

**ORDINANCE #O-2020-04**

First Reading	October 28, 2019
Second Reading	November 25, 2019
Enacted	November 25, 2019
Effective	November 25, 2019

**AN ORDINANCE TO AMEND AND REENACT THE CODE OF ORDINANCES, CITY OF MANASSAS, VIRGINIA (2002), AS AMENDED, BY ADDING IN CHAPTER 14, AMUSEMENTS AND ENTERTAINMENTS, A NEW ARTICLE III RELATING TO SPECIAL EVENTS**

BE IT ORDAINED by the Council of the City of Manassas, Virginia, meeting in regular session this 25 day of November, 2019:

That the Code of Ordinances of the City of Manassas, Virginia (2002) is hereby amended and reenacted by adding in Chapter 14 a new Article III as follows:

**CHAPTER 14- AMUSEMENTS AND ENTERTAINMENTS**

**ARTICLE III. SPECIAL EVENTS**

**DIVISION 1. GENERALLY**

**Sec. 14-40. Purpose.**

(a) The purpose of this Article is to establish procedures and standards governing the use of public property for Special Events, as defined herein, by non-City organizations and individuals; to ensure the preservation of public convenience in the use of City streets and outdoor areas; to preserve public order and safety; and to defray the administrative expenses associated with the use of City property for Special Events.

(b) This Article does not apply to non-commercial expression or activity protected by the First Amendment to the United States Constitution, including, but not limited to, protests, demonstrations, picketing, political marches or rallies, speechmaking, vigils and walks.

**Sec. 14-41. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Attendee* means members of the general public that are present at a special event that did not take part in the development or organization of the event program.

*City* for purposes of implementing this article, means the City of Manassas, Virginia and includes a designated officer or employee of the City.

*Closure* means the prohibition of vehicle or pedestrian traffic of any part of a public parking lot or public right-of-way to permit the use of the public parking lot or public right of way for the program of an event.

*Commercial enterprise* means any public advertisement by event participants, as part of the event program, which conveys a message that markets for sale a product or commercial service, which is designed to earn a profit for the advertiser. This includes the listing, announcing, or otherwise posting for public review prior to or during the event any sponsors that are engaged in for-profit business.

*Community Event* means an annual or recurring special event that has been officially sanctioned by the City of Manassas in a resolution or ordinance enacted by City Council.

*Dawn* means one hour before sunrise as determined by the National Weather Service.

*Dusk* means one hour after sunset as determined by the National Weather Service.

*Event program* means the planned activities of an event or the public advertisement of those activities.

*Historic district* means any area designated by City Council as a historic overlay zoning district pursuant to City Code §13-402.

*Organized physical activity* means any event program that includes a race, run, walk or other athletic activity.

*Parade* means a procession, with or without vehicles, requiring the closure of city streets to vehicle or pedestrian traffic.

*Parks* means any City-owned outdoor area normally open to the public for active or passive recreational activities. As used herein “parks” does not include City recreational areas when they have been leased, licensed or reserved for the exclusive use of a third party.

*Participant* means any individual, business, sponsor or other entity taking part in the development or implementation of the program of a special event.

*Peak attendance* means the greatest number of attendees at an event at any one time as determined by the City.

*Private security service* means any private agency or person that has received accreditation from the Virginia Department of Criminal Justice Services to provide security services.

*Special event* means any planned gathering held on public property consisting of an event program that will be open or advertised to the public and will include any commercial enterprise by the participants. Special events include, but are not limited to, pageants, celebrations, sports events, historical reenactments, carnivals, music festivals and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., run / walks), block parties, parades and other similar activities.

*Sponsor* means any individual, business, or other entity that makes a contribution to an event program but is not necessarily a participant of the event program.

*Traffic control* means any temporary restriction of regular vehicle or pedestrian traffic of any public right of way to allow for safe passage of persons or vehicles participating or attending an event.

**Sec. 14-42. Permit required.**

- (a) A permit is required for any special event that consists of any one of the following:
  - i. A street closure
  - ii. A public parking lot closure
  - iii. An event that will require traffic control
  - iv. Alcohol being offered for consumption or sale
  - v. Any special event being held on the grounds of a City park where the City reasonably expects a peak attendance of more than 200 attendees. The special event permit required will be in addition to any park reservation requirements enacted by the City.
  - vi. Unless otherwise specified, any special event where the City reasonably expects a peak attendance of more than 30 attendees on any public property or any property maintained by the City other than a city park.
- (b) All special events that require traffic control or a street or parking lot closure shall be required to have a minimum peak attendance of 30 persons. The expected peak attendance shall be determined by the City based on past experience or reasonable expectation.
- (c) Parades are eligible for a special event permit only if there will be a minimum of 100 participants in the procession.
- (d) The City reserves the right to require a street or parking lot closure or traffic control as a part of any special event, regardless of whether such measures were requested in the event application.

**Sec. 14-43. Location, general restrictions, and requirements.**

- (a) The event cannot interfere with any activities of the U.S. Government, Commonwealth of Virginia, City of Manassas or any department, division, or agency thereof.
- (b) The events program, not including set-up or break-down, may occur at any time between:
  - i. Dawn to dusk Sunday through Thursday
  - ii. Dawn to 11:00PM Fridays, Saturdays and Federal Holidays

- (c) Special events may be located in any public area or facility except in those areas outlined in this subsection. Special events are prohibited in:
- i. Any public facility or area not suitable for the proposed event for specific public safety reasons articulated by the city, based on past experience or reasonable anticipation.
  - ii. Any public facility or area where an event, because of its size or nature, cannot be accommodated and would unreasonably interfere with the normal operation of the public facility or area.
  - iii. Any street closures required for the event cannot be accommodated as the closures would unreasonably interfere with regular traffic or access to private property.
  - iv. The use or closure of any parking garage or any portion of any parking garage for special events is prohibited.
  - v. The use or closure of the Candy Factory parking lot located at 9414 Main Street is prohibited, except for activities of the Center for the Arts of Greater Manassas / Prince William County.
  - vi. Special events may be permitted to include traffic control but shall not require the closure of:
    - a. Any part of Ashton Avenue
    - b. Any part of Breeden Avenue
    - c. Any part of Center Street from Wellington Road to Stonewall Road
    - d. Any part of Centreville Road
    - e. Any part of Church Street
    - f. Any part of Dumfries Road
    - g. Any part of Euclid Avenue
    - h. Any part of Gateway Boulevard
    - i. Any part of Godwin Drive
    - j. Any part of Grant Avenue
    - k. Any part of Harry J. Parrish Boulevard
    - l. Any part of Hastings Drive
    - m. Any part of Liberia Avenue
    - n. Any part of Main Street
    - o. Any part of Nokesville Road
    - p. Any part of Portner Avenue
    - q. Any part of Stonewall Road
    - r. Any part of Sudley Road
    - s. Any part of Wakeman Drive
    - t. Any part of Wellington Road
    - u. Any street reasonably necessary for emergency vehicle dispatch due to its proximity to a police station, a fire station, or a rescue squad.

- v. Any other street which unreasonably interferes with traffic for specific reasons articulated by the city, based on past experience or reasonable anticipation.
- (d) If a special event also uses city park facilities then the permittee must also complete an application for rental, pay all applicable fees to the city, and enter into a park use contract.
- (e) Events taking place on any property owned by the Manassas City Public School System require the approval of the City School administration.
- (f) In addition to the permit required under this Article, special events taking place at the Manassas Regional Airport require the advance written approval of the Airport Director.
- (g) Events involving organized physical activity that includes a race, run, or walk, will be required to utilize a route that is predetermined by the Chief of Police or their designee. The Police Department shall maintain routes available for use which will incorporate the city's parks and recreation systems. The Chief of Police, or designee, may grant exceptions to this restriction in situations where a race makes a request for an official certification for time and distance.
- (h) If a special event includes the distribution or sale of alcohol, the permittee and all other participants will be required to obtain all appropriate licenses and/or permits required by Virginia Alcoholic Beverage Control Authority.
- (i) Special events that include the distribution or sale of alcohol shall be required to include security services by a request for supplemental city services or through the use of private security services.
- (j) Participants of the event program engaging in commercial enterprise that accept payment for goods or services shall have all necessary licenses and pay all applicable taxes.
- (k) All special events shall be open to the general public. Permittees and participants are prohibited from restricting access to any public area except for when it is required for public safety purposes which have been approved by the City.
- (l) If a special event involves the use of any public area or facility within any historic district, then the event is also subject to the additional provisions of Section 14-44 of this article.

