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City of Charleston

DEPARTMENT OF LIVABILITY & TOURISM

TOURISM COMMISSION: QUALITY OF LIFE SUBCOMMITTEE

A meeting of the Tourism Commission: Quality of Life Subcommittee will be held Wednesday **January 29th, at 4:00 p.m.**, virtually via Zoom Webinar and in person in the third floor HR training room at 75 Calhoun. Use the following link for online access:

<https://us02web.zoom.us/j/88009341061?pwd=8XvzdWXN3vOsU4pDpGSE4DI1alt2Vz.1>

To access via phone, dial 1 301 715 8592. When prompted, enter meeting **ID# 880 0934 1061**. When prompted enter the passcode **472094**. **Call (843) 579-6424 if you are experiencing technical difficulties.** The meeting will be recorded.

Public Comment Instructions: Please use **one** of the following methods to request to speak at the meeting or provide comments for the commission. Requests to speak at the meeting and comments must be received by 12:00 p.m., January 29th.

1. Request to speak or leave a comment via voice mail at 843-579-6424. If requesting to speak or leaving a comment, please provide your name, address, and telephone number;
2. Sign-up to speak or leave comments for the Tourism Commission by completing the form on <http://innovate.charleston-sc.gov/comments/>;
 1. Call to order
 2. Moment of silence
 3. Approval of minutes
 4. Public input
 5. Items for Discussion (Action may or may not be taken)
 - a. Review of Film and Photography Guidelines
 - b. Review of Amendment to the Special Events Ordinance
 6. Adjournment

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting



CITY OF CHARLESTON FILM AND PHOTOGRAPHY GUIDELINES

I. INTRODUCTION.

As a dynamic, vibrant, friendly city steeped in history and rich in culture and the arts, Charleston has much to offer. We welcome film and photography projects in the City of Charleston. These industries provide a significant positive economic impact on our area. They help to provide work for our residents and revenue for our businesses, as well as positive promotion of our city to potential visitors and residents. Our city is made up of many different neighborhoods and business districts, each having distinct characteristics. Because of the varied nature of our city, we have established the following guidelines in an effort to accommodate the needs of the film and photography industry while at the same time minimizing any adverse impact on our residents, neighborhoods, businesses, and tourists.

The Film and Photography Manager with the Department of Livability and Tourism is your primary point of contact with the City of Charleston, and is responsible for supervising any film and/or photography activity.

II. PERMIT REQUIRED.

- A. A permit is required for any commercial film and/or photography activity taking place within the City of Charleston's limits that: (1) requires a street blocking permit, an engineering permit, and/or a park permit; (2) has a cast and crew of 8 or more people; or, (3) uses excessive equipment. This also applies to any film and/or photography activity that occurs on private property. News-based film and/or photography activity is generally exempt from these guidelines; however, an application may be required if such activity involves a high impact on public property or public right of way.

The Film and Photography Manager is responsible for reviewing permit applications and determining whether the proposed activity constitutes a high-impact event based on its size, scale, and potential impact. Applications determined to be high-impact events as defined in section 2-187 of the Code of the City of Charleston will be referred to the Special Events Committee for review and issuance of a special events permit; all other activity will require a film permit. **Applicants need to contact the Film and Photography Manager before submitting an application to ensure they follow the appropriate submission timelines.**

- B. Film and Photography permit applications must be submitted at least fifteen (15) days before the proposed activity and high-impact events applications must be submitted at least twenty-one (21) days before the proposed activity.

C. Applications are processed on a first-come first-serve basis, and early submittal is recommended as time may be needed to work out any difficulties associated with the proposed activity. A film and photography permit application may list multiple locations and dates but is subject to review and approval. Additional applications are required for a high-impact event taking place at multiple locations. Application submissions must include the following information:

- (1) A description of the proposed film and/or photography activity, including potential dates and time frames of activity, potential locations, crew size, amount of work and crew vehicles, street or sidewalk closures, and any other related information.
- (2) A daily schedule for proposed film and/or photography activity that will load in and out, hourly shooting schedule, time frame for street or sidewalk closures, and any other related information.
- (3) A tentative site plan which may include the location of the base camp, filming locations, entrances/exits, trailers of any kind, parking needs, street or sidewalk closures, catering set-up, and any other related information.
- (4) A copy of general, automobile, and workers comp and employers' liability insurance coverage.
- (5) A copy of the business license for the applicant, production company, or photographer.
- (6) A copy of the draft notification letter that will be sent to affected residents and/or businesses.
- (7) If applicable, a copy of a street-blocking permit application from Traffic and Transportation if the proposed film activity will affect travel lanes, non-metered parking, or metering parking.
- (8) If applicable, a copy of an Engineering permit application for obstruction or blocking of a sidewalk or easement.

D. Additional documents may be requested after submission of the initial film permit application, including but not limited to:

- (1) A copy of the Certification of exemption pursuant to Section 12-62-40 of the South Carolina Code of Laws under the South Carolina Motion Picture Incentive Act.
- (2) A copy of the location release form signed by the property owner(s) when filming occurs on private property.

