

Rules, Policies, and Procedures for COMMUNITY EVENTS AT CONSTITUTION SQUARE

1. OBJECTIVES FOR COMMUNITY EVENTS AT CONSTITUTION SQUARE

The Town of South Boston in partnership with Destination Downtown South Boston, Inc. (DDSB) permits events at Constitution Square to increase the sense of community.

To ensure that events at Constitution Square are compatible with the Community's needs, they have to meet the Community Objectives for such events, namely:

- To create a more livable, healthy community
- To encourage people to use parks and public open spaces more.
- To instill and encourage community spirit, pride, and self-help.
- To benefit the community economically.

2. OBJECTIVES FOR COMMUNITY EVENTS POLICIES

To ensure that the Objectives for Community Events at Constitution Square are achieved, it is important that there are appropriate policies and management procedures in place which:

- Equitably permit, assist and promote community events.
- Ensure that events are compatible with their proposed venues and are conducted in harmony with adjacent downtown businesses.
- Provide a readily understood document that defines the policies and processes in place to assist the development, promotion and maintenance of community events.

3. EVENT APPLICATION PROCESS

An applicant for an event must submit a completed Event Application Form to the Main Street Office. The form must be submitted no later than one month prior to the event.

4. CONTRACTS AND FEES

- All site users will be required to contract with the Town of South Boston in order to reserve exclusive use of Constitution Square.
- Usage Fee – All users must pay a usage fee of \$50.00. The usage fee will be used to cover maintenance, electricity and grounds keeping purposes. The usage fee is nonrefundable and is payable to the Town of South Boston.
- For any event longer than three (3) hours, restroom facilities (portajohns) must be provided by the event organizer.
- The Town Of South Boston will be responsible for enforcing the usage policy of the stage and ensure that users will be dealt with in a fair and just manner.
- Any renter who contracts to use Constitution Square must carry a liability insurance policy. The Event Organizer will need to provide a certificate of insurance along with the Event Application Form.
- If any type of food will be served or food vendors will be at the event, the Event Organizer must follow all Virginia Department of Health Requirements and provide the Town of South Boston with a copy of that completed paperwork and a copy of any fees that have been paid.

5. EVENT MANAGEMENT

- It is important that events start and finish at reasonable times and that noise levels are compatible with the neighborhood and the surrounding business community. Events may not continue past midnight.
- An Event Manager must be designated by the Event Organizer. The Event Manager will be the prime contact with the Main Street Office.
- The Event Manager is responsible for the actions and consequences arising from the event. The Event Manager must:
 - Apply to use Constitution Square using the Application Form to book the event.
 - Obtain adequate insurance for the event.

6. EVENT PROGRAMMING

- The Main Street Office will:
 - Receive Event Applications
 - Keep an up-to-date calendar of events
 - Work closely with the Event Manager to discuss the issues of the events and its content.
 - Set start and completion times for the Event, taking into account Town of South Boston Code Provisions and neighborhood concerns.
- The Event Organizer is also responsible for providing security for the event. If the Town is concerned for public safety or noise levels during an event, the South Boston Police Department shall advise the Event Manager who shall act promptly to ensure that public safety is addressed. Failure to do so promptly will result in closure of the event. If there are issues which cannot be resolved, the permit for the event can be revoked at any time by the South Boston Police Department.

Today's Date _____ Community Event Application # _____

Return application and \$50.00 usage fee (check payable to the Town of South Boston) to: Town of South Boston, Main Street Office, 432 Main Street, South Boston, VA 24592. 434-575-4209. tvest@southboston.com

Date requested _____ Time requested _____

Name of Applicant Group _____

Address of Applicant Group _____

City, State, and Zip Code _____

Event Manager (Contact person) _____

Telephone (Home) _____ (Work) _____ (Mobile) _____

Email address _____

Event Name _____

Expected size of audience _____

History of event (if any) _____

Proposed use of proceeds from Event _____

Proposed Events/Entertainment/Activities _____

Will you be serving, or allowing the consumption of, alcohol? _____ If yes, please attach copy of ABC permit and you will need to fill out an additional application for a special event license.

Certificate of insurance attached? _____ (All groups organizing events at Constitution Square are required to purchase liability insurance.)

Will you be serving food or having food vendors at this event? _____ If yes, please attach all required Health Department paperwork.

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_____, known as the "Lessee" hereby agrees to indemnify and save
(Organization name)

harmless the Town of South Boston and Destination Downtown South Boston, Inc. from and against any and all losses, costs (including attorney's fees), damages, expense and liability (including statutory liability and liability under workers' compensation laws) in connection with claims for damages as a result of injury or death of any person or property sustained by Lessee and all other persons which arise from or in any manner grow out of any act or neglect on or about the facility and all events and activities of the Lessee, its officers, partners, volunteers, agents, employees, invitees, trespassers, contractors and subcontractors. I have read all the rules, policies and regulations pertaining to the rental of Constitution Square and understand that failure to abide promptly by all rules, policies, and procedures for Constitution Square will result in closure of the event. The Chief of Police or his designee shall have the discretion to discontinue the event if he deems necessary.

