conducted on any public or private property within the City of Columbia that is reasonably expected to simultaneously bring together six hundred (600) or more people and/or that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our city. All special events, as defined, shall require a special event permit.

(9) "Property owner" shall mean any person who alone, jointly, or severally with others has legal title to any premises, with or without accompanying actual possession thereof; or has charge, care, or control of any premises, and legal or equitable owner, agent, or the owner, or lessee of a piece of property where a special event is to be held.

(10) "Special event permit" shall mean a written form of authorization in accordance with these regulations.

(11) "Special Plan for Event Contingencies (SPEC)" shall mean an approved written safety plan that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollution to the environment; maintain adequate sanitation and public health; and protect the safety of the public.

(12) "Temporary street closure" shall mean any condition created by a special event that is conducted within or upon any street, public way, road, highway, boulevard, parkway, alley, lane, service road, viaduct, bridge, and the approaches thereto, sidewalks, or other public rights-of-way. Any/all events that create a temporary street closure shall be considered a special event and a special event permit shall be required. (as added by Ord. #3851, June 2010)

16-603. Exemptions. A special event permit shall not be required for the following events:

- (1) Funeral processions;
- (2) Students going to and from classes;

(3) Participation in educational or other school activities, providing that such conduct is under the immediate direction and supervision of the proper authorities and an adequate safety plan has been developed (homecoming and other parades that cause or could result in temporary street closures shall not be exempt);

(4) Sporting events, providing that such conduct is under the immediate direction and supervision of the proper authorities and an adequate safety plan has been developed (an electronic repository of these plans shall be maintained and access shall be granted to the regular and/or emergency services);

(5) Activities conducted in the normal operation of a licensed campground;

(6) An event wholly contained on property specifically designed or suited for the special event and which has an appropriate certificate of occupancy, appropriate zoning, and an adequate safety plan. (as added by Ord. #3851, June 2010)

16-604. Special event permit required, violations, and penalties.

(1) Special event permit required. No event sponsor shall hold any special event unless a special event permit is first obtained.

(2) Violations. Any person who violates any provision of this legislation shall be subject to fines and penalties. It is a violation to hold a special event within the City of Columbia without a special events permit.

(3) Penalties. Any person found in violation of this legislation shall be subject to the maximum fine allowable by law plus all allowable court costs, any and all costs incurred to the City of Columbia to enforce this legislation. (as added by Ord. #3851, June 2010)

16-605. General provisions. Nothing in this regulation relieves the obligations or liability of any event sponsor to comply with any other applicable regulation, ordinance, law, standard, or provision issued by other entities, the City of Columbia, the State of Tennessee, or the federal government. This shall include but is not limited to:

- (1) Beer and alcohol permitting regulations;
- (2) Zoning regulations and restrictions;
- (3) Park fees and permits;
- (4) Health department regulations and requirement;
- (5) Any/all applicable taxes;
- (6) Any/all additional required fees and permits. (as added by Ord. #3851, June 2010)

16-606. Financial assurance. The event sponsor must comply with the following insurance requirements to be considered for a special event permit. Proof of insurance covering the dates and times of the event including set-up

and dismantling must be submitted during the permit application process. Failure to provide proof of insurance will result in the permit being denied. The following types of insurance must be provided:

(1) Comprehensive general liability insurance. A general liability insurance policy, or its equivalent, written on an occurrence basis (or yearly basis), with a minimum of one million dollars (\$1,000,000.00) combined single limit of liability per occurrence for bodily injury, personal injury, and property damage is required. If food or beverages are to be served, then product liability coverage must also be included with a minimum of one million dollars (\$1,000,000.00) per occurrence. If an event involves floats or other vehicles, then product liability coverage must also be included with a minimum of one million dollars (\$1,000,000.00) per occurrence. Insurance coverage must include all areas used by the event including any/all assembly areas, routes, disbanding areas, and event location(s).

(2) Additional insurance requirements. The City of Columbia must be listed as additional insured for the event on all insurance policies with regards to the event.

(3) Additional insurance required. The city manager reserves the right to increase the minimum acceptable limits of liability insurance based on the nature or type of event and the potential hazards posed by the event. (as added by Ord. #3851, June 2010)

16-607. Amount and type of services and equipment required. The amount, kind, and type of services or equipment required for a special event shall be determined based on the nature and type of event and the potential hazards posed by the event. Nothing in this regulation is intended to limit the number of resources or services required. At a minimum, the recommendations outlined in the Federal Emergency Management Agency (FEMA) Special Events Contingency Planning Job Aids Manual shall be followed when determining the amount and type of services required.

(1) Additional services required. The city manager reserves the right to increase the minimum required amount and type of services required based on the nature or type of event and the potential hazards posed by the event. After consulting with the emergency and regular services, the city manager may determine that the minimum FEMA recommendations are not adequate.

(2) Amount of equipment required. Contracts with vendors for meeting the necessary requirements for the amount and type of equipment required shall be allowed. However, any/all contractors shall be licensed to do business in the State of Tennessee. All traffic control devices (signs, barricades, etc.) shall comply with standards outlined in the Manual on Uniform Traffic Control Devices (MUTCD). The current edition MUTCD in use by the City of Columbia at the time of permit application shall apply. Any/all contracts shall be completed and executed prior to the issuance of a special event permit.

(3) Type of services required. Any/all contractors for professional services including but not limited to law enforcement, fire suppression, and/or emergency medical providers shall be certified and/or licensed to provide services in the State of Tennessee. All professional service contractors shall be in uniform and readily identifiable while providing contracted services during special events. (as added by Ord. #3851, June 2010)

16-608. Fees and terms of payment. There shall be fees associated with the special event permit application process, and additional fees for personnel services and equipment provided by the City of Columbia.

(1) Special event permit. A non-refundable application fee of twenty-five dollars (\$25.00) is due at the time of application. The event sponsor shall be responsible for paying these fees.

(2) Personnel services provided by the City of Columbia. The costs associated with city employees required to provide services for a special event shall be billable based upon an average of personnel costs. This rate shall be determined annually by the city manager. The event sponsor shall be responsible for paying these fees.

(3) Equipment provided by the City of Columbia. The costs associated with the operation of equipment provided by the city shall be billable at rates based on the Federal Emergency Management Agency's (FEMA) schedule of equipment rates. The event sponsor shall be responsible for paying these fees.

(4) Co-sponsored events. Based on the nature and type event and the positive impact that a particular event has on our community, a portion or portions of fees and/or insurance requirements in accordance with this regulation can be waived by the city manager for approved co-sponsored events. A special event permit shall be required for co-sponsored events.

(5) City sponsored event. Fees in accordance with this regulation shall be waived by the city manager for approved city sponsored events. The city manager may require additional insurance for specific hazards or functions at city sponsored events. A special event permit shall be required for city sponsored events.

(6) Calculation of additional fees. Fees owed for equipment or personnel services required for the event shall be calculated by each involved emergency and/or regular service and forwarded to the city manager no later than five (5) business days after each special event. The city manager shall compile all applicable charges and an invoice shall be sent to the event sponsor no later than ten (10) business days after the event.

(6) Terms of payment of additional fees. All monies due and payable upon receipt of invoice. Payment not received by the thirtieth day after the date of invoice shall be subject to accrue interest at a rate of fifteen percent (15%) annum or the maximum finance charge allowed by law, whichever is less. Any attorney's fees, collection fees, arbitration fees, or other costs incurred in collecting any delinquent account shall be paid by the event sponsor. No

additional permits shall be processed and/or approved for an event sponsor that has any outstanding balance, until full payment of all monies due is received. (as added by Ord. #3851, June 2010)

16-609. Special Plan for Event Contingencies (SPEC). A written plan that attempts to establish safety procedures for dealing with a special event is required for all special events. It must attempt to minimize injury, suffering, death, or damage to the environment that may result as a result of poor planning or preventable incidents during the event. The SPEC template shall be used as a guide for developing SPEC plans. The plan must provide for a sound command structure utilizing the National Incident Management System (NIMS) Incident Command System (ICS) and assign roles and responsibilities for the implementation of the plan during an emergency. (as added by Ord. #3851, June 2010)