E. The following conditions apply to all permits, regardless of whether they are issued by the Film and Photography Manager or the Special Events Committee:

- (1) The City reserves the right to restrict film and/or photography activity in streets, neighborhoods, parks, or other areas of the City that have experienced excessive stress due to seasonal festivals and other events, heavy filming, heavy construction activity, or natural disasters. The City will notify the applicant when such restrictions are necessary. **For this reason, applicants are strongly encouraged to contact the city before location scouting begins.**

- (2) Where film and/or photography activity is occurring on the same date, a minimum of a five-block separation will be maintained between any two locations, including base camp and crew parking.
- (3) Actual film and/or photography activity, including preparation and wrap-up, will be permitted for no longer than five (5) consecutive days in any one residential or commercial location. Exceptions to this time frame may be considered by the Special Events Committee.
- (4) The applicant shall limit the film and/or photography activity at each location as expressly outlined in the permit and within the time frame specified in the permit. Activity that exceeds the scope of the application or the use of any location not specified in the permit shall result in the City taking restrictive actions as necessary, including revocation of the permit. See Section 2-194 of the Code of the City of Charleston.

III. HOURS OF FILMING ALLOWED.

- A. Film and/or photography activity in residential and commercial areas may occur, subject to permit approval, between the hours of 7:00 am and 11:00 pm, including the arrival and departure of base camps and equipment trucks. Wherever possible, the applicant should take steps to control noise from generators, work vehicles, and any work-related equipment.
- B. Any film and/or photography activity outside of these set hours (between 11:00 pm and 7:00 am) must have approval from the Special Events Committee. This decision will be made by the Special Events Committee on a case-by-case basis. A wider radius of notification may be required if the extended morning or nighttime film and/or photography activity involves loud noises, special effects, or more extensive lighting than usual. **If extended hours of filming have been permitted by the Special Events Committee, the applicant is required to produce minimal noise between the hours of 11:00 pm and 7:00 am.**

IV. INSURANCE COVERAGE.

- A. All applicants are required to procure and maintain for the duration of film and/ or photography activity liability insurance against claims for injuries to persons or damages to property that arise from or in connection with their activity. At the time of application, the applicant shall provide proof of insurance, and the City of Charleston shall be listed as an additional insured on the policy. The State of South Carolina may also require proof of insurance. The following minimum policy amounts are required by the City:

General Liability Insurance	\$1,000,000 combined single limit per occurrence for bodily injury, property damage, and personal injury
Automobile Liability	\$1,000,000 combined single limit per occurrence for bodily injury and property damage
Worker's Comp and Employer's Liability	Workers' compensation in statutory limits required by South Carolina state law; employer's liability limits of \$100,000 per occurrence

B. In addition to the above insurance coverage requirement, all applicants shall also be required to indemnify, defend, and hold the City harmless from and against all claims, actions, liens, demands, expenses and judgments for loss, damage, or injury to property or person occurring or arising from or in connection with the film and/or photography activity.

V. NOTIFICATION OF AFFECTED AREAS AND RESIDENTS.

A. Notification of affected residents and/or businesses should take place following the review of the application but prior to the issuance of the permit. Notification shall take place no less than five (5) days prior to the planned film and/or photography activity. Earlier notification may be required for high-impact events as determined by the Special Events Committee.

B. The applicant is required to provide written notification to the impacted neighborhood president(s), business(es), and residents within the predetermined impact radius. The area to be notified may vary depending on the impact of the proposed activity but will be a minimum of one (1) block in each direction of the activity, including parking areas for equipment and base camps.

C. Proof of notification must be provided by way of affidavit to the Film and Photography Manager or the Special Events Committee. Notification shall include a cover letter from the production company which includes information concerning the location and duration of the film and/or photography activity, as well as specifics regarding lights, noise, traffic, and parking, and the contact phone number for the location manager and designated on site contact. Maps and other pertinent information may be included as well. **The City reserves the right to reject a permit application or revoke a permit where insufficient time has been allowed for proper notification or when the notification process otherwise has not been followed.**

VI. ADDITIONAL PERMITS AND PERMISSIONS

A. Park Use

(1) A park use fee is required for any film and/or photography activity taking place in a city park or facility. The fee amount is calculated in accordance with the Special Events Fee Schedule.

B. Traffic and Transportation Permit.

(1) A street-blocking permit is required for any film and/or photography activity that would disrupt the normal flow of traffic. The fee amount is calculated in accordance with the Special Events Fee Schedule. **Street closures during business hours are strongly discouraged, especially in commercial areas. Requests for street closures or diverting of traffic should be made well in advance to allow for the planning of alternate routes and proper signage.**

(2) Traffic control, if needed, must be handled by off-duty police officers hired by the applicant through the City of Charleston. The City retains the right to determine the number of officers needed. Intermittent holding of traffic shall not exceed three-minute intervals.

(3) Traffic interruptions on state-maintained streets may require additional approval from the South Carolina Department of Transportation in addition to the City of Charleston. It is the applicant's responsibility to contact the SCOT and obtain any necessary approval.

C. Engineering Permit

(1) An engineering permit is required for any film and/or photography activity that partially or completely obstructs the public right of way. For complete obstruction, applicants are required to submit a pedestrian detour plan. The permit fee and any additional fees are calculated in accordance with the Right-of-Way Obstruction Fee Schedule.

D. Location Release Form

(1) A location release form is required for any film and/or photography activity that take place on private property but impacts the public right of way. This can include private residences or commercial properties and their service areas.

VII. ADDITIONAL GUIDELINES.

A. Lighting for film and/or photography activity, both during the day and at night, should be oriented away from neighboring residences and businesses wherever possible and should not interfere with the safe movement of traffic.

B. Utilize no more than twenty percent (20%) of the on-street parking for crew, equipment, or support vehicles in any linear block containing businesses or residences.

C. Provide parking for cast, crew, extras, and other non-essential vehicles in off-street private or public lots when available.

D. Placement of equipment of any kind in the public right of way must be approved by the Traffic and Transportation, Engineering, and the Fire Marshal office as applicable.

