



# Albemarle County

## Legislation Text

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**File #:** 18-314, **Version:** 1

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**AGENDA DATE:** 5/9/2018

**TITLE:**

Permitting Process for Events Held in County Parks

**SUBJECT/PROPOSAL/REQUEST:** An ordinance to amend County Code Chapter 11, Parks and Recreation Facilities, Section 11-116, Public Meetings or Parades, to establish a permitting process for events to be held in public parks

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, DeLoria, Crickenberger

**PRESENTER (S):** Richard DeLoria

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** County staff prioritizes the protection of the public's health, safety, peaceful enjoyment, and fair and equal access to County parks during the public's use of parks and other County recreational facilities. Staff proposes to standardize the permitting procedures for all commercial activity and larger, non-commercial events and activities that members of the public request to hold in County parks to maintain open access and to protect the public during those events and activities

**STRATEGIC PLAN:** Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.  
Quality Government Operations: Ensure County government's capacity to provide high quality service that achieves community priorities

**DISCUSSION:** The attached proposed ordinance (Attachment A) establishes comprehensive permitting procedures and standards for members of the public to conduct events and activities in County parks.

Since at least 1998, public meetings and parades have been regulated equitably pursuant to the Director of Parks and Recreation's discretion under existing County Code § 11-116. The growth of the County's park system, the increase in demand for holding organized events in the parks, recent events, and the County's recodification effort clarified the need for a modernized and standardized permitting process.

The proposed special events permitting ordinance recognizes the overarching principle that the general public maintains a right to use and enjoy the parks without unreasonable interference. It poses reasonable time, place, and manner restrictions on commercial activities and non-commercial, organized activities involving 100 or more persons by requiring organizers to apply for a special event permit. It encourages early application to secure a preferred date and location and provides adequate time for the Department of Parks and Recreation, with its level of resources, to review, accommodate, and facilitate special event requests.

The draft ordinance accounts for numerous First Amendment issues. Most critically, it is content-neutral, affords an exemption for spontaneous events, allows consideration of late requests, provides financial waivers for those unable to afford permitting fees and other County-required event costs such as insurance, limits the Director's discretion in denying applications, and protects permit holders from interference by third parties. Its primary purpose is to coordinate multiple uses of limited space and to preserve park facilities and resources while respecting and encouraging the exercise of rights protected by the First Amendment to the United States Constitution.

**BUDGET IMPACT:** Adopting the proposed ordinance will have no budget impact. Staff will be able to absorb any additional work that this ordinance's adoption will generate. The additional work is anticipated to involve the creation of documents and forms supporting execution of this process. It is unknown what impact adoption will have on fee generation.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

**ATTACHMENTS:**

A - Proposed ordinance