

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON OCTOBER 19, 2018,
ADOPTED ORDINANCE NO. 1018-01 WHICH READS AS FOLLOWS:

**AN ORDINANCE TO AMEND
THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH BY
CREATING A NEW CHAPTER 230 RELATING TO
SPECIAL EVENTS.**

WHEREAS, the size, scale, and impact of special events within the City have created a need for regulation to properly manage such events and provide appropriate safety and security measures; and

WHEREAS, the Mayor and Commissioners desire to create a new Chapter within the Municipal Code of the City of Rehoboth Beach to address special events.

BE IT ORDAINED, by the Commissioners of the City of Rehoboth Beach, in session met, in the manner following to wit:

Section 1. The Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by inserting a new Chapter 230, titled “Special Events”, as follows:

**Chapter 230
SPECIAL EVENTS**

§ 230-1 Intent.

The intent of this Chapter is to:

- A. Promote the general health, safety and welfare of the community.
- B. Establish guidelines under which special events may be held.
- C. Promote the economic well-being of the community through the orderly attraction of people to special events.
- D. Ensure that City personnel are adequate to provide proper services for a special event by having ample time to prepare.
- E. Ensure that any incremental or extraordinary costs to the City are borne by the promoter of the event necessitating such costs.

§ 230-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated.

APPLICANT

The person or persons, organization, partnership, corporation, or other entity required to apply for a permit under this Chapter.

SPECIAL EVENT

Any public assembly or gathering of people which may, because of the location, time or anticipated number of persons involved, be reasonably expected to have a significant effect upon the ordinary use of the public streets, rights-of-way, sidewalks, Boardwalk, beach or any other public areas. By way of example and not in limitation, "special event" includes fairs, festivals, parades, motorcades, bicycle rides/races, rallies, marches, processions, walking events, running events, and concerts. Private social gatherings on private property or funeral processions are not included.

§ 230-3 Prior notice and permit required.

- A. All special events are prohibited unless written notice and an application containing the following information is provided to the City Manager at least eight weeks before the community event is to take place:
- (1) The character, day, date, time, duration, location, approximate number of participants in the event and the number of organization members or volunteers that will assist in the conduct of the special event.
 - (2) Plans illustrating the location of the special event and the location of associated items such as tables, tents, portable bathrooms, and trailers.
 - (3) If the special event is to be a parade, procession, race, or similar moving assembly, the proposed route thereof.
 - (4) The names, addresses, dates of birth, phone numbers, and emails of the persons responsible for the special event.
 - (5) The purpose of the special event and the estimated number of persons and vehicles expected to participate.
 - (6) Request for parking closure, street closure, or both, if required.
 - (7) The names of the participating organization and officers of the organization.
 - (8) Contact information for the coordinator of the special event including cell phone and email.
- B. The City Manager shall, within 30 days of receiving a special event application and in consideration of the scale of the special event:
- (1) Approve the application and issue a permit; or
 - (2) Deny the application in accordance with the standards set out in § 230-4; or

- (3) Approve the application and issue a permit with conditions with respect to day, time, duration, location or other reasonable conditions, including payment of the City's incremental costs necessary to provide those public services necessitated by the special event.

§ 230-4 Denial or modification of permit application.

The City Manager may deny or modify a special event permit for any of the following reasons:

- A. The special event will significantly disrupt traffic within the City, and no practical solution to such disruption is reasonably available.
- B. The special event will significantly interfere with access to or egress from the fire station such that the ability of the Fire Department to promptly respond to emergencies would be jeopardized.
- C. The location of the special event will cause undue hardship to adjacent businesses, residents and/or property owners.
- D. The special event will require the diversion of City employees which would unreasonably deny service to the remainder of the City.
- E. The special event will interfere with a previously scheduled event.
- F. The applicant has submitted materially incomplete or false information.
- G. Any other articulable content-neutral reason narrowly designed to advance a compelling and legitimate City interest with regard to the special event.
- H. The organizers of the special event have outstanding debts with the City for the same or similar events.

§ 230-5 Appeals; hearing.

- A. Any person aggrieved by the action of the City Manager in denying, modifying or revoking a permit may appeal to the Mayor and City Commissioners by filing with the Mayor a written statement setting forth fully the grounds for such appeal within 10 days of the action of the City Manager. In the event the appeal is filed 10 or more days prior to the next regular meeting of the Mayor and Commissioners, the appeal shall be heard at such meeting. In the event the appeal is filed less than 10 days prior to the next regular meeting of the Mayor and Commissioners, the appeal shall be heard at the regular meeting subsequent to the next regular meeting unless a special meeting is scheduled to hear the appeal. The Mayor shall promptly notify the applicant of such hearing by telephone or email, and United States mail, to the applicant at the address provided by the applicant to the City.
- B. At such hearing, the applicant and the City Manager, who may be represented by legal counsel, shall be entitled to present such evidence and arguments as they deem appropriate in support of their respective positions, and may cross-examine any

witnesses presented. The hearing shall be audio-recorded, and the Mayor and Commissioners shall articulate the reasons for its decision. Strict rules of evidence shall not apply to the conduct of such hearing.

C. The decision of the Mayor and Commissioners regarding an appeal shall be final.

§ 230-6 Permit fee.

The applicant shall pay a nonrefundable fee of \$600 for a special event permit. However, special events of significant size or scope may be required to pay an additional fee to reimburse additional costs relating to the special event.

§ 230-7 Insurance requirement.

The approval of the City Manager of an application for a special event permit may be made contingent upon the applicant providing the City a certificate of liability insurance covering the City of Rehoboth Beach as an additional insured, in a minimum amount of \$1,000,000. In determining whether or not to require insurance under this section, the City Manager shall consider, among other things, the availability of such insurance in the community, the size and nature of the event, the likelihood of harm to the participants and/or spectators and the financial ability of the applicant to pay for such insurance; provided, however, such factors and the basis for consideration shall be content-neutral and shall be narrowly designed to advance a compelling and legitimate City interest.

§ 230-8 Cleanup; permit expiration; deposit to ensure cleanup.

- A. Cleanup. The applicant shall be responsible for the removal of all debris, litter and equipment generated or caused by a special event within 24 hours of the event's conclusion. If said debris, litter and equipment is not removed, as required herein, the City shall have the authority to remove it at the expense of the applicant.
- B. Permit expiration. The permit shall set forth the time period for which the permit is issued. The time period for which the permit is effective shall include a reasonable period of time to allow the applicant to clean up from the special event. The permit shall expire at the end of the time period specified in the permit. The incremental cost of any City personnel who are specifically required for cleanup following the expiration of the special event shall be the responsibility of the applicant.
- C. If, because of the nature, size or duration of the special event, the City Manager reasonably concludes that the cost of the cleanup after the special event will exceed \$2,500, the City Manager may require, as a condition of issuing the permit, that the applicant deposit with the City the sum of \$2,500 in the form of cash, letter of credit, performance bond or other means acceptable to the City. Such deposit shall be returned to the applicant without interest no later than five working days after the conclusion of the special event, provided that the applicant has satisfied its cleanup obligations under Subsections **A** and **B** above. In the event that the applicant fails to satisfy such obligations, the City Manager may use all (or as much as reasonably necessary) of the deposit to effect satisfactory cleanup.

§ 230-9 Interference.

No person(s) shall knowingly disrupt or interfere with any duly permitted special event.

§ 230-10 Revocation or suspension of permit.

A permit issued under the provisions of this Chapter may be revoked or suspended by the City Manager, without prior notice, for any of the following causes:

- A. Fraud, misrepresentations or a material and significant incorrect statement contained in the application for the special event permit or made in the course of promoting the special event.
- B. Failure to comply with any provision of this Chapter.
- C. Conducting the special event in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

§ 230-11 Penalties for offenses.

- A. Failure to properly secure a special event permit, when required, previous to the initiation or commencement of the special event shall be a violation of this chapter.
- B. For any and every violation of the provisions of this chapter, the person or persons, organization, partnership, corporation, or other entity required to apply for and obtain a special event permit under this Chapter shall be liable, on conviction thereof, to a fine not exceeding \$150 for each and every offense. Whenever such person or persons, organization, partnership, corporation, or other entity shall have been notified by the City that such violation of this chapter is occurring, each day that the violation shall continue shall constitute a separate offense punishable by a like fine.

Section 2. The Rehoboth Beach Police Department shall prepare an application form and procedural guidelines consistent with the provisions of this Ordinance.

Section 3. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective immediately upon its adoption by the Commissioners of the City of Rehoboth Beach.

SYNOPSIS: This Ordinance establishes a new Chapter 230 of the Municipal Code of the City of Rehoboth Beach and regulates special events occurring within the City.