E. Vehicles must not block fire hydrants, driveways, or other access ramps unless authorized by the City and/or property owner. Ten (10) feet of clearance should be left on either side of the affected driveways unless otherwise authorized.

F. Vehicles must be parked in such a way as to not impede safe lines of vision at intersections and be in accordance with all City ordinances regarding on street parking. Any deviations must be approved by the Traffic and Transportation Department and will require the presence of an off-duty officer specifically to maintain safe movement of traffic.

G. Residents may not charge for the use of any public right of way in front of their homes, nor prohibit their use without justifiable cause.

H. The applicant and any of its agents and contractors are responsible for returning any public right of way used for filming, base camp, or equipment purposes to its original condition in a timely manner, and are responsible for repairing damage to foliage, grass, or public property.

- I. Base camps and equipment trucks moving into residential areas shall not do so before 7:00 am or after 11:00 pm. The crew is responsible for setting up and vacating locations with a minimum amount of noise and disruption.
- J. Wherever possible, base camps and dressing room trailers shall be parked away from neighboring residences, and/or take steps to control noise from generators, slamming doors, engines, etc., in the early morning before 8:00 am and after 10:00 pm.
- K. If extended hours have been permitted by the Special Events Committee, the applicant and crew are required to produce minimal noise between the hours of 11:00 pm and 7:00 am.
- L. All film and/or photography activity must allow for uninterrupted vehicular traffic unless a street-blocking permit has been acquired.
- M. Any filming and/or photography activity that involves holding, delaying, or re-routing of traffic must be accompanied by at least one (1) off-duty police officer. The City retains the right to determine the number of off-duty police officers needed.
- N. Applicants blocking or holding traffic on streets scheduled for trash/recycling pickup must allow trucks to access those areas for normal pickup.
- O. The City reserves the right to require the presence of an off-duty police officer or other City staff at any film and/or photography activity taking place at public parks or utilizing public property and/or rights of way.
- P. An engineering permit is required for use of the sidewalk that impedes natural flow of pedestrian traffic. This includes the placement of equipment on the sidewalk. The crew must provide a clear path around or through for pedestrians that is compliant with the Americans with Disabilities Act.
- Q. Provide a private holding area for extras in between film and/or photography activity. These groups cannot impede natural flow of pedestrian traffic.
- R. Provide catering and craft services off the public street and sidewalk. Vending from the street is strictly prohibited.
- S. The applicant and any of its agents and contractors are responsible for removing trash at the conclusion of each activity at each location.

IX. PYROTECHNICS, EXPLOSIVES, AND SIMILAR EFFECTS.

- A. Any film and/or photography activity that involves the use of explosives, pyrotechnics, fire, smoke-making machines, or other special effects of this type must be reviewed and approved by the Special Events Committee and the Fire Marshal's office. In addition, pyrotechnics will require a pyrotechnics license issued by the State of South Carolina. The applicant and any of its agents or contractors are responsible for obtaining the proper license from the Office of State Fire Marshal. Applicants will be

required to hire a Fire Marshal and have medical services on-site during the film and/or photography activity.

- B. Any film and/or photography activity that involves the discharge of firearms must be reviewed and approved by the Special Events Committee and the City of Charleston Police Department. Applicants will be required to hire off-duty police officer(s) for the duration of the film and/or photography activity, as determined by the Charleston Police Department.

X. ALTERATIONS TO PUBLIC RIGHTS OF WAY AND CITY PROPERTY.

- A. Any alterations to the public right of way or City-owned property, including the removal or alteration of plants, shrubbery, or other vegetation, is prohibited. The applicant shall be responsible, at its own expense, for restoring City-owned property and/or public right of way to its original condition and repairing any other damage done to the property by the applicant or any of its agents or contractors.

XI. FEES.

- A. All film and/or photography activity fees are calculated based on the special events fee schedule as approved by city council.
- B. Additional fees may be assigned for park use, street blocking permits, engineering permits, and any safety or security services with the Fire Marshal office and City of Charleston Police Department.
- C. All fees must be paid no later than five (5) days before the scheduled film and/or photography activity.

XII. REVOCATION

- A. The Film and Photography Manager and the Special Events Committee shall have the authority to revoke a film permit or special event permit, as applicable, if the applicant does not adhere to the Film and Photography Guidelines or the Special Events Ordinance.
- B. In the event that the date, time, or location of a film and/or photography activity is not available, the Film and Photography Manager and the Special Events Committee shall be empowered to authorize an alternative date, time, or location. If this alternative is approved, the applicant must submit written notice of acceptance to the Film and Photography Manager or the Special Events Manager within five (5) days or a reasonable time period as determined by Film and Photography Manager or the Special Events Committee.
- C. In the event of natural or civil disasters, the City reserves the right to cancel all permits issued on both public and private properties within City limits. Should evacuation of a street, neighborhood, or district be deemed necessary by fire, police, or other emergency authorities, all permits issued for that area shall be null and void. Permits will be reissued as soon as possible following a safety evaluation conducted by the city.

- D. The City reserves the right to change, modify, update, or waive provisions of these guidelines where necessary for the public's safety and convenience.

XIII. COMPLIANCE WITH LAWS.

In addition to these Film and Photography Guidelines, the production company shall comply with all other City, state, and federal regulations, rules, and laws. The City reserves the right to deny or revoke any permit for failure to comply with applicable laws.

DRAFT



AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, DIVISION 8 OF THE CODE OF THE CITY OF CHARLESTON TO ADD NEW DEFINITIONS, MODIFY CERTAIN SPECIAL EVENT REQUIREMENTS, AND ADOPT PERMITTING REQUIREMENTS FOR COMMERCIAL FILMING AND PHOTOGRAPHY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 2, Article IV, Sec. 2-187 "Definitions" of the Code of the City of Charleston, is hereby amended by deleting the struck through words and adding thereto the following underlined words:

Sec. 2-187. - Definitions.

Annual event means an event recurring each year ~~at approximately the same date~~ which has previously complied with the permit requirements of the special events ordinance. City Council may designate a list of major annual events by resolution.

Applicant means the sponsor or authorized agent of the sponsor who completes the special event or temporary use event application, as applicable, and acts as primary contact for the special event or temporary use event, as applicable.

Application means a written request on a form or forms that sets forth the information required to be provided by the special events ordinance.

Chief of police shall mean the chief of police or the chief's designee.

Commercial film/photographic photography activity means movies, commercials, and ~~commercial film, video, or still or fashion industry~~ photography proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the city which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of city services on property, including public streets, sidewalks, trails and/or other public place. Commercial film and photography activity shall be governed by such film and photography guidelines as city council has adopted by resolution, which shall be enforceable by the city film and photography manager or his/her designee pursuant to this Chapter. The film and photography manager will determine whether the proposed

commercial film and/or photography activity constitutes a high-impact event as defined herein, and shall refer such activity for application review and issuance of a special events permit pursuant to section 2-189 of this division.

First Amendment demonstration means any demonstration, assembly, picketing, speechmaking, marching, protesting, vigil or religious service, and all other like forms of conduct, in or upon any street, including the sidewalk area thereof, park or other public place in the city, that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers. (See Chapter 25, Article III). First Amendment demonstration shall not include a parade as defined below in this section.

Film and Photography Permit means a permit issued by the film and photography manager, or his or her designee, for all commercial filming and/or photographic activity other than high-impact events requiring a special events permit issued by the special events committee. Applications for all commercial filming and/or photographic activity requiring a film and photography permit shall be submitted to the film and photography manager at least fifteen (15) days before the proposed activity, and shall be accompanied by the applicable permit processing fee, as set forth on the special event fee schedule, as approved by city council and amended from time to time. A park permit may also be required with the issuance of a film and photography permit, as set forth in section 22-4 of this Code.

Festival means a stationary event on public property, including public streets, sidewalks, trails and/or other public place, held one day or more and includes fairs, carnivals, ~~rallies~~, concerts, and sporting events.

General liability insurance means a form of business liability insurance to protect a business or entity from injury or death claims, property damages and advertising claims.

High-impact event shall mean all commercial filming and/or photographic activity which involves substantial and extended blockage of streets or the alteration of the streetscape, (street signs, traffic signals, street trees, road surfaces, etc.), which would impede the normal flow to and from residences and businesses, which would restrict the use of on-street parking, would disrupt the use of streets, and impede the City's provision of regular city services. High-impact events may involve special circumstances including, but not limited to, extended hours in the morning or evening, displacement of more than 25% of residential on-street parking in neighborhoods where on-street parking is customary and essential to residents, displacement of more than 50% of non-residential on-street parking, special effects, period shots, extensive nighttime lighting, loud noises, simulated gunshots, pyrotechnics, street closures, production lasting multiple consecutive days, and larger than average base camps and/or larger than average working trucks parked on public streets.

Liquor liability insurance means a form of business liability insurance to protect a business or entity from injury or death claims or property damages from distribution or sale of alcoholic beverages.

Major event means an event which impacts multiple city departments, has one thousand (1,000) or more people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Medium event means an event which impacts multiple city departments, has more than five hundred (500) and less than one thousand (1,000) people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Neighborhood Block Party means a private outdoor gathering initiated by residents and/or neighborhood associations on a public residential street which involves the closure of a minor street (defined in Sec. 19-523). Limited to one block or other length that the special events committee deems appropriate. Intended for neighborhood residents and their guests.

Neighborhood Parade means an organized neighborhood group consisting of persons on foot, golf carts, vehicles and conveyances of any sort, or any combination thereof, moving in unison which does not comply with normal traffic regulations upon a minor residential street (defined in Sec. 19-523). The distance for such parade shall be determined by the special events committee as appropriate. Intended for neighborhood residents and their guests.

Parade means any organized group, formation or procession consisting of persons on foot, animals, vehicles and conveyances of any sort, or any combination thereof, moving in unison upon any public street or sidewalk of the city which does not comply with normal traffic regulations or controls. A parade is a special event as defined below in this section.

This definition does not include:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
- (3) A governmental agency acting within the scope of its functions; and
- (4) First Amendment demonstrations as defined above in this section.

Private Party means an event held on private property zoned residential in which members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound carries beyond the boundaries of such private property, the event is anticipated to impact available on-street parking and city service responses, and/or service of alcohol is present. Events open to the public on commercially zoned properties shall, after obtaining confirmation from the zoning department that the event is in conformity with applicable zoning district regulations, require a special event permit if the event impacts multiple city departments, has an impact on a public street or right-of-way, has amplified music, and/or is within or adjacent to a residential district, has amplified music.

