



Town of Fort Mill Special Event Policy Effective January 1, 2015

Introduction

The Town of Fort Mill's Special Event Form is required when using any town facility or park and a crowd of 100 or more is expected to gather. The policy is designed to ensure that community events are executed with the safety and health of the participants, the protection of public property, and the impact on non-participating citizens taken into account.

The Town of Fort Mill is committed to ensuring that all events within the Town limits are appropriately governed by rules, regulations, and ordinances, and do not violate federal or state laws or regulations. It is the responsibility of the organizer to ensure these guidelines are followed.

Special Event Forms must be submitted at least 40 business days before an event.

Overview

Individuals, organizations, and agencies wishing to conduct public gatherings on Town property and public rights of way must obtain approval in advance through the Town of Fort Mill. Events as outlined below require Town approval and oversight if they are to occur on town property or public roadways.

Town employees will review your application for compliance with Town guidelines. Upon review for zoning compliance and application approval, the Town will issue a Special Events Permit outlining the responsibilities of all involved parties.

The Town does not currently charge an application fee, but reserves the right to add a fee in the future. Facility rental fees must be submitted with the Special Events Form at least 40 business days prior to the event. Any event requiring police support will be required to pay police officer fees at least 20 business days prior to the event.

The Town is under no obligation to issue a permit. Town Council may revoke a permit at any time.

NOTE: No Special Event application or permit is required for events held on private property, unless it involves the closing of streets, amplified sound or the need for Town services. However, there may be a requirement for other permits such as: temporary use permit, tent permits (cooking tents and other tents over 200 square feet), zoning compliance, sign permits, etc. Please contact the Planning Department at 803-547-2116 for information.

Event Criteria

The Town of Fort Mill encourages educational, diverse and cultural events that contribute economic and social benefits to the community, including those that promote tourism, showcase local talent, invigorate community spirit and revitalize neighborhoods. Keep in mind that the acceptance of this application does not imply automatic approval of your event.

All approved events will be categorized as an event type, either A, B or C, depending on the need for exclusive use of an area, size of the event, impact of the event on citizens and businesses, and other variables. Organizers of all events being held at Town Facilities must contact the appropriate staff to arrange for facility rental prior to submitting special event application.

Town-sponsored events will take priority in use of any Town property or public rights of way. Events which have been held the previous year may take priority over newer applicants for the same time and location. This right is revoked if the established event previously failed to comply with guidelines set forth in the Special Event Policy. No event can be held in Walter Elisha Park a month or less before the SC Strawberry Festival. The festival is held each year the first full weekend of May.

Items considered in the review process include, but are not limited to:

- General risk to health, safety and welfare to the participants in the event and to the citizens of Fort Mill
- Compliance with applicable Town, state and federal laws
- Whether the event supports the Town's strategic goals and public purpose objectives
- Nature of the event, and how it will serve the community of Fort Mill
- Whether the event will generate positive media exposure for the community
- Impact of event on neighboring residents and properties
- Impact and/or cost of the event on Town property, support services and holiday schedules
- Compatibility of event with requested location
- Dates and times during which the event will occur
- Number of participants
- Parking availability
- Adequacy of adult supervision for minors
- Frequency of the event or similar event(s)
- Past compliance with Special Event Policy and Memorandum of Understanding

There may be other factors taken into consideration in determining whether or not the event is appropriate for the Town of Fort Mill.

Event Types

Event Type	Attendance #s	Impact to Residents & Businesses	Town Services Needed	Road Closure	Sell/Serve Alcohol?	Advance Notice of:
Type A	< 100	None	No	No	No	20 business days (4 weeks)
An event would qualify as Type A if an event will have less than 100 people and will have no impact on residents, needs no town services or road closures and will not serve or sell alcohol. If such an event takes place on private property a special event permit is not required. However, there may be a requirement for other permits such as: temporary use, tent permits (cooking tents and other tents over 200 square feet), zoning compliance, sign permits, etc. Please contact the Planning Department at 803-547-2116 for information on additional permitting requirements.						
Type B	101-1,000	Minimal	Yes	Yes	Yes	40 business days (8 weeks)
An event would qualify as Type B if ANY of the above associated conditions is met (attendance, minimal impact, Town services, road closure, alcohol availability).						
Type C	1,001- 10,000 (not to exceed 10,000)	Significant	Yes	Yes	Yes	40 business days (8 weeks)
An event would qualify as Type C if ANY of the above associated conditions is met (attendance, significant impact, Town services, road closure, alcohol availability). Any event that may exceed 10,000 participants/attendees must acquire special permission from Fort Mill Town Council.						

NOTE: On Type B and C Events, failure to submit a Special Event Application in the specified time frame prior to the event may result in the event application being denied by the Town of Fort Mill. Approval to consider applications submitted outside the required timeframes will be at the discretion of the Town Manager’s Office. The Town is under no obligation to issue a permit.

