

Arlington County Policy for Managing Public Gatherings on Public Spaces

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I. Background

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

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

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

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

The underlying framework for a decision regarding an application for a Demonstration and/or Special Event Permit is based on the regulatory standards found in this document, the Policy For Managing Public Gatherings on Public Spaces, the Special Events Operating Plan, and the Special Events/Demonstration Application, which can be obtained by contacting the Special

Events Coordinator in the Special Operations Section of the Arlington County Police Department at 703-228-4141.

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

- v. “Public Spaces” are streets, sidewalks and parks under the control of the County.

II. Minimum Amount Procedure

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

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

Any organization identified above, which is conducting a charitable event or fund raising event for which it seeks to not be assessed the minimum amount, must have at least 80% of the net profits from the event go to the identified charity. In addition, all such organizations must allow Arlington County staff to review all financial records relating to the event, if requested, to ensure compliance with this policy.

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

III. Permit Issuance Procedures

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

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

- ii.) A copy of the Special Event/Demonstration application can be obtained in person at the Special Operations Section of the Arlington County Police Department, Suite 9400, 1425 North Courthouse Road, Arlington, VA 22201, Monday through Friday (except holidays)

from 8:00 AM until 3:00PM, by writing to the above address care of the Special Events Coordinator, or from Arlington County Web Page www.arlingtonva.us/specialevents.

- iii.) The completed application may be faxed to the Special Events Coordinator, Arlington County Police Department, Special Operations Section at 703-228- 4192 or mailed to: Special Events Coordinator, Arlington County Police Department, 1425 North Courthouse Road, Suite 9400, Arlington VA 22201. Once the completed application is received, the Special Event or Demonstration will be given a reference number, any future inquires about this application should be referred to by this number. The Special Events Coordinator will furnish the reference number to the applicant. Any questions should be directed to the County's Special Events Hotline number at 703-228-4232. Depending on the size and scope of the Special Event or Demonstration, it may be necessary for the applicant, or a representative, to attend a meeting with the Special Events Task Force (also referred to as the Special Events Committee) to review the application. Approval of the permit can only be granted upon receipt and review of the application and the applicant obtaining all other necessary permits, licenses, certificates, inspections, indemnification forms, and payment of fees, if any.

IV. Special Event Procedures

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

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

inspections. In addition, the Special Event applicant must meet all requirements set forth in the Special Events Application, as well as any additional conditions and/or terms agreed to by the applicant and the County. The Special Event applicant must submit to the Arlington County Police Department's Special Operations Section a copy of any documents and/or advertising in regards to the event, including all documents, forms, or literature that is given to any and all participants, or the public, regarding the event. All documents and/or advertisements that have been or will be given to the participants in the event or the public for a Special Event must be substantially true in regards to the identity of the event sponsors and any and all charities that are purported to be the recipients of monies generated by the event.

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

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

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

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

V. Demonstration Procedures

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

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

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

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

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

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

VI. Denial Procedures

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

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

- iv) The application proposes activities contrary to Virginia law.

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

- i) When an application for a Demonstration is received in the Special Operations Section (SOS) of the Arlington County Police Department the Special Events Coordinator (SEC) will review the document within 24 hours of the receipt. For Demonstrations, if Special Event Coordinator is not on duty, then the On-duty Supervisor in SOS will receive the application; if no SOS Supervisors are on duty, then the Police Department's Operations Watch Commander will receive the Demonstration application and make all necessary notifications in keeping with the time line requirements. If after this initial review there is an arguable issue with the application that may cause it to be denied, then the SEC will notify the Special Operations Section (SOS) Commander and the Office of Emergency Management (OEM), and the Special Events Coordinator of this concern. An Emergency meeting of all or part of the Special Events Task Force will be called. This can be accomplished by telephone or any other means of simultaneous communications.
- ii) The SOS Commander or designee, and an OEM representative will delineate the issue(s) of concern to the applicant. The Special Events Task Force will then decide if the Special Event or the Demonstration should be approved, denied, or modified, taking into account the response of the applicant. If the application is for a Special Event, then the SEC will notify the event applicant that they are requested to attend the next scheduled Special Events work session (one work session is scheduled for each month of the year). The SEC can request an emergency meeting of the Special Events Task Force if circumstances and time frames dictate such a request.
- iii) If the Special Events Task Force decides to deny a Demonstration application, then the SEC or other appropriate County personnel, will notify the event sponsor, if possible, within 24 hours in person, or by telephone, or by electronic mail of the denial, after first making reasonable efforts to alleviate any concerns. Since the time restrictions on a Special Event are different from those of a Demonstration then the notification of the denial for a Special Event will be made within reasonable business practices. All reasonable efforts will be done to complete this task as soon as possible
- iv) For Special Events and Demonstrations a written denial letter, delineating the reasons for the denial will be mailed or delivered to the event sponsor by other means, by the Office of Emergency Management, in cooperation with the Special Operations Section Commander, or their designee.

- a) The letter of denial will also include the procedure to appeal the decision of the Special Events Task Force.
- b.) The first level of appeal will be with the Chief of Police or his designee. The second and final level of appeal will be with the County Manager or his designee.

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

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

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

- i.) The Special Event applicant, or their designee, submits (or has submitted) to the County indemnification form(s), certificate of insurance form(s), or any other required form or document by the Arlington County Risk Management Office, or the Arlington County School system, that are materially false.
- ii.) The Special Event applicant, or their designee, submits (or has submitted) to the County any Arlington County Special Events/Demonstration Application, applicable permit application(s), literature and or advertisement(s) regarding the event, or any other applicable forms required which are materially false.
- iii.) If the Special Event applicant, or their designee, has a record of failure to reimburse the County three or more times for any or all required expenditures within 60 days of the mailing of the invoice(s), or has a judgment against them in favor of the County for costs associated with a prior event in the County.
- iv.) If the OEM Director or his designee has determined that at a Special Event applicant, or their designee has failed to provide adequate security at past Special Events, both within and without Arlington County, which

has resulted in substantial breaches of the peace, or significant bodily injury, or any other cause the Office of Emergency Management and/or the Special Operations Section of the ACPD determines to be so serious and compelling as to affect the public safety and/or health of a Special Event, including, but not limited to, a determination by another governmental entity to suspend or prohibit the applicant from making application within that jurisdiction.

VIII. Enforcement of Administrative Sanctions

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

IX. Insurance Liability Coverage

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

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

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

A) Existing liability insurance or B) Special Events policy

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

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

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