Small event means an event which impacts multiple city departments, has less than five hundred (500) people in attendance, and is proposed to be held at has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Special event means ~~an activity organized and pre-planned activity~~ sponsored by an individual, group, organization or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the city which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of city services, and which shall include but not be limited to a ~~parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, First Amendment demonstration referred by the police department, competition, commercial movie or television production, photography shoot, commercial for profit event, charitable cause, or other similar activity.~~

~~A special event shall also include high-impact events, small events, medium events, major events, neighborhood block parties, neighborhood parades, parades, private parties, road races/walks, events at the VRTC bus shed and outdoor space around the perimeter of the International African American Museum building on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.~~

A special event shall not include the following:

- (a) An event confined exclusively within the interior areas ~~of the International African American Museum and/or the outdoor space immediately below the footprint of the museum building managed by IAAM, the interior areas of the Old Exchange Building, the Charleston Maritime Center and that portion of the open area adjacent to the Charleston Maritime Center, the historic VRTC building and the Gaillard Auditorium and its terrace as identified in such facilities' annual approved operations plan as set forth in section 2-189(q), provided these facilities operate in compliance with their approved annual operations plan during any special event.~~
- (b) A news broadcast.
- (c) An event that is held on private property in a residential neighborhood that ~~does not meet the criteria for a private party required to obtain a temporary use event permit~~ as defined herein.
- (d) A First Amendment demonstration for which a valid First Amendment demonstration permit has been issued by the police department pursuant to Chapter 25, Article III. The chief of police may require a person seeking a First Amendment demonstration permit to obtain a special events permit issued pursuant to section 2-189 when the duration of the demonstration is proposed to be more than three (3) hours, when a request is made to reserve a particular public area for use, when frequent requests are made for a particular public area, when the demonstration will require any use of city resources, staffing or departments beyond the scope of the police department, and when the city finds that requiring such special events permit is in the best interest of the public health, safety, and welfare of the city and its citizens.

Special event permit is a permit issued by the special events committee of the City of Charleston pursuant to section 2-189 of this division ~~for special events~~.

~~Temporary use event~~ means an event that requires a temporary use event permit.

~~Temporary use event permit~~ means a permit required when an event is held on private property in a residential neighborhood in which members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound [is] to be amplified which carries beyond the boundaries of such private property, and the event is anticipated to impact available on-street parking and city service responses.

Section 2. Chapter 2, Article IV, Sec. 2-188 of the Code of the City of Charleston, is hereby amended by deleting the struck through words and adding thereto the following underlined words:

Sec. 2-188. - Created; membership; powers; duties and responsibilities.

- (a) Created. There is hereby created the special events committee (the "committee").
- (b) Membership. The committee shall be appointed by the mayor and shall consist of eleven (11) members, one of whom shall be the special events manager of the department of livability and tourism who shall serve as the committee chair; one of whom shall be an employee of the department of parks or his designee; one of whom shall be an employee of the department of recreation—recreation facilities division or his designee; one of whom shall be an employee of the department of traffic and transportation—parking meters division or his designee; one of whom shall be an employee of the police department—special operations division or his designee; one of whom shall be an employee of the department of planning, preservation and sustainability—business and neighborhood services division or his designee; three (3) of whom shall be employees of the executive department—one from cultural affairs division or his designee, one shall be the ADA coordinator or his designee, and one from mayor's office or his designee; one of whom shall be an employee of the office of livability and tourism—tourism division or his designee; and one of whom shall be an employee of the fire department—fire marshal division or his designee. All members shall be voting members with the exception of the employee of the mayor's office who will vote if needed as a tie breaker and the chair who is a non-voting member. The members of the committee shall serve until their successors have been appointed and qualified. For purpose of committee action, a quorum of the committee shall consist of five (5) voting members of the committee in attendance.
- (c) Powers. The committee shall act as an administrative board and have authority to approve and issue special events ~~and temporary use event~~ permits upon the terms and conditions as set forth in the special events ordinance; coordinate with city departments and other governmental agencies for the provision of governmental services as needed to support special events and ~~temporary use event~~ permit events; collect special event permit fees and discharge such other duties as may be assigned by the mayor. The committee may adopt policies and guidelines at its discretion, and amend such policies and guidelines as have been approved by City Council.
- (d) Administration. There shall be a special events manager to assist the committee, and film and photography manager to issue film and photography permits. These shall be staff positions authorized to facilitate and engage in administrative functions, as appropriate, to enforce this division including revocation of the permit.

Section 3. Chapter 2, Article IV, Sec. 2-189 of the Code of the City of Charleston, is hereby amended by deleting the struck through words and adding thereto the following underlined words:

Sec. 2-189. - Application; processing of special event and ~~temporary use event~~ permits and conducting special event and ~~temporary use event~~ permit evaluations.

Special event ~~and temporary use event~~ permits shall be obtained from the committee prior to hosting, conducting, holding or staging a special event ~~or a temporary use event~~. Prior to a special event ~~or temporary use event~~ permit being issued, the following procedure shall be followed:

- (a) An application shall be submitted to the city by the special events ~~or temporary use event~~ permit applicant accompanied by the applicable city special events ~~or temporary use event~~ permit processing fee as set forth on the city special events fee schedule, as approved by city council and amended from time to time, a copy of which may be obtained from the committee. The application shall list the location and/or route, date, and time of the proposed special event ~~or event requiring a temporary use event permit~~. For a major event, the application shall be filed at least one hundred twenty (120) days prior to the date of the proposed special event; for a medium event, the application shall be filed at least ninety (90) days prior to the date of the proposed special event; for a small event, the application shall be filed at least sixty (60) days prior to the date of the proposed special event; for a neighborhood block party, the application shall be filed at least thirty (30) days prior to the date of the proposed special event; for a neighborhood parade, the application shall be filed at least thirty (30) days prior to the proposed special event; for a parade, the application shall be filed at least one hundred twenty (120) days prior to the proposed special event; for a road race, walk or cycling event, the application shall be filed at least ninety (90) days before the proposed special event; for private parties, the application shall be filed at least sixty (60) days before the proposed special event; ~~temporary use permit~~, the application shall be filed at least sixty (60) days prior to the date of the proposed event requiring a ~~temporary use event permit~~, and for a high-impact commercial film and photography event, the application shall be filed at least twenty-one (21) days~~three (3) days or seventy two (72) hours~~ prior to the commencement of the proposed filming and/or photography activity~~special event~~ to allow adequate review of the application by the committee. First time events are encouraged to list several options for location, route, date, and time. Notwithstanding the foregoing, the city reserves the right to: (i) process and approve a special event ~~permit application~~ for a ~~major or medium~~ special event ~~at a city owned facility~~ in less than sixty (60) days prior to the date of the proposed special event if exigent circumstances exist in the sole opinion of the city; and (ii) issue an ~~annual~~ temporary use event permit to ~~private property owners who routinely host events that require a temporary use event permit provided the private property owner has submitted and received an approved operations plan from the special events committee on an annual basis, said operations plan to include but are not be limited to acceptable alcohol management and security measures governing its events.~~
- (b) The special events committee shall review the application to determine if the proposed special event ~~or temporary use event~~ can be approved. The committee shall meet with the

applicant to review and evaluate the application for compliance with the requirements herein and prioritize locations and/or routes, ~~if necessary (the "meeting")~~. Prior to the meeting, the applicant shall be required to provide the committee with a complete application and package of information on the proposed special event ~~or temporary use event~~ at least ten (10) business days prior to the meeting including, but not limited to the following information:

- (1) Description of the proposed special event ~~or temporary use event~~, as applicable.
- (2) A tentative site plan which may include designating the location of entrances and exits, retail, food, and alcoholic beverage vendors, tents, stages, bleachers, signs or banners, portable restrooms and sinks, electric and water hookups, first aid stations, fire extinguishers, garbage and recycling receptacles, barricades, hazardous materials, and security.
- (3) A security plan.
- (4) A sanitation plan which includes provisions for trash removal and recycling removal.
- (5) A traffic control plan and street blocking permit.
- (6) An alcohol plan.
- (7) An amplified sound plan.
- (8) The time of all activities associated with the proposed special event ~~or temporary use event~~.
- (9) For a parade, include the approximate number of persons who, and animals and vehicles which, will constitute such parade; and the type of animals and description of vehicles, if applicable; the location of any assembly areas needed; whether the parade will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed; the interval of space to be maintained between units of the parade; the length of the parade in miles or fractions thereof; and proposed speed of parade.

(c) The meeting shall also include a discussion of the committee's comments and possible conditions and fees.

(d) Once a special event ~~or temporary use event~~ permit application is approved, the committee shall send a notification letter to the applicant listing fees and special conditions. Special event fees shall be paid by the applicant thirty (30) days prior to the date of the special event ~~or temporary use event~~, as applicable, and a stamped permit is given to applicant within five (5) days of the committee's receipt of payment of the required fees and any other documentation required by the committee, or as soon thereafter as is reasonably possible.

(e) For all special events other than high impact event the applicant shall provide written notification to: (i) the city councilmember in whose district the special event ~~or temporary use event~~, as applicable, shall occur; and (ii) the impacted neighborhood president(s) and business(es) advising of the approval of the special event ~~or temporary use event~~, as applicable, and listing date(s), time(s), and location/route thereof no later than thirty (30) days prior to the date of the special event ~~or temporary use event~~, as applicable. A reminder notice to: (i) the city councilmember in whose district the special event ~~or temporary use~~

~~event, as applicable,~~ shall occur; and (ii) the impacted neighborhood president(s) and business(es) shall also be sent by the applicant fifteen (15) days prior to the date of the special event ~~or temporary use event, as applicable,~~ and which shall contain all of the information required in the initial notice as specified above. The applicant for a high-impact event shall follow all notice requirements as set forth in the film and photography guidelines as may be adopted by City Council by resolution.

- (f) A post special event ~~or temporary use event, as applicable,~~ evaluation shall be conducted by the committee or its chair. The evaluation may include a survey of impacted residents and/or businesses, a meeting with the applicant and feedback from the committee.
- (g) Events subject to alcohol policy requirements.
 - (1) A ~~private party~~~~temporary use event on private property in a residential neighborhood in which the members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound is to be amplified, the event is anticipated to require on street parking and alcohol is to be served. A temporary use event shall be exempt from the requirements of subsections (h)(2)a. and (h)(2)c. below.~~
 - (2) A special event on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.
 - (3) A special event in/on city-owned and/or operated facilities, including city parks, where alcohol is to be served.
- (h) Requirements of alcohol policy.
 - (1) Certification/training. The special event permittee ~~or temporary use event permittee, as applicable,~~ shall be required to utilize at least one bartender and/or floor/door monitor with certification from a smart serve or servers intervention program or an equivalent alcohol server training program as approved by the city. The city reserves the right to increase the number of bartenders and floor/door monitors as required to satisfy public safety.
 - (2) Controls.
 - a. The special event permittee shall be required to establish a controlled entrance and exit location by the posting of signage stating that alcoholic beverages are prohibited beyond the permitted area. As required by the chief of police or his designee, a controlled area for the serving and consumption of alcoholic beverages during the event may be required.
 - b. No alcoholic beverages shall be served within thirty (30) minutes of the conclusion of the special event ~~or temporary use event, as applicable.~~ No more than two (2) alcoholic beverages shall be served to any person at any one time during a special event ~~or temporary use event, as applicable.~~
 - c. No alcoholic beverages shall be served to any person at a special event unless such person has been issued a wristband by the special event permittee which indicates that the person has shown valid proof of being at least twenty-one (21) years of age.