Neighborhood / Block Parties

Neighborhood / Block Parties are outdoor public parties organized by the residents of a neighborhood using sidewalks/streets requiring no Town services. These events do not require the completion of the full special events application. However, in the interest of public safety, please notify the Fort Mill Police Department at 803-547-2022 of potential road blockages and to verify approval by the neighborhood at large.

Town Facilities

Event coordinators requesting to hold events at Town of Fort Mill facilities should contact Parks and Recreation for availability of the facilities. Events held in/on Town facilities must follow all facility guidelines, as well as those guidelines and regulations set forth in the Town of Fort Mill Special Events Policy. These guidelines may restrict available time for some events and prohibit some events.

Available Facilities:

Spratt Building	Main Street Fort Mill	Veterans Park
Walter Elisha Park	Confederate Park	Doby Bridge Park
Steele Street Park	Harris Street Park	Calhoun Street Park
Banks Street Gym		

For information on facilities contact:

Parks & Recreation	803-547-2273
Walter Elisha Park	803-547-2273

Special Event Approval Process

In order to quickly and efficiently review each Special Event request submitted for approval, the Town has developed the following special events approval process.

Step 1: Submit Special Event Application

The event organizer of a special event submits the Special Events Form, detailing the event and specific needs for Town services (trash cans, police, park facilities, event set up/clean up, etc.) along with any required paperwork and rental fees. Police fees do not have to be submitted along with the Special Events form, but must be received at least 20 days prior to the event. Depending on the type of event, more detail may be required as outlined in the application. A checklist is included in the application to ensure all necessary information is provided.

Please send the application to:
Attention: Special Events
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716-0159
Telephone: 803-547-2116
Fax: 803-547-2126

Step 2: Application Review

Completed Special Event Forms will be reviewed by the Special Events Committee, which consists of representatives from the appropriate Town departments. During the review process, the Committee will work with the event organizer to discuss any questions and/or changes that may arise in order to complete the review process in a timely manner. In some cases, approval from Town Council may be required.

Step 3: Event Memorandum of Understanding (MOU)

Upon approval of the event, the Special Events Committee will draft a written MOU to set the terms and conditions under which the event will be allowed to operate. The MOU will be delivered to the applicant and a signed copy of the MOU must be returned to the Special Events Committee within five (5) business days of initial receipt. Delays in providing these items may result in a delay of the review process and eventual approval. Due to the changing components of an event, special event permits are issued only a few days in

advance of the event date. The final signed Memorandum of Understanding will serve as the Special Event Permit.

Guidelines and Considerations

1. In order to ensure the protection of the Town of Fort Mill, its businesses, and citizens, the Town of Fort Mill may refuse an application, or require alterations to an approved application. The Town is under no obligation to issue a permit.
2. Event times may be changed at the sole discretion of the Town due to weather, infrastructure requirements, repair to utilities, participant behavior, and other considerations of safety for persons, property and good public order. For the same reasons, approval may require additional conditions, dates, locations, and time limitations.
3. Except as provided by law, the Town of Fort Mill and South Carolina Department of Transportation are under no obligation to issue permits for the use of its streets, sidewalks, plazas, buildings, parks, and other facilities for special events.
4. If blocking a street is necessary, the event coordinator must provide public notification to all businesses and residents affected by the event no less than five (5) business days before the event.
5. Any misrepresentation in an application submitted to the Town of Fort Mill or deviation from the final terms and conditions described on the application or on the Memorandum of Understanding may result in immediate revocation of approval or closure of event.
6. If you are given approval by the Town for your event, you will be subject to all Town, State, and Federal laws and regulations as they apply to the event. Failure to comply will result in revocation of approval or closure of event.
7. Event organizers will be responsible for ensuring vendors comply with all South Carolina taxing requirements and SCDHEC food safety regulations. Organizers will also be responsible for collecting hospitality tax and submitting payment for the same to the Town of Fort Mill within five (5) days after the event.
8. The Event Coordinator must have a copy of the final signed Memorandum of Understanding **on site** at the time of the event to serve as the Special Event Permit.
9. Event organizers are responsible for reading and understanding the Town of Fort Mill noise ordinance. Any event not complying with the noise ordinance may result in revocation of approval or closure of an event.
10. Events organized by or benefiting a non-profit must show proof of compliance with the South Carolina Secretary of State's Office Division of Public Charities. This division regulates charitable organizations and professional fundraisers pursuant to the "Solicitation of Charitable Funds Act." The Division oversees the annual registration and financial reporting requirements for charitable organizations. Every charitable organization subject to the "Solicitation of Charitable Funds Act" must file an annual registration with the Secretary of State's Office within 4.5 months of the close of their fiscal year. Additionally, every registered charitable organization must file an annual financial report with the Division of Public Charities within 4.5 months of the close of their fiscal year. The financial report may be submitted on the Secretary of State's Annual Financial Report Form or on the IRS Form 990. The Division also oversees the annual registration of professional fundraisers. Professional fundraisers include solicitors, fundraising counsels and

commercial co-venturers. In addition to registration, there are other filing requirements that are specific to each type of professional fundraiser. For more information on non-profits and compliance with the SC Secretary of State's Office, call 803-734-1790.

Safety and Security

Police officers may be required to provide traffic and crowd control and on-site security. All type C events require police support. Any type B events serving alcohol will also require police support. Events requiring police support will be required to sign a Police Agreement form. The Special Event Committee will coordinate with the Police Department to determine the number of officers needed. Once that information is established, the event applicant will be responsible for contracting with the Fort Mill Police Department at a rate of \$32 per hour per officer (2 hour minimum for each officer). Police fees must be received at least 20 business days prior to the event. Any event requesting police support seven (7) days or less before an event will be required to pay for 3 hours minimum per officer). The Town of Fort Mill reserves the right to change this rate without any additional notice.

Organizers must provide at least two hours notice to FMPD prior to any cancellation of an event where police officers have been requested. A check for payment of the police officers must be provided separately from the check for rental fees.

In the event of a road closure, the event organizer is responsible for securing approval to close roads from the Fort Mill Police Department. We reserve the right to deny any requested road closures. Please contact the Fort Mill Police Department at 803-547-2022 to discuss the closures and to obtain information regarding the closure of state roads.

Provision of Emergency Medical Services (EMS) may be required where there is potential risk to participants, officials, or the public. Accordingly, a first-aid or emergency services plan is required to be included in the Special Event Application.

Event organizers and participants are expected to abide by all federal, state and local codes and regulations. With respect to general safety, OSHA guidelines must be followed and setup is subject to inspection by the Town of Fort Mill.

Discrimination

Events held on Town property and public rights of way must not discriminate on the basis of race, color, religion, sex, age, national origin, familial status or disability.

Liability Insurance

The Town of Fort Mill requires that any organization/group sponsoring any event at a Town owned facility/property or right of way provide in advance, the Town of Fort Mill with evidence of insurance as outlined below.

General Liability, Auto Liability and Workers' Compensation, as follows:

- \$1,000,000 minimum requirement per occurrence for General Liability and Auto Liability (**depending on the size or type of event, this amount may increase**) naming the event, Town of Fort Mill and Leroy Springs and Company as

additional insured. Animal friendly events must cover animals in the policy.

Liability Insurance

- \$1,000,000 minimum requirement for any mechanical rides, amusements / and or inflatables companies naming the event, Town of Fort Mill and Leroy Springs and Company as additional insured
- Liquor Liability insurance for any event serving and/or selling alcohol
- \$1,000,000 minimum requirement for all food vendors naming the event, Town of Fort Mill and Leroy Springs and Company as additional insured.
- SC State Statutory limits for Workers' Compensation

A current certificate of insurance (ACORD) form is the preferred document for record of these coverages. This form must be submitted along with the Special Events form.

Applicant must contact the Public Works Department at 803-547-7158 for electrical approval and compliance with Town adopted codes.

Town of Fort Mill does not provide nor obtain insurance coverage for any special events. It is the responsibility of the event organizer to obtain and pay for proper insurance coverage. Failure to provide a current Certificate of Insurance may result in termination of the event.

Hold Harmless Clause

Permittee/organization hereby shall assume all risks incident to or in connection with the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly, arising out of or in connection with the permitted activity or the conduct of permittee's operation. Permittee hereby expressly agrees to defend and save the Town of Fort Mill harmless from any penalties for violation of law, ordinance or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omissions of permittee or its officers, agents and employees.

Permits

Please contact the Fort Mill Planning Department at 803-547-2116 for additional information on permitting and inspections.

Signs

For approved special events one temporary banner may be permitted per street frontage of a special event site during the special event permit period with a maximum size of thirty-two (32) square feet.

Signs cannot be displayed in the right-of-way. Sign must be staked on premises of Special Event location. Free standing temporary signs cannot exceed 6 feet in height, unless they are flush mounted to the wall of a building. Event organizers are responsible for gaining approval from the building owner. Signs cannot be attached to trees, street signs or utility poles. Pylon or pole-mounted freestanding signs are prohibited. Events wishing to mount

banners on town owned light posts/poles must note the request on the special events form.

Drilling into pavement (parking lots, streets, sidewalks, curbs, etc.) is strictly prohibited. All signage and anchoring must be accomplished with weights such as sandbags, concrete or water filled barrels.

Tents

Tents used for cooking and other tents over 200 square feet may require a permit. Contact Fort Mill Planning Department at 803-547-2116 for information. For more information on cooking tent regulations, contact the Fort Mill Fire Department at 803-547-5511.

Alcohol Sales and Consumption

It is illegal to serve or sell beer, wine or liquor on any Town streets unless a special SC Temporary Beer and Wine Permit is obtained for alcohol sales. Securing a SC Temporary Beer and Wine Permit takes a minimum of 30 days. Contact SC Department of Revenue and Taxation at 803-734-1401 for information regarding the regulations relating to the permitting process. Alcohol sales and consumption at the event will affect the number of police officers needed.

All events serving or selling alcohol on Town streets or Town facilities will be required to serve or sell a non-alcohol beverage alternative in addition to the alcohol. The following items must be posted at the sale location:

- SC Temporary Permit
- Sign stating "We reserve the right to re-check ID."
- Sign with serving hours and last call time

If alcohol is served at your event, liquor liability insurance coverage is required with a minimum of \$1,000,000 per occurrence in coverage. The event, Town of Fort Mill and Leroy Springs and Company must be named as additional insured on the certificate of insurance.

Any event planning to serve and/or sell alcohol must present their special events application to Fort Mill Town Council.

Business License

In order to conduct business in the Town of Fort Mill, vendors may be required to obtain a Town of Fort Mill business license through the Business License Office. For questions or additional information, please call 803-547-2034 ext. 261.

Fireworks Permit

Companies providing pyrotechnic service must submit an application to the State of South Carolina for a state fireworks permit and provide a copy to the Fort Mill Fire Department at least 30 days prior to the event. In addition, the Town of Fort Mill Fire Department may determine the use of pyrotechnics on a case-by-case basis.

Events planning fireworks must contact the Fort Mill Fire Department at 803-547-5511.

Other Considerations

Road Closure

In the event of a road closure, the event organizer is responsible for securing approval to close roads from the Fort Mill Police Department. The Fort Mill Police Department reserves the right to deny any requested road closures.

A detail map indicating road closures must be provided. If the event is a run/race, walk, bike event or parade, organizers must also provide a detailed route including the location of registration, start and finish lines, and road closures must be provided with your application and to the Fort Mill Police Department.

Please contact the Fort Mill Police Department at 803-547-2022 to discuss the closures and to obtain information regarding the closure of state roads.

Parking & Site Map

Organizers must also provide a site plan of the event noting locations of restrooms, tents, barricades, power sources, fire and medical support, signs and banners. Parking should also be noted on the map.

Organizers are responsible for acquiring permission for use of privately owned lots. The Town of Fort Mill strongly discourages event participants from parking in any privately owned lot that has not given explicit permission for use. Parking lots must be clearly noted the day of the event with signage and advertised prior to the event for participants.

Inflatables

Event organizers are responsible for ensuring that any portable, or air supported (inflatables) amusement ride(s) operators adhere to the following safety standards:

- **• Anchors:** Inflatable amusement rides are required to be anchored per manufacturer's specifications, which includes all anchor points, unless otherwise designated and approved by the inflatable amusement manufacturer. Remember to secure with stakes, weight or an anchoring devise that meets, or exceeds, the requirements of the manufacturer, whether for indoor or outdoor operation.
- **• Tethering devises:** Inflatable amusements are required to be tethered as per manufacturer's specifications or directions. Tethering includes securing the inflatables at all elevated points where a tether can be attached to the outside of the inflatable. Anchor ropes, tethers, or tie-downs should be attached to a secure device or permanent structure and attached so that they cannot slip off the top of their stake during use. **DO NOT** attach anchors to motor vehicles. Ropes, tethers, and tie-downs should be sufficiently strong to resist breakage during use. Anchors should be covered to avoid tripping hazards.
- **• Operators:** Operators must adhere to manufacturer's requirements in regards to number of ride operators, maximum weight, maximum loads, site layout, inflation procedures, ropes, tethers, tie-downs, anchors, use temperature range, maximum number of riders, size of riders, electrical codes, daily operation, daily inspection,

- washing, repair, deflation, drying, storage, and transportation.
- Take into account hazards or dangers: Inflatable amusement operations, whether indoors or outdoors, must take into account all hazards or dangers, whether manmade or naturally occurring circumstances.
 - Inflatable amusements should not be set-up where there are overhead power lines or there is danger in the inflatable amusement operation due to fire or electrical shortages, or overloads, regarding cord, plug, wiring or improper electrical grounding procedures.
 - Natural hazards due to high velocity winds, or other severe inclement weather consideration, must be factored into the inflatable amusement operation to avoid unstable, or even “fly away”, inflatable amusement operations, where the incident of injury or harm to others is present. Do not use the inflatable ride above windspeeds that exceed the manufacturer's recommendation. Various manufacturers recommend maximum windspeeds from 15 to 25 mph depending on the ride.
 - Manufacturers and operators should consider that the inflatable ride should not collapse onto the riders if the power to the blower(s) inflating the ride should unexpectedly fail. Inflatable rides need a sealed chamber to prevent the rapid collapse of ceilings and walls onto the riders if the electric power to the blower(s) fails. Inflatable slides over 15 feet tall should not deflate and collapse, dumping riders to the ground.
 - Maintenance: Inflatable amusement operation must be free of rips, tears, separation or torn seams, or damage or impairment to blowers, baffles or to inflation tubes and are to be otherwise in good working order. In particular, attention should be directed to repairing or replacing worn or torn slide surfaces or at portable impact surface points, especially at entrance or exit locations.

