

ORDINANCE 2025-03

AN ORDINANCE TO CREATE A NEW CHAPTER OF THE CODE OF THE TOWN OF BRIDGEVILLE AS IT RELATES TO SPECIAL EVENTS

WHEREAS, the Commissioners of Bridgeville have all powers granted to municipal corporations and to cities by the Constitution and general law of the State of Delaware, including the implied powers necessary to carry into execution all the powers granted; and

WHEREAS, the Commissioners are of the opinion that an addition to the Code as it relates to special events is necessary for the health, peace, safety, and well-being of the residents of Bridgeville.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF BRIDGEVILLE to read as follows:

Section 1. That Ordinance 2025-03, attached hereto, is hereby adopted as an ordinance of the Town of Bridgeville.

Section 2. This ordinance shall repeal Chapter §169-4 Assemblies on public property, permit required.

Section 3. This Ordinance shall become effective upon its adoption by a majority of all Commissioners.

COMMISSIONERS OF BRIDGEVILLE

By: _____
President

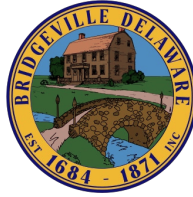
Attest: _____
Secretary

First Reading: _____

Second Reading: _____

Adopted: _____

Synopsis



This Ordinance establishes definitions, guidance, and requirements for minor, intermediate, and major events within the Town of Bridgeville.

§ Special Events: Permit and Memorandum of Understanding (MOU) required.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

PRODUCER

An organization or committee that is responsible for all aspects of an event or performance (advertising, marketing, talent costs, vendor booths, activities, insurance, hold harmless agreement, etc.) and is responsible for all revenue and expenses for that event.

SPECIAL EVENT

A non-routine happening or social activity bringing people together in a defined area on Town facilities, right-of-way, or private property, including parks, streets, sidewalks, or other Town property, which requires Town and/or County and State services to ensure safety and coordination. By way of example and not limitation, "Special event" includes activities such as fairs, festivals, concerts, sporting events, parades, walks, and runs, etc.

SPONSOR

A business, organization, agency or individual who gives cash or in-kind product or service to support a producer of an event or production by agreement, for the benefit of that agency, business, organization or person.

MEMORANDUM OF UNDERSTANDING

A memorandum of understanding (MOU) is an agreement between two or more parties outlined in a formal document. This document describes the broad outlines of an agreement that two or more parties involved with the special events have reached. The MOU shall be drafted by the Town related to any special event, outlining anticipated costs and services associated with each event, and shall acknowledge all requirements set forth in this chapter.

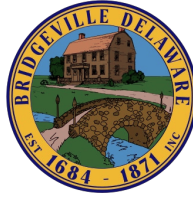
B. Types of events. Event types are as follows:

MAJOR EVENT

An event of one or more days duration with a cost of over \$12,000 for Town services, staff time, and equipment use.

INTERMEDIATE EVENT

An event of one or more days duration with a cost of between \$1,500 and \$12,000 for Town services, staff time, and equipment use.

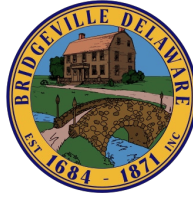


MINOR EVENT

An event of one day or less duration, with a cost of under \$1,500 for Town services, staff time, and use of equipment.

§ General policies.

- (1) Event producers are required to obtain all Town, State, County, and Health Department permits, licenses, and/or inspections as may be needed.
- (2) Event producers are responsible for submitting in writing permission as may be required from other governmental agencies and private property owners for use of their sites for an event.
- (3) Event producers are responsible for overall event planning and management, promotion, marketing, advertising, entertainment, and vendor selection. The event producer is responsible for the actions of their vendors. The Town may, at its discretion, announce the event on its website and other printed publications.
- (4) Only three major events will be allowed per month, and may be fewer depending on available resources.
- (5) A major and intermediate event will not be allowed on the same day.
- (6) No more than two intermediate events will be allowed within the same week, and may be fewer depending on available resources.
- (7) Only four intermediate events will be allowed in a month when there is a major event, and only five will be allowed in a month without a major event. Only three weekends (Saturday and Sunday) may be considered in any given month, and may be fewer depending on available resources.
- (8) Event producers are required to submit required certificates of insurance, to include liquor liability when applicable, hold harmless agreements on behalf of themselves and their contractors/vendors, and any required cash bonds or deposits to the Town at least two weeks before the event.
- (9) Application and Fees Required.
 - Minor event: \$100.
 - Intermediate event: \$150.
 - Major event: \$250.