- d. The special event permittee ~~or temporary use event permittee, as applicable~~, and its invitees shall be in compliance with all applicable federal, state, local statutes, ordinances, rules, regulations, licenses and permits, including permits required by the South Carolina Alcohol Beverage Commission, governing the special event ~~or temporary use event, as applicable~~.
- e. No alcoholic beverages other than those alcoholic beverages served by the special event permittee ~~or the temporary use event permittee, as applicable~~, shall be permitted within the controlled area as described in section 2-189(h)(2)a. for special events ~~or within the temporary use event, as applicable~~.

- (i) Security. The special event permittee ~~or temporary use event permittee, as applicable~~, shall be required to provide adequate security for its special event ~~or temporary use event, as applicable~~, as directed by the chief of police, including the hiring of off-duty police officers and/or security enforcement officers as approved by the chief of police or his designee.
- (j) Considerations in granting a special event permit ~~or temporary use event permit, as applicable~~. In deciding whether to approve, approve with conditions, or deny a special event permit ~~or temporary use event permit, as applicable~~, the committee shall determine whether:
 - (1) The proposed special event ~~or a temporary use event, as applicable~~, can function safely.
 - (2) The use of police and fire resources to support the proposed special event ~~or temporary use event, as applicable~~, shall not deny reasonable police and fire protection to the city.
 - (3) The proposed special event ~~or temporary use event, as applicable~~, shall not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance, another special event, ~~another event that has been granted a temporary use event permit or other activity or activities~~.
 - (4) The proposed special event ~~or temporary use event, as applicable~~, can provide an adequate traffic control plan for traffic control and parking management and which may require accommodating transportation and parking demand management measures.
 - (5) The location and route plan of the proposed special event ~~or temporary use event, as applicable~~, meets the criteria established in the special events ordinance.
 - (6) The special event ~~or temporary use event, as applicable~~, will not substantially interrupt the safe and orderly movement of other traffic, pedestrian and vehicular, contiguous to its route.
 - (7) The special event ~~or temporary use event, as applicable~~, is not reasonably likely to cause injury to persons or property, or to provoke disorderly conduct.
 - (8) The proposed event is unreasonably disruptive to adjacent property owners.
- (k) Conditions authorized and additional permits and licenses. The committee may include in a special event permit ~~or temporary use event permit~~, among other provisions:
 - (1) Reasonable terms and/or conditions as to the time, place, and manner of the special event ~~or temporary use event permit, as applicable~~.

- (2) Compliance with health and sanitary regulations, emergency services, and security.
- (3) Additional permits and/or licenses as are required to meet the conditions established by the special event permit ~~or temporary use event permit, as applicable~~, and/or other city ordinances, including but not limited to city business licenses, building permits, and county or state code permits.
- (4) In order to accommodate other concurrent special events or ~~commercial film/photographic activity~~temporary use events, as applicable, the rights of adjacent property owners and the needs of the public to use streets or parks, additional conditions may be imposed on the applicant which may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed special event ~~or temporary use event, as applicable~~, as well as accommodations for pedestrian and/or vehicular traffic using public right-of-ways and limitations on the duration of the special event ~~or temporary use event, as applicable~~.

(l) Alternates. The committee, in denying an application for a special events permit, shall be empowered to authorize the conduct of the special event on a day, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the committee within ten (10) days or a reasonable time period as determined by the special events manager or committee chair. An alternate special events permit shall conform to the requirements of and shall have the effect of a special events permit under this division.

(m) Application and permit fees.

- (1) All special events ~~and events that require a permit~~temporary use event permit and shall be subject to the payment of all applicable fees set forth in the city special events fee schedule as approved by city council.
- (2) Additional fees may include ~~department of traffic and transportation fees and deposits, and department of parks user fees and deposits enumerated in the park permit fee structure as set forth in section 22-4(n) of this Code ("park permit fees")~~. Park permit fees associated with permit conditions, including but not limited to electrical, security, meter bags or fire permits are in addition to the above special events fee schedule and are the sole responsibility of the applicant.
- (3) All fees and deposits are due thirty (30) days prior to the date of the special event ~~or temporary use event, as applicable~~. Subject to the city's authority as set forth in section 2-194, deposits shall be refunded within ~~sixty (60) days~~fourteen (14) business days following the special event ~~or temporary use event, as applicable~~, if all conditions of the ~~permit~~ are followed; and ~~with respect to a special event~~, public property on which the special event is held is left in good condition and without damage. Failure to comply with restrictions and conditions of a special events permit ~~or temporary use event permit, as applicable~~, shall cause an automatic forfeiture of the security deposit(s).
- (4) Subject to the city's authority as set forth in section 2-194, refunds for fees and deposits charged pursuant to the special events fee schedule are refundable (minus the application fee), if the special event ~~or temporary use event, as applicable~~, is

canceled after such permit is issued, and written notice is received by the special events committee ten (10) five (5) business days prior to the date of the special event ~~or temporary use event, as applicable.~~