Vendor and Food Sales

It is the Town's policy to allow the sale of food, beverages and event-related merchandise on Town-owned or Town-controlled property during special events. When using Town facilities, vendors selling goods or services may be required to apply for a business license. Please contact Business Licensing at 803-547-2034 ext. 261.

The event organizer is responsible for procuring vendors for the event, and must provide to the Town a list of food and beverage vendors, retail vendors and event-related merchandise that will be sold during the event, as well as any electric or water needs for each vendor. The Town requires this information 20 business days prior to the event.

If the event organization is selling products, the organization may be required obtain a Town of Fort Mill business license through the Fort Mill's Business License Office. For additional information, please call 803-547-2034 ext. 261.

State admissions, sales and other taxes may apply. Event organizers are responsible for contacting the South Carolina Department of Revenue at 803-324-7641 for information on applicable taxes and reporting procedures. SC Revenue Officers will verify that vendors

have secured business licenses as required by South Carolina law. Contact the SC Department of Revenue with your vendor list ten (10) business days prior to the event.

The event organizer is responsible for notifying all food vendors they are required by Fort Mill Fire Department to have an easily accessible and fully operational ABC fire extinguisher on-site the day of the event. In addition, open flame cooking under a tent or within 20 feet of another tent is prohibited in the Town of Fort Mill. Fire inspections are required for any special event serving food served on-site or any event with open flames. Organizers are responsible for coordinating inspections. Contact the Fort Mill Fire Department at 803-547-5511 with questions regarding fire safety requirements.

In addition, the event organizer is responsible for making sure all food vendors meet South Carolina Department of Health & Environmental Control (SCDHEC) regulations. For additional information on these regulations, contact SCDHEC at 803-909-7379 or visit their website at <http://www.scdhec.gov/food>.

The event organizer is also responsible for collecting hospitality tax from any food vendors at the festival. Hospitality tax is 2% of each prepared food vendor's total sales. This tax must be submitted to the Town of Fort Mill Business Office within five (5) business days of the event's end date.

Dogs, Other Pets & Animals

Events planning to allow dogs and/or any other animals must have liability insurance which specifically names the animals within the policy. All events allowing any type of animal must have wash stations (preferred) or hand sanitizer stations available to participants.

Any event planning to have animals not falling under the pet category such as farm and/or exotic animals should have their liability insurance specifically names the animals in the event's policy.

Any event where participants will come into contact with farm and/or exotic animals such as pony rides, petting zoo, animal photos or other, must go before council for approval. If the animal contact is approved, the event must have at least one (1) washing station with soap and water per 100 participants at the event. Signs reminding people to wash their hands after contact must also be located prominently around the area with the animals.

Consecutive Events

No organization can hold more than five (5) events at a town facility during a calendar year (01/01 – 12/31). No single event can be held more than five (5) times at a single town facility during a calendar year (01/01 – 12/31). A special events form and the required paperwork must be submitted for each individual occurrence of a single event. A special events form and required paperwork must be submitted for each individual event from a single organization during a calendar year.

Care of Property and Equipment

All property and equipment belonging to the Town, including but not limited to vehicles,

roads, buildings and landscaping located within and around the event are to be handled by the applicant and its invitees with reasonable and due care. Cleanup of public property will be held to the standards set by the Town of Fort Mill. The applicant shall assume complete and absolute liability for any loss and damage to the Town property and/or equipment, which may result from any misuse or mistreatment of the property or equipment during the event, even if the applicant did not cause the damage or loss. The event must not have a negative physical or economic impact on surrounding property. Any property damaged during or as a result of the event must be restored to its original state by event organizers.

Noise Ordinance

Permission to include music or amplified sound, including megaphones, as part of a special event may be given. The Town reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb non-participating persons around the event. Amplified sound will not be allowed in the park past 10 PM unless special approval is obtained from Town Council. Any event with amplified sound will be required to go before council for approval.

Complaints of loud, disturbing, or unnecessary noise can result in the immediate revocation of your approval or closure of the event if appropriate adjustments are not met. Any event exceeding the town’s decibel level is subject to immediate closure of the event.

The Town’s Noise Ordinance is included as part of this special events policy. Event organizers are responsible for adhering to the ordinance. Any event not adhering to the noise ordinance risks event closure.

Facility Rental

	Type A	Type B	Type C
<i>York County Resident</i>	\$150 first 2 hours \$35 each add'l hour	\$250 first 2 hours \$35 each add'l hour	\$350 first 2 hours \$35 each add'l hour
<i>Non-York County Resident</i>	\$250 first 2 hours \$35 each add'l hour	\$350 first 2 hours \$35 each add'l hour	\$450 first 2 hours \$35 each add'l hour

Rental fees for Walter Elisha Park, Confederate Park, Veterans Park, Spratt Building, and Main Street Fort Mill are listed in the above table. Proof of residency is required from the event organizer (responsible party), who must be at least 25 years of age or older. Other town park/facility fees, including ball fields are available upon request. Events must be cancelled at least 21 days prior to the event to qualify for a full refund.

Other Fees

Events requiring the use of water and/or electricity provided by the town will be charged a \$50 usage fee for each. These fees must be paid along with rental fees at least 40 days before the event along with the Special Events Form.

Events requiring police support are subject to additional fees. Please see the Safety and Security section for additional information.

Performing Rights and Licenses

The event organizer is solely responsible for all contracts and agreements. The Town of Fort Mill has no responsibility for any performances or their contract and agreements connected with the event, unless exempted by the Town Manager or Town Council and specified in the Memorandum of Understanding.

Event organizer is also responsible for obtaining any required music rights/licensing for performances occurring at the event. The Town of Fort Mill has no responsibility for any music rights/licensing associated with performances at the event, unless specified in the Memorandum of Understanding.

Payment and Return Check Policy

- Checks are to be made payable to Town of Fort Mill. Two separate checks are required. One for rental/usage fees and one for police support.
- Counter checks will not be accepted.
- Checks must include driver's license (or ID) number and state of issuance, date of birth and a valid telephone number. Checks written from a company need to include the tax ID number and a valid telephone number.
- Additionally: Returned checks are submitted to and processed for collection by the York County Solicitor's Office. Inquiries concerning returned checks should be directed to the York County Solicitor's Office, Worthless Check Unit at 803-909-7585. Additional fees will apply (including return check fee of \$30).

Payment is accepted by check (see above), credit card (not over the phone) and cash. Payment is accepted Monday through Friday from 8:30 AM to 5 PM. Payment made by credit/debit card (Visa or Mastercard) will be charged a 3% convenience fee.

Documentation

Event organizers are required to provide the proper documentation with their application. Documentation includes:

- Check made payable to the Town of Fort Mill for your rental/usage fees.
 - Events requiring police support need to complete a special events police form. A separate check also made payable to the Town of Fort Mill is required for police fees.
- Completed sketch or diagram of the site map including roads to be closed. Map must include locations of restrooms, tents, barricades, power sources, fire and medical support, signs and banners. Parking should also be noted on the map.
- Route including location of registration, start and finish line, and route (clarify the direction of movement) for any run/race, walk, biking and/or parade.
- Liability insurance in the amount of \$1 million naming the Town of Fort Mill and Leroy Springs Company as additional insured from the organizer. Liability insurance in the amount of \$1 million naming the Town of Fort Mill and Leroy Springs and Company as additional insured for any food vendors, liquor sales, pyrotechnic, mechanical rides, amusements and/or inflatables companies. Animal/pet friendly events must cover animals/pets in the insurance policy.

- Proof of York County residency.
- Notification letter to residents and businesses if there will be road closures.
- List of all non-profits benefitting from the event and documentation from SC Department of Secretary of State noting Charitable Compliance.
- Schedule of events and/or timeline of event's activities including set up, breakdown and clean up.
- List of all vendors participating (food and business).
- List of revenue streams. Include pricing. (Example: Food Vendor- \$25, Sponsors- \$1,000)
- Sign permit if required.
- Liquor Liability insurance for any event serving alcohol naming Town of Fort Mill and Leroy Springs and Company as additional insured.
- Copy of Temporary Beer and Wine Permit for any event serving alcohol
- SC State Fireworks Permit for any event with fireworks/pyrotechnics.
- Police Special Events form if police support is required
- First Aid/Safety Plan

Town of Fort Mill Noise Ordinance

Sec. 24-34. - Unreasonable noise prohibited.

