

ATTACHMENT A

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROVIDE THAT THE BOARD OF ALDERMEN WILL ONLY APPROVE STREET EVENT PERMITS UNDER ARTICLE III OF CHAPTER 7 FOR ROAD RACES WHEN THE EVENT BENEFITS NON-PROFIT ORGANIZATIONS BASED IN ORANGE COUNTY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first clause of Subsection 7-23(a) of the Carrboro Town Code is amended to read: "Subject to subsection (e) of this section:"

Section 2. Section 7-23 of the Carrboro Town Code is amended by adding thereto a new subsection (e) to read as follows:

"(e) The Board may issue a permit under this article for a road race event only if such event will benefit a non-profit organization that is based in or provides services in Orange County.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

From: George E. Seiz [mailto:gseiz@ci.carrboro.nc.us]
Sent: Tuesday, July 06, 2010 4:55 PM
To: dick_forbis@unc.edu; Hosman, Suzie; Steve Lackey; Thys Wind; butch.robertson@earthlink.net
Cc: Chris Sherman
Subject: Proposed ordinance change for road races

Dick, Suzie, Butch, Steve, & Thys - hope you are all well. At the Board of Aldermen (BOA) regular meeting on June 8, 2010, Town staff provided information to the BOA on the number and types of special events requiring street closing permits. Discussion by the BOA followed the staff presentation. As part of their discussion the BOA asked the Town Attorney to draft an ordinance amendment requiring that a street closing permit for road races would only be issued if such event will benefit a non-profit organization that is based in or provides services in Orange County. The proposed draft amendment to Subsection 7-23 is attached. The entire Chapter 7 can be found at the following:
www.townofcarrboro.org/TC/towncode.htm Scroll thru to find existing section 7-23.

The staff abstract from June 8th can be found at:
www.townofcarrboro.org/BoA/Agendas/2010/06_08_2010.htm

I'm soliciting feedback from road race organizers on this proposed change. Please let me know on or before August 7, 2010 that you've looked it over, and whether or not you have any comments. It is anticipated that the proposed change will be sent to the BOA in Early September of 2010 when they return from their summer recess.

Call or e-mail me if you have any questions, however, I'll be gone from July 13 thru August 3. Thanks for your help in this matter.

Sincerely,
George Seiz
Public Works Director 919/918-7427

From: Dick Forbis [mailto:rmf3011@email.unc.edu]
Sent: Sunday, August 01, 2010 5:46 PM
To: George E. Seiz
Cc: Chris Sherman; dick_forbis@unc.edu; 'Eric Paul'; 'Joan Boone'; 'John Blunk'
Subject: RE: Proposed ordinance change for road races

George, here is our feedback/response to this proposed amendment. Let me know if I can provide any further information that would be helpful.

Thanks,
Dick

Response to Carrboro BOA Amendment to Subsection 7-23

The **Cardinal Track Club**, a 501(c)3 organization comprised of volunteers and based in Carrboro/Chapel Hill to promote physical activity for residents of Carrboro, Chapel Hill, and Orange County, supports this amendment, as a way to insure that events that impact Carrboro and local residents will, in fact, benefit individuals who live in these areas.

Our club has sponsored, with the support of the Town, 3 road races each year for the past 10+ years: **Four on the Fourth 4-Miler** (July 4); **Carrboro 10K** (originally Familias del Pueblo, first Saturday in October); and **Gallop & Gorge 8K** (Thanksgiving day).

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Sponsors of our races vary from year to year, but typically they are local establishments such as Fleet Feet Sports, Open Eye Café, Balanced Movement/PT, Milltown Diner.

All of these events take place with the support of Carrboro Police, Carrboro Public Works, as needed, and South Orange Rescue Squad, for which we pay the invoiced charges for their services.

100% of the proceeds from these races, after expenses are paid, are given away at the end of the calendar year to our Community Support Partners. For the past 2 years we have been pleased to give a total of \$24,000 each year to our partner organizations, divided equally. In 2009 our Community Support Partners were El Centro Latino (we delivered their check early in December to meet their needs for emergency funding), Chapel Hill Optimists Club, Arc of Orange County, and Orange County Rape Crisis Center, all organizations selected on their planned work to be done in our community. In 2010 our selected Community Support Partners are Chapel Hill Optimists Club, Arc of Orange County, Orange County Rape Crisis Center, TABLE, and Orange Cardiovascular Foundation.

