



## **SUSSEX COUNTY SPECIAL EVENT & PUBLIC SAFETY SERVICES POLICIES AND PROCEDURES**

Adopted: September 18, 2018

### **1.0 RESPONSIBILITY**

1.1 The Planning & Zoning Department (the “Department”) in conjunction with the Special Operations Coordinator shall be responsible for the administration of these Policies and Procedures (“Procedures”). There are two components to this process: A) Department approval under the Sussex County Zoning Code and B) Public Safety Services coordination. Events that do not require Department approval for the reasons outlined in these Procedures may still require Public Safety Services coordination. In either case, the applicant shall submit the Special Event Application which will lead to a determination if only Public Safety Services coordination is required.

### **2.0 DETERMINATION OF APPLICATION AND PROCESS**

2.1 A Special Event Application shall be filed with Sussex County if: The event is held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site.

2.2 If the event is for a purpose that is consistent with the permitted use and usual occupancy of the premises or site, a Special Event Application is not required. Examples of such consistent uses include, but are not limited to, events that occur on a property owned and occupied by a volunteer fire company, veteran’s organization, religious organization, charitable organization or fraternal society. Events held on private property for personal enjoyment and not for

business or commercial uses (and without admission charges) shall not require a Special Event Application. Events that occur on land owned by the United States of America, the State of Delaware, Sussex County, Municipalities and Schools shall not require a Special Event Application. However, the foregoing uses and locations may still require compliance with the Public Safety Components of these Procedures for the planned use.

2.3 Once an application for a new or modified event is submitted, it will be reviewed by the Department in conjunction with the Special Operations Coordinator and in accordance with the requirements of the Sussex County Zoning Code and these Procedures.

### **3.0 SPECIAL EVENT PERMIT APPLICATION AND PROCESS**

3.1 Special Event Application: Applicants for Special Events (the “Applicant”) shall complete the application form and provide all of the relevant event information specified in the application form. Any additional information deemed necessary by the Applicant or Sussex County should be provided as an addendum to the application.

3.2 Special Event Application (Public Safety Services only): Applicants for Special Events seeking Public Safety Services (EMS and/or EOC) shall complete the application form and provide all of the relevant event information specified in the application form.

3.3 The application process involves the following steps:

**Step 1 – Application Submittal:** The Applicant completes a Special Event Application and any addenda and submits it for review and processing with the County. The Special Event Application must be submitted a minimum of sixty (60) days prior to the date of the proposed event to allow adequate review time. Events proposed to occur annually shall require new Special Event Applications every

year. The Special Event Application shall designate an “Event Coordinator” as the contact person for all communications with Sussex County.

**Step 2 – Initial Review:** The County shall review applications to determine if all necessary information is provided. Applications seeking Public Safety Services (EMS and/or EOC) will be reviewed using the same application form. The County shall forward the Special Event Application information to the relevant State support agencies for the agencies’ information. It is the Event Coordinator’s responsibility to acquire all necessary State agency approvals.

**Step 3 – Review Process:** The County shall review the Special Event Application and determine if the event can be accommodated and/or whether the event requires a Special Event Permit or another form of approval, such as a Conditional Use.

**Step 4 – Notification to Applicant:** The County shall notify an Applicant of the decision in writing a minimum of thirty (30) days prior to the date of the proposed event.

**Step 5 – County Council Notification:** The Planning & Zoning Department shall notify the County Council of approved events.

**Step 6 – Payment of Services:** All payment for Public Safety Services shall be due thirty (30) days after the final day of the Special Event. Note that non-payment for services shall be taken into account when considering Future Special Event Applications by an Applicant or for the same location.

#### **4.0 SPECIAL EVENT PERMIT – PUBLIC SAFETY FEES & CHARGES**

4.1 No fee shall be assessed for the Special Event Application and Permit other than any fee associated with the Public Safety Services.

4.2 The Sussex County Public Safety Departments, including the Emergency Medical Services (Paramedics) and the Emergency Operations Center (911 Dispatchers) will calculate the fees required for their services. An estimate shall be provided to the Event Coordinator within thirty (30) days prior to the event.

4.3 Fees are determined based on a flat fee schedule, depending on the type of event and duration/participation level. There is a two-hour minimum for each Public Safety staffer assigned to the event. The calculation of the fees is based on the following:

Public Safety Provider	Fee Rate
EMS-Paramedic	\$60.00/hour/paramedic
EOC-Dispatcher	\$40.00/hour
EOC-Mobile Command Unit	\$40.00/hour

4.4 Fees are applied from the time the Public Safety Team reports to the station until the time they complete the Special Event assignment.