- (n) Hold harmless. As a condition to the issuance of any special events permit ~~or temporary use event permit, as applicable~~, the permittee of a special event ~~or temporary use event permit, as applicable~~, shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents, for and against any and all suits, claims, damages, costs or liabilities caused by or arising out of any use authorized by the permittee of the special event ~~or temporary use event, as applicable~~.
- (o) Insurance requirements. Subject to any additional location-specific insurance requirements, ~~the~~ permittee of a special event ~~or temporary use event, as applicable~~, shall provide general liability insurance insuring the special event ~~or temporary use event, as applicable~~, and shall name the city as an additional insured on such general liability insurance policy. Certificates of insurance shall be submitted to the city for approval at least fifteen (15) working days prior to the date of the special event ~~or temporary use event, as applicable~~. The following limits of insurance are required per individual occurrence:
 - (1) General liability of one million dollars (\$1,000,000.00).
 - (2) Liquor liability of one million dollars (\$1,000,000.00), if alcohol is served.
- (p) Promulgation of procedures. The committee, with the approval of the mayor and corporation counsel, may promulgate procedures for the purpose of implementing the special events ordinance or to carry out other responsibilities as may be required by the special events ordinance or other codes, ordinances of the city or other agencies.
- (q) Requirements for certain city-owned facilities. Subject to the terms and conditions of any operating agreements approved by City Council, ~~e~~vents which are exclusively confined within the interior areas of the International African American Museum and/or the outdoor space immediately below the footprint of the museum building managed by IAAM, the interior areas of the Old Exchange Building, the Charleston Maritime Center, the historic VRTC building and the Gaillard Auditorium shall not be required to obtain a special events permit provided:
 - (1) Each facility has an annual approved operations plan, which shall include but not limited to acceptable alcohol management and security measures, ~~which is approved by the committee~~.
 - (2) Each facility complies with its approved operations plan while hosting events which are exclusively confined within the defined interior areas of such facility.Notwithstanding the foregoing, events at the VRTC bus shed and outdoor space around the perimeter of the International African American Museum building shall require a special events permit.
- (r) First Amendment demonstrations for which a special events permit has been issued pursuant to this section shall comply with all regulations, conditions and requirements provided in Chapter 25, Article III.

Section 4. Chapter 2, Article IV, Sec. 2-190 of the Code of the City of Charleston, is hereby amended by adding thereto the following underlined words:

Sec. 2-190. - Revocation.

The committee and its manager shall have the authority to revoke a special events permit issued hereunder upon the violation of the standards for issuance as set forth in this division. The film and photography manager shall also have the authority to revoke a film permit issued hereunder upon the violation of the standards for issuance as set forth in this division.

Section 5. Chapter 2, Article IV, Sec. 2-192 of the Code of the City of Charleston, is hereby amended by deleting the struck through words and adding thereto the following underlined words:

Sec. 2-192. - Special events permit, film and photography permit required.

No person shall engage in, participate in, aid, form or start any special event or commercial film/photographic activity as those terms are defined in this division unless a special events permit or film and photography permit, as applicable, shall have been obtained ~~from the special events committee of the City of Charleston pursuant to section 2-189.~~ Any person engaging in any special event for which a special events permit has been issued, or engaging in commercial film/photographic activity for which a film and photography permit has been issued, shall not violate any of the conditions or provisions of such permit.

Section 5. Chapter 2, Article IV, Sec. 2-193 of the Code of the City of Charleston, is hereby amended by deleting the struck through words and adding thereto the following underlined words:

Sec. 2-193. - Safety restrictions and prohibitions; general requirements.

(a) *Threats to safety.*

1. It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code § 16-25-10(7)), or to brandish a weapon (as defined in City Code § 21-219), while participating in or attending a special event as defined in this division.
2. For purposes of this division, brandish shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.
3. For purposes of this division, to present a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.

(b) *Open carry prohibited.* It shall be unlawful for any person(s) participating in a special event to openly carry a firearm. The person or entity hosting the event must post signs as approved and directed by the special events committee to indicate the specific area where the open carry of firearms are prohibited.

(c) *Driving through parades.* No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion or conspicuously designated as a parade, except that this portion shall not apply to single file parades on the sidewalk areas of the city, where vehicular traffic and those constituting the parade shall be required to obey all traffic control signals unless otherwise directed by a police officer.

(d) *Parking on parade route.* The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a street or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall

be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

(e) *Obstructing or interfering with parades.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(f) *Hours for conducting parade restricted.* No special events permit shall be granted for a parade to convene before 8:00 a.m. or terminate after 8:00 p.m.

(g) *Presentation of permit. The person or entity hosting the event must have the special events permit available for presentation to city officials upon request.*

Section 6. Chapter 2, Article IV, Sec. 2-194 of the Code of the City of Charleston, is hereby amended by deleting the struck through words and adding thereto the following underlined words:

Sec. 2-194. - Penalty and retention of deposits.

Any person violating any provision of the special events ordinance, to include any conditions or provisions of a special events permit or a film and photography permit, shall be subject to the general penalty set forth in section 1-16 of this Code. In addition, the special events committee and film and photography manager shall have the authority to retain deposit(s) in the event a permittee of a special event or film and photography activity temporary use event, as applicable, causes the city to incur costs or damage(s) as a result of permittee's special event or film and photography activity temporary use event, as applicable, and to pursue any other remedy against a permittee of a special event or film and photography activity temporary use event, as applicable, available to the city at law or in equity for a violation of any provision of this special events ordinance.

Section 7. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of ____ in the year of Our Lord, 2025, in the ____ Year of the Independence of the United States of America.

By: _____
William S. Cogswell, Jr., Mayor

ATTEST: By: _____
Jennifer Cook
Clerk of Council