



ORDINANCE NO. 2023-19

AN ORDINANCE ADDING SECTION 14 TO CHAPTER 7 OF THE CITY CODE TO PROVIDE FOR REGULATION OF SPECIAL EVENTS AND OTHER RELATED MATTERS.

WHEREAS, the City Council ("Council") of the City of Orangeburg ("City") finds:

- (a) The Council is authorized and empowered to provide for its internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975;
- (b) Chapter 7 of the Code of Ordinances, City of Orangeburg, South Carolina 1990 ("City Code") provides for licensing and miscellaneous business regulations;
- (c) Council, on the recommendation of City Administration, has determined that it is in the interest of the City and its citizens, inhabitants, visitors, and businesses, and that it further is in accord with the City's authority to enact ordinances which appear necessary and proper for the security, general welfare, and convenience of the City, as well as to preserve health, peace, order, and good government within the City, to enact new City Code provisions establishing a permitting process for the conduct of special events, as defined, within the City; and
- (d) Council has determined it is in the public interest that the City Code should be amended to add a new Section 14 ("Special Events; Permit Required").

NOW, THEREFORE, the Council ordains that everything between the "" be enacted and codified in the City Code as described in this Ordinance:

Section 14. - SPECIAL EVENTS; PERMIT REQUIRED

Section 14.1. - Title.

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

Section 14.2. - Definition.

When used in this section, and except when the context clearly indicates a different meaning, *Special Event* means (1) any activity on private or public property requiring prior invitation, paid admission, or tickets, and (2) any event including, but not limited to, festivals, block parties, races, musical events or concerts, exhibitions, fairs, carnivals, or other announced public gathering upon any public street, right-of-way or property of the city. *Special Event*, for purposes of the permitting process and permit required by this section, does not include a wedding, commitment ceremony; or an event held inside a church, place of worship, school, assembly hall, concert hall, or government building; or funeral processions supervised by a licensed mortuary; or picketing as allowed by city ordinance.

Section 14.3. - Requirement for permit; application for permit.

No person shall engage or participate in, aid, form, or start any Special Event unless a permit is obtained from the City Administrator. Any person, group or organization wishing to hold a Special Event within the City is required to obtain a Special Event permit after completing and submitting to the City a Special Event permit packet no later than 45 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, Parks and Recreation Department, Public Works Department, Chief Fire Official, and Chief of Police. The City Administrator will make the final review and the final determination on whether the permit is approved, approved with modifications and conditions, or denied.

Section 14.4. - 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 City,
- 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 7:00 am and must end by 11:59 pm,
- 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, and
- 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 14.5. - Issuance of permit; conditions.

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

- a. The event organizer conducted a Special Event or other event within the City during the previous twenty-five (25) months in a manner that failed to substantially comply with City 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 City police presence such that adequate police staffing cannot be provided to the remainder of the City, The application was not received at least 45 days prior to the event,
- d. 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,
- e. The event and/or organizer will be in violation of City, State, or Federal laws,
- f. 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,
- g. The event organizer demonstrates an inability or unwillingness to comply with all Special Event conditions, or
- h. The event and/or organizer does not comply with the City of Orangeburg Special Event Policy, as the same may be updated from time to time.

Section 14.6. - Duties of organizer.

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

- a. Turn in all required paperwork 45 days prior to the event
- b. Read and become familiar with all guidelines and rules for Special Events within the City,
- 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. Collect and remit Hospitality Tax on all food sales or ensure vendors have remitted the Hospitality Tax to the City,
- f. Obtain any necessary permissions from local businesses or property owners (for events on private property),
- g. Notify residents within the surrounding area at least seven (7) days prior to the event of possible

- disruptions for events on private property,
- h. Provide adequate security,
- i. Have a copy of the permit on their person at all times during the event,
- j. Ensure the event follows all guidelines from the City,
- k. Ensure all property is cleaned and returned to its prior state, and
- l. Remove all signs immediately after the event.

Section 14.7. - 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 Orangeburg Department of Public Safety. 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 Orangeburg Department of Public Safety, along with a completed Road Closure form to SC Department of Transportation.
- c. The organizer must provide notification of road closures to all adjacent businesses and residents no less than 10 days prior to the event.

Section 14.8. - Denial or revocation of permit.

The City reserves the right to revoke and cancel any permit for a Special Event determined by the City, in its sole discretion, to be in violation of Federal, State, or local laws or determined by the City, in its sole discretion, to create any noise or disturbance to the surrounding area above what is considered reasonable. The City may also charge fees to any organizer whose event is determined, in the sole discretion of the City, 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 City 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 all 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 unreasonably loud, disturbing or unnecessary noise in the city (Code 5-17.2),
- 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 City, endangers the health or safety of event participants or the general public.

Section 14.9. - Enforcement of laws.

Nothing contained in this section 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 section, when the conduct of such person violates the laws of the State, other ordinances of the City, or unreasonably obstructs the public streets and sidewalks of the City, 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 City, 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),
- b. Parking and traffic laws,
- c. Noise ordinances,
- d. Disorderly conduct,
- e. Trespassing, or
- f. Wildlife and environmental protections.

Codification. The City shall codify the contents of this Ordinance in Chapter 7 of the City Code as Section 7-14, or as otherwise appropriately numbered, of the City Code, online as soon as practicable and

in print as part of the City's next, regular, re-codification.

Reservation to City. The City reserves the right to repeal or amend this Ordinance, at any time, from time to time, as often as the City, in its sole discretion, deems appropriate.

Severability. If any part of this Ordinance is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

General Repealer. All resolutions, orders, and parts thereof in conflict with this Ordinance, are to the extent of that conflict, repealed. This Resolution shall take effect and be in full force upon adoption by the Council.

ENACTED BY the City Council on November 21, 2023, and effective immediately.



Mayor

Michael C. Butler

Members of Council

David P. Jones

At O. G.

Joanna

Jamesment Pitt

kel A. Hill

Richard A. Sturm

Attest:

Linda McDaniell

City Clerk

First Reading: October 17, 2023
Second Reading: November 7, 2023
Third Reading: November 21, 2023