EXECUTIVE ORDER NO. 6 -93

SPECIAL EVENTS POLICY

WHEREAS, The City of Philadelphia hosts hundreds of festivals, commercial block parties, and other special events each year; and

WHEREAS, City government provides labor, supplies, and equipment to many of these special events; and

WHEREAS, The City has created a Special Events Review Committee and a standardized procedure to oversee special events planning and staging, including the provision of City labor, supplies, and equipment therefor;

NOW, THEREFORE, I, Edward G. Rendell, by the power vested in me as Mayor of the City of Philadelphia, do hereby order as follows:

ARTICLE I - OVERVIEW

SECTION 1. "Special Event" Defined.

"Special event" means a preplanned event or series of events of less than a week's duration, sponsored by a public or private person or entity, which is:

(a) located wholly or partially on property owned or maintained by the City; or

(b) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City routinely provides.

SECTION 2. General Policy.

City buildings, parks and all other City-owned or controlled real estate which have been constructed or maintained for the benefit of the public shall be for the use of the public in general. To that end, no person or entity (including City agencies) shall be given any special or exclusive privilege to use any public property under the control of the City without first obtaining a permit pursuant to this section. Additionally, the Committee shall ensure that proper coordination occurs among necessary City departments to facilitate the use of City streets

for special event activities including parades, street festivals, foot races, bike-a-thons, and all other events requiring closure of a right-of-way.

ARTICLE II - CITY PERSONNEL

SECTION 1. Special Events Review Committee.

(a) There is hereby established a Special Events Review Committee (the "Committee"), to be made up of the following members:

(1) Deputy City Representative For Special Events (co-chair);
(2) Managing Director or designee (co-chair);
(3) Commissioner of Public Property or designee;
(4) Director of Office of Risk Management;
(5) City Solicitor or designee; and
(6) Executive Director of Fairmount Park Commission.

(b) The Committee shall have the following powers and duties:

(1) Review all applications for permits governing special events occurring within the corporate boundaries of the City (including areas administered by the Fairmount Park Commission), and requests for attendant City support services;

(2) Provide executive oversight of the management of any special account or fund established for management of or support for special events;

(3) Prior to and during every special event, coordinate the permitting processes of all City departments providing services to the special event;

(4) In conjunction with the Special Events Task Force, provide technical assistance and information to special event sponsors;

(5) Recommend appropriate risk management measures to protect the City during each special event;

(6) Administer all special event concession agreements and all special event permits pursuant to this ordinance, except those expressly reserved to other City departments or agencies;

(7) Forward all approved requests for City services to the Managing Director at least thirty (30) days prior to the start of the special event, to allow proper scheduling of employees;

(8) Have the authority to determine and require event promoters to provide essential services, including but not limited to adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and clean-up; and

(9) Set the rates, fees, and other charges to special event sponsors for rent and City services provided in connection with special events.

SECTION 2. Deputy City Representative For Special Events.

(a) The Deputy City Representative For Special Events ("City Representative") shall represent the City Representative and Director of Commerce at all meetings of the Committee.

(b) The City Representative shall maintain all administrative and financial records relating to special events, including but not limited to the following:

(1) Correspondence with permit applicants and event sponsors, including notifications concerning permit requirements, regulations affecting special events, and application deadlines; and

(2) Intra-department correspondence and memoranda concerning the establishment of fees for City services provided to special event sponsor.

(c) The City Representative shall be the primary City contact person for special event permit applicants and event sponsors.

SECTION 3. Managing Director.

(a) The Managing Director or designee ("Managing Director") shall represent the Managing Director's Office at all meetings of the Committee.

(b) The Managing Director shall coordinate all requests for support services for all special events approved by the Committee, including but not limited to the following tasks:

(1) Preparation of requests for City services;

(2) Determination of estimated costs to each City operating department;

(3) Confirmation that applications for all necessary City permits have been submitted and evaluated on a timely basis; and

(4) Coordination of all support services from City operating departments, both before the special event and on-site.

(c) The Managing Director shall convene representatives of City operating departments as the Special Events Task Force, in order to evaluate City support service requests and coordinate the provision of City resources and support services for approved special events, and shall chair such Task Force.

(d) The Managing Director shall evaluate the proposed location of the special event, and the projected program for the event, and notify the event sponsor of any changes in location and/or program determined by the Committee to be necessary to make the event safe in conformity with City regulations.