- (10) All Minor and Intermediate events shall be approved or disapproved by the Town Manager, and all Major Events shall require review and approval by the Town Commissioners.

§ Permit Application Requirements

- (1) Submittal time.

MAJOR EVENT

Initial requests, including permit application and all backup material, must be submitted to the Town Manager or their designee at least 120 days prior to the event, but not more than 12 months in advance.

INTERMEDIATE EVENT

Initial requests, including permit application and all backup material, must be submitted to the Town Manager or their designee at least 90 days before the event, but not more than 12 months in advance.

MINOR EVENT

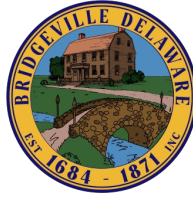
Initial requests, including permit application and all backup material, must be submitted to the Town Manager or their designee at least 30 days prior to the event, but not more than six months in advance.

- (2) Submittal requirements.

APPLICATION:

The application shall include the following information, which is necessary to properly evaluate the application and event scope:

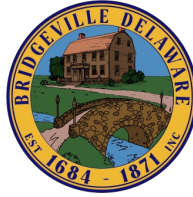
- (a) Application form.
- (b) Date, times, and location, including zone of special event.
- (c) Name and contact information for applicant(s). If the applicant is a corporation or other artificial entity, the names and contact information for its principal officers.
- (d) Detailed description of event, including activities planned, estimated number of persons attending, etc.
- (e) Listing of all vendors to be included in the special event, with proof of liability insurance when applicable.
- (f) Description of security.
- (g) Description of sanitary provisions. Sanitary and water facilities are sufficient to accommodate, as a minimum, the number of persons projected to attend the event.
- (h) Description of health and fire safety provisions.



- (i) Traffic and parking plan. A parking and traffic control plan for the entire event should be sufficient to ensure a free flow of traffic and adequate parking. The plan shall be sufficient to control all the vehicles that may be involved based on the projected number of participants and attendance as stated in the application. The traffic plan must also be approved by DelDOT when applicable.
 - (j) Alcohol or food permits required, if any.
 - (k) Alcohol control plan.
 - (l) Alcohol liability insurance.
 - (m) Lighting plan.
 - (n) Description of any proposed open flame cooking facilities or proposed use of any pressuring flammable or combustible gases.
 - (o) Event budget to include revenues and expenses, and the previous year's actual if not a new event.
 - (p) Site plan.
 - (q) Maintenance/cleanup plan.
 - (r) Entertainment schedule.
 - (s) Load-in and take-down schedule.
 - (t) Certificate of event liability insurance naming the Town as a certificate holder and additional insured.
 - (u) Hold harmless agreement.
- (3) The Town Manager, Chief of Police, Public Works Director, and Fire Chief shall all review the application and provide their comments and estimated costs for the Town's services required prior to the consideration of the application.
- (4) The Town Manager and the Town Commission shall review the materials submitted and shall use these materials and reports as the standard upon which the determination to grant or deny the application shall be based.
- (5) The information on the application must be true and correct. A false statement can subject the application to denial.
- (6) If the applicant seeks a waiver of any requirement herein, that request must be made in conjunction with the special event application. Some items may not be applicable for all events, and that determination shall be made by the Town as part of the review process.

§ Event Staffing.

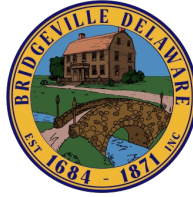
- (1) Police. Police or other trained non-sworn personnel may be required:



- (a) At the discretion of the Chief of Police or their designee, based upon projected attendance numbers, type of event, traffic/pedestrian concerns, geographic location, and site layout.
 - (b) Mandatory police personnel are required for events where alcohol is served or sold by the event producer, event vendor, or other businesses within the designated event area.
 - (c) When mandated by the Delaware Department of Transportation (DelDOT) during events requiring closure of roads and streets.
- (2) Public Works. The event producer will prepare and submit the required DelDOT permits for street closures when applicable. Public Works will install barricades and set up portable light towers and generators, if requested.

