



**CITY OF CLINTON
STATE OF SOUTH CAROLINA
ORDINANCE**

SPECIAL EVENTS ORDINANCE OF THE CITY OF CLINTON

Title of article.

This article shall be known as the Special Events Ordinance of the City of Clinton."

Enforcement of other laws.

Nothing contained in this article shall prohibit the authority of any officer to arrest a person engaged in any act or activity granted under this article, if the conduct of such person violates the laws of the state, provisions of this Code, or other ordinances of the city, or unreasonably obstructs the public streets and sidewalks of the city, or if such person engages in acts that cause or would tend to cause a breach of the peace, or undue disturbance, interference, or molestation of other persons making lawful use of the space in a peaceful manner.

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:

Block party means a private outdoor gathering on a public street which involves the closure of a street and may include live or taped music and the distribution of food and beverages.

Event means any festival, concert or other announced public gathering upon any public street, right-of-way or property of the city.

Filming means any filming of movies, commercials, documentaries and other motion pictures, video projects, or commercial photographs upon any public street, right-of-way or property of the city.

Open event means any event which primarily promotes, entertainment, arts, dining, athletic competition, political activity and is generally advertised as open to the public at large without the necessity to enter by prior invitation or purchase of a ticket; events are presumed to be open events.

Parade means any parade, march, foot race, bicycle race, ceremony, pageant or procession of any kind moving upon any public street or sidewalk of the city which does not comply with normal traffic regulations.

Performance means any public presentation, exhibition, fireworks display or appearance upon any public street, right-of-way, plaza or property of the city.

Picketing and *pickets* include demonstrating and demonstrators, and other related First Amendment activity.

Private event means a wedding, commitment ceremony, fundraiser, block party in a residential neighborhood, and filming event; social activities requiring limited admission for sponsors or invited guests may be treated as private events; events requiring paid admission or tickets may be treated as private events; events involving a state, national, or international official who has special security details may be treated as a private event for the limited purpose of assuring security.

Street performance means acting, singing, playing one or more musical instruments, dancing, miming, juggling, unicycling, stilt walking, doing magic tricks, reciting, imitating statues, and engaging in similar acts of entertainment when done on a city-owned or -controlled sidewalk, plaza, park, or similar public space.

Street performer means someone who engages in street performances.

Permit required; exceptions.

- (a) No person shall engage or participate in, aid, form or start any parade, event, block party, performance or filming unless a permit is obtained from the city manager.
- (b) This section shall not apply to the following:
 - (1) Funeral processions supervised by a licensed mortuary.
 - (2) A parade, event or performance that is under the control of the City of Clinton and is conducted on city property.

Application for permit.

- (a) *Generally.* A person seeking the issuance of a parade, event, block party, performance or filming permit shall file an application with the city manager. The city manager may authorize a city official to enforce this section. Upon receipt of the application, the city official shall notify the appropriate staff members, who will make a recommendation to the city manager as expeditiously as possible.
- (b) *Filing period; processing fee.* An application and processing fee for any permit required by this section shall be made to the city administrator's office based on the event, detailed on the event application. The administrator where good cause is shown shall have the authority to consider any application which is filed less than the 30 days before the date sought.
- (c) *Contents.* The application shall be signed by the applicant, and shall include but not be limited to the following:
 - (1) The name, address and telephone number of the individual submitting the application on behalf of the person, group, or organization seeking to conduct such parade, event, block party, performance or filming;
 - (2) The name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;

- (3) The date when the proposed parade, event, block party, performance or filming is to be conducted;
- (4) The route to be traveled, the starting point and the termination point, or the area sought to be used or closed off for the parade, event, block party, performance or filming;
- (5) The approximate number of persons, animals and vehicles participating, and the types of animals and a description of the vehicles;
- (6) The time when the parade, event, block party, performance or filming will start and terminate;
- (7) The location, by streets, of any assembly area and the time of such assembly for parades; or the location of such street, plaza, park, or other public area where persons will gather for an event, ceremony, or performance for events other than parades;
- (8) Provisions for sanitation facilities, crowd, noise and traffic control, security and parking as pertinent for the event;
- (9) A description of food and beverages to be sold or distributed, and if beverages containing alcohol are to be sold, then evidence of a state permit, if needed, having been issued or applied for, and a limitation of such beverages to beer and wine; and
- (10) The individuals or entity that will benefit, if revenue is anticipated to be generated by the activity.