4.5 EOC-Mobile Command Unit fees are applied from the time the command unit is activated on-site until it is deactivated.

4.6 In the event the Public Safety Team is unable to attend the event, then all fees will be returned or cancelled. If the event is cancelled prior to the Public Safety Team arrival, all fees will be returned or cancelled, subject to costs incurred by the Public Safety Team for mobilization for the Special Event.

## **5.0 PUBLIC SAFETY SERVICES**

5.1 The Special Operations Coordinator shall review the Special Event Application and discuss the request with the Event Coordinator.

5.2 The Special Operations Coordinator in conjunction with the EOC Director shall:

- 1) Determine if the event requires additional SCEMS and/or EOC coverage beyond the on-duty personnel.
- 2) Determine the appropriate level of staffing and equipment associated with the coverage.

- a) The Special Operations Coordinator will make the determination based on the following:
  - (1) Type of event
  - (2) Anticipated attendance
  - (3) Duration of the event
  - (4) Event location
  - (5) Weather
  - (6) Available Resources (e.g. vehicle, equipment, staffing)
  - (7) Proximity to the hospital
  - (8) History of previous events
  - (9) Special request of event planner
- 3) Determine the appropriate costs associated with the coverage.
  - a) The Special Operations Coordinator will make the determination as follows:
    - i) Event Purpose
      - (1) Unpaid Coverage will generally apply when:
        - (a) There is no charge for the public to attend the event;  
and
        - (b) The event is organized by a non-profit organization (defined by the IRS); or
        - (c) The event is considered a community event or a public education event.
      - (2) Paid Coverage will generally apply when:
        - (a) There is a charge for the public to attend the event; or
        - (b) The event is organized by a for-profit organization; or
        - (c) Any resulting profit is not going back into the community or the community organization; or

(d) Total anticipated attendance for the entire event is at a level that on-duty personnel cannot adequately cover.

- a. The Special Operations Coordinator and EOC Director (or designee) will determine if a Dispatcher and/or Mobile Command Center coverage is necessary.
- b. The Special Operations Coordinator will determine if the special event coverage requires a contract or memorandum of understanding (MOU).
- c. The Special Operations Coordinator will create a contract and/or MOU and ensure that it is signed by the Event Coordinator fourteen (14) days prior to the event.
- d. Once the contract and/or MOU is signed the Special Operations Coordinator will secure staffing.

5.3 The Special Operations Coordinator shall notify the jurisdictional fire company and ambulance company (if separate) of the Special Event. The jurisdictional fire company and, if separate, the jurisdictional EMS Captain will be encouraged to contact the Event Coordinator to discuss the appropriate level of fire/ambulance coverage, any associated costs, and any other special requests.

## **6.0 SPECIAL EVENT PERMIT DECISION CRITERIA**

6.1 When deciding whether to approve, approve with conditions, or deny a Special Event application, the County shall consider the criteria set forth in the Sussex County Zoning Code in accordance with the following event factors:

- 1) Can be shown to function safely.
- 2) Allows the County and State to maintain reasonable police and fire protection to all areas of the County.
- 3) Causes no irreconcilable interference with previously approved and/or scheduled construction, maintenance, or other activities within the

surrounding areas.

- 4) Causes no unacceptable impacts to neighboring residents, businesses, and property owners.

## **SPECIAL EVENTS QUICK REFERENCE**

### **Why do I need to apply for a permit for my special event?**

The permit process allows the County to review the event to ensure it is permitted under County Code. It also allows the County to oversee events in the interest of public health, safety, and welfare and schedule adequate services such as paramedics and 911 dispatchers. The permit process allows the County to alert other support services, such as the fire and ambulance companies, police, and DelDOT of the special event.

### **What events may require a Special Event Permit?**

A permit may be required for a special event of a certain size and nature held outdoors or within a temporary structure or in a location that is for a purpose different from the permitted use and usual occupancy of that location.

### **What type of events are exempt from Planning and Zoning Department approval under the Sussex County Zoning Code?**

- Any event held inside the boundaries of a town or city in Sussex County.
- Any event held on public property such as federal, state or county owned land, or on land owned and occupied by a school.
- Any event sponsored by a town, city, or chamber of commerce and held within the boundaries of a town or city in Sussex County.
- Any event held at a location or in a facility that is customarily used for said events, such as athletic events in a stadium or on fields or receptions and parties at a commercial venue.