(e) If the special event is expected to attract ten thousand (10,000) or more participants or attendees, ensure compliance by the sponsor with the requirements of the Pennsylvania Department of Health Act 45, Title 28, pertaining to Emergency Medical Services ("EMS") for Special Events, including either:

(1) The use of City Fire Department personnel and equipment (at sponsor's cost); or

(2) Timely submission of a City Special Event EMS Plan for the event.

(f) The Managing Director shall monitor the staging of all special events, including but not limited to the following:

(1) Enforcement of all health, safety, vendor, licensing, and other regulations associated with any special event;

(2) Proper administration of all special event concession agreements and licenses, and all special event permits;

(3) Need for implementation of emergency management procedures; and

(4) Adequate provision of on-site emergency medical services.

(g) The Managing Director shall monitor all costs to the City associated with the planning and staging of special events, including scheduled overtime of City employees, to ensure that City departments do not exceed fiscal year overtime projections.

SECTION 4. Commissioner of Public Property or Designee.

(a) The Commissioner of Public Property or designee ("Public Property") shall represent the Department of Public Property at all meetings of the Committee.

(b) Public Property shall evaluate all requests for services requiring Department personnel, and rental requests for City property and equipment, and determine the cost to be charged to a sponsor for provision of such services and property.

(c) Public Property shall supervise on-site preparations for each special event, and coordinate private sector support services with City services at such event.

SECTION 5. Director of Office of Risk Management.

(a) The Director of the Office of Risk Management ("Risk Manager") shall represent that office at all meetings of the Committee.

(b) The Risk Manager shall evaluate special event applications and advise the Committee on appropriate risk management measures to protect the City from liability during an event, including but not limited to amounts and types cf insurance to be required of event sponsors.

SECTION 6. City Solicitor.

(a) The City Solicitor or designee ("Solicitor") shall represent the Law Department at all meetings of the Committee.

(b) The Solicitor shall provide legal advice to the Committee on all matters relating to the consideration of special events permit applications and the conduct of special events, including but not limited to the following:

(1) Permit requirements;

(2) Indemnification, insurance, and risk management issues;

(3) Leasing of public space;

(4) Ordinance and regulation requirements; and

(5) Special events policy oversight.

SECTION 7. Executive Director of Fairmount Park Commission.

(a) The Executive Director of the Fairmount Park Commission or designee ("Fairmount Park") shall represent the Fairmount Park Commission ("Commission") at all meetings of the Committee.

(b) Fairmount Park shall review all special event applications involving the use of Park services or facilities, and determine the fees, rent, and other charges to be required by the Committee for the use of such services and facilities.

SECTION 8. Special Events Task Force.

(a) The Special Events Task Force shall consist of the members of the Special Events Review Committee and representatives of the following departments:

(1) Police Department;
(2) Fire Department;
(3) Department of Recreation;
(4) Department of Streets;
(5) Department of Health; and
(6) Department of Licenses and Inspections.

(b) Members of the Special Events Task Force shall (individually and collectively) perform such duties necessary or desirable for the planning and staging of special events as are directed by the Managing Director, including but not limited to the following:

(1) Evaluate requests for City property, equipment, support services, and other resources, and submit for Committee approval the costs to be charged to an event sponsor for such resources;

(2) Evaluate requests to close City streets, as well as event proposals that may affect the passage of traffic through City streets, and recommend to the Committee the approval or denial of such requests and proposals;

(3) Evaluate the need for clean-up and sanitation services at special events, and recommend to the Committee such sanitation measures that should be required of an event sponsor;

(4) Coordinate the provision of City property, equipment, support services, and other resources for Committee-approved special events;

(5) As directed by the Managing Director, provide technical assistance and information directly to special event sponsors on the planning, set-up and staging of events; and

(6) Consult with private sector entities to develop methods of cutting costs for providing City equipment and services at special events, and develop an abatement strategy for recurring City costs associated with special events.

ARTICLE III - SPECIAL EVENTS PERMITTING PROCEDURE

SECTION 1. Rules and Regulations.

The Committee may establish rules and regulations for the use of public property. Such rules and regulations shall become effective following the procedure set forth in the Philadelphia Home Rule Charter, and shall be enforced as regulations of the City.

SECTION 2. Time Restrictions.

The Committee may place reasonable time restrictions on the issuance of special event permits, including without limitation a prior notice requirement, first-come, first-served scheduling, limitations on frequency of use, and limitation of permits to normal operating hours for City property.

SECTION 3. Location Restrictions.