Issuance of permit; conditions.

- (a) *Criteria for issuance.* The city manager shall issue a permit for a proposed parade, event, block party, performance or filming unless he finds that:
 - (1) The conduct of the parade, event, block party, performance or filming will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 - (2) The conduct of the parade, event, block party, performance or filming will require the diversion of so great a number of police officers of the city to properly police the line of movement and of contiguous areas that adequate police protection cannot be provided to the remainder of the city;
 - (3) The concentration of persons, animals, equipment or vehicles at assembly points or other areas will substantially interfere with adequate fire and police protection of, or ambulance service to, areas near such areas, or will hinder the movement of firefighting equipment;
 - (4) The conduct of the parade, event, block party, performance or filming is reasonably likely to result in violence to persons or property, causing serious harm to the public;
 - (5) The parade, event, block party or performance is to be held for the primary purpose of advertising a product, goods or services, and is designed to be held primarily for profit;
 - (6) The route has been requested recurringly in the past year and is too disruptive to residents or businesses; or
 - (7) Any proposed use of public property, right-of-way or facilities will unduly interfere with the normal use of the property, right-of-way or facility by the city or the general public. Consideration shall be given to the number of people expected to be in attendance, the primary purpose of the space, other previously permitted events nearby or in the same space and occurring close in time to the proposed time. The appropriateness of the size of space requested

for the type of activity proposed will be assessed so that limited space will not be expected to hold a large number of people or large space is not set aside for a limited number of people.

- (b) *Liability insurance.* The city manager may require proof of public liability insurance in an amount equal to the city's liability under the Government Tort Claims Act of the state, and require the execution of a hold harmless agreement to indemnify the city in the event it is held liable for any injuries or damage as a result of the event.
- (c) *Notification of city agencies of issuance of permit.* Upon issuance of a permit, a copy shall be sent to the fire chief, the traffic engineer, the chief of police, economic development, and any other department affected.
- (d) *Compliance with other laws.* The granting of any permit required by this article shall not eliminate:
 - (1) Requirements for any business license or any other permits which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations;
 - (2) Compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations; or
 - (3) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at assembly points or other areas which substantially damages planting or landscaping on public or private property. Adequate cleanup and sanitation must be provided.

The city manager is authorized to develop rules and regulations in order to further the purposes of this article.

- (e) *Private events.* Private events will be exempted from the requirement that the activity be open to the public at large, but may be restricted to those who have paid for admission, been invited, or otherwise secured admission from the permittee, or the permittee's authorized agent.
- (f) *Open events.* Open events must be open to all persons desiring to attend and conducting themselves without undue disturbance of the event's purpose.

Notice of action on application.

The city manager shall act upon the application for a permit required by this article as expeditiously as possible, notifying the applicant by mail of the decision. If the application is disapproved, the reasons therefor shall be set out in writing.

Approval of permit under alternative date, time, route or conditions.

The city manager, in denying an application for a permit under this article, shall be empowered to authorize the conduct of the parade, event, block party, performance or filming on a date, at a time, or over a route and under different conditions from that requested by the applicant.

Duties of permittee.

- (a) *Generally.* A permittee under this article shall comply with all permit directions and conditions.

- (b) *Display or carrying of permit.* The applicant, individual, or any representative of the organization shall display the permit or carry it upon his person during the parade, event, performance or filming.
- (c) *Special event vendor's permits.* No event which features businesses or organizations providing goods or services for compensation shall be issued an event permit, unless the permittee under this article shall obtain for each such business or organization a special event vendor's permit from the city in accord with such measures as the city manager shall prescribe. Each permittee must designate an individual who will be responsible for identifying all vendors and for collecting on behalf of the city all fees as provided in this section. The special event vendor's permit shall be valid for no longer than the duration of the permitted event, up to a maximum period of two months. The fee charged for the special event vendor's permit shall be in accord with any fee schedule which may be adopted and amended from time to time by council.

Public conduct.

