

**ORDINANCE**  
**AMENDING AND RE-ENACTING CHAPTER 18 (PARKS AND RECREATION), ARTICLE III**  
**(PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS) OF THE CODE OF THE**  
**CITY OF CHARLOTTESVILLE (1990) AS AMENDED**

**1. The provisions of Chapter 18, Article III of the Code of the City of Charlottesville (1990), as amended, are hereby amended and re-enacted, as follows:**

~~ARTICLE III. - PERMITS FOR~~ REGULATION OF SPECIAL EVENTS AND  
DEMONSTRATIONS

**Sec. 18-21. - Purpose.**

The purposes of this article are to:

- (a) To establish procedures and standards governing the use of public property by non-city organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,
- (b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on city streets, sidewalks, and other public ways, in parks, and on other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use city streets, sidewalks, and other public ways to travel to their intended destinations, city parks for recreational purposes, and other city lands for their intended purposes unreasonably impaired.
- (c) The application of the provisions of this article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

**Sec. 18-22. - Definitions.**

~~*Community event* means the events listed in section 28 29(e) of this Code, and such other events designated by city council as "community events" from time to time.~~

~~*Demonstration* means any demonstration, rally, protest, counter-protest, picket, or other similar public assembly conducted on public property, at which one or more individuals are engaged in non-commercial expression protected by the First Amendment of the United States Constitution an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall exclude:~~

- ~~(1) Any events conducted by tenant of the Economic Development Authority of the City of Charlottesville ("CEDA") under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within that Pavilion lease); and~~
- ~~(2) Any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.~~

~~Event refers to any activity that is may refers either to a demonstration or a special event, a demonstration or special event or to demonstrations and special events, collectively.~~

*Open burning and open fire* have the same meaning as set forth in this Code section 12-2.

*Open flame* means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. "Open flame" includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

Person means an individual, or any legal entity, such as a corporation, association, limited liability company, or partnership.

Public property means any land or premises owned or leased by the City of Charlottesville.

*Prohibited items* shall mean:

- ~~(1) All items prohibited by law from being held, carried, displayed, worn or otherwise used in public;~~
- ~~(2) Items banned from public or park lands;~~
- ~~(3) Any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot";~~
- ~~(4) Any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner; and~~
- ~~(5) Law enforcement or military like uniforms or uniform like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.~~

*Special event* means any activity, such as a sports events, pageants, celebrations, historical reenactments, carnivals, music festivals or and other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), any community events (as defined in city

code 28-29(c)), block party parties, movie filming, parades and any other, similar activity activities, conducted on public property conducted by a person other than the City of Charlottesville which (i) are not demonstrations, and (ii) are engaged in by fifty (50) or more persons on public property that is reserved, or is sought to be reserved, as the venue for such activity. The term "special event" shall be construed to include a community event or private organization celebration held in or on city owned property and is attended by more than fifty (50) people. The term "special event" shall *exclude* (i) any events conducted by the Charlottesville Economic Development Authority's CEDA's tenant under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within the Pavilion lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument; ~~and~~ (iii) a gatherings of ten (10) or more people in a park for general recreational or sports activities, and (iv) a demonstration, as defined above within this section.

*Sponsor* means any the person (as defined above) or persons who (i) conduct(s) an event, (ii) organizes an event, or who holds himself or herself out as being the organizer of an event, or (iii) who sign(s), or whose authorized representative(s) sign(s), an application for an event permit that is required for an event and who will be responsible under the permit, if issued, for ensuring that an the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

#### **Sec. 18-23. - Permit required for certain events.**

- (a) The city manager is authorized to adopt standard operating procedures that establish a permit application process for events to be administered through the department of parks and recreation. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for permitted events; and establish reasonable fees, charges, rentals and insurance and indemnification requirements for events; and restrict the possession or use of prohibited items, as defined herein, during the event.
- (b) Any person intending to ~~hold or sponsor~~ conduct an event ~~on any city owned or leased property~~ must first obtain a permit from the city through the department of parks and recreation, unless:
  - (1) The event is exempt from permitting requirements under the standard operating procedures promulgated by the city manager; or
  - (2) Such person is using public property in accordance with ~~holding or sponsoring such event pursuant to~~ a valid permit issued by the city ~~manager~~ pursuant to another chapter of this Code.
- (c) By accepting a permit issued by the city pursuant to this article, the sponsor represents that:
  - (1) All information included or presented as part of the permit application was, to the best of the sponsor's information and belief, complete and correct;

- (2) That the sponsor will comply with all terms and conditions of the permit and the sponsor will use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of such permit ~~have been or will be complied with~~; and
- (3) That a copy of the permit will be made available for inspection by any city representative during the event.

(d) The following conduct is declared to be unlawful, and any person who engages in such conduct shall be subject to a civil penalty of up to five hundred dollars (\$500.00):

(1) Advertising, promoting or conducting an event for which a permit is required, without first obtaining a permit;

(2) Conducting an event for which a permit has been issued on any day(s), or at time(s), or location(s) not authorized by the permit, or advertising or promoting such event to take place on any day(s), time(s) or location(s) not authorized by the permit;

(3) Providing false, misleading or incomplete information within a permit application;

(4) Failing to comply with any terms or conditions placed on a permit, or failing to use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of a permit.