The Committee may impose reasonable location restrictions on the issuance of special event permits, which restrictions may consider the historic use of the property, recreational use policies, the size of the property and the degree to which the special event would interfere with the historic use and adopted recreational use policies for the property.

SECTION 4. Permit Considerations.

The Committee may deny or revoke a special event permit whenever it finds:

(a) The applicant person or entity has previously violated the provisions of a special event permit or has submitted materially false or incomplete information on any special event permit application; or

(b) The special event would unreasonably interfere with the movement or service capability of police vehicles, fire fighting equipment or ambulance service; or

(c) The special event would unreasonably interfere with the historic recreational use and the adopted recreational use policies for a neighborhood park; or

(d) The special event would unreasonably interfere with another special event for which a permit has been issued; or

(e) The special event would create an undue burden on the personnel resources of the City; or

(f) The special event would have an unduly adverse impact on the environment or public health and safety.

SECTION 5. Street Closures.

All closures of City streets in conjunction with a special event shall be approved by the Committee after consultation with the Police Commissioner and the Streets Commissioner.

SECTION 6. Permit Fee.

The Committee may charge a permit application fee in an amount not to exceed the City's cost in administering such application.

SECTION 7. Other Permits.

The Committee may require a separate permit and fees for certain activities accessory to a special event, including but not limited to special parking facilities, hanging banners, setting up tents, fireworks, and serving alcoholic beverages.

SECTION 8. Insurance.

(a) The Committee shall require every sponsor of a special event to provide a current certificate of insurance thirty (30) days prior to the event. Such insurance shall protect the City from all claims for damages to property and bodily injury in connection with the event, and comply with such other specified insurance coverage(s) and limits of liability as are established by the Committee. The certificate of insurance shall name the City of Philadelphia as an additional insured.

(b) Notwithstanding Section 8(a), the Committee may adjust or eliminate the insurance requirement for a special event when, due to the nature of a particular event, it determines that some or all of the insurance coverage is not necessary.

SECTION 9. Indemnity Agreement.

The Committee shall require every sponsor of a special event to execute an indemnity agreement in a form approved by the City Solicitor, holding the City, its elected and appointed officials, agents, and employees harmless against claims and losses arising from the special event or the sponsor's use of City property.

SECTION 10. Special Rules For Fairmount Park.

(a) Except as they may be made expressly applicable by the Fairmount Park Commission (the "Commission"), the provisions of this Executive Order shall not apply to property owned, leased, or maintained by the Commission.

(b) Notwithstanding paragraph (a), the Commission shall retain the right to reject any application for a special event that it determines would not be in the best interests of the Park.

(c) The Commission shall retain the right to impose conditions and restrictions on the use of Park facilities in addition to or different from those conditions and restrictions imposed by the Committee on the use of City facilities and resources.

(d) Notwithstanding the other provisions contained in this Executive Order, the Commission may authorize the holding of special events directly benefitting Park facilities and programs at facilities administered by the Commission, without requiring the event sponsor to submit a special event permit application to the Committee for approval or pay rent; provided, that the City shall be reimbursed by the event sponsor or the Commission for all City services and support utilized on behalf of such special event.

SECTION 11. City-Sponsored Events.

All City government officials, departments, agencies, boards and commissions sponsoring a special event on City property shall comply with the application procedures and other requirements set forth in this Executive Order; provided, however, that unless otherwise directed by the Committee, such City entities shall not be required to pay the fees and charges set forth herein.

SECTION 12. Committee-Designated Exempt Nonprofit Special Events.

(a) Notwithstanding the other provisions of this Executive Order, the Committee may exempt a Nonprofit Special Event (as defined in Article V herein) from payment of any or all fees and charges otherwise payable to the City and/or the Commission for a

special event; provided, that each exempted special event shall require the use of less than One Thousand Dollars ($1,000.00) in City and/or Commission labor, materials, equipment, services, and other expenditures; and provided further, that a Public Interest Organization may sponsor no more than one (1) special event per calendar year that is exempted by the Committee in whole or in part from the payment of fees and charges.

(b) All applicants for special event permits are presumed to have the financial means to pay the fees and charges required of event sponsors pursuant to this Executive Order. An exemption from such fees and charges pursuant to Subsection (a) may only be granted by the Committee upon petition of the special event sponsor, and production of such evidence as the Committee may require demonstrating to the Committee's satisfaction that the sponsor is in fact unable to pay some or all of the fees and charges expected to be incurred by the special event. The sponsor must show that it cannot pay such fees and charges prior to or during the event, and that it cannot reasonably foresee that such funds could become available within a reasonable period following the event. Decisions of the Committee pursuant to this Section 12 shall be final.