- (a) No person shall unreasonably hamper, obstruct, impede or interfere with any parade, event, performance or filming, or with any person, vehicle or animal participating or used in the event.
- (b) No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles are in motion and are conspicuously designated as parade, nor shall any driver drive around or through any event or properly designated or barricaded area.
- (c) The city administrator shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for a parade, event, performance or filming; and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (d) No glass bottles, containers or cans may be sold or distributed on the public right-of-way, and no patron may carry a glass bottle, container or can on the public right-of-way during a parade, event, performance or filming. It shall be unlawful for any vendor to sell beverages in glass containers for off-premises consumption at parades or events.
- (e) Prohibited novelties: Aerosol/spray plastic/foam string and fireworks to include those known as "poppers" or "snaps" are prohibited on parade routes and city permitted events, unless specifically permitted by the city. It shall be unlawful for vendors to sell or distribute prohibited novelties during parades, events, block parties, performances, filming, picketing and similar events.

Payment of costs of services and equipment provided by the city.

- (a) The city administrator may impose reasonable fees and requirements upon the applicant as necessary to cover the costs of public services and equipment provided by the city for the event.
- (b) A bond may be required to cover the cost of labor and equipment if the event fails to take place without cancellation of 24 hours' notice. Forfeiture of the bond will not apply if inclement weather, disaster or other unforeseen event not in the permittee's control.

Security.

The applicant must provide adequate security for the event as directed by the police department. The applicant may be required to hire sworn off-duty law enforcement officers to provide security and ensure public safety.

Food, beverage, and litter control.

- (a) No glass containers or cans will be permitted on city property or streets. Beverages must be served clear plastic containers.
- (b) Procedures and logistics for serving alcoholic beverages must be submitted with the permit application. They shall include but are not limited to: location, hours of operation, locations with site diagram, security procedures (volunteer and uniform staffing, ID checking, and dispensing operations), enclosure requirements, parking locations for beer trucks, etc. The service of and consumption of alcoholic beverages must comply with all South Carolina Alcohol Beverage Control Commission regulations. The city reserves the right to revoke the permit or require the applicant to discontinue alcohol sales whenever the consumption of alcohol by participants becomes excessive, or when over a period of time participants regularly demonstrate obnoxious, loud, abusive, or other inappropriate behavior following events.
 - (1) The applicant must post signs stating the alcoholic beverages prohibited beyond the approved permitted area and underage drinking is prohibited.
 - (2) All participants consuming alcohol must wear an armband to identify that they are of legal drinking age.
 - (3) All alcohol sales must end 30 minutes before the permittee's ABC license expires or the conclusion of the event, whichever comes first.
- (c) Arrangements must be made with the public services department by the permittee for trash containers and procedures to clean the streets. Cleanup must begin immediately at the conclusion of the event.
- (d) Vendors must obtain the appropriate licenses and permits from city hall, codes department and DHEC and observe all regulations.
- (c) *Parking on parade route or event location.* The city manager shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for a parade, event, performance or filming, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (d) *Glass containers.* No glass bottle, containers or cans may be sold or distributed on the public right-of-way, and no patron may carry a glass bottle, container or can on the public right-of-way during a parade, event, performance or filming. It shall be unlawful for any vendor to sell beverages in glass containers for off-premises consumption at parades or events.
- (e) Restaurants inside of the event barricades can serve beer and wine on the sidewalks during events, in clear plastic containers. Patrons are not allowed to leave the area with the beverage and must be wearing an arm band as proof of ID.
- (f) No CWP carries nor weapons allowed in the alcohol area of the event.

Payment of costs of services and equipment provided by city.

The city manager may impose reasonable fees and requirements upon the applicant as are necessary to cover the cost of public services and equipment provided by the city for the event. The applicant or sponsor shall be responsible for cleanup after an event. A bond may be required.

Picketing.