- (a) Legislative findings. As an incident to the enactment of this section, the town council has made the following legislative findings:
- (1) Inadequately controlled noise may present a growing danger to the health and welfare of the residents of the town;
 - (2) The making, creation or continuance of excessive noises which are prolonged or unusual in their time, place and use are a detriment to the public health, comfort, safety and welfare of the residents of the town;
 - (3) Every person is entitled to an environment in which excessive or unusually loud noise is not detrimental to his or her life, health or enjoyment of property;
 - (4) Any unreasonably loud, disturbing or unnecessary noise, as defined within this section, which causes discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be nuisance and is prohibited;
 - (5) Any noise of the character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private dwellings by persons of ordinary sensibilities is hereby declared to be a nuisance;
 - (6) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in the pursuance, and for the purpose of securing and promoting the public health comfort, safety, welfare, peace and quiet of the town and its inhabitants;
 - (7) Municipalities are authorized, pursuant to S.C. Code § 5-7-30, to enact ordinances respecting any subject, consistent with the laws of this state which appear necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government within the municipality, including the authority to abate nuisances; and
 - (8) It is further found that in many circumstances, the problems created by the noise can best be solved by better communication between neighbors, which the town encourages, but that those problems can become sufficiently severe to warrant the impositions of the provisions and prohibitions set forth in this section.
- (b) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Construction. Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Decibel (dB). A logarithmic unit used for measuring the intensity of sound.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Impulsive sound. Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Motor vehicle. (As defined in the Motor Vehicle Code of the state.) Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

Motor boat. Any vessel which operated on water and which is propelled by a motor including, but not limited to boats, barges, amphibious craft, water ski towing devices and hover craft.

Motorcycle. (As defined in the Motor Vehicle Code of the state.) An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

Muffler or sound dissipative device. A device for abating the sound of escaping gases of an internal combustion engine.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

Noise disturbance. Any sound which endangers or injures the safety or health of humans or domestic animals, or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Powered model vehicle. Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to any model airplane, boat, car or rocket.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

Public space. Any real property or structures thereon which are owned or controlled by a governmental agency.

Real property boundary. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Sound.

- (a) An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- (b) The description of sound may include any characteristic of the sound, including duration, intensity and frequency.
- (c) Weekday. Any Monday through Friday which is not a legal holiday.

Prohibitions.

- (1) Prohibited noise generally. It shall be unlawful for any person to make or continue, or cause to be made or continued, any unreasonably loud, disturbing or unnecessary noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of the Town of Fort Mill. In determining whether a violation of this section has occurred, the following characteristics and conditions may be considered.
 - a. The level and intensity of the noise;
 - b. The duration of the noise;
 - c. The time of day or night the noise occurs;
 - d. The nature of the noise, whether usual or unusual and produced naturally or unnaturally;
 - e. The general characteristics of the area where the noise occurs;
 - f. The nature and zoning of the area where the noise occurs;
 - g. The reasonable expectation of quiet of a person on public/private property surrounding the area from which the noise originates; and/or
 - h. Any previous request for abatement of noise.
- (2) Specific noises prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive.
 - a. Animals, birds, etc. The keeping of any animal which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.

- b. Blowers or engines. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- c. Building operations. In conducting any building operations between the hours of 9:01 p.m. and 6:59 a.m., to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists or other apparatus, the use of which is attended with loud or unusual noise, within 600 feet of any residentially occupied structure in any zone.
- d. Defect in vehicle or load. The use of any automobile, motorcycles or vehicle so out of repair, so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- e. Use of drums or other instruments to attract attention. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale or event provided, however, that this provision shall not apply to any school sanctioned event or activity taking place on school grounds between the hours of 7:00 a.m. and 11:00 p.m.
- f. Noisy exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- g. Hawkers, peddlers, etc. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- h. Horns and other signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound, and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- i. Loading and unloading; opening boxes, crates, etc. The creation of loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- j. Transporting metal rails, pillars, etc. The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars or trucks or in any other manner so loaded as to cause loud noises or so as to disturb the peace and quiet of such streets or other public places.
- k. Use of loudspeakers, megaphones, musical instruments, etc., for advertising. The maintenance and operation in any building or on any premises in the town, including, but not limited to, public streets, sidewalks, facilities, parks, and parking areas, of any radio device, megaphone or mechanical musical instrument, or any similar device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purposes of attracting the attention of the passing public, or which is so placed and operated that the sound coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.
- l. Sound-amplifying devices generally. Operating or causing or permitting to be operated any automatic or electrical plane, phonograph, graphophone, victrola, radio

or loudspeakers, or any instrument or sound-producing or sound-amplifying device of like character so loud as to unreasonably disturb persons in the vicinity thereof or in such a manner as to render the instrument or device a public nuisance; provided, however, that upon application to and approval by the town council, permits may be granted to responsible organizations to broadcast programs of music, speeches or general entertainment as a part and in recognition of a community celebration of national, state or town events, public festivals, or outstanding events of a noncommercial character, provided that traffic on the streets is not obstructed by reason thereof and adequate provisions will be made to minimize the disturbance to neighboring residential areas. School sanctioned events and activities taking place on school grounds between the hours of 7:00 a.m. and 11:00 p.m. shall be exempt from the provisions of this paragraph.