**Sec. 14-44. Historic district special events.**

- (a) All special events in a historic district must be coordinated with an agent of the City designated by the City Manager to coordinate special events. That coordination will be accomplished by the following procedure:
  - i. Prior to the established permit application deadline outlined in this article, all permit applications for special events proposed for the same day in a historic

district will be considered simultaneous regardless of the actual date of submission.

- ii. All simultaneous applications in a historic district will be collected and coordinated into a single event by the city's coordinating agent and will be designed to conform to all the conditions of this article.
- iii. The coordinated event will be forwarded to the City by the city's coordinating agent at least 30 days prior to the proposed event date in the form of a single permit application.
- iv. Only one permit shall be issued per day for an event within the historic district.

(b) Special events in a historic district shall not be permitted to close any public street within the historic district that is not specifically authorized by this subsection.

- i. Events where the City reasonably expects a peak attendance of 30 to 100 attendees may be permitted in the following areas but shall not close Center Street:

- a. Public parking lots within the historic overlay district
- b. City parks within the historic overlay district
- c. Battle Street from Church Street to the railroad track

- ii. Events where the City reasonably expects a peak attendance of more than 100 but less than 2,500 attendees may be permitted in the following areas but shall not close Center Street:

- a. West Street from Church Street to Prince William Street
- b. Battle Street from Church Street to Prince William Street
- c. Prince William Street from West Street to Battle Street
- d. Public parking lots within the historic overlay district
- e. City parks within the historic overlay district

- iii. Events where the City reasonably expects a peak attendance of more than 2,500 attendees, or events consisting of a parade, may be permitted to close any portion of Center Street from Stonewall Road to Prescott Avenue.

#### **Sec. 14-45. Community Events.**

At least once annually the City may specifically authorize certain recurring City community events. Events sanctioned in that manner by City shall have priority over other special events requested in the same area for the same time, and shall be exempt from the restrictions and requirements of Sec. 14-43 and Sec. 14-44 of this Article except for:

- i. All requirements related to the sale or consumption of alcoholic beverages.
- ii. All requirements related to licensing and payment of taxes for the sales of goods and services.

**Sec. 14-46. Prohibited activities.**

Unless otherwise expressly provided for by a permit or approved security plan, the following general rules apply to all activities governed by this article:

- (a) The collection of entrance fees from members of the public is prohibited; provided, however, that nothing herein prohibits permittees from collecting an entry fee from participants in scheduled events (i.e., runs or walks).
- (b) Duly licensed peddlers, solicitors and other mobile vendors shall not be restricted from the permitted event area except when that vendor directly interferes with the program of the event or the placement of other vendors associated with the event as outlined in the permit and security plan.
- (c) Except for lawfully carried firearms, no one present at a special event may carry any weapon. A "weapon" for purposes of this provision includes:
  - i. Any of the items which may not be carried hidden from observation without a concealed weapon permit under Virginia Code § 18.2-308
  - ii. Any other object with a sharp point or edge, except a knife with a blade of less than three inches.
- (d) Special events shall not restrict the public use of any sidewalks within the permitted event area.
- (e) Animals shall not be sold as part of the program of a special event.
- (f) The event program and participants shall not violate any of the provisions of Chapter 78 of this code.

**Sec. 14-47. City services.**

Supplemental city services, including but not limited to public safety, or private services, including but not limited to private security services, may be required as deemed necessary by the city to protect public health, safety, and welfare. Supplemental city services may also be requested by the event permittee(s) or participants. The cost of any supplemental services shall be fully covered by the permittee(s) and participants as required by the City. The costs for City services and procedure for receiving payment will be determined by the City. Whether City supplemental services can be made available on the date of the special event will be determined in the sole discretion of the City.

