

ORDINANCE 2026-002

Amend Town Code Chapter 34

WHEREAS, the Town Council of the Town of Kilmarnock desires to amend Chapter 34 of the Town Code to add provisions regarding holding Spontaneous Events in locations that utilize streets, sidewalks, and public spaces within the Town boundaries; and

WHEREAS, the Town Council has considered and discussed this topic since early 2025, and the Streets Committee recommended passage of this Ordinance 2026-002 to Council on April 6, 2026; and

WHEREAS, the Town advertised its desire to adopt Ordinance 2026-002 in the Rappahannock Record on April 9 and 16, 2026; and

WHEREAS, Town Council held a public hearing on April 20, 2026 to receive public comments on this Ordinance 2026-002.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF KILMARNOCK, VIRGINIA that:

1. Town Code Chapter 34 is hereby amended by adopting Section 34-11 – Spontaneous Events as follows:

Sec. 34-11 – SPONTANEOUS EVENTS

(a) – Introduction and Purpose

Pursuant to authority of Kilmarnock Charter §§56 and 71, the Town Council adopts rules for the orderly conduct of spontaneous events in public spaces within the town. The purpose of these rules is to ensure the health, safety and welfare of applicants, attendees, visitors, residents, business owners and employees of the town through reasonable administration during use of public spaces for free speech and public assembly. To this end, and not to abridge the rights of any person, the town hereby adopts reasonable regulation of time, place and manner of holding such events.

(b) - Definition

Spontaneous Event. Any organized activity, involving 21 or more people, occurring on public property, streets, sidewalks, or in public spaces within the Town involving exercise of free speech and/or public assembly regarding a matter of public interest which occurred in the previous 14 days or which will occur in the subsequent 14 days.

(c) - Permit Required

It shall be unlawful for any person to sponsor, organize, direct, lead or participate in any Spontaneous Event unless a town permit has been granted to hold such Spontaneous Event. (However, this division shall not apply to funeral processions or official government ceremonies.)

All applicants shall complete an application for a Spontaneous Event permit, the terms of which are found on the town's Spontaneous Event application form which may be amended from time to time. The town shall respond to a completed application within two business days.

Applications shall be assessed for health, safety and welfare issues by town staff. Applicants applying to conduct Spontaneous Events may be restricted as to time, place and manner based on the proposed size of the Spontaneous Event, any health, safety or welfare issues and whether other activities are planned for the same date.

Objective criteria shall be taken into consideration by the town in determining whether to issue a permit, namely length of time of Spontaneous Event, number of participants, preferred date, time and location, and whether there are other events scheduled on the same date. These must be analyzed by staff in the context of health, safety and welfare concerns of the town, and the Town Manager may determine whether the application meets the objective criteria.

If a permit is granted by the town, the applicant shall be solely responsible and legally liable to clean and repair any damages that occur as a result of holding the Spontaneous Event.

The application form is posted on the town website, together with instