

**ENTIRE APPLICATION MUST BE COMPLETED IN BLUE INK**



# City of Mount Airy Street Festival Application

Permit No. \_\_\_\_\_

**Information**

Applicant:	Relation to Business:
Restaurant/Business Name:	
Restaurant/Business Address:	
Mailing Address:	
Contact Person:	Telephone:

**Event Information**

Proposed Event
Purpose of Event:
Date of Proposed Event:
Times Proposed for Event:
Maximum No. of Attendants Reasonably Anticipated:
Physical Location of Proposed Event:

Activities to be Included:


Will Wine Consumption be Allowed:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Any road closures required:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, location(s):		

Chief of Police Signature	Date	Street Closings: <input type="checkbox"/> Approved <input type="checkbox"/> Denied
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**Items to be Submitted**

<input type="checkbox"/> Detailed site map
<input type="checkbox"/> If beer/wine is to be allowed, copy of Applicant's ABC permit applicable to defined area
<input type="checkbox"/> Applicant's ABC statement as indicated below
<input type="checkbox"/> Indemnification and hold harmless agreement
<input type="checkbox"/> Certificate of Insurance

**Applicant's Statement**

I am the applicant or authorized agent of an applicant for this street festival permit. I hereby certify:

- Applicant's ABC permit is attached showing license to allow the consumption of beer/wine within the plan-defined area:
- Applicant's ABC permit is in good standing:
- Applicant has not been cited for any violation of its ABC permit within the previous three (3) year period. **OR**
- Applicant has been cited for a violation of its ABC permit within the previous three (3) year period. (Attached statement describing the circumstances for the citation, and describing what, if any, penalty was imposed for the incident.)
- Applicant agrees that the festival area will be maintained, and all debris or refuse removed from the area at regular intervals during the event so as to maintain an orderly appearance and to prevent the attraction of vermin, insects, or other pests to the area.
- Applicant will maintain an unobstructed path for pedestrian travel on the sidewalk at least five (5) feet wide at all times.
- Applicant will remove all obstructions and additions to the festival area immediately upon completion of the festival in order to open the streets to public use as soon as possible.
- Applicant has received a copy and read in its entirety Chapter 9, Article II. STREET FESTIVALS WITHIN THE MUNICIPAL SERVICE DISTRICT and agrees to abide by all regulations and conditions as stated in this article.

\_\_\_\_\_ Applicant's Signature \_\_\_\_\_ Date Signed

Street Festival Permit Fee (\$50.00) payable to the City of Mount Airy  
must be submitted with completed application

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<b>APPLICATION REVIEW (for City use only)</b>	
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	Application is complete: Detailed site map, ABC permit (if applicable), Applicant ABC statement (if applicable), Indemnification and Hold Harmless Agreement, and Certificate of Insurance have been submitted with application _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	The number of permits previously issued and the area or areas for which such permit(s) have been issued _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	The nature and location of the proposed event in relation to anticipated crowd density, time and duration of the event, traffic control, the ability to protect persons and property, fire prevention and control, general safety and availability of City assets and resources to ensure the reasonable protection of the general public. _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	In those instances in which the City Manager considers City resources to be insufficient to meet the above considerations, the City Manager may require the applicant for such permit to provide at the applicant's expense, adequate and qualified security personnel for the duration of the permit. _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	The City Manager shall have the authority to designate the boundaries of any Street Festival area. To accommodate such an event, the City Manager is further authorized to temporarily close any public street other than Main Street, as well as sidewalks or other City owned areas within the boundaries of any proposed Street Festival. _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	Only one (1) permit per month and no more than four (4) per calendar year may be issued to a particular Street Festival sponsor. _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	Multiple permits may not be issued to different businesses operating in the same building. Multiple permits are not allowed for a single event. _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	Festivals shall only be permitted for one-day events to be held on Thursdays, Fridays or Saturdays. Closing hours for all festival activities will be 9:00 p.m. _____ _____
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	No Street Festival permit shall be issued for the time period covered by a community-wide festival or event, including Mayberry Days and the Autumn Leaves Festival.
<input type="checkbox"/> Approved <input type="checkbox"/> Unapproved	The City Manager shall consider whether the proposed activities would be in compliance with other applicable laws. _____ _____
<b>Application Status</b>  <input type="checkbox"/> Issued  <input type="checkbox"/> Denied	_____ <div style="display: flex; justify-content: space-between;"> <span>City Manager/Chief of Police Signature</span> <span>Date</span> </div>