**Sec. 14-48. Noise control.**

- (a) Noise levels generated from the operating, playing or permitting the operation of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound at any special event shall not exceed 85 db(A) as read by the slow meter response on a sound level meter at any site normally occupied by an attendee or participant of such special event.
- (b) The procedure used to measure noise levels shall be the same procedure as outlined in Chapter 58 of this code.

**Secs. 14-49 - 14-55. Reserved.**

**DIVISION 2. PERMIT**

**Sec. 14-56. Filing and general contents of application.**

Every person desiring a special event permit required by this division shall submit an application therefor to the city manager or designee. Such application shall be filed not less than 45 days prior to the beginning of the event and shall show thereon, or by attachment thereto, the following:

- (a) The exact location at which it is planned to conduct the event, including therein all land to be used for parking or other uses necessary or incidental to the event.
- (b) If the proposed event involves the use of private property for parking or other uses necessary or incidental to the event, the applicant shall submit evidence of written permission(s) from the owner of such property authorizing or permitting the use of the private property during event.
- (c) A detailed description of the proposed event including date(s) and times, location, maximum number of expected attendees at any one time, total number of expected attendees during the entire event and a contact name and telephone number of at least one participant who will be on-site and managing the event program.
- (d) A detailed description of the planned set-up and clean-up of the event including the date(s) and times, location, and city resources requested to accomplish the plans. The applicant shall include a plan to discard all refuse or litter associated with the event.
- (e) A plat or drawing showing the location of all temporary signs, temporary structures, outdoor furniture, onsite and/or offsite parking, equipment, lighting, food services, and any animals to be utilized in connection with the proposed event.
- (f) Documentation or a letter of permission shall be provided stating the specific location of restrooms that will be available to the attendees throughout the duration of the event.



- (g) A detailed security plan accounting for traffic control, street closures, or other public safety needs is required to be submitted with all special public event applications.
- i. Pursuant to Virginia Code § 15.2-2013(2), all applications for special events that require the use of any public right-of-way shall be accompanied by proof of insurance with an insurance company licensed to do business in the Commonwealth and insuring against personal injury, death, and property damage resulting from the temporary use of the street in a coverage amount of at least \$1,000,000.00, naming the city as an additional insured. If an applicant is unable to obtain the required insurance the City Manager, or his designee, may waive the requirement in whole or in part for events that do not (1) pose a high level of liability risk to the City or a material risk to public safety, and (2) do not involve any inherently dangerous activity.
  - ii. The Chief of Police or designee will review all security plans and notify the applicant if the plan is rejected, giving the reasons for the rejection. The applicant shall coordinate with the Chief of Police, or designee, to develop an acceptable security plan for the event. The applicant may appeal the final decision of the Chief of Police to the City Manager whose decision will be final.
  - iii. All requests to change the approved security plan of a permitted event within 15 days of the event will be denied unless a waiver is granted by the Chief of Police.
- (h) Except for permit applications for events in the historic overlay district, if two or more applications are made for overlapping areas and times then the one received first will be honored by the city and the city will suggest alternative times and/or locations for the later one. All applications received on the same day will be considered simultaneous. An application for renewal will be considered simultaneous with a new application for the same or overlapping area and time. If there are two or more simultaneous applications for overlapping areas and times, then the City will contact the applicants and attempt to accommodate all applicants' needs by agreement. If agreement cannot be reached, the permit for the overlapped area and time shall be awarded by lot. The procedure for simultaneous applications for events within a historic overlay district is outlined in Sec. 14-43 of this Article.
- (i) If an application, regardless of location, is made for an overlapping area or time as an application that is made for a use of public forum, then the procedure for approval will follow the procedures outlined for overlapping applications in Sec. 102-42 of this code.

**Sec. 14-57. Application fee.**

Each application for a permit under this division shall be accompanied by a nonrefundable application fee in accordance with a fee schedule established by the City.