Registrants in our races are generally local to the Carrboro/Chapel Hill area, and participating in a pleasant running experience in Carrboro encourages them to come back to shop, dine, or meet for coffee at many of the great establishments in Carrboro. More and more of the runners bring their families to our race events, since we have some stimulating kids events and kids races that occur during and after the adult/competitive race; these events are organized by the director of Kidzu, who is a member of our Cardinal Track Club.

Awards for our age divisions for the past 2 years have been supplied by local potters, Janet Resnik and Robin Moser; we try to keep EVERYTHING local – including bagels from Bagels on the Hill and coffee from Open Eye.

Our races are successful, financially and experience-wise, largely because we have been able to maintain consistency in courses, dates on the calendar, and quality of the events, much of this because of the much-appreciated support and cooperation of Town officials and staff. We thank you for your assistance, and hope that you will continue to welcome our events into the diverse and vibrant town-life of Carrboro.

Contact for further information: Dick Forbis (919-360-6006 or dick_forbis@unc.edu)

From: Hosman, Suzie [mailto:suzie_hosman@med.unc.edu]

Sent: Wednesday, July 07, 2010 2:25 PM

To: George E. Seiz

Cc: Chris Sherman; dick_forbis@unc.edu; Steve Lackey; Thys Wind; butch.robertson@earthlink.net

Subject: RE: Proposed ordinance change for road races

Hi George,

I have reviewed the document and have no comments since it doesn't really affect the Kidney Kare 5k.

Suzie

Article III

STREET EVENTS

Section 7-16 Activities Covered (Amend 1/8/85)

This article applies to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way. Any such activity covered by this article shall hereafter be referred to as "the event."

Section 7-17 Permit Required

No person may run, operate, or sponsor any event in any public street or right-of-way without a permit obtained from the Board in accordance with this article.

Section 7-18 Permit Application

Applications for the permit authorized by this article shall be submitted on a form provided by the administrator and shall contain the following information:

- (1) Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event;
- (2) Name, address, and telephone number of the individual in charge of the event;
- (3) The proposed date and time period when the event will be conducted;
- (4) A sketch-map showing:
 - a. The area where the event is to take place.
 - b. Any streets or other rights-of-way to be closed or obstructed.
 - c. Any barriers or traffic control devices that will be erected.
 - d. The location of any concession stand, booth, platforms, benches, or bleachers.
 - e. The location of proposed fences, stands, platforms, benches, or bleachers.
- (5) The approximate number of people expected to attend the event;

- (6) When applicable, a request that the town provide specified services and/or that the town close identified streets or portions of streets for a particular period;
- (7) Sufficient proof of liability insurance in accordance with Section 7-21;
- (8) Any other information determined by the administrator to be necessary to insure compliance with this article.

Section 7-19 Notice and Public Hearing

(a) Subject to subsections (c) and (d), before issuing a permit under this article, the Board shall hold a public hearing on the permit application. This hearing may be held at any regular or special meeting. (Amend. 1/8/85)

(b) Subject to subsections (c) and (d), notice of the public hearing shall be published in a manner determined by the administrator to be reasonably calculated to inform the following persons of the date, time, and place, as well as the subject matter of the hearing:

- (1) The applicant;
- (2) All persons occupying property that abuts any street where the event is to take place; and
- (3) The general public (Amend. 1/8/85)

