

ORDINANCE NO. (2014)

AN ORDINANCE TO AMEND THE CITY'S SPECIAL EVENTS AND ROAD RACE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Raleigh City Code Section 11-2188 is amended by deleting the following sentence:

“The authority granted herein *shall* extend only within an area bounded by Edenton Street on the North, Dawson Street on the West, South Street on the South, and Wilmington Street on the East.”

Section 2. Raleigh City Code Section 11-2207(b) is amended by:

- (1) Deleting the phrase “*Inspections Director* and his/her” from the first line of that section and replacing it with the phrase “*City Manager*”; and
- (2) Adding the following new subsection 11-2207(b)(11) to follow immediately after subsection 11-2207(b)(10) as follows:

“(11) The *City Manager* or designee *may* at any time authorize the reservation of *metered* or *unmetered parking spaces* for any event covered under the *City Council's* Special Events and Road Race Policy in accordance with the standards set out in those policies.”

Section 3. Raleigh City Code Section 11-2207(b)(4) is amended by adding the phrase “or designee” immediately after the phrase “*City Manager*”.

Section 4. Raleigh City Code Section 11-2207(b)(6) is amended by deleting the phrase “*Inspections Director*” from the first sentence of that subsection and replacing it with the phrase “*City Manager* or designee”.

Section 5. Raleigh City Code Section 11-2207(b)(8) is amended by adding the phrase “or designee” immediately after the phrase “*City Manager*”.

Section 6. Raleigh City Code Section 11-2208 is repealed in its entirety, rewritten, and reenacted as follows:

“Sec. 11-2208. PARKING EXCEPTIONS AND SPACE RESERVATIONS AUTHORIZED BY THE CITY MANAGER

The City Manager or designee *shall* authorize reservation of *parking spaces*, but *shall* not waive the prescribed fees, in circumstances not covered in §11-2207 upon evidence and findings by the Manager or designee that:

- (a) The proposed use and necessity of reservation of spaces is of a temporary and not regularly occurring nature;
- (b) The proposed use and necessity of reservation of spaces is for a lawful purpose;
- (c) The reservation of spaces will not significantly impede pedestrian or vehicular traffic;
- (d) The proposed use will not endanger pedestrians, motorists, or occupants of adjacent buildings;
- (e) The purpose of which reservation of spaces is requested cannot be accomplished otherwise without risk of personal injury or *property* damage, or without excessive expense; and
- (f) The proposed use and reservation of spaces will not be injurious to the public peace, health, safety, and welfare.”

Section 7. Raleigh City Code Section 12-1052(a) is amended by deleting the phrase “one hundred eighty (180)” contained in the first sentence of that section and replacing it with the phrase “three hundred sixty-five (365)”.

Section 8. Raleigh City Code Section 12-1053 is amended by deleting subsection (b) in its entirety.

Section 9. Raleigh City Code Section 12-1053(c) is repealed in its entirety, rewritten, and reenacted as subsection 12-1053(b) as follows:

“(b) Every parade *shall* follow a route approved by the *City Manager* or designee. The *City Manager* or designee *shall* approve no route which is incompatible with the preservation of public health, safety and welfare. The *City Manager* or designee’s disapproval of a proposed route may be appealed to the *City Council*.”

Section 10. Raleigh City Code Section 12-1053(d) is amended by renumbering it as 12-1053(c).

Section 11. Raleigh City Code Section 12-1053(e) is amended by renumbering it as 12-1053(d).

Section 12. Raleigh City Code Section 12-1059 is repealed in its entirety, rewritten, and reenacted as follows:

“Sec. 12-1059. FOOTRACES AND BICYCLE RACES

- (a) The term *footrace* as used in this section is defined as a group of three (3) or more runners or walkers competing against either each other or a time limit over a fixed course all or a part of which involves the use of *City* street right-of-way, *City* sidewalks, and greenways.

(b) The term *bicycle race* as used in this section is defined as a group of three (3) or more bicyclists competing against each other or a time limit over a fixed course all or a part of which involves the use of *City street* right-of-way, *City* sidewalks, and greenways.

(c) Application for a race covered by this section *shall* be made *in writing* at least one hundred twenty (120) calendar days before the time at which the race *shall* be scheduled to begin and *shall* contain the information outlined in the *City Council's* Special Events and Road Race Policy. A race application *may* be accepted after this deadline only if allowed as a late application permitted under the *City Council's* Special Events and Road Race Policy.

(d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the *City Manager* or designee *shall* issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the *City Council's* Special Events and Road Race Policy. The permit *shall* contain all information stated on the application and *shall* be signed by the *City Manager* or designee.

(e) The following standards *shall* apply to all *footraces* and *bicycle races* subject to this section conducted in the *City*:

(1) Every race *shall* follow a route approved by the *City Manager* or designee in accordance with the standards set out below.

