



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of November 17, 2012

**DATE:** November 9, 2012

**SUBJECT:** Updated Policy for Managing Special Events and Demonstrations in Public Spaces

#### **C. M. RECOMMENDATION:**

Adopt the Policy for Managing Special Events and Demonstrations in Public Spaces (**Attachment A**) to replace the County's 2004 Policy for Managing Public Gatherings on Public Spaces.

**ISSUES:** The current Policy for Managing Special Events and Demonstrations in Public Spaces (**Attachment B**) was adopted by the County Board in 2004 and needs to be updated to reflect the changing needs of event organizers and the County personnel and services that support them. Board adoption of the new Policy is necessary in order to replace the 2004 Policy and establish the new Policy as the governing policy for the County Manager and County staff.

**SUMMARY:** Arlington County encourages public events and special activities in public spaces and the County is committed to facilitating a range of events. These events must occur in a manner that provides for the appropriate safety and security of the participants while respecting the rights and privileges of affected residents and businesses. Arlington County desires to provide government personnel and services to support such events within resource limitations. Further, the County desires to provide assistance to organizations that would otherwise not be able to afford to undertake special events due to required County charges related to law enforcement, fire and emergency services, so long as those organizations meet the legal requirements of the Code of Virginia and the County Board. The new Policy addresses these items.

**BACKGROUND:** Since the current Policy was adopted in 2004, the County has seen a significant increase in the number of applications for special events, the expansion of one-time or limited events into regularly re-occurring events, an increase in the number of events in all areas of the County, as well as an increase in the number of event organizers requesting financial assistance from the County. While the County Board has expressed a desire to continue to expand and support events, the current Policy needed to be updated to reflect the changes in the number and type of events occurring and the resources and methods needed to support them. Working with event organizers and community members, staff developed the proposed updated Policy to address the identified changed needs and desires.

County Manager:

County Attorney:

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Staff: Leslie Pelzer, Department of Parks and Recreation

**DISCUSSION:** The current Policy contains both policies and procedural details. The new Policy is designed to address policies in particular while leaving the development of certain administrative and procedural details to the County Manager. The procedures and processes will be provided for in an Administrative Regulation that will be issued by the County Manager.

County staff representing various departments reviewed the current Policy and practices for managing special events and demonstrations in public spaces in Arlington. Input was gathered through an online survey, in one-on-one meetings and in public meetings with stakeholders including event organizers, County staff, businesses and County residents. Based on this input, the new Policy was developed by County staff. The primary changes to Policy include:

- Regularly occurring markets (e.g. arts & crafts, farmers, flea and similar markets), would no longer be governed by the new Special Events policy, but rather would be subject to regulation through the County's special exception use permit process.
- A series of repeating events that are separated by at least twenty-four (24) hours would be considered as individual special events under the new Policy for ease of permitting.
- Small neighborhood events, including block parties and parades, that a) do not include the sale or distribution of alcohol, b) are conducted in a public space or on a one- or two-block section of a non-primary residential street by persons who reside on that section of the street, and c) County staff estimates will result in fewer than 150 attendees, would not require a Special Event Permit under the new Policy.
- The County would provide personnel and services to support special events, within resource limitations, and charge the organizer of each special event for such personnel and services on a 100% cost-recovery basis unless prohibited by law.
- The County would move from the current "Minimum Amount" program to a fee-reduction program, subject to annual appropriations by the County Board, to provide assistance to charitable institutions or associations that otherwise would not be able to afford to undertake special events due to required County charges for law-enforcement, fire, and emergency services. Whether a proposed recipient may receive a fee reduction will depend on its status and the requirements of the Code of Virginia.
- The permit application process would address and include, but not be limited to, the following criteria: (a) prioritization of established annual or otherwise recurring events; (b) development of reasonable permit application deadlines; and (c) establishment of reasonable permit application and review fees as part of the County Board's annual budget process.
- In order to ensure that no residential or commercial area of Arlington County would be unduly impacted by Special Events, the County Manager will review the number of events that are designed to attract a crowd of 500 or more people to any given area held each year.

Prior to bringing the new Policy to the County Board for review, the Policy went through an extensive internal (County staff) and external (community) review process. Event organizers who held events in Arlington in the last two years were notified of the new Policy, as were civic associations, nonprofits, PTAs and churches. Meeting announcements were sent to local media.

Two public meetings were held to review the changes. No issues with the content of the Policy have been raised.

**FISCAL IMPACT:** The new Policy makes clear that all fees and charges assessed to event organizers for County staff, services or resources would be based upon the County's actual incurred costs and set on a 100% cost recovery model.

Previously under the "Minimum Amount" program, event organizers were not charged for police, fire and emergency medical services up to the set amount of \$4,000 per event. The cost of this fee reduction was thus incurred by the departments. Under the new Policy the fee reduction would still be provided to the event organizer, but the County budget would be modified to set up an account against which fee reductions would be charged.

The County Manager will recommend to the County Board, as part of the FY 2014 budget process, the maximum total annual amount of County fees related to the provision of law-enforcement, fire, and emergency services that may be reduced for Special Events in the upcoming County fiscal year.

# ARLINGTON COUNTY, VIRGINIA

## Policy for Managing Special Events and Demonstrations in Public Spaces

WHEREAS, the County Board of Arlington County, Virginia (hereinafter “County Board”), desires to encourage public events and activities on streets, sidewalks, parks and plazas owned by the County Board or in which the County Board has a legal interest giving it rights for public use (collectively “Public Spaces”); and

WHEREAS, the County Board also desires to protect and preserve the rights and privileges of the residents and businesses of Arlington County to use and enjoy Public Spaces and to exercise their rights to free speech and assembly; and

WHEREAS, the County Board desires to be assured that events on Public Spaces occur in a manner that provides for the appropriate safety and security of the participants as well as affected residents and businesses; and

WHEREAS, the County Board desires to provide Arlington County government personnel and services to support such events within resource limitations; and

WHEREAS, the County Board desires to provide assistance to charitable institutions and associations that would otherwise not be able to afford to undertake special events due to required Arlington County charges related to the provision of law enforcement, fire and emergency services, so long as those organizations meet the legal requirements of the Code of Virginia and the County Board,

NOW, THEREFORE, BE IT RESOLVED that the County Board hereby enacts this the Arlington County, Virginia, Policy for Managing Special Events and Demonstrations in Public Spaces (hereinafter “Policy”), and further authorizes the County Manager to implement this Policy through administrative regulations and procedures.

### 1. Definitions

For the purposes of this Policy, the following terms shall have the meanings set forth herein:

- A. The term “County” shall mean the County Board and its elected and appointed officials, employees, agents, Boards, and Commissions.
- B. The term “Demonstration” shall mean any picketing, speech making, marching, holding vigils or religious services and other like forms of conduct, in Public Spaces, which involves the communication or expression of views or grievances, is engaged in by one or more persons, and has the effect, intent or propensity to attract a crowd or onlookers. The term “Demonstration” shall not include the casual use of Public Spaces by Arlington

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County residents or visitors which use does not have the effect, intent, or propensity to attract a crowd or onlookers.

- C. The term “Special Event” shall mean any race, pageant, celebration, historical reenactment, entertainment, exhibition, parade, fair, festival or similar event in a Public Space which does not constitute a “Demonstration” as that term is defined above and which is engaged in by one or more persons whose conduct has the effect, intent or propensity to draw a crowd. The term “Special Event” shall not include any of the following:
1. A series of repeating events if each event is separated from the next event by at least twenty-four (24) hours.
  2. The casual use of Public Spaces by Arlington County residents or visitors, which use does not have the effect, intent or propensity to attract a crowd or onlookers.
  3. Regularly-occurring markets (e.g. arts & crafts, farmers, flea and similar markets), uses or activities that are permitted by an approved use permit, or Arlington County Department of Parks and Recreation (DPR) events or the activities of DPR-affiliated sports groups.
  4. Small neighborhood events, including block parties and parades, that a) do not include the sale or distribution of alcohol, b) are conducted in a public space or on a one- or two-block section of a non-primary, residential street by persons who reside on that section of the street, and c) County staff estimates will result in fewer than 150 attendees. Such events shall, however, be subject to right-of-way permit requirements and/or other permits or requirements imposed by the County depending on the nature of the event and its location.

## **2. Regulation of Demonstrations and Special Events**

- A. It shall be the policy of the County to encourage Special Events, in or on Public Spaces, including those events that support the County’s vision of a diverse and inclusive world-class urban community where people unite to form a caring, learning, participating, sustainable community.
- B. Permits shall be required for all Special Events and Demonstrations in order to protect and preserve the rights and privileges of Arlington County residents and businesses to enjoy and use Public Spaces. Permits shall not be utilized or construed by permittees or third parties to permit or undertake camping or the construction of any structure unless the structure constructed is temporary (meaning that it shall be removed at the expiration of the respective permit) and the construction is both expressly allowed by the permit and meets all other governmental and regulatory requirements.
- C. In keeping with individuals’ right to express their views or grievances, permits for Demonstrations shall be granted except when denying a permit is necessary, in light of an imminent, clear, and present danger, to protect public safety and the safety of the proposed Demonstration’s participants and the safety of residents and businesses affected by the Demonstration. In the event that a permit is denied, it should be denied only to the extent necessary to protect safety.

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- D. It shall be the policy of the County to provide personnel and services to support Special Events, within resources limitations, and to charge the organizer of each Special Event for such personnel and services on a one hundred percent (100%) cost-recovery basis unless prohibited by law.
  - E. It shall be the policy of the County to provide a fee-reduction program, subject to annual appropriations by the County Board, to enable the conducting of Special Events by charitable institutions or associations that otherwise would not be able to afford to undertake Special Events due to charges imposed by the County related to the provision of law-enforcement, fire, and emergency services. The details of and criteria for the fee-reduction program are discussed further below.

### **3. Permit Application Process**

- A. The County Manager or his or her designee shall establish the details of the permit application process for Special Events and Demonstrations. The details of the permit application process shall be set forth in the regulations established by the County Manager to implement this Policy. In all cases the permit application process shall address and include, but not be limited to, the following criteria:
  - 1. Prioritization of established annual or otherwise recurring events;
  - 2. Development of reasonable permit application deadlines; and
  - 3. Establishment of reasonable permit application and review fees as part of the County Board's annual budget process.
- B. The County Manager or his or her designee shall review the permit application process regularly, soliciting input from Special Event and Demonstration permit applicants, organizers and managers, receiving advice of public safety and other support agencies, and balancing the encouragement of Special Events and Demonstrations with the need to protect the public's health, safety and general welfare.

### **4. Limitations on the Frequency of Certain Special Events; Cost Minimization**

- A. In order to ensure that no residential or commercial area of Arlington County is unduly impacted by Special Events, reasonable standards shall be established by the County Manager to regulate the number of Special Events held each year that are designed to attract a crowd of five hundred (500) or more people to any given area.
  - 1. For the purposes of this section, areas will be defined, in the sole discretion of the County Manager, by Civic Association and other geographic boundaries (e.g. Ballston, Clarendon, Columbia Pike, Courthouse, Crystal City, Pentagon City, Potomac Yard, Rosslyn, Shirlington, Virginia Square, Westover, etc.).
  - 2. Standards developed by the Manager pursuant to this section shall be based on the availability and cost of public-safety personnel and other County staff needed to

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support Special Events while enabling the County to maintain normal County operations.

- B. The County Manager or his or her designee shall work with applicants and Special Event and Demonstration organizers and managers to provide support to meet event goals while preserving public health and safety.
- C. The County Manager or his or her designee shall work with applicants and Special Event and Demonstration organizers and managers to minimize costs to be charged to applicants and organizers by recommending alternate venues, utilizing less-expensive County staff, or relying on volunteer support, among other cost-cutting measures.

## **5. County Charges and Fees**

- A. The County Manager shall recommend to the County Board, as part of the County Board's annual budget process, charges and fees related to the provision of County personnel and services to support Special Events and Demonstrations. These charges and fees also will account for the cost of protecting the safety of each event's participants, as well as Arlington County residents, visitors, and businesses.
- B. Fees and costs for Demonstrations will be charged only to the extent allowed by state and federal law.
- C. All fees and charges assessed to applicants and organizers for County personnel and services shall be based on the County's incurred costs, with the exception of administrative fees, such as application fees, which may be billed at a flat rate but shall nonetheless be based on the County's actual administrative costs.
  - 1. Assessed fees may include charges for application review and any subsequent reviews or other action by County staff to support the applicant or organizer or at the applicant's or organizer's request prior to, during, or following the respective event.
  - 2. Assessed fees may include charges for the following services and support: police, fire/emergency medical, signage, street cleaning, street/lane closure, trash/recycling collection and disposal, tents/stages, electrical, fire prevention, and DPR programming, facility, and equipment fees.
- D. The fees and charges outlined in this section shall be in addition to, and not in lieu of, other state and local fees and licenses, as applicable, including, but not limited to, business license fees, food establishment license fees, and Virginia Department of Alcoholic Beverage Control license fees.

## **6. Special Event Fee-Reduction Program**

- A. The County Manager shall recommend to the County Board, as part of the annual budget process, the maximum total annual amount of County fees related to the provision of law-enforcement, fire, and emergency services that may be reduced for Special Events in the upcoming County fiscal year. Any such reductions, and the regulations adopted by the County Manager that pertain thereto, shall be permitted only

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to the extent that such support is allowed by § 15.2-953 of the Code of Virginia, 1950, as amended.

- B. Fee reductions will be made to the extent allowed by state law to charitable institutions or associations undertaking events that meet the criteria set forth below.
- C. County staff shall work with each Special Event's organizer(s) to minimize costs while at the same time protecting public health and safety.
- D. No organization will be awarded Special Event fee reductions for more than two events in any one County fiscal year.
- E. The criteria for evaluating each Special Event fee-reduction application shall include, but are not limited to:
  - 1. Whether the Special Event organizer has fully and timely paid County bills related to Special Events organized by that organizer in the past;
  - 2. Whether the Special Event organizer has in the past conducted Special Events that required Arlington Police responses to calls for service to address public-safety issues;
  - 3. Whether the Special Event will be the fifth or more event to occur in a given Civic Association area in the then-current County fiscal year;
  - 4. Whether the County-required expenses for safety and emergency support exceed the amount that is 10% of the applicant's anticipated revenues from the Special Event; and
  - 5. Whether or not the applicant is a charitable institution or non-profit organization, or a cultural/heritage organization engaged in commemorating historical events, is not controlled by a church or sectarian society, is located within the geographic boundaries of Arlington County or, if not located within the geographic boundaries of Arlington County, whether it is an organization, institution, or association that provides services to residents of Arlington County.
- F. The amount of the Special Event fee reduction for any one event shall be limited to the annual maximum fee reduction amount adopted by the County Board, and/or the difference between the actual County-required expenses for safety and emergency services and 10% of the applicant's anticipated revenues from the respective Special Event, whichever is less.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2012.

## **SPECIAL EVENTS POLICY** IN ARLINGTON COUNTY.

On motion by Mr. Ferguson, seconded by Mr. Tejada and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisetto – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board approved the following policy for Special Events held Arlington County:

### **Arlington County Policy for Managing Public Gatherings on Public Spaces**

#### **I. Background**

#### **II. Minimum Amount Procedure**

#### **III. Permit Issuance Procedures**

#### **IV. Special Event Procedures**

#### **V. Demonstration Procedures**

#### **VI. Denial Procedures**

#### **VII. Legal and/or Administrative Sanctions of Organizations and/or Individual Applicants as Determined by the OEM Director**

#### **VIII. Enforcement of Administrative Sanctions**

#### **IX. Insurance Liability Coverage**

#### **I. Background**

The Arlington County Special Events Task Force receives over 120 applications each year for public gatherings. Demonstrations and Special Events, which require the exclusive use of public space, are permitted through the Arlington County Special Events Task Force. This presents unique challenges with respect to the general right of all citizens and visitors to use the public areas and roadways within Arlington, resource protection, manpower allocations, and the permitting process.

Arlington County is committed to facilitating a wide range of special events that highlight the diverse communities within the County. In order to ensure that all events are conducted in a safe and orderly fashion, weighing the social and economic benefit of the proposed event with the general public's well being, oversight for all Special Events will be the responsibility of three County entities; the Office of Emergency Management, the Special Events Task Force (also referred to as the Special Events Committee) which is a formal group representing all Arlington County agencies that represent their respective organizations in matters of Special Events and Demonstrations, and the Special Operations Section of the Arlington County Police Department.

Arlington County takes great pride in its user-friendly special events and demonstration application process. This includes the single application form and the Special Events Coordinator within the Arlington County Police Department who works to facilitate communications between the event/demonstration applicant and all applicable County agencies in an effort ensure a safe event.

Arlington County is committed to having the Special Events/Demonstration process "a living document" that will continually strive to meet the needs of those living, working, and visiting the County, and to ensure equity in the manner County services are provided.

The underlying framework for a decision regarding an application for a Demonstration and/or Special Event Permit is based on the regulatory standards found in this document, the Policy For Managing Public Gatherings on Public Spaces, the Special Events Operating Plan, and the Special Events/Demonstration Application, which can be obtained by contacting the Special Events Coordinator in the Special Operations Section of the Arlington County Police Department at 703-228-4141.

- i) The term "Demonstration" includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct on public spaces which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual public space use by citizens, visitors, or tourists, which does not have an intent or propensity to attract a crowd or onlookers. Except as provided herein, a permit shall be required for all Demonstrations.
- ii) The term "Special Event" includes pageants, celebrations, historical reenactments, entertainment, exhibitions, parades, fairs, festivals and similar events on public spaces which are not demonstrations under (I) (i) of this section, and which are engaged in, by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers. This term also does not include the casual public space use by citizens, visitors, or tourists, which does not have the intent or propensity to attract a crowd or onlookers. A permit shall be required for all Special Events.
- iii) The term "Special Events Task Force" or "Special Events Committee" refers to a working group comprised of representatives from each County agency that is empowered to represent their respective agency in matters regarding Special Events and Demonstrations. This group is charged with reviewing all large Special Events and Demonstrations, working with the event applicant(s) to ensure a safe and high quality event, and approving or denying an application for a Special Event or Demonstration Permit. The Task Force is committed to working with event sponsors in an attempt to match the size and scope of the proposal with the capacity the event sponsor and their organization possesses. The Task Force will also be utilized to help facilitate Demonstrations when multiple county agencies are required to help manage the safety and health of the demonstrators and the general public.
- iv) The "Minimum Amount" refers to the first four thousand dollars (\$4,000.00) in personnel and other costs incurred by the County to attend meetings with a Special Event applicant after regular business hours and to provide police, fire and other County personnel at the Special Event, the need for which shall be determined by the County. The Minimum Amount is not charged to organizations that meet the specific criteria outlined below. The Special Event applicant that meets the criteria shall be responsible for any such costs incurred by the County beyond the Minimum Amount. The Minimum Amount does not include any fees and charges required by the County Code, which must be paid by the applicant. Such fees may include, but are not limited to, Food License Vendor Fee, Street/Lane Closure Permit, Special Event Business License, Trail or Park Permits, Fire Prevention Code Permit, Electrical Permit, Building Permits (tents/stages), Plumbing Permits, Environmental Health Permits, Alcohol/Beer Permits (both State and County). Additional information regarding fees, permits, and inspections can be obtained from the [Arlington County Special Events Application](#) and the Special Events Coordinator. No charges are imposed for Demonstration Permits.\_\_\_\_
- v. "Public Spaces" are streets, sidewalks and parks under the control of the County.

## **II. Minimum Amount Procedure**

In order to not be assessed the Minimum Amount, the applicant for a Special Event must be one of the following:

- i.) Any charitable institution or association, located within [Arlington County, Virginia](#), or outside [Arlington County](#) if such institution or association provides services to residents of [Arlington County](#).
- ii.) Public and private nonprofit organizations and agencies engaged in commemorating historical events.
- iii.) Any state college or university which provides services to [Arlington County's](#) residents.

Any organization identified above, which is conducting a charitable event or fund raising event for which it seeks to not be assessed the minimum amount, must have at least 80% of the net profits from the

event go to the identified charity. In addition, all such organizations must allow [Arlington County](#) staff to review all financial records relating to the event, if requested, to ensure compliance with this policy.

Nothing herein shall limit or diminish the ability of organizations to seek additional funding or event sponsorship, through the County Manager or designee, from the County Board.

### **III. Permit Issuance Procedures**

- i.) Except as provided below, Applications for Special Events and Demonstrations are accepted on a first come, first served basis, and are accepted no earlier than one year before the event is to be held. It should be noted that County resources are limited and depending on the number and/or scope of event(s) already approved for the date the event applicant may desire, an event permit may be denied, due to the previously granted approvals. Examples would be the Fourth of July and the date of the Marine Corps Marathon.

Established annual events will be tentatively placed on the Special Events Calendar during the first week of January of each year. The event applicant will have until March 15 of each year to confirm the date; otherwise, the date and location shall be available to other applicants.

- ii.) A copy of the Special Event/Demonstration application can be obtained in person at the Special Operations Section of the [Arlington County Police](#) Department, Suite 9400, 1425 North Courthouse Road, [Arlington](#), VA 22201, Monday through Friday (except holidays) from 8:00 AM until 3:00PM, by writing to the above address care of the Special Events Coordinator, or from [Arlington County](#) Web Page <http://www.arlingtonva.us/specialevents>[www.arlingtonva.us/specialevents](http://www.arlingtonva.us/specialevents) .
- iii.) The completed application may be faxed to the Special Events Coordinator, [Arlington County Police](#) Department, Special Operations Section at 703-228- 4192 or mailed to: Special Events Coordinator, [Arlington County Police](#) Department, 1425 North Courthouse Road, Suite 9400, [Arlington](#) VA 22201. Once the completed application is received, the Special Event or Demonstration will be given a reference number, any future inquires about this application should be referred to by this number. The Special Events Coordinator will furnish the reference number to the applicant. Any questions should be directed to the County's Special Events Hotline number at 703-228-4232. Depending on the size and scope of the Special Event or Demonstration, it may be necessary for the applicant, or a representative, to attend a meeting with the Special Events Task Force (also referred to as the Special Events Committee) to review the application. Approval of the permit can only be granted upon receipt and review of the application and the applicant obtaining all other necessary permits, licenses, certificates, inspections, indemnification forms, and payment of fees, if any.

### **IV. Special Event Procedures**

Special Events are classified into two separate categories, small and large. A Special Event is classified as large if it meets one or more of the following criteria: 1) an estimated attendance of 500 or more persons, as determined in conjunction with the County. In the event of a disagreement as to estimated attendance, the County shall make the final determination. 2) an event that requires a street closure; 3) an event where alcohol is sold or given away; 4) any event determined by the [Arlington County](#) Special Events Task Force as having a substantial impact on the adjacent community in terms of noise, roadway congestion, pedestrian overcrowding, public safety concerns, or public health concerns.

- i.) All applications for large events must be filed with the Special Events Coordinator with the [Arlington County Police](#) Department no less than ninety (90) days prior to the date of the event. Exceptions to the ninety-day requirement can only be granted by the approval of the Special Events Task Force, and must be based on good cause shown, and a finding by the Special Events Task Force that doing so will not excessively burden County agencies, given their pending work load.
- ii.) All applications for small Special Events must be filed with the Special Events Coordinator with the [Arlington County Police](#) Department no less than seven (7) days prior to the date of the event. Exceptions to the seven-day requirement can only be granted by the approval of the Special Events Task Force and must be based on good cause and by doing so will not over burden County agencies.
- iii.) In order to receive final approval for a Special Event, either large or small, the Special Event applicant must apply for and complete all applicable requirements and provisions regarding indemnification forms, insurance certificates, all applicable fees, permits, and inspections. In addition, the Special Event applicant must meet all requirements set forth in the Special Events Application, as well as any additional conditions and/or terms agreed to by the applicant and the County. The Special

Event applicant must submit to the [Arlington County Police](#) Department's Special Operations Section a copy of any documents and/or advertising in regards to the event, including all documents, forms, or literature that is given to any and all participants, or the public, regarding the event. All documents and/or advertisements that have been or will be given to the participants in the event or the public for a Special Event must be substantially true in regards to the identity of the event sponsors and any and all charities that are purported to be the recipients of monies generated by the event.

- iv.) Any Special Event that does not meet the criteria for the 'Minimum Amount' as defined in Section (1) (iv) must pay all County personnel and other costs incurred by the County to attend meetings with a Special Event applicant after regular business hours and to provide police, fire and other County personnel at the Special Event, the need for which shall be determined by the County, as well as pay all fees, and obtain all permits and inspections required by the County Code or other applicable law. An applicant may obtain a detailed list of proposed County personnel costs from the Special Events Coordinator.
- v.) Any applicant who has held a Special Event in [Arlington](#) and who has not paid any or all of the County costs associated with prior event(s) shall not be granted any approvals for any future events until all such costs are paid in full. If an applicant does not reimburse the County within a period of 60 days after the mailing of the invoice the applicant agrees to jurisdiction in the [Arlington](#) County General District or Circuit Court for any action by the County to collect such costs. If an applicant or group of applicants has a past history of three or more delinquencies (paying more than 60 days from the mailing of the invoice) in reimbursing the County or one Court judgment in favor of the County in an action to collect costs from a prior event, they shall be subject to administrative sanctions, as provided below, in addition to any and all legal actions in the courts.

In order to insure that no one residential and/or commercial area is unduly impacted with Special Events in regards to the disruptions in traffic flow, pedestrian restrictions, noise, and economic impact, no more than four (4) large Special Events which involve the closure of any part of any of the streets listed below may be held in any one calendar year in any one of the following areas: Rosslyn, Ballston-Virginia Square, Clarendon-Court House, and Pentagon City-Crystal City. Maps delineating the boundaries of these areas are attached. The streets referred to above are: Lee Highway (Rt. 29), Wilson Boulevard, Clarendon Boulevard, [Washington](#) Boulevard (Rt. 27), Glebe Road (Rt. 120), [Columbia](#) Pike (Rt. 244), [Walter Reed Drive](#), [Jefferson Davis Highway](#) (Rt. 1), South Hayes Street, South 15<sup>th</sup> Street, Old Dominion Drive (Rt. 29), and State Route 110. A Special Event Applicant may be allowed to hold a Large Special Event despite the four event limit if the Applicant provides signed letters from the presidents of all contiguous neighborhood civic associations stating that they are in favor of the event being held.

The following roadways will not be considered for closure for Special Events or Demonstrations:

- 1) [Arlington](#) Boulevard (Route 50)
- 2) Route 395
- 3) Glebe Road (Route 120) from Route 1 to Route 29-211
- 4) Interstate 66
- 5) Route 1

## **V. Demonstration Procedures**

Demonstration applications shall be submitted to the SOS Special Events Coordinator. If the SOS Special Events Coordinator is not working then the applicant shall submit the application to any of the SOS supervisors. If no SOS supervisors are working then the applicant will submit the application for the Demonstration to the on duty Police Department Operations Watch Commander. The [Arlington County Police](#) Supervisor that receives the Demonstration application is responsible for insuring that all appropriate County staff are notified in an appropriate time frame as needed to facilitate the Demonstration. These individuals may be contacted through the Emergency Communications Center at (703) 558-2222.

Applicant(s) for a Demonstration permit may wish to hold a demonstration near in time to when a local, state, federal or world event is to take place, or has taken place. For these reasons an applicant for a Demonstration permit shall make best efforts to file a Special Events/Demonstration application at least 48 hours prior to the event if the Demonstration is estimated to attract more than 25 demonstrators. Demonstrations involving fewer than 25 demonstrators on a public sidewalk, or fewer than 100 demonstrators in a public park (excluding shelters and playing fields) may be held without a permit, providing that the group is not merely an extension of another group already availing itself of the 25 or 100-person maximum under this provision, and provided that such Demonstration will not unreasonably interfere with other Demonstrations, Special Event(s), or any other County recognized event already scheduled.

Should a Demonstration require any of the following, then an application must be filed with the Special Events Coordinator at least 72 hours prior to the demonstration: building permits and/or inspections, electrical permits and/or inspections, plumbing permits and/or inspections, fire safety permits and/or inspections, or occupancy permits and/or inspections. Examples would be the construction of stages, speaker platforms, bleachers, tents requiring inspections or permits under applicable building, plumbing, electrical or fire codes. For any Demonstration requiring safety inspections or building permits [Arlington County](#) will make all reasonable efforts to accelerate this procedure to accommodate the demonstration if good cause exists.

Demonstrations of fewer than 25 or 100 demonstrators, as specified above, that have not obtained a permit may be conducted on the public sidewalk, as long as they do not block the free access of others, and in County parks (except in shelters and on playing fields), as long as the park area has not already been reserved for another use. All Demonstrations must abide by applicable [Virginia](#) law.

Individuals or groups of 25 or fewer demonstrators, who have not obtained a permit, are not allowed to erect structures requiring building, electrical, occupancy, plumbing, or fire safety permits until the required permits are obtained. This provision does not restrict the use of portable signs or banners, hand held voice amplifiers, or small lecterns, with or without free standing voice amplification systems that do not require building inspections or permits.

During the conduct of a Demonstration, a permit may be revoked, or in the case of a Demonstration which does not require a permit, the Demonstration may be terminated, by the ranking [Arlington County Police](#) supervisory official, to mean a sergeant or higher ranking [Arlington County Police](#) official in charge, if continuation of the event presents an imminent, clear and present danger to the public safety and health. If the conduct of counter demonstrators is the cause of public safety concerns, then all reasonable means should be taken to insure the safety of the original demonstrators and allow the Demonstration to continue, with appropriate action being addressed to the counter demonstrators. However, if public safety issues conditions continue to exist after all reasonable efforts have been made to protect the original demonstrators, then the original Demonstration may be terminated by the ranking [Arlington County Police](#) supervisor.

## **VI. Denial Procedures**

A) Demonstration or Special Event permit may be denied in writing by the Special Events Task Force, in writing upon the following grounds:

- i) A fully executed prior application for the same time and place has been received, and a permit has been, or will be granted, authorizing activities which do not reasonably permit multiple occupancy of the particular area; in that event, an alternate site, if available for the activity, will be proposed by the Special Events Task Force to the applicant.
- ii) It reasonably appears that the proposed Demonstration or Special Event will present a clear and present danger to the public safety, good order, or health of the community.
- iii) The proposed Demonstration or Special Event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; in that event, the Special Events Task Force shall propose an alternate site to the applicant, if available for the activity. In this connection, the Chief of Police, or his designee, shall reasonably take into account possible damage to a park or other public areas.
- iv) The application proposes activities contrary to [Virginia](#) law.

B) The Special Events Task Force will use the following procedures to notify a Demonstrator applicant/coordinator and/or the Special Event applicant when a Demonstration or Special Event requires specific regulations for public safety and/or public health concerns.

- i) When an application for a Demonstration is received in the Special Operations Section (SOS) of the [Arlington County Police](#) Department the Special Events Coordinator (SEC) will review the document within 24 hours of the receipt. For Demonstrations, if Special Event Coordinator is not on duty, then the On-duty Supervisor in SOS will receive the application; if no SOS Supervisors are on duty, then the Police Department's Operations Watch Commander will receive the Demonstration application and make all necessary notifications in keeping with the time line requirements. If after this initial review there is an arguable issue with the application that may cause it to be denied, then the SEC will notify the Special Operations Section (SOS) Commander and the Office of Emergency [Management](#) (OEM), and the Special Events Coordinator of this concern. An Emergency meeting of all or part of the Special Events Task

Force will be called. This can be accomplished by telephone or any other means of simultaneous communications.

- ii) The SOS Commander or designee, and an OEM representative will delineate the issue(s) of concern to the applicant. The Special Events Task Force will then decide if the Special Event or the Demonstration should be approved, denied, or modified, taking into account the response of the applicant. If the application is for a Special Event, then the SEC will notify the event applicant that they are requested to attend the next scheduled Special Events work session (one work session is scheduled for each month of the year). The SEC can request an emergency meeting of the Special Events Task Force if circumstances and time frames dictate such a request.

- iii) If the Special Events Task Force decides to deny a Demonstration application, then the SEC or other appropriate County personnel, will notify the event sponsor, if possible, within 24 hours in person, or by telephone, or by electronic mail of the denial, after first making reasonable efforts to alleviate any concerns. Since the time restrictions on a Special Event are different from those of a Demonstration then the notification of the denial for a Special Event will be made within reasonable business practices. All reasonable efforts will be done to complete this task as soon as possible
- iv) For Special Events and Demonstrations a written denial letter, delineating the reasons for the denial will be mailed or delivered to the event sponsor by other means, by the Office of Emergency Management, in cooperation with the Special Operations Section Commander, or their designee.
  - a) The letter of denial will also include the procedure to appeal the decision of the Special Events Task Force.
  - b) The first level of appeal will be with the Chief of Police or his designee. The second and final level of appeal will be with the County Manager or his designee.

## **VII. Legal and/or Administrative Sanctions of Organizations and/or Individual Applicants as Determined by the OEM Director**

Background: Arlington County is committed to permitting a wide range of Special Events that highlight the diverse communities within the County. The following criteria are set forth in order to ensure that all events are conducted in a safe and orderly fashion, to maintain the high level of integrity the community expects, and deserves, and to protect County, citizens, and visitors from unnecessary liability risks.

Should a Special Event applicant, or any member of the organization who applies for a Special Event, commit one of the following enumerated acts, he/she may be subject to criminal charges if applicable. They may also face an administrative sanction, which may be brought in conjunction to any applicable criminal charges, or may be levied separately, in circumstances in which no criminal prosecution is desired by the County or the Commonwealth.

- i.) The Special Event applicant, or their designee, submits (or has submitted) to the County indemnification form(s), certificate of insurance form(s), or any other required form or document by the Arlington County Risk Management Office, or the Arlington County School system, that are materially false.
- ii.) The Special Event applicant, or their designee, submits (or has submitted) to the County any Arlington County Special Events/Demonstration Application, applicable permit application(s), literature and or advertisement(s) regarding the event, or any other applicable forms required which are materially false.\_
- iii.) If the Special Event applicant, or their designee, has a record of failure to reimburse the County three or more times for any or all required expenditures within 60 days of the mailing of the invoice(s), or has a judgment against them in favor of the County for costs associated with a prior event in the County.
- iv.) If the OEM Director or his designee has determined that at a Special Event applicant, or their designee has failed to provide adequate security at past Special Events, both within and without Arlington County, which has resulted in substantial breaches of the peace, or significant bodily injury, or any other cause the Office of Emergency Management and/or the Special Operations Section of the ACPD determines to be so serious and compelling as to affect the public safety and/or health of a Special Event, including, but not limited to, a determination by

another governmental entity to suspend or prohibit the applicant from making application within that jurisdiction.

### **VIII. Enforcement of Administrative Sanctions**

- i.) In the event of a decision by the Director of OEM under Section VII to sanction an applicant the OEM Director or his designee shall in writing notify the event sponsor of these violations and/or compliance issues and the intent to impose sanctions. The event sponsor will have ten (10) business days from the time of receipt of the correspondence, to notify OEM, or their designee, if they wish to be heard in this matter before imposition of sanctions.

- ii) Should the event sponsor wish to be heard in this matter, a mutually agreed time and place will be arranged between OEM and the event sponsor. This shall not be longer than fourteen (14) days from the time that OEM, or their designee, was notified of the request to be heard, unless both parties agree to a continuance. This meeting will consist of the OEM director, or their designee, a representative of the [Arlington County Police](#) Department chosen by the Chief of Police, or their designee, and any person(s) the OEM director deems appropriate for a full hearing concerning the facts of the issue(s) in question. In addition, the event sponsor, and any person(s) the event sponsor may deem necessary to present their argument may be present
- iii) The OEM Director, or his designee, will provide a written decision regarding any sanctions, as defined in Section VII of this document, to the event applicant within ten (10) business days of the hearing with the findings. The sanctions can include a suspension of the applicant for applying for any Special Event for up to two (2) years, and/or a requirement for additional liability insurance coverage for future events, and/or limitations on the permitted size of future Special Events,
- iv.) Should the event sponsor wish to appeal the decision of the OEM Director, or their designee, the event sponsor will have ten (10) business days from receipt of the notice of findings to request a hearing in writing to the County Manager.
- v.) The County Manger, or his designee, will set a hearing. This shall not be longer than thirty (30) calendar days from the receipt of the notification of a request for a hearing, unless both parties mutually agree to a continuance.
- vi.) The decision of the County Manager or his designee will be final.

## **IX. Insurance Liability Coverage**

- i.) For all Special Events applications it is in the discretion of the Risk Manager, taking into account the size of the Special Event and whether alcohol will be present during the event, the risks associated with the nature and scope of the Special Event and whether an indemnification form is required and to what amount, if any, required insurance should be. In general, the following insurance requirements will apply, unless waived or modified by the Risk Manager.

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### SPECIAL EVENTS INSURANCE REQUIREMENTS (Use of County Facilities by Third Parties)

Insurance is intended to assure the financial responsibility of the event organizer to protect the public from injuries and damages arising out of the negligence of the event organizer (including vendors etc.), and to protect the assets of the County, and the interest of its employees etc., resulting from such negligence. In most instances, the event organizer can amend their current Commercial General Liability Policy to cover the special event. If the event applicant does not have an existing liability policy, then a "**Special Events" policy**" should be purchased. So there are two choices:

- A) Existing liability insurance or B) **Special Events policy**

In either case, the event organizer must show proof of insurance, by providing the County, with a Certificate of Insurance. Depending on the nature of the event, and the risks associated with it, to include, but not limited to, the sale of alcohol, carnival rides, or other activities which have the propensity of incurring a higher liability risk to the County, the County Risk Management Office and/or the [Arlington County School System Risk Management](#) Officials, will establish the liability requirements. Certificate of insurance must show liability limits at a minimum of \$1,000,000. Certificate must also have the following wording:

"Arlington County (including its elected and appointed risk management agents and employees) is added as an additional insured with respect to (NAME, DATE & LOCCATION OF EVENT) ". Coverage afforded under this policy shall be primary as respects to Arlington County (including its elected and appointed officials, agents and employees).

This should be faxed to the Risk Management office at least 48 hours prior to the event.