**Sec. 18-24. - Insurance requirements.**

- (a) To further the goal of public safety and to protect the city and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of an event shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.
- (b) This insurance requirement may be waived, in whole or in part, by the city manager or his or her designee because:
  - (1) The cost of the insurance will result in a documented financial hardship to the sponsor;  
or
  - (2) For an event that:
    - a. Does not pose a high level of liability risk to the city or a material risk to public safety; and
    - b. Does not involve any inherently dangerous activity.

A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.

- (c) The decision on whether the insurance requirement will be waived in whole or in part will be based on the following factors:
- (1) Whether the event and planned activities present a risk of personal injury or property damage;
  - (2) Whether the event involves a large number of participants relative to the size of the event venue;
  - (3) Whether the event involves the preparation and sale of food;
  - (4) The duration of the event; and
  - (5) Whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the city manager or his or her designee shall not consider the number of anticipated onlookers or counter-demonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.

**Sec. 18-25. - ~~Violations and penalties~~ Prohibition on carrying or possessing specified items while attending or participating in an event.**

- (a) It shall be unlawful for any person to carry or possess any of the following items or articles while attending or participating in an event:
1. Any length of lumber, wood or wood lath unless that object is ¼ inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension. Both ends of the lumber, wood or wood lath permitted by this subsection shall be blunt;
  2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding ¾ inch in its thickest dimension, and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid, may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permitted by this subsection shall be blunt;
  3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subdivision 1 or 2 of this section, above, unless such sign, poster, banner, plaque or notice is constructed solely of soft material such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than ¼ inch in thickness;

4. Baseball or softball bats, regardless of composition or size, provided however that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;
  5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
  6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
  7. Weapons, such as knives, swords, sabers or other bladed devices; axes; hatchets; ice picks; razor blades; box cutters; nunchucks or other martial arts weapons of any kind; metal/composite/wooden knuckles; conducted electrical weapons (CEWs), including, but not limited to, tasers or stun guns; any chain greater than 20 inches in length or greater than ¼ inch in diameter; or pellet or BB guns. This subdivision also includes toy or replica firearms unless such toy or replica is florescent-colored or transparent;
  8. Balloons, bottles or any other containers, such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any persons attending a public assembly;
  9. Glass bottles, whether empty or filled;
  10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
  11. Shields made of metal, wood, hard plastic or any combination thereof;
  12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
- (b) When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by a posted sign, or by amplified announcement.
- (c) Authorized employees, agents or representatives of the City, and any person providing public services in aid of or in cooperation with City forces, shall be exempt from the provisions of this section while engaged in the official business of the City.
- (d) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities authorized under a permit issued by the City.

~~Sec. 18-25. Violations and penalties.~~

~~The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

~~Any person who engages in conduct prohibited by this article shall, upon conviction, be guilty of a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

- ~~(a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;~~
- ~~(b) Sponsoring, holding or conducting an permitted event for which a permit has been issued on days or at times not authorized by the permit;~~
- ~~(c) Intentionally providing false, misleading or incomplete information in a permit application;~~
- ~~(d) Failing to comply with any terms or conditions placed on a permit;~~
- ~~(e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;~~
- ~~(f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;~~
- ~~(g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;~~
- ~~(h) Closing any street or public right of way during an event, or using any street or right of way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;~~
- ~~(i) Holding, carrying, displaying or using any prohibited item as defined herein within an area where an event is taking place with a permit, without the prior written consent of the city manager or his or her designee;~~
- ~~(j) Holding, carrying, displaying or using any prohibited item as defined herein within a restricted area established by police officers as a security measure for or in connection with any event;~~
- ~~(k) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;~~
- ~~(l) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;~~
- ~~(i) Damaging landscaping, plantings, improvements, equipment or structures located on city property where an event is being held.~~

~~In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any section in this article, may also be held civilly liable for any damages or loss, and may be banned from the future use of city owned property for a specified period of time.~~

**Sec. 18-26. Other conduct prohibited while attending or participating in in an event**

- (a) It shall be unlawful for any person to engage in the following conduct while attending or participating in an event:
  - (1) Failure to comply with lawful directions or instructions set forth on a sign posted by the City for or in connection with the event;

- (2) Climbing upon, during an event, any tree, wall, fence, shelter, fountain, statue, or other structure not specifically intended for climbing purposes;
  - (3) Rendering any part of the event venue dangerous or unsafe for use by others;
  - (4) Closing any street or public right-of-way during the event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during the event, without first obtaining a street closing permit;
  - (5) Damaging landscaping, plantings, improvements, equipment or structures located on the public property where the event is being held;
  - (6) Holding, carrying, displaying or wearing law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that, when held, carried, displayed or worn, tend to suggest or imply that the wearer is a current member of the military, a private militia, a law enforcement agency, or another public safety organization (such as a fire department or emergency medical services agency).
- (b) The provisions of this section shall be enforceable as provided within Sec. 18-27 of this article.

**Sec. 18-27. Violations and penalties.**

Any person who commits an act made unlawful under the provisions of sec. 18-25 or 18-26 of this article shall, upon conviction, be guilty of a class 3 misdemeanor punishable as set forth within sec. 1-11 of the City Code.

- 2. **Severability. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.**
- 3. **Effective Date. This ordinance shall become effective upon adoption by City Council.**