



City of Fairfax, Virginia

10455 Armstrong Street • Fairfax, VA 22030-3630

703-385-7930 • www.fairfaxva.gov

SPECIAL EVENTS POLICY AND REGULATIONS

1) **POLICY**

It is the policy of the City of Fairfax, Virginia (the “City”) to seek to ensure and maximize the public use of City streets and outdoor areas, and permitting the free exercise of public expression, while maintaining public order and safety, both of users of such property and other City residents and visitors. To accomplish this, the City hereby implements this policy document that seeks to address, and to provide reasonable regulations and guidance upon, the impact of uses on surrounding properties (noise and timing, for example), address issues regarding the capacity and character of certain locations, the availability of necessary services (such as public safety and other City staff), and the effect of other laws and ordinances that may apply to specific activities.

2) **PURPOSE**

The purpose of the policy and regulations contained within this document (“Policy”) is to provide guidance in the management of the scheduling of community and other special events on City-owned property. Individual City venues may have site-specific rules and regulations that are to be read in concert with this Policy. This Policy is to be implemented by the City Director of Parks and Recreation or his or her designee, or such other person as may be designated by the City Manager (in either case, the “Authorizing Official”).

The City recognizes the substantial community benefits that result from community and special events that occur on public property and the need to maintain the open character of City streets and outdoor areas to the maximum extent possible, including during such community and special events. These events provide cultural enrichment, promote economic vitality, and enhance community identity and pride. These events also provide opportunities for family activities and funding for area nonprofit agencies. Partnerships between the City, event sponsors, and the community are valuable in ensuring the success of such events, but an applicant is not required to partner with or receive a sponsorship from the City to have a special event. The City recognizes that such events can be difficult to implement successfully and the City requirements may represent a portion of the event’s costs. When setting fees and conditions for events, the City will be sensitive to their impacts on the event’s costs while balancing the City’s obligation to protect public health and safety.

3) **DEFINITIONS**



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- a. “Applicant” shall mean a Person that conducts, or seeks to conduct, a Special Event and who will be responsible under a permit for ensuring that the activity or activities that constitute the Special Event will be conducted in accordance with this Policy.
- b. “City Events” shall mean events and/or programs that are coordinated by City staff, which may or may not be in cooperation with local organizations, with City funds, and for which all revenues generated from the events and/or programs are returned to the City’s general fund. City Events include, but are not limited to, Rock the Block, July 4th Parade, Fall Festival, Derby Q, Festival of Lights and Carols, Chocolate Lover’s Festival, Hometown Holiday Market, Hometown Thursdays, Sundays in the Park, Kidz Korner, and other events and/or programs that may be established as City Events (or the equivalent) in the City Code or as designated by the City Council from time to time.
- c. “Demonstration” shall mean any non-commercial expression protected by the First Amendment to the United States Constitution conducted on public property, the conduct of which has the effect, intent or propensity to draw onlookers.
- d. “Person” shall mean and include any individual, company, corporation, partnership, association, business, joint venture or other legal entity.
- e. “Special Event” shall mean fairs, festivals, concerts, celebrations, shows, sales, block parties, pageants, carnivals, parades, religious events and other, similar activities conducted on public property. Demonstrations shall not be considered to be Special Events but may be subject to this Policy. The term Special Event shall include any City Event which is engaged in, or is anticipated to be engaged in, by more than 100 persons. **NOTE:** Road races (races/walks) are subject to a separate Road Race Policy and shall not be subject to this Policy or considered to be a Special Event, except as otherwise provided in such Road Race Policy.

4) **PERMIT REQUIREMENTS; PERMIT APPLICATIONS**

- a. Special Events and Demonstrations may only be held pursuant to a permit issued by the Authorizing Official (“Permit”), except as otherwise provided in this Policy. Whenever this Policy requires that a particular event or activity/use may be conducted only following the issuance of a Permit, such Permit shall be required in order for that event or activity/use to be lawful.
- b. Demonstrations involving 100 or fewer persons and not in any City right-of-way shall not require a Permit, provided that organizer(s) of such Demonstration takes reasonable steps to ensure that the Demonstration will not unreasonably interfere with other Demonstrations or Special Events concurrently scheduled or taking place, and further provided that the Demonstration is conducted in accordance with the regulations contained within Section 10 of this Policy, to the extent applicable.
- c. An application for a Permit (“Application”) may be obtained from the Authorizing Official through the City Department of Parks and Recreation (the “Department”) during normal business hours, by Persons who wish to make a request to hold a Special Event or Demonstration requiring a Permit under this Policy. Completed Applications, together with any applicable Application Fee as provided below, must be received by the Department no more than twelve (12) months and no less than thirty (30)days prior to the requested date of the Special Event or Demonstration. This



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time period may be waived by the Authorizing Official if the size and nature of the proposed Special Event or Demonstration will not, in the Authorizing Official's consideration, reasonably require the commitment of City resources or personnel in excess of that which are normally available or which can reasonably be made available within the available time period.