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**HOLD HARMLESS AGREEMENT**

\_\_\_\_\_, first being duly sworn on oath, deposes and says:  
Name of Applicant or Authorized Agent

I am the applicant or authorized agent of an applicant for the Street Festival Permit pursuant to Chapter 9 of the Code of Ordinances of the City of Mount Airy. I know and understand the risks inherent in establishing a street festival including, but not limited to: obstruction to traffic, slip and fall injuries, and collision with obstructions. I understand that in granting to me the aforementioned permit, the City may become liable to others because of the risks, including but not limited to, the risks mentioned herein. In consideration for granting the aforementioned permit, I agree to forever defend, indemnify and hold harmless the City of Mount Airy, its elected and appointed officials, employees, volunteers, and agents from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by any persons by reason of or related to the street festival.

In addition, such agreement shall contain a provision that the permit is wholly of a temporary nature and that it vests no permanent right whatsoever.

\_\_\_\_\_  
(applicant's signature)

by: \_\_\_\_\_  
authorized agent

**NORTH CAROLINA  
SURRY COUNTY**

Sworn and subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
NOTARY PUBLIC



## Ordinance Number 2010-019

### ARTICLE II. STREET FESTIVALS WITHIN THE MUNICIPAL SERVICE DISTRICT\*

#### Sec. 9-20. Definitions.

For purposes of this article, the following terms shall have the meaning indicated:

*DBA*, The Mount Airy Downtown Business Association, Inc. an organization composed of downtown business owners that represent the interest of the businesses located in the Municipal Service District.

*Food service provider*. An establishment or licensed vendor engaged in the business of regularly selling food, customarily, but not exclusively, to be eaten on the premises, including businesses that are commonly referred to as a mobile licensed vendor, restaurants, cafes, grills and other establishments that sell food that has been properly inspected by the Surry County Department of Environmental Health.

*Open container*. A container whose seal has been broken, cork has been removed or a container other than the manufacturer's unopened original container.

*Street festival*. Any permitted outdoor assembly or event, including, but not limited to, a theatrical exhibition, public show, display, entertainment, amusement, musical festival, wine festival or similar gathering on City-owned property where alcohol will be provided, sold, served or consumed. The Autumn Leaves Festival, regulated by Article VII. Section 9-81 through 9-89 and the Mayberry Days Festival, regulated by Article VIII Section 9-101 through 9-111 will continue to be regulated as stated in the sections indicated and will not fall under this section of the street festival and will not be allowed to serve alcohol as specified in the regulating sections.

*Unfortified wine*. Wine that has an alcoholic content produced only by natural fermentation by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than 17 percent alcohol by volume.

*Local Malt Beverage*. Beer, lager, malt liquor, ale, porter, and any other craft beer manufactured in Surry County except unfortified or fortified wine.

*Winery*. An establishment regularly engaged in the manufacture, sale and marketing of wine or local malt beverages.

*Sponsor*. An organization authorized by the City and responsible for securing the necessary approvals for and organizing the event. Limited to: The City of Mount Airy; the Surry Arts Council, Downtown Business Association, Downtown Mount Airy, Inc., and other Non-Profit Organizations.

**Sec. 9-21. Allowance of street festival upon issuance of a permit.**

(a) *Street festivals.* Upon issuance of a permit by the Chief of Police, designee, or City Manager, a sponsor may hold a street festival upon the public streets, parking lots, sidewalks, avenues or alleyways within the area known as the municipal service district in accordance with this article. In addition, either the City or the Surry Arts Council may sponsor a street festival at the Blackmon Amphitheater or the Andy Griffith Playhouse in accordance with section 9-25 of this article. No person, group or other entity shall sponsor, operate, maintain, conduct or promote a street festival unless he shall have first made application for and obtained a permit hereunder. Public Safety Officials shall be made aware if it is the sponsor's intent to serve alcohol during a street festival.