**Sec. 14-58. Insurance requirements.**

Event applicants shall have a general liability insurance policy and provide a certificate of insurance to the City of Manassas, naming the City as an additional insured. A copy of that endorsement must be provided to the City prior to the start of the event. A certificate of insurance without the additional insured status endorsement does not meet the standard of this requirement. Other insurance requirements for events are:

- (a) Minimum liability limit requirements for all event organizers of \$1,000,000
- (b) If alcoholic beverages are served the event organizer shall have a minimum liability limit requirement of \$5,000,000, including Liquor Liability. Higher limits may be required after review by the City's Risk Management Division.
- (c) If any participant is an organization or company that has employees, they shall show evidence that they have workers' compensation insurance with statutory limits that meet the requirements of the Virginia Workers' Compensation Act.
- (d) Any other special insurance requirements based upon specific and/or high risk event activities as determined by the City.

**Sec. 14-59. Applicant may be required to meet additional conditions.**

Any applicant for a permit required by this article may be required, by the city, to meet any conditions, in addition to those specified in this article, prior to receiving a permit to conduct a special event, which are reasonably calculated as necessary to protect the health, safety, and general welfare of the persons attending the event or the public in general. Approvals and inspections for temporary structures and amusement devices shall be coordinated with the City's Fire Marshal and Development Services Division.

**Sec. 14-60. Issuance.**

The City Manager or designee shall issue the permit in accordance with the application and plans, deny the permit, or set conditions which must be met and secure assurance that conditions will be met, before a permit may be issued.

- (a) The City may authorize the issuance of a permit for a special event if it finds that the event will comply with all the provisions of this article.
- (b) No permit for a special event shall be issued for a period in excess of three days, which need not be consecutive, provided that permits may be extended upon a new application.
- (c) No permit shall be granted for any special event beginning more than 365 days after the date of application.

**Sec. 14-61. Transfer.**

No permit issued under the provisions of this article shall be transferable or movable to another location or another permittee.

**Sec. 14-62. Revocation and denial.**

The City Manager, the Chief of Police or their designee may refuse to issue or immediately revoke any issued permit pursuant to this article for any of the following causes:

- (a) The event applicant fails, neglects or refuses to include any of the information required by this ordinance or provides any false statement in an attempt to fulfill the application requirements.
- (b) The permittee or any event participant fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of the permit.
- (c) The permittee or any event participant has failed, neglected, or refused to fulfill any of the conditions imposed on any special event or other public gathering permit issued by the City within the previous two years.
- (d) The permittee knowingly permits the event to be conducted in a disorderly manner or knowingly allows any person to remain on the premises while under the influence of alcohol or any controlled substance that constitutes a violation of law.
- (e) The permittee, any event participant, or any event attendee violates any of the prohibitions outlined in Section 14-46 of this ordinance or commits any other violation of law.
- (f) The permittee or any event participant fails to obtain or fails to maintain any insurance as required by this ordinance.
- (g) The permittee or any event participant has previously made a false, misleading, or fraudulent statement of material fact in the application for a permit or any other document required by this article.

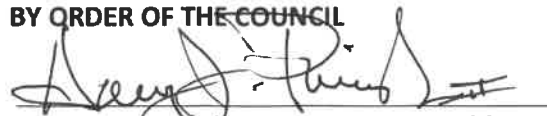
**Sec. 14-63. Appeals.**

A person that is denied a permit, or whose permit is revoked, may appeal that decision to the City Council within five calendar days of the notification of denial or revocation. After appropriate notice to interested parties, if any, the City Council shall hold a timely hearing to hear and decide the appeal. Appeals for denial due to untimely application are prohibited.

Secs. 14-64—14-65. Reserved.

2. This ordinance shall take effect upon second reading.

BY ORDER OF THE COUNCIL



Harry J. Parrish II

Mayor

In Behalf of the City Council  
of Manassas, Virginia

ATTEST:



Lee Ann Henderson

City Clerk

**MOTION:** LOVEJOY  
**SECOND:** DAVIS-YOUNGER  
**RE:** ORDINANCE #O-2020-04  
**ACTION:** APPROVED

**Votes:**

**Ayes:** Davis-Younger, Ellis, Lovejoy, Sebesky, Smith, Wolfe

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None