- d. Completed Applications will be accepted on a first-come, first-served basis for the location(s) and date(s) requested and will be processed in the order received. It is recognized that circumstances surrounding Applications may require varying amounts of attention, time, and effort devoted to the review of such Applications. Therefore, it is understood that every effort will be made to respond and make a decision on a submitted Application within a reasonable period of time. It is also expected that each Applicant should anticipate a reasonable length of lead time that may be required to make a final decision on any Application.
- e. Applicants should specify any service, material, or property that is expected to be provided by the City in connection with the event that is the subject of the Application. Special Events will be limited to City property that can reasonably accommodate the Special Event. Applicants who wish to use City property must provide all information required in the Application, including but not limited to a detailed event plan including a detailed description of the Special Event, the anticipated number of participants or spectators, and a diagram of the Special Event layout, to include any parade routes, location of vendors/entertainment, and other requested information.
- f. Recurring City Events shall have priority of use of the particular venues for the dates those City Events are scheduled, and those venues shall be considered reserved for those days and times, although other Special Events and/or Demonstrations may be allowed in locations that have been reserved for a City Event, if the Authorizing Official concurs and they do not unreasonably interfere with the City Event.

5. PERMIT APPLICATION REVIEW PROCESS; NOTICE OF APPROVAL/DENIAL; REVOCATION OF PERMIT

- a. The Authorizing Official shall initially review the Application to determine if it has been fully completed and all requested information has been provided, and to determine (to the extent possible) whether the proposed Special Event or Demonstration conflicts with either a previously scheduled City event or any previously approved Application(s). Applicants will be notified by the Authorizing Official within five (5) business days following the date of initial receipt of the completed Application if additional information is needed.
- b. Following the initial review, the Application will be routed to any necessary City departments for a detailed objective and content neutral review of the Application, to determine the impact the proposed event may have on each department, in terms of resources that will be required, and to determine what resources or services are required to support the Special Event. The departments will determine if special services will be required, and what additional licenses and permits may be needed. Such determination(s) shall be communicated to the Authorizing Official, which will continue to be the point of contact, for all purposes, with the Applicant.
- c. If the Application contemplates road closures the following Road Closure Policy guidelines will be followed:



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ONE ROAD – Road closure requests for any event, City or non-City sponsored, that requires the closure of **one road** from vehicle traffic must be approved by the **City Manager or his designee**. All other requirements for approval of the Application, including the payment of applicable fees, must be met prior to approval review. Communication for the road closure will be made to all City residents and businesses in the vicinity of road closure within two weeks prior to the road closure.

MULTIPLE ROADS – Road closure requests for any event, City or non-City sponsored, that requires the closure of **more than one road** from vehicle traffic must be approved by the **City Council**. All other requirements for approval of the Application, including the payment of applicable fees, must be met prior to approval review. The completed application and information must be brought to City Council within at least sixty (60) days prior to the event to allow for sufficient time for City Council consideration. Communication for the road closure will be made to all City residents and businesses in the vicinity of road closure within two weeks prior to the road closure.

- d. Notification of Approval or Denial: An Applicant shall be notified, as soon as possible, regarding the approval or denial of an Application. An Application may be denied, in writing, by the Authorizing Official, based upon one or more of the following criteria:
- i. Conflict with a previously scheduled event that cannot be resolved.
 - ii. The Application proposes activities or uses that are contrary to, or violate, the conditions otherwise specified in this Policy.
 - iii. The Application proposes activities or uses that, in the Authorizing Official's reasonable determination, may result in damage to the location and/or significant environmental impact.
 - iv. There is no Person authorized to sign the Application or there is no Person willing to accept responsibility for the event's adherence to the conditions and limitations set forth in this Policy.
 - v. The proposed Special Event cannot be accommodated within a reasonable allocation of City resources.
 - vi. It is reasonably determined that the proposed Special Event will exceed the capacity or occupancy limitations of the requested location.
 - vii. It reasonably appears that the proposed Special Event will present a danger to the health and public safety of the attendees, participants, or the public at large, or would otherwise be unlawful.
 - viii. The Applicant has had a previous Permit revoked for violation of the conditions of the Permit or otherwise failed to comply with the terms of a previously issued Permit, including but not limited to the payment of any



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damage fees or costs incurred by the City and previously billed to the Applicant, as set forth below.