- m. Radios, phonographs, etc. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation.
- n. Creation of noise near any school, court, church, cemetery or hospital. The creation of any excessive noise on any street or other public place adjacent to any school, institution of learning, church, or court while the school, institution, church or court is in use, or adjacent to any cemetery or hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys visitors to the cemetery or patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the street is a school, hospital, cemetery or court street.
- o. Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the town manager.
- p. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on public property, including, but not limited to, public streets, sidewalks, facilities, parks, and parking areas, between the hours of 11:01 p.m. and 6:59 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- q. Racing engines of motor vehicles. The racing of the engine of any motor vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing adjusting or testing the vehicle, and when such activity is not otherwise in violation of the applicable provisions of the Code of Ordinances for the Town of Fort Mill.
- r. Residential areas. In any residentially zoned area or within three hundred (300) feet of any residentially occupied structure in any zone, the noise resulting from any activity, whether open or enclosed, shall not exceed sixty-five (65) dB at any point on or beyond the lot line. For the purpose of determining decibels as referred to in this section, the noise shall be measured on the A-weighting scale and the slow response on a Type 2 sound level meter of standard design and quality having characteristics established by the American National Standards Institute. The following shall be exceptions to this paragraph:

- i. The emission of any sound for the purpose of alerting persons to the existence of an emergency, crime or attempted crime;
- ii. Sound produced by an authorized emergency vehicle;
- iii. Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following a fire, disaster or natural disaster;
- iv. Sound produced by vehicles and equipment authorized to provide sanitation service and removal of yard debris;
- v. Sound which was generated:
 - (a) At a lawfully scheduled event or activity at any school, stadium or amphitheater between the hours of 7:00 a.m. and 11:00 p.m.;
 - (b) By spectators and participants of any outdoor event of a noncommercial nature, including, but not limited to: parades, races, festivals, fiestas or concerts which are sponsored, co-sponsored or permitted by the town;
 - (c) By patrons and participants using cannons and gunfire during historic battle reenactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - (d) By a pyrotechnic display that was inspected and approved by the fire marshal;
 - (e) Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution;
 - (f) Sound produced by the erection, excavation, construction, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in such activity conducted between the hours of 7:00 a.m. and 9:00 p.m. and which activity did not produce a sound exceeding eighty-five (85) dB when measured from the nearest residential property where the sound is being received;
 - (g) Sound produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way;
 - (h) Sound produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, agricultural related equipment or activities, or other similar device used between the hours of 7:00 a.m. and 9:00 p.m. and which activity did not produce a sound exceeding eighty-five (85) dB when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used;
 - (i) In any residentially zoned area or within three hundred (300) feet of any residentially occupied structure in any zone, the noise resulting from any industrial activity, whether open or enclosed, shall not exceed seventy-five (75) dB at any point on or beyond the lot line between the hours of 7:00 a.m. and 9:00 p.m. and/or sixty-five (65) dB at any point on or beyond the lot line between the hours of 9:01 p.m. and 6:59 a.m.;
 - (j) Sound which was generated by an HVAC unit;
 - (k) Sound which was generated by an emergency generator during a power outage, an emergency situation, or during such periods when the generator is being tested and/or repaired;

- (l) Sound emanating from firing ranges owned and/or operated by duly authorized public safety agencies engaged in providing security for the citizens of the town or as authorized by the Nuclear Regulatory Commission; or
 - (m) Sound produced by operating or permitting the operation of any recreation, all terrain vehicle (ATV), boat, jet ski, or watercraft which produces a sound not exceeding seventy-five (75) dB when measured from the nearest residential property where the sound is being received or at a distance of three hundred (300) feet, whichever is closer.
- (d) Enforcement; Citation of violations or property owners.
- 1. Enforcement
 - a. The provisions of this section may be enforced by officers of the Fort Mill Police Department, or any duly authorized code enforcement officers within the Fort Mill Planning or Building Departments. All town agencies, offices, departments and employees shall assist in the administration and enforcement of the provisions of this section.
 - b. For the purpose of determining decibels as referred to in this section, the noise shall be measured on the A-weighting scale and the slow response on a Type 2 sound level meter of standard design and quality having characteristics established by the American National Standards Institute.
 - 2. Citation of violators or property owners.
 - a. After receiving a complaint and upon a finding by an officer of a violation, any offender or property owner shall have an opportunity to immediately abate the offending noise without penalty; however, if the violation continues or reoccurs within ninety (90) days, the offender or property owner shall be guilty of a misdemeanor and shall be punished to the extent provided for in this section.
 - b. Violation of any section or provision of this section shall constitute a misdemeanor which shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than thirty (30) days. Each day that any violation of the provisions of this section shall exist or continue after notice thereof shall constitute a separate offense.

(Code 1984, § 9-2-9; Ord. No. 10-06, § II, 3-22-10; Ord. No. 10-18, § I, 1-17-11)