(2) The race applicant and all persons involved in conducting the race *shall* comply with all terms and conditions set out in the *City Council's* Special Events and Road Race Policy and all terms and conditions contained in the permit issued for the race.

(3) No one participating in a race or proceeding along the route of a race *shall* distribute therefrom any candy, cigarettes, prizes or favors of any kind.

(4) No vicious animal whether leashed or unleashed *shall* participate in or proceed along the route of a race.

(5) The organizer of an event subject to this section *shall* make provision for proper safety procedures at intersections and along other sections of the right-of-way. The location of the safety monitors *shall* be determined by the Chief of Police or his designee and the personnel *shall* be provided at no cost to the *City*. Personnel hired for such duties *shall* be sworn law enforcement officers certified by the North Carolina Criminal Justice Training and Standards Council.

(6) The permit *shall* not be issued until the sponsor *shall* acquire sufficient insurance or approval by the *City* Attorney to indemnify the *City* for damages or liability which the *City* might incur.

(7) The approval of any route *shall* be based on the safety of the participants and non-participants, the degree of disruption that the route will likely cause, the available access for cars and pedestrians, and the unique requirements of a specific event.

(8) The *City Manager* or designee’s disapproval of a proposed route may be appealed to the *City Council*.” Appeals shall be made in person at a regularly scheduled *City Council* meeting at least three meetings prior to the proposed event date.

Section 13. The Part 12, Article C of the Raleigh City Code Section is amended by enacting a new section 12-1061 as follows:

“Sec. 12-1061. CLOSURE OF CITY STREETS FOR EVENTS.

(a) A permit *shall* be issued by the *City Manager* or designee for the closure of any *City street*, sidewalk, or greenway in accordance with the requirements of the *City Council*’s Special Events and Road Race Policy . The permit *will* list all permitted activities as approved by the *City Manager* or *City Council*. The *City Manager* or designee’s disapproval of a proposed closure *may* be appealed to the *City Council*. Appeals must be made in person before Council at a regularly scheduled meeting no later than 3 meetings prior to the event date.

(b) The following fees are associated with special events as regulated by the Special Events and Road Race Policy. Application fees are non-refundable and due when the application is submitted. Permit fees are paid once an application has been approved just prior to the issuance of the permit.

Special Event Fees

<i>Event Type</i>	<i>Application Fee</i>	<i>Permit Fee</i>
<i>Parade</i>	<i>\$100</i>	<i>\$100</i>
<i>Race with distance 5K or less</i>	<i>\$100</i>	<i>\$100</i>
<i>Race with distance longer than 5K</i>	<i>\$100</i>	<i>\$250</i>
<i>Neighborhood block party</i>	<i>\$50</i>	<i>\$0</i>
<i>Outdoor festival, concert, exhibit or show</i>	<i>\$100</i>	<i>\$250</i>
<i>Filming</i>	<i>\$50</i>	<i>\$50</i>

<i>Additional Fee Type</i>	<i>Additional Fee Amount</i>
<i>Late application fee (119-90 days prior)</i>	<i>\$250</i>
<i>Late application fee (89 days – no less than 3 regularly scheduled City Council meetings prior to the event date)</i>	<i>\$500</i>

Section 14. Raleigh City Code Section 12-4001 is amended by deleting the phrase “resolution of *City Council*” contained in the second sentence of that section and replacing it with the phrase “permit approved by the *City Manager* or designee in accordance with the policies set forth in *City Council’s* Special Events Road Race Policy”.

Section 15. Raleigh City Code Section 12-4002 is amended by deleting the phrase “Raleigh *City Council*” in the last sentence of that section and replacing it with the phrase “*City Manager*”.

Section 16. Raleigh City Code Section 12-5007 is amended by inserting the phrase “Except when specifically allowed as a part of a permitted event,” in the first line of that section prior to the phrase “In addition to any other violations of this Code,” and by changing the capitalization so that the word “in” that previously began that section is no longer capitalized.

Section 17. Raleigh City Code Section 12-5008 is amended by deleting the first sentence of that section and replacing it with the following sentence:

“Except for parades, events operated in accordance with a permit issued under the *City Council’s* Special Events and Road Race Policy, and other related activities, it *shall* be unlawful for any *person* to use or operate on or over any *street* within the *City* any radio, phonograph or other similar mechanical device to produce sound or any mechanical loudspeaker or other *sound-magnifying device* at a level of volume greater than fifty-five (55) *dB(A)*.”

The remainder of section 12-5008 is unchanged.

Section 18. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 19. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 20. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 21. This ordinance shall become effective five days following its adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: City Manager – Hall, Assistant City Manager for Community
Inspections – Craine, Pearce,
Budget – Munro
Finance – James, Rose, Harrington
City Attorney – McCormick, Leapley
Police – Deck-Brown, Perry, Deans
Department Heads

This ordinance was prepared by the Raleigh City Attorney's Office □.