16-610. Dissemination of SPEC. Special Plans for Event Contingencies (SPECs) will contain safety sensitive information and contact information that should remain confidential. Therefore, completed SPECs shall only be disseminated to all emergency and/or regular agencies that could possibly be required to assist. SPECs shall not be disseminated to the public or news media. Evacuation routes, short-term shelter locations, and specific safety measures for events shall be posted and disseminated, as needed. (as added by Ord. #3851, June 2010)

16-611. Application process. (1) The application must be completed and submitted along with the non-refundable application fee to the city recorder's office at least sixty (60) days before a scheduled event. Applying for a special event permit does not grant authorization to conduct a special event. The process shall typically follow the following format:

(a) Upon receipt of the application, it shall be electronically forwarded to all involved or affected emergency and/or regular agencies and the city manager.

(b) Each involved or affected agency shall have ten (10) business days to review the application and complete their respective part of the SPEC.

(c) Once each involved or affected agency has completed their respective part of the SPEC (including required personnel, services, and equipment) it shall be electronically forwarded to emergency management for compilation.

(d) Emergency management shall have ten (10) business days to compile all agencies' information into the SPEC.

(e) Once the SPEC has been compiled, it shall be electronically forwarded to the city recorder's office.

(f) The city recorder shall then forward the SPEC requirements including all required types of services and equipment, insurance requirements, etcetera to the event sponsor.

(g) The event sponsor shall complete and execute any/all necessary contracts for services and/or equipment and appropriate certificate(s) of insurance in accordance with this legislation and submit proof to the city manager at least five (5) business days before the scheduled event.

(h) Once all applicable requirements have been satisfactorily completed, the special event permit shall be signed by the city manager and then be issued to the event sponsor.

(2) The signed special event permit shall be kept on-site and immediately available for inspection by the city manager or his/her designee during the entire special event including set-up and dismantling.

(3) The entire application packet shall be available electronically on the city website, in the city recorder's office, and park office. Included in this packet shall be the SPEC template, FEMA's schedule of equipment rates, and the annual rate schedule of costs for personnel services.

(4) A repository for completed SPECs shall be available to authorized personnel. This will be located on emergency management's website and will be password protected.

(5) It is recognized that certain events may occur that could result in the inability of a group to meet the sixty (60) day application process for a parade. These events could include but may not be limited to:

- (a) A local ball team winning a championship;
- (b) A local group winning a major award;
- (c) A local military unit returning from active duty.

In these types of situations the city manager shall have the authority to reduce the sixty (60) day application process provided that it does not result in extraordinary or exceptional demands being placed upon the regular and/or emergency agencies affected by the event. A special event permit and an adequate safety plan shall still be required for these types of events. (as added by Ord. #3851, June 2010)

16-612. Authority to alter, suspend, or terminate a special event.

The city manager, emergency management director, police chief, fire chief, or their designee shall have the authority to cause the event sponsor to alter, suspend, or terminate any special event that is found to pose a significant threat to the health, safety, and/or welfare of the public or that is found to be in noncompliance with any part of this regulation or special event permit. (as added by Ord. #3851, June 2010)

16-613. Grievance procedures. Any/all appeals for permit denial, required types of services and equipment, insurance requirements, and etcetera

shall be submitted in writing to the city manager at least thirty (30) calendar days before the event. The city manager shall have ten (10) business days to respond in writing to the appeal. (as added by Ord. #3851, June 2010)

16-614. Severability. Should any provision of this legislation be determined to be invalid, illegal, or unforeseeable by a court of competent jurisdiction, then such provision shall be amended to make it valid, legal, and enforceable. The invalidity or unenforceability of any provisions shall not affect in any manner the other provisions herein contained, which remain in full force and effect. (as added by Ord. #3851, June 2010)