(b) *Application.* The sponsor of the street festival shall submit to the Chief of Police, Designee, or City Manager a written application for a permit at least 30 days prior to the opening of the street festival for which the permit is desired and a processing fee in the amount of \$50.00. The application shall include at least the following:

- (1) The time, date and location of the proposed event; and said event must be approved by a vote of the Board of Directors of the DBA..
- (2) The nature and purpose of the event, including the maximum number of attendants reasonably anticipated;
- (3) The activities that will be included;
- (4) A detailed site map showing at a minimum the stage area, tables and seating area, parking areas, and points where the road will be blocked off shall also be required;
- (5) Any road closures must be coordinated and approved by the Chief of Police of the City of Mount Airy. Where a Street Festival will close a section of a street or an entire street, the Sponsor's plan will need to show a 20-foot unobstructed street or section thereof. Tables and chairs may be placed within the area required to be unobstructed. Other configurations that provide adequate access for emergency vehicles may be approved in advance by the Chief of the Mount Airy Fire Department;
- (6) A statement by the Sponsor that any winery participating in the Street Festival shall be properly licensed to sell and serve wine or local malt beverages within the plan-defined area and that the Sponsor will require each participating winery to provide a copy of a current festival permit for the Street Festival from the NCABC Commission to the sponsor and the City, It is the sponsors responsibility to ensure that no winery participates in the festival without satisfying all the requirements of this ordinance and any other requirements of the sponsor or the City.
- (7) The Sponsor's plan shall also indicate that festival area will be maintained, and all debris or refuse removed from the area, at regular intervals during the proposed event so as to maintain an orderly appearance and to prevent the attraction of vermin, insects, or other pests to the area. The plan shall also indicate that the Sponsor will maintain an unobstructed path for pedestrian travel on the sidewalk at least five feet wide at all times and that the Sponsor

agrees to remove all obstructions and additions to the festival area immediately upon completion of the festival in order to open the streets to public use as soon as possible;

- (8) At no time would anyone be allowed to block access to a fire hydrant in street festival area;
- (9) The Sponsor, or an authorized officer or member if the Sponsor is not an individual, must sign an agreement to indemnify and hold the City of Mount Airy harmless from any and all claims of property damage, personal injury or death arising from or related to the permitted event; and
- (10) The Sponsor shall provide a certificate of insurance indicating that the Sponsor has, or will have, in place for the duration of the permit period, liability insurance, including liquor liability, issued by an insurance company licensed to do business in North Carolina, protecting the Sponsor and the City from all claims for damages to property and bodily injury, including death, which may arise for the operations under or in connection with the permit. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' prior written notice to the City. Such policy of insurance shall afford minimum limits of \$1,000,000.00 for the street festival and all activities conducted in conjunction with the permitted event.

(c) *Review of application.* In the review of any permit application, the City Manager or Chief of Police shall be guided by the following considerations:

- (1) The number of permits previously issued and the area or areas for which such permit(s) have been issued.
- (2) The nature and location of the proposed event in relation to anticipated crowd density, time and duration of the event, traffic control, the ability to protect persons and property, fire prevention and control, general safety and availability of City assets and resources to ensure the reasonable protection of the general public.
- (3) In those instances in which the Chief of Police and City Manager considers City resources to be insufficient to meet the above considerations, the City Manager may require the Sponsor for such permit to provide at the Sponsor's expense, adequate and qualified security personnel from the Mount Airy Police Department for the duration of the permit.
- (4) The City Manager or Chief of Police shall have the authority to designate the boundaries of any Street Festival area and said area should be approved by the Board of Directors of the Downtown Business Association. To accommodate such an event, the City Manager or Chief of Police is further authorized to temporarily close any public street as well as sidewalks or other City-owned areas within the boundaries of any proposed street festival.
- (5) Only one permit per month and no more than four per calendar year may be issued to a particular street festival sponsor.
- (6) Multiple permits may not be issued to different businesses operating in the same building. Multiple permits are not allowed for a single event.

(7) Festivals shall only be permitted as approved by the Chief of Police and the City Manager. Closing hours for all festival activities will be no later than 9:00 p.m.

(8) No Street Festival permit shall be issued for the time period covered by a community-wide festival or event, including Mayberry Days and the Autumn Leaves Festival; and

(9) The City Manager shall consider whether the proposed activities would be in compliance with other applicable laws.

(d) *Issuance.* The issuance of a permit to a sponsor shall authorize only that sponsor and participants specifically authorized by the sponsor to participate in that permitted street festival.

(e) *Denial.* A permit may be denied if it is found that, in light of the factors identified above, the granting of the permit is not in the public interest.

(f) *Revocation.* At any time the City Manager or Chief of Police may revoke a permit issued pursuant to this Section if he finds that the Sponsor has:

(1) Deliberately misrepresented or provided false information in the permit application;

(2) Violated any law, regulation or ordinance regarding the possession, sale, or consumption of alcoholic beverages;

(3) Operated the street festival in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare;

(4) Failed to maintain any permit or license required by law; or

(5) Operated in violation of this article or of any City, County, State or Federal law, ordinance or regulation.

#### **Sec. 9-22. Sale of alcoholic beverages at permitted street festivals.**

Notwithstanding the general prohibition on the consumption of alcoholic beverages established by section 10-3 of the Mount Airy Code of Ordinances, it shall be lawful for a street festival to serve or sell local malt beverages and unfortified wine within the Street Festival boundaries which shall be clearly delineated by visible barricades with controlled points of entry and exits and where the following requirements are met:

(1) All applicable health and ABC laws are complied with;

(2) The contents of open wine bottles or local malt beverages shall be poured into appropriate cups or glasses. Wineries shall be permitted to sell closed bottles and cases to festival attendees;

(3) All empty bottles shall be handled in such a way as to not be broken or left on City property and recycled per NCABC Commission regulations;



- (4) The Sponsor shall be required to maintain proper decorum and order and leave the area in a clean condition;
- (5) Signs shall be posted at the exit point of the enclosed area that it is unlawful to remove open alcohol beverages or to have alcoholic beverages outside the defined area; and
- (6) No food, beverages or alcohol may be brought into the Street Festival area by festival attendees and no alcohol not provided by a participating winery may be possessed, used or consumed within the street festival area.

**Sec. 9-23. Firearms.**

Except for sworn certified Law Enforcement personnel, the possession of firearms in the festival area is prohibited.

**Sec. 9-24. Penalty--Conflict.**

Any violation of this article shall constitute a misdemeanor, punishable as provided in North Carolina General Statutes Section 14-4. A violation of a street festival permit issued pursuant to this Ordinance may result in an immediate revocation of the permit and a ban on future permits. Additionally, a violation of any of the provisions of this Ordinance shall subject the offender to a civil penalty of up to \$500. If an offender fails to pay this penalty within ten days after being cited for a violation, the City of Mount Airy may seek to enforce this Section through any appropriate equitable action. Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense. The City of Mount Airy may seek to enforce this article by using any one, or a combination, of the foregoing remedies.

**Sec. 9-25 Blackmon Amphitheater and Andy Griffith playhouse.**

It shall be lawful to serve or sell or to provide for the serving of local malt beverage or unfortified wine at the Blackmon Amphitheater and upon the grounds of the Andy Griffith Playhouse at an event hosted by the City or by the Surry Arts Council or the designees or assigns of the Surry Arts Council, provided that the requirements of this article are met. This article shall apply to festivals and community events to be held at the Blackmon Amphitheater and the Andy Griffith Playhouse, except that the limitation on the number of events per year shall not apply. DBA approval will not be required at either the Blackmon Amphitheater or the Andy Griffith Playhouse unless street closures are requested.

**Secs. 9-26--9-29. Reserved.**

Adopted this the 18<sup>th</sup> day of February, 2010.

## **Overhead Banners for Approved Festivals or Special Events.**

The City maintains one location for erection of overhead banners. A festival or special event may request placement of an overhead banner advertising the above events provided:

- (a) The size of an overhead banner crossing the road shall not exceed 30 feet in length and three (3) feet in height. All overhead banners crossing the road will be composed of no more than two dimensions.
- (b) All signs and banners shall be approved by the city planning department before being displayed.
- (c) With single sponsorship, the proportion of a sponsor's logo or name shall not exceed 25 percent of the overall area for any face of the sign or banner.
- (d) Overhead street banners may not be displayed earlier than 20 days prior to the event and will be removed within two days after the event. Dates between September 1 – October 15 are reserved for Mayberry Days and the Autumn Leaves Festival.
- (e) A \$25.00 fee, per event, in addition to the zoning permit fee must be paid to the City for installation and removal of overhead street banners. No fee will be charged for Mayberry Days, Autumn Leaves Festival, or any other City sponsored event.
- (f) Upon approval of banner proposal, the actual banner must be delivered to the Planning Department no later than five (5) days prior to the beginning display date. Banners will not be erected or taken down on weekends. Only City staff may erect an overhead banner.
- (g) Overhead banner permits will be issued on a first-come first-served approval basis only (with the exception of (d) above). **No banner will be installed without having first been issued a permit.**