- Any event held on private property that involves a customary and temporary private event such as a wedding, family gathering, or party, when such an event is not held for business or commercial purposes.
- Any event held at a location and facility that is customarily used for events involving the gathering of people, such as, volunteer fire companies, veteran's organizations, religious or charitable organizations, or fraternal societies.

### **How many days am I permitted to hold my special event?**

The Special Event Permit only allows up to three (3) days of operation in one calendar year on any single property. Operation is defined as the event is open for business, or entry to the event is permitted, or entry tickets are required, etc. Days required for set-up and tear-down for the event are not included in the days of operation limit. The property shall return to its normal and customary use within seven (7) days after the last day of operation.

### **If a Special Event Permit is denied, what other options do I have to host my event?**

Proper County approval is required prior to hosting a qualified special event. If a Special Event is not approved, that denial can be appealed to the Sussex County Board of Adjustment. However, aggrieved applicants should be aware such an appeal can be time consuming. Additional permission can come in the form of an approved Conditional Use or an approved Change of Zone. These approvals require an affirmative vote from the County Council (among other requirements) and require significant time and effort to receive, therefore applicants should plan accordingly.



### **How do I obtain a permit for my special event?**

A Special Event Application must be completed to begin the permit review process. The Application is available from the Sussex County website or at the Planning & Zoning Department. Applications are required sixty (60) days prior to the special event.

### **What if I only seek to obtain Public Safety Services?**

To request Public Safety Services, an applicant must fill out the Special Event Application and the Special Operations Coordinator will contact the Event Coordinator to review the Public Safety Services request.

### **What if I do not know if I should request Public Safety Services?**

If you have any questions about the need for Public Safety Services, contact the Special Operations Coordinator at 302.854.5255.

### **Do I need to provide proof of insurance?**

No, the County does not require or regulate insurance coverage. Insurance coverage is encouraged but is a decision of the Event Coordinator.

### **What other approvals are required to hold my special event?**

Each event varies and the Event Coordinator is responsible for acquiring all necessary approvals from any agencies with jurisdictional authority over the proposed event. Sussex County only reviews the event for consideration of the zoning requirements and public safety coverage. All other requirements, such as police, transportation, public health, alcohol, agriculture, natural resources, fall under the purview of other jurisdictions.

**Does Sussex County coordinate their review and approval with other agencies with jurisdictional authority?**

Yes and no. To ensure an agency is aware of an event taking place in Sussex County, the County does send a courtesy copy of the Special Event Application to support agencies. Depending on the nature of the event, the County will contact and coordinate coverage with its public safety partners, including the local fire company, ambulance company, Delaware State Police, and DelDOT, as may be appropriate.

Nonetheless, it is the Event Coordinator’s responsibility to receive all agency approvals prior to the event.

**How do I obtain contact information for the support agencies?**

Common agencies used for special events are listed below with contact information:

AGENCY	PHONE	EMAIL
Del. Alcoholic Beverage Control	302.577.5222	
Del. Fire Marshal	302.856.5298	
Del. Division of Public Health	302.515.3300	
Del. State Police	302.672.5460	<a href="mailto:DSPPayJobAdmin@CYAUSA.com">DSPPayJobAdmin@CYAUSA.com</a>
Del. Dept. of Transportation	302.760.2080	<a href="mailto:DOT_SpecialEvents@STATE.DE.US">DOT_SpecialEvents@STATE.DE.US</a>

**I am not sure if my event needs the permit, it is pretty small. Must I fill out this application?**

If you are not sure the event needs a permit, contact the Planning & Zoning Department (302.855.7878). Staff may be able to assist you with determining the need.

**What happens after I send the application to the Department? When will I be contacted?**

After your completed Special Event Application is received, Sussex County will verify receipt.

**DEFINITIONS**

**Annual Event** – An event recurring each year on approximately the same date which has previously complied with the permit requirements of the County Code.

**Applicant** – The person or group legally responsible for the special event.

**Conditions** – Requirements for event sponsors.

**Department** – The Sussex County Department of Planning and Zoning.

**Event Participants** – People in attendance at an event, including spectators, vendors, event staff, County staff, and all others present for the purpose of the event.

**Event Coordinator** – The authorized agent of the Applicant who is the primary contact for the special event.

**Public Safety Services** – Services provided by Sussex County employees including the Emergency Medical Services (Paramedics) and the Emergency Operations Center (911 Dispatchers).

**Special Operations Coordinator** – The Sussex County Employee responsible for the coordination of the Public Safety Services required or requested for a Special Event.

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