(c) In order for the Committee to exempt a Nonprofit Special Event from payment of any or all fees and charges pursuant to this Section 12, the affirmative vote of a majority of the members of the Committee is required. A request to exempt a Nonprofit Special Event from any or all fees and charges due to the Commission may not be granted by the Committee without the affirmative vote of Fairmount Park.

(d) The sponsor of an exempted special event shall have the duty to notify the Committee of any change in circumstances occurring prior to or during such event that impacts on its ability to pay any or all of the exempted fees and charges for the event. The Committee shall retain the right to re-impose exempted fees and charges if it determines that such circumstances make the sponsor more able to pay such costs. The Committee may revoke the permit of any sponsor that willfully withholds from it prior to or during an exempted special event new information pertaining to its financial status.

(e) All special events exempted from payment of any or all fees and charges pursuant to this Section 12 shall otherwise comply with all laws, rules, and regulations of the Committee and the Commission (where applicable).

ARTICLE IV - PERMITTING & CHARGES

SECTION 1. Procedure For Determining Charges.

Every person or entity sponsoring a special event involving sale of items, charging of admissions, or closure of more than one block of City streets, shall comply with the following requirements:

(a) Obtain a special event permit pursuant to Article III; provided, however, that prior to the issuance of a permit to use City property managed by a City department or agency other than one represented on the Committee or Special Events Task Force, the director of the affected department or agency must consent to the issuance of the permit;

(b) Submit an application in a form approved by the Committee within such time period prior to the special event as may be established by the Committee;

(c) If the special event is to be located wholly or partially on property owned, leased, or maintained by the City or the Commission, pay property rent in scheduled amounts as may be determined from time to time by the Committee or Commission and published in Article V of this Executive Order (as such Article V may be amended from time to time). Article V and the rent schedule may include different charges for City facilities based on the nonprofit purpose (if any) of a special event;

(d) Except as otherwise provided herein, pay all costs, at scheduled rates as determined from time to time by the director of the affected department or designee and approved by the Committee, for services and equipment exceeding normal service levels incurred during a special event by City departments and agencies;

(e) Provide such services in compliance with all applicable City codes and regulations, including without limitation:

event security and traffic control
crowd management
food preparation facilities
waste and litter control
toilet facilities
fire and emergency medical facilities and personnel

and any other services necessary to ensure that an event is conducted in a safe manner to protect the safety, health, property, and general welfare of the City's citizens, as determined by the Committee. Security and traffic control services must be performed by City police officers or a reputable outside provider approved by the Committee in advance. The

sponsor must also hire other City and/or outside personnel as may be required by the Committee to perform other necessary health and safety functions;

(f) (1) If the special event is to include sales of goods or food, submit to the City a list of all participating vendors together with a completed Special Events Vendor License application for each vendor authorized by the sponsor to sell at the special event and not holding a current City vendor license, and remit the required fee per vendor as a license fee; provided, that if such applications and license fees are not submitted to the City at least ten (10) days prior to the first day of the special event, a late fee for each application shall be due and payable at the time of submission.

(2) Notwithstanding the above, if a holder of a current City vendor license participates in a special event under conditions different from or not permitted under the terms of the holder's license, the sponsor shall be required to submit a Special Event Vendor License application and remit the required fee for such vendor;

(g) At least ten (10) business days prior to the first day of the special event, post a bond or cashier's check in the amount of the estimated cost of City services as determined by the Committee, as well as the amount of any other sums due and payable to the City upon the occurrence of the special event. If after the special event the City determines that the actual cost was less than the amount posted, funds will be reimbursed as promptly as possible. If the actual cost of City services exceeds the posted amount, payment must be made within fifteen (15) calendar days after the City invoices the sponsor for these costs; and

(h) Submit an independently audited statement of gross revenues derived from the special event within such time period after the special event as may be specified by the Committee.

SECTION 2. Publishing of Rates and Charges.

Beginning with Fiscal Year 1994, sixty (60) days prior to the start of each City fiscal year, the Committee shall establish and publish special event rental rates, service cost recovery amounts, and other fees for the upcoming fiscal year. Such publication shall appear as Article V to this Executive Order. Fiscal Year 1993 rates shall be as published by the Committee in Article V herein on the effective date of this Executive Order.

SECTION 3. Reimbursements to City Departments.