§ Event payment for Town services.

- (1) Town-produced or co-produced events. There are no charges levied for any Town services or rentals for Town-produced or co-produced events.
- (2) All other events.
 - (a) A fee shall be charged to all other event producers, whether a nonprofit or a for-profit private producer, that require the assistance of the Town of Bridgeville Police Department, Public Works Department, or Administrative Staff. The fee shall be determined according to the estimated number of police and public works labor hours required to serve the event. The hourly rate for labor shall be determined by the Town Manager and approved by the Town Commission at a regularly scheduled meeting. This fee or part thereof may be waived by the Town Manager when approved by three or more Commissioners.
 - (b) The event producer is also required to pay 100% of land and/or equipment rental, signage, stage rentals, trash boxes and liners, and vehicle towing costs. Equipment rentals include but are not limited to barricades, message boards, arrow boards, tables, chairs, tents, light towers, port-a-potties and portable generators.
 - (c) In addition, event producers will be required to pay for any site damage caused by their event, pressure cleaning, and any other site cleanup necessary, plus any fines that may be levied.
 - (d) Payment to the Town is due within 30 days of receipt of the Town invoice. Failure to pay within this time frame could be grounds for the denial of future events.
- (3) Events that include food preparation and service vendors shall at the discretion of the Town:
 - (a) Provide a container of adequate capacity designed for grease and oil collection, the contents of which shall be legally disposed of by a certified hauler.



- (b) Provide a dumpster of sufficient size and type for garbage and trash collection, contents of which shall be disposed of by a certified hauler.
- (c) Provide self-contained water tanks, or be equipped with the appropriate state-required backflow prevention devices to access Town water.
- (d) The above are the sole responsibility of the event producer.

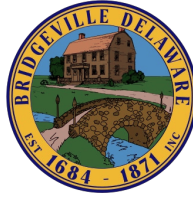
§ Parking.

Reserved parking. Event producers may request the use of Town-owned surface lots for reserved parking. Requests need to be in writing and/or on the site plan included in the event MOU package. Public lots are not guaranteed as reservable for private events.

§ Grounds for denial of permit.

Applications shall be reviewed by the Town Manager and Town Commission within 30 days of submission of the application. Applications may be denied for any of the following reasons:

- (1) The application (including any required attachments and submissions) is not fully completed and executed;
- (2) Untimely submittal of application less than the minimum submittal day requirements;
- (3) The applicant has not tendered the required application deposit with the application, indemnification agreement, insurance certificate, or security deposit within the times prescribed;
- (4) The application contains a material falsehood or misrepresentation;
- (5) The applicant is legally incompetent to contract or to sue and be sued;
- (6) The applicant or person on whose behalf the application was made has on prior occasions damaged municipal property within the Town of Bridgeville and has not paid in full for such damage, or has other outstanding and unpaid debts to the Town of Bridgeville;
- (7) A fully executed prior application for the same time and/or place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular municipal property or part hereof, or multiple events on the same day(s).
- (8) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Town of Bridgeville and previously scheduled for the same time and place;



- (9) The proposed use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other users of the public space, or Town Employees, or of the public;
- (10) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances, or regulations of the Town concerning the sale or offering of any goods or services;
- (11) The use or activity intended by the applicant is prohibited by law, by the Town's Code of Ordinances, or by these regulations;
- (12) The applicant's staffing/parking needs cannot be met by the Town.

G. Approval.

The Town Manager and the Town Commission shall approve all special events, provided that they meet the requirements of this policy.

H. Appeal process.

Special event denials may be appealed in writing to the Town Commission within 15 days of the denial. The Town Commission must render a written decision within 10 days after the Town Commission meeting at which the appeal was considered.

§ Violations and penalties.

Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions, Article II, Penalties.