- (a) *Conduct of picketing; penalty.* For purposes of this section, *picketing* means an organized effort to express publicly a point of view at a given place with signs, oral statements, or the like in a systematic manner, which involves walking or standing in the same area for a prolonged period of time. Peaceful picketing in the furtherance of a lawful purpose shall be allowed in the city in public places without a permit being required, provided the picketing is done under the following conditions:
- (1) Picketing may be conducted only on the sidewalks or other city-owned areas or right-of-way normally used or reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.
 - (2) Such picketers may carry written or printed placards or signs, provided the placards and staffs or poles to which they are attached do not interfere with the free use of the sidewalk by other pedestrians. Such placards, with reasonable use, shall be deemed to comply if they do not exceed 20 inches by 30 inches or 600 square inches. Such staffs and poles, with reasonable use, shall be deemed to comply if they are made of wood, do not exceed 40 inches in length, are not more than one inch in diameter, and are blunt at each end. Placards, staffs and poles exceeding these dimensions, and staffs and poles having pointed ends, are presumed threats to safety.
 - (3) Such picketers must march single file and not congregate so as to block the sidewalk or any driveway.
 - (4) If picketers without permits who are promoting different objectives desire to use the same area for picketing, the police department shift commander shall allot time to each group of picketers for the use of the same or nearby area on an equitable basis, provided reasonable accommodation is made for picketing for the other group in close proximity to the preferred location, and each group shall be permitted to picket at the preferred location, subject to the provisions of this section, in alternating four-hour time periods.
 - (5) Picketing done contrary to this section shall be unlawful, and each individual in violation shall be subject to a fine of up to \$50.00 for the first offense, and a fine of up to \$100.00 for the second and subsequent offenses within a period of two years.
- (b) *Interference with pickets.* It shall be unlawful for any person to interfere physically with such pickets in the use of the sidewalk or address profane, indecent, abusive or threatening language to or at such pickets or others to breach the peace.
- (c) *Crowd dispersal.* A shift commander or supervisor of the police department of the city may, in the event of the assemblage of persons in such numbers as to tend to intimidate picketers pursuing their lawful objective through numbers alone or through use of inflammatory words or threatening gestures that are ordinarily used to intimidate people, direct the dispersal of persons so assembled, and any police officer may arrest any person who fails to leave the place of assemblage when so directed by the police.

- (d) *Restrictions.* Persons engaging in picketing activity can not do so inside an area designated as an event area for which a permit has been granted to another individual or group under this article, if the picketing behavior has the effect of interfering with, hampering, hindering, or getting in the way of those participating in the permitted event in accordance with its purposes or with the general public making use of the space for its ordinary and customary purposes. Whenever any police officer or municipal employee charged with monitoring or supervising event activity determines the picketing behavior is interfering with, hampering, hindering, or getting the way of others as provided in this section, then the officer or employee may direct the picketers to relocate to other public space in reasonable proximity where such conduct can continue, if lawful, so long as the picketing does not interfere with, hamper, hinder, or get in the way of persons participating in the event for its intended purposes or of members of the general public making use of the public space for its ordinary and customary purposes.

Street performances.

- (a) *Street performances authorized.* A street performer may engage in a street performance, on city-owned or -operated sidewalks, plazas, parks and other public places, other than vehicular areas in streets and motor vehicle parking lots, so long as the street performer obtains a street performance permit pursuant to this section and complies with the provisions of this section. A street performer acting in compliance with this section does not need any other permit required under this article and is not subject to rules and regulations applicable to other special events as provided for in this article.
- (b) *Permit requirements.* No street performer may engage in street performances without first obtaining a street performance permit from the city manager or the city manager's designee, in accordance with reasonable administrative procedures established by the city manager. The information required on a permit application shall be that which reasonably relates to the performer's identity and current contact information and which specifies the type of performance activities the performer intends to provide. Each applicant must also submit a criminal records check from the city police department. The city reserves the right to deny a permit with a conviction for an act that would represent a potential threat to public safety or security for a viewing audience. Each street performance permit applicant must complete a permit application at least 24 hours prior to the first street performance of the permit's term.
- (c) *Permit term.* The permit shall be valid from the time of issuance until the next March 15. Thereafter, the permit may be renewed on or before each March 15 upon the completion of a new application and payment of the standard permit fee.
- (d) *Permit fee.* The city manager shall from time to time set a standard fee adequate to cover or offset the administrative costs of processing a permit application, issuing a permit, maintaining a file on current and inactive permits, and assuring compliance. The permit and the permit fee under this section are in lieu of any other license, permit, tax, or fee, otherwise required by the city for the conduct of performances or the receipt of revenue for performances.
- (e) *Permit appearance and display.* Each permit shall include a current photograph, which shall be passport size, as submitted by the street performer applicant in the most recent application. The permits shall be numbered and contain the name of the permitted street performer. The city shall laminate permits at the time of issuance. Street performers shall keep the permits prominently displayed on their persons, or at the place of performance, during the time of performance.
- (f) *Nontransferable.* Permits are issued to individuals only, even if two or more permittees perform as a group. No permittee may transfer an issued permit to another person.