- e. **Revocation:** A Permit may be revoked by the Authorizing Official at any time after the issuance of the Permit, including on the day of the Special Event or Demonstration, upon a finding of a violation this Policy, other applicable laws and regulations, and/or any condition of the Permit. Such notice of revocation, specifying the reason for such revocation, shall be immediately sent to the contact address on the Application for the Applicant. During the conduct of a Special Event or Demonstration, a Permit may be revoked by the ranking public safety official in charge, if continuing of the Special Event or Demonstration presents a clear and present danger to the public safety, good order or health, or otherwise violates any applicable law or regulation.
- f. Applicants whose Applications have been approved shall abide by all local, state and federal codes, regulations, and laws and assume responsibility for their actions, and any consequence thereof, associated with the Special Event, and shall endeavor to ensure that all individuals or groups associated with Applicant and the Special Event, including any invitees thereof, shall also so abide.

6. **APPLICATION/PERMIT FEES AND CHARGES**

Each department will review the Application and determine what City services, property, permits, and licenses will be necessary to assure that the Special Event will be held with the health and safety and property of all protected. These charges will be the responsibility of the Applicant:

- i. **Application Fee** - A nonrefundable Special Event Application Fee will be charged as follows.
 - **Certified Non-Profit Groups - \$50 per Application**
A Certified Non-Profit Group is defined as a group that has a current (or pending) 501-C-3 identification number from the Internal Revenue Service.
 - **City of Fairfax Community Based Non-Business Groups - \$50 per Application**
A list of the recognized community based non-business groups is attached along with a copy of the "Procedure for Becoming a 'Recognized' City of Fairfax Community Based Non-Business Group".
 - **All other groups or individuals - \$100 per Application**
- ii. **Service Charges** - Each department will determine what services will be provided by City personnel to meet the purpose and intent of this policy and recommend a cost/service charge on the Application.
 - Police fees shall be \$50/per hour per officer. The number of officers required as well as the length of service shall be determined solely by the City Police Department.



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- Public Works fees shall be \$50/per hour per staff person. The number of staff required as well as the length of service shall be determined solely by the City Public Works Department.
 - Fire Department fees shall be \$100/per hour for two (2) bike medics (minimum of 2 hours).
 - Additional City staff as required for set-up, clean-up, trash removal, electrical hook-up, etc, shall be charged at \$50/per hour per staff person determined by the Department.
- iii. Other Charges – Additional fees may be imposed based upon the size and nature of the Special Event and the impact such Special Event may have on the need for City services and upon the proposed venue.
- iv. Regulatory Fees - Each department will determine what license, permit, and inspection fees will be necessary to approve the event and recommend a fee cost on the Application.

7. DEPOSITS

- a. A security deposit/bond may be required by the City, to be paid by the Applicant. The amount of deposit, if required, will be determined by the anticipated attendance at the Special Event, the area involved, the nature of the Special Event, and the potential for damage or other liability to the City. A deposit/bond in the amount specified by the City must be filed with the City by the Applicant at least ten (10) days prior to the Special Event. If the Special Event is cancelled less than twenty-four (24) hours prior to the scheduled date and time for the Special Event, ten percent (10%) of the deposit amount may be kept by the City to partially compensate the City for any expended costs in facilitating the Special Event.
- b. The Applicant shall be held responsible if the area used is not left in the same condition at the end of the Special Event as it was found to be at the beginning. The area used for the Special Event shall be inspected following the Special Event. If for any reason there is damage to any part of the area which was reserved for the Special Event, or damage to another area as a direct result of the Special Event, the extent of damage shall be determined and the dollar amount for any repair or replacement will be deducted from the deposit/bond paid by the Applicant. If the cleanup involves City staff, a clean up fee may be charged to the Applicant.
- c. If the amount of damage, extra cleanup required, and/or costs for services furnished by the City exceeds the deposit paid, the Applicant shall be billed for the balance, to be paid in full no more than thirty (30) days from the billing date. If payment is not received from the Applicant within that time, all future Applications by the Applicant or individuals or other entities having a controlling interest in the Applicant will be denied until such time as payment is received. In addition, the City may take legal action to recover costs, including attorneys' fees. This provision shall also apply in the case where the Applicant is not required to pay a security deposit for the Special Event.