(c) The Board finds that the annual Christmas parade sponsored by the Chapel Hill-Carrboro Chamber of Commerce, the Fourth of July Celebration sponsored by the Town of Carrboro, the Carrboro Day celebration sponsored by the Town of Carrboro, the Carrboro Music Festival sponsored by the Town of Carrboro, the Four on the Fourth road Race, the Carrboro 10K Road Race, and the Gallop and Gorge Road Race sponsored by the Cardinal Track Club, and the Frangelism in the Park event sponsored by St. Joseph AME Church have become established traditions that are expected and anticipated by those whose properties or businesses are affected by them and that are well publicized apart from the public hearing procedures set forth in this article. Therefore, the annual Christmas parade, the Fourth of July celebration, the Carrboro Day celebration, the Carrboro music Festival, the Four on the Fourth road Race, Carrboro 10K road Race, the Gallop and Gorge Road Race, and Frangelism in the Park, and the Kidney Kare 5K are exempt from the requirements of this section. (Amend. 1/8/86, 1/9/90, 3/19/91, 4/4/95, 3/19/96, 6/6/2000, 9/6/2005, 9/2/08, 10/6/09)

(d) When the principal purpose of an event is to exercise freedom protected under the First Amendment of the United States Constitution, the Board concludes that an expedited permit approval process is warranted. Therefore, such events are exempt from the requirements of this section and the Board shall act on the permit request as soon as an emergency meeting can reasonably be called, and in all events within six hours after the application is filed. (Amend. 1/8/85)

Section 7-20 Staff Review

Upon receipt of the permit application, the administrator shall circulate it to the police chief, the fire chief, the public works director, and other appropriate persons for their comment. The administrator may arrange to have a conference on the application with the applicant and one or more department heads.

Section 7-21 Insurance

The Board may require as a condition precedent or subsequent to issuance of the permit that the applicant obtain a comprehensive general liability insurance policy or comparable special events liability insurance policy issued by an insurance company authorized to do business in this state, with coverage that includes the entire area of the event. If such a policy is required, the town shall be named as an additional insured on the policy. The policy limits of such insurance shall be not less than the following, but the Board may require higher limits if it finds that the risks associated with the event warrant such higher limits:

Property Damage	50,000 for each occurrence
Bodily Injury or Death	\$100,000 for each person, \$300,000 for each occurrence

Section 7-22 Fees; Costs Incurred by Town

(a) A basic minimum fee sufficient to cover the cost of advertising the public hearing in accordance with subsection 7-19(b) and to provide the notification required by subsection 7-24(d) shall be paid by the applicant. The amount of this fee shall be based upon an estimate of the expenses that will actually be incurred to provide the required notices.

(b) In addition, if the town is requested to provide extra-ordinary services or equipment or the town administration otherwise determines that extraordinary services or equipment should be provided for reasons related to public health or safety, the Board shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(c) The Board may require the applicant to pay to the town a fee sufficient to reimburse the town for the costs of any extraordinary services or equipment provided.

Section 7-23 Standards for Issuance of Permit

- (a) The Board shall issue the permit authorizing the event unless it finds that:
 - (1) Conduct of the event will require the assignment of so many police officers that the remainder of the town cannot adequately be protected; or

- (2) The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the town; or
- (3) The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license, or the applicant is otherwise in violation of any town ordinance; or
- (4) The event will work a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property or for other substantial reasons; or
- (5) The event, if held at the time or at the location or along the route proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
- (6) The applicant has failed to comply with any of the provisions of this article, including the payment of any fees required.

(b) If a permit is issued in accordance with subsection (a), the Board may attach to it any reasonable conditions.

(c) If the Board finds that it cannot issue the permit for reasons specified in subsection (a), it may request the applicant to modify its application to remove any objections to the issuance of the permit, and the applicant may do so without further notice or hearing.

(d) Any event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any conditions attached hereto.

Section 7-24 Street Closings

(a) If the Board finds that the permit should be issued and that, to conduct the event, it is necessary to close a street or to reroute traffic, it may pass a resolution authorizing this to be done. No such resolution shall be passed affecting streets that are part of the street system without the approval of the State Department of Transportation.

(b) The resolution shall identify the street or portion thereof to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic thereon is to be limited in some way. The resolution shall also direct the manager to have appropriate traffic control devices installed to give notice of the temporary traffic controls.

(c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with subsection (b).

(d) The administrator shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place of the contents of any resolution passed in accordance with this section.

Section 7-25 Sponsor Responsible for Cleanup

The sponsor of the event shall be responsible for cleaning up any litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes place to the condition that existed prior to the event. The Board may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.

Sections 7-26 through 7-30 Reserved