Signed _____ Date _____
(Event Manager)

OFFICE USE ONLY
Comments:

Tamyra Vest
Destination Downtown South Boston, Inc. Executive Director

Signature _____ Date: _____

Thomas S. Raab
South Boston Town Manager

Signature _____ Date _____

ARTICLE II. NOISE*

*Cross references: Animals, ch. 18.

Sec. 50-26. Loudspeakers, amplifiers.

It shall be unlawful for any person to operate or use at any fixed location any amplifier, loudspeaker or other similar device on the street or sidewalks or on the outside of any building, or

in such position that the horn or amplifier extends through to the outside of any building, or to use or operate any such device on any vacant lot within 1,000 feet of any dwelling house; provided, that this section shall not apply to any such device mounted upon any motor vehicle and used or operated while such vehicle is traveling along a street or alley at a speed not less than 15 miles per hour, nor to any such device while being used in connection with any athletic event or auction sales of property, county fair, nor to any such device used wholly for the broadcasting of Christmas music, provided such use is approved by the town manager.
(Code 1988, § 12-3)

Sec. 50-27. Noises prohibited.

(a) Generally. It shall be unlawful for any person to make, continue or cause to be made or continued any excessive or unusually loud noise or any noise which disturbs, injures or endangers the comfort, health, safety, welfare or environment of others, within the limits of the town.

(b) Certain machines or devices regulated; violation.

(1) Using, operating or permitting to be played, used or operated, any radio receiving set, television 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 person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto, shall be deemed a violation.

(2) The operation of any such set, instrument, phonograph machine, radio or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle or unit in which it is located shall be prima facie evidence of a violation of this section.

(c) Exceptions. This section does not apply to th

(d) Permit for relief from designated noise level; application; expiration.

(1) Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship or for special activities may be made to the town manager or his duly authorized representative. Any permit granted by the town manager hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. Such authorization may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(2) Any permit issued pursuant to subsection (d)(1) of this section shall be valid no longer than three years from the date it is issued.

(Code 1988, § 12-3.1) Secs. 50-28--50-55. Reserved.

Sec. 50-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Owner has no connotation other than that customarily assigned to the term "person," but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.

(Code 1988, § 7-61) Cross references: Definitions generally, § 1-2. State law references: Similar provisions, Code of Virginia, § 10.1-1300.

Sec. 50-57. Penalty.

Any owner or person who violates any provision of this article shall be subject to a fine of not less than \$50.00 nor more than \$1,000.00. Each day of violation shall constitute a separate offense.

(Code 1988, § 7-62) State law references: Penalties for noncompliance, Code of Virginia, § 10.1-1311.

Sec. 50-58. Emergency procedure

Notwithstanding the provisions of this article or any other provision of law, if the air pollution control officer finds that any owner is causing or contributing to air pollution and that such pollution creates an emergency which requires immediate action to protect the public health or safety, he shall order such owner to reduce or discontinue immediately.

(Code 1988, § 7-63)

Sec. 50-59. Authority; declaration of policy.

(a) Pursuant to Code of Virginia, § 10.1-1321, there is hereby established an air pollution control program for the purpose of preserving and improving the air resources of the town so as to promote health, safety and welfare and to prevent injury to human, plant and animal life or to property.

(b) In the administration and enforcement of this article due regard shall be taken for all of the facts and circumstances bearing upon the reasonableness of the activity involved and the regulations proposed to control it, including:

Sec. 50-60. Relationship to state rules.

All provisions of this article are intended to be a reemphasis or more restrictive local application of rules adopted by the state air pollution control law (Code of Virginia, §§ 10.1-1300--10.1-1326). Prohibitions in the state rules against other air pollutants not covered in this article shall also be applicable and enforceable under the provisions of this article.

(Code 1988, § 7-65)

Sec. 50-61. Air pollution control officer.

In addition to any other powers vested in him by law, the town manager, or his designated representative, shall act as air pollution control officer for the town. In this capacity he shall:

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(Code 1988, § 7-66) Cross references: Town manager, § 2-96 et seq.

Sec. 50-62. Open burning.

(a) No owner or other person shall allow open burning of refuse.

(c) The foregoing prohibitions against open burning are not intended to apply to the following:

(4) Open burning for the cooking of food, or recreational purposes such as campfires;

Sec. 50-63. Smoke, other visible emissions.

(a) No owner or other person shall allow the operation of any combustion installation so as to discharge into the outdoor atmosphere any smoke or other visible emissions of particulate matter in violation of any rule or regulation adopted by the state air pollution control board pursuant to Code of Virginia, § 10.1-1300 et seq.

(b) The provisions of this section shall be enforced by the state air pollution control board. (Code 1988, § 7-68)

Sec. 50-64. Emissions of gases, vapor, odors.

(a) No owner or other person shall allow any emission of gases, vapor or odors in violation of any rule or regulation adopted by the state air pollution control board pursuant to Code of Virginia, § 10.1-1300 et seq.

(b) The provisions of this section shall be enforced by the state air pollution control board. (Code 1988, § 7-69) Secs. 50-65--50-90. Reserved.