8. INDEMNIFICATION/INSURANCE



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By signing an Application, and accepting a Permit if issued, Applicants shall be required to indemnify and hold harmless the City, its elected and appointed officials, employee and agents from and against any claims arising from personal injury, death and damages to property, and any other loss and/or damage resulting from the Special Event. Further, Applicants agree that they will accept the venue/location in its “as-is, where-is” condition, and that they understand that the by reviewing and approving the Application, and issuing a Permit, the City does not represent and warrant that any public areas are suitable for the Special Event. The Applicant must furnish a Certificate of Insurance on a general liability insurance policy, protecting the City, its elected and appointed officials, employees and agents from and against any and all claims which may result from or in connection to the Special Event. The City must be named as an 'Additional Insured' on the certificate. Applicants must produce a copy of the policy with all endorsements. The City’s Risk Manager must receive the certificate at least ten (10) days prior to the Special Event. Limits of insurance are generally \$1,000,000.00 for death or bodily injury and property damage. Limits and types of insurance may change because of the different activities of each Special Event. Failure to timely produce a valid Certificate of Insurance naming the City as an additional insured, with coverages as requested by the City’s Risk Manager, will result in cancellation of the Special Event and/or revocation of any issued Permit.

10. REGULATIONS

- a) **Cans, Coolers and Bottles** - It shall be at the discretion of the Applicant to allow the admittance of cans, coolers and bottles into the area which has been reserved for that event (provided that this is in compliance with applicable laws and regulations).
- b) **Beer and Liquor Licenses** - All persons obtaining permits for the sale of alcoholic beverages shall comply with all federal, state and local laws.
- c) **Food Sales** - The Applicant is responsible for ensuring that all food sales meet federal, state and local health department requirements.
- d) **Vending** - It is the responsibility of the Applicant to select vendors. All vendors must be identified with uniform identification indicating that they are a part of the Special Event. Vendors shall have all the licenses necessary to operate and those licenses shall be displayed.
- e) **Sanitation** – The Applicant must make arrangements for the proper storage and cleanup of the Special Event site both during and after the Special Event. An unkept Special Event site can result in forfeiture of the event deposit/bond.
- f) **Security** - A minimum amount of security or support staff may be provided by City police officers and can be supplemented by other security and support staff. The appropriate number of both off-duty and on-duty officers shall be determined by the City Police Department in consultation with the Applicant. Any off duty police officer hired by the Applicant will operate under the direction of the Chief of Police, or designee. An Application will not be approved until a security plan has been finalized for the event.
- g) **Toilets** - It is the responsibility of the Applicant to provide for an acceptable number of additional toilets on site during the Special Event (if required).
- h) **Electricity** - Any electrical requirements beyond those which already exist at the Special Event site must be provided by the Applicant’s own licensed electrician. All additional electrical work on site must be approved by Code Administration for compliance with City codes. Specific requirements for the use of electricity must be submitted and approved prior to the approval of an Application.



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- i) **Music and Entertainment** - Events planning entertainment which will require sound amplification must review the City ordinance pertaining to noise. This information can be obtained from the Community Development & Planning Department (703.385.7820).
- j) **Parking** - No vehicles or heavy equipment may be parked on the grass areas within public parks within the **(Event site)**.
- k) **Tents** - Approval from the City is required for the erection of a tent on public property.
- l) **Directional Signs** - No paint or chalk will be allowed on the streets, bridges, trees or trails. All signs must be removed immediately following the Special Event.
- m) **Banners** – Temporary banners require a temporary sign permit. Please contact the City’s Zoning Administration at 703/293-7129 or 703/293-7147 to apply for the permit.
- n) **City Resident and Business Notification** – The Applicant is required to distribute informational letters (approved by the Department) identifying the Special Event and containing such information regarding the Special Event as required by the Department, to all City residents and businesses in the vicinity of the event at least three weeks prior to the Special Event.