- (g) *Excluded areas.* Street performances are not permitted within 50 feet of the structure which is a school, hospital, funeral home, or court house and which is designated as such. No performance may occur within 50 feet of the property line of a cemetery. No performance shall occur within an encroachment area for dining on a public sidewalk. No performance activity shall interfere with or impede the flow of pedestrian traffic at a crosswalk, building entrance, private patio, curb cut, or entrance into an encroachment area for dining. No performance activity shall be allowed in a special event area permitted by the city without the express written authorization of the event sponsor. No street performer may perform within 50 feet of another street performer; however, this provision shall not preclude street performers who are performing together from performing in close proximity to one another. In addition: the city, after at least ten days' published notice in a newspaper of general circulation and a posting of notice at or near the proposed site, may hold a public hearing to receive comments on whether to exclude additional sites at which street performances shall be excluded. Persons may also submit written comments. The city manager shall assess such information thereby developed and may exclude additional sites for good cause related to public safety, public health, public peace, or the peaceful enjoyment of nearby premises.
- (h) *Excluded performances.* Performances with flames or fireworks are excluded unless the performer first obtains a written authorization from the fire marshal setting forth the conditions of authorization, if any is to be granted, for the time, place, and manner of the performance. Performances with knives, daggers, swords, and like sharp instruments are excluded unless written authorization is first obtained from the police department setting the conditions of authorization, if any is to be granted, for the time, place, and manner of the performance. Performances with chalk drawings on sidewalks are excluded unless the performer first obtains the written authorization, if any is to be granted, from the public works director, setting conditions for the time, place and manner of the performance. The use of animals is excluded. Where written authorizations are required under this subsection, the performer shall maintain them at the location of the performance at all times during the performance.
- (i) *Times of performance.* Permitted street performances may occur between 10:00 a.m. and 10:00 p.m. all days of the week.
- (j) *Gratuities.* No performer may solicit payment from any individual before, during, or after a performance. However, a performer may invite a group as a whole to show appreciation for the performance at the end of a performance by placing money in a designated receptacle of any reasonable size that it does not block pedestrian traffic at the performance site. The receptacle may remain open before, after, and during the performance and may have with it a sign which invites gratuities, provided the sign is no larger than 12 inches by 18 inches. The use of such open receptacles evidencing intent to receive money is prohibited unless a street performance is in preparation, underway, or just concluded.
- (k) *Sound level and amplification.* All street performers in conducting street performance activities shall be subject to the city's noise ordinance contained in section 16-91 et seq. Performances with sound amplification are excluded unless the city manager or the city manager's designee issuing permits determines that the amplification is necessary or proper for the musical or other sound component of a performance and that reasonable steps are being taken as described in the permit to avoid the likelihood of undue public disturbance. Necessary or proper amplification includes, but is not limited to, background musical accompaniment for dancing, juggling, singing, or the like, as well as amplification for flute, piccolo, and other low volume wind instruments needing amplification to be heard outside.
- (l) *Disturbance and interference.* No person shall willfully and maliciously interfere with or disturb a permitted street performer engaged in a street performance. No street performer shall engage in acts

that would disturb a person of normal sensibilities. Nothing in this provision shall be interpreted to preclude benign or jovial interaction between street performers and members of the audience.

- (m) *Sidewalk blockage.* Whenever the audience gathering around a street performance is of such size or configuration as to block or unduly impede safe pedestrian movement on sidewalks, plazas, parks, or similar public space, then a police officer may direct members of the audience to keep space open for pedestrians or, if necessary, direct the performer to move to a nearby location where there is less likely to be an undue interference with the movement of pedestrians.
- (n) *The sale of goods.* No street performer may sell or offer for sale t-shirts, toys, CDs, or any other goods, unless the goods so sold relate to the performer's authorized activities under the street performer's permit. All street performers electing to offer such goods for sale shall obtain a street vendor's license and abide by the terms of the license. However, a street performer is not required to rent a cart, select a specific site, or pay for space rental.
- (o) *Insurance.* Based on the character of the permitted performances, the city may determine that liability insurance is needed to address claims of injury and damage sustained by members of the public at large, owners and occupants of real property, and the city. Such policies by certificate shall name the city as an additional insured.
- (p) *Violations.* Any person violating this section shall be subject to section 1-5, the general penalty clause. In addition, and separate from any proceeding in the municipal court, the city may suspend or revoke the permit of any permitted street performer determined by the city manager to have violated this section two or more times within a six-month period. Such suspension or revocation must be preceded with written notice sent to the address listed on the current permit's completed application or hand delivered to the recipient by a law enforcement officer. Such notice must provide at least ten days' notice of a hearing before the city manager or a hearing officer appointed by the city manager.