Any and all amounts paid to the City for equipment and additional department costs exceeding normal service levels incurred because of special events shall be reimbursed to the City departments providing such equipment and services (and the Fairmount Park Commission, if applicable) as abatements for costs expended by them, upon submission to the Managing Director of an itemized statement of expenses from each affected department.

SECTION 4. Payments to the City.

All payments to the City relating to special events, including but not limited to application fees and rents, shall be directed to the City's General Fund.

SECTION 5. Managing Director's Report.

The Managing Director shall submit a report on the City costs and charges for special events to the Mayor and City Council at the end of each fiscal year.

ARTICLE V - SCHEDULE OF RATES & DEADLINES

The following schedule of rates is adopted for all special events located in the City of Philadelphia:

SECTION 1. Definitions.

For purposes of this schedule of rates, the terms stated below shall have the following meanings:

"Additional Department costs" means all additional costs for services exceeding normal service levels incurred during a special event by all City Departments, as recommended by the Commissioners of said departments and approved by the Committee.

"Public Interest Organization" means either: (1) an entity qualifying for exemption from taxation pursuant to Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, as amended (or successor statute); or (2) an organization with an active membership of twenty-five (25) or more City residents, organized to improve the quality of life in the City of Philadelphia or part thereof, and that earns no profit for itself or any person.

"Gross Event Revenues" means all funds earned or raised by a special event from several sources, including but not limited to paid admission/ticket charges, sponsorships and broadcast rights fees, Sales, and booth, vendor, or other participation fees.

"Sales" means sales of food, beverages, novelties, services, or any other items offered for general sale to the public.

SECTION 2. Event Classifications.

For purposes of this schedule, the event classifications stated below shall have the following meanings:

"Nonprofit Special Event" means a special event which (1) is sponsored by a Public Interest Organization, and (2) contributes or reserves, without deductions or offsets, ninety percent (90%) or more of Gross Event Revenues to a Public Interest Organization.

"Profit Special Event" means a special event which contributes or reserves, without deductions or offsets, less than ten percent (10%) of Gross Event Revenues to a Public Interest Organization.

SECTION 3. Application Fee and Deadlines.

(a) Applications for special events shall be submitted as early as possible, but no later than seventy-five (75) days prior to the expected first day of a special event. Applications submitted within seventy-five (75) days of the first day of a special event must be accompanied by payment of a Twenty-Five Dollar ($25.00) late fee.

(b) All persons or entities submitting a special event application shall remit an application fee of Fifty Dollars ($50.00) at the time of submission. The application fee and any late fee shall be payable only by check or money order payable to the City, and shall be non-refundable.

SECTION 4. Special Event Vendor License Fee.

All persons or entities submitting a Special Event Vendor License application shall remit an application fee of Seventy-Five Dollars ($75.00) at the time of submission. A late fee of Fifty Dollars ($50.00) per application shall be remitted with all applications submitted within ten (10) days of the first day of a special event. The fees shall be payable only by check or money order payable to the City, and shall be non-refundable.

SECTION 5. Street Closing Permit.

All applications for street closing permits to be issued for special events, non-resident sponsored block parties, or any other unusual activity, shall cost Fifty Dollars ($50.00) per block. This application fee must be posted with the appropriate application no later than seventy-five (75) days prior to the expected first day of the activity. Applications submitted within seventy-five (75) days of the first day of the activity must be accompanied by payment of a Twenty-Five Dollar ($25.00) late fee. The fees shall be payable only by check or money order payable to the City, and shall be non-refundable.

SECTION 6. Rent - Profit Special Events.

All persons or entities conducting a Profit Special Event wholly or partially on property which is owned, leased or maintained by the City shall pay daily property rent as required by the Committee and listed on Exhibit "A" attached hereto.

SECTION 7. City Personnel Cost Recovery - Profit Special Events.

In addition to rent, each sponsor or producer of a Profit Special Event shall reimburse the City an amount equal to all personnel costs for services provided by all City departments, including but not limited to costs for public safety, public health, sanitation, and Department of Public Property personnel.

SECTION 8. City Equipment Cost Recovery - All Events.

Each sponsor of a Profit or Nonprofit Special Event shall pay rental fees in advance for any and all equipment provided by the City to the event. Such fees shall be as listed on the Schedule of Equipment attached hereto as Exhibit "B", as the same may be amended from time to time.

Following the conclusion of an event, the sponsor shall pay the City for the repair and/or replacement costs (as determined by the City in its sole discretion) of equipment that is not returned or returned in an unacceptable condition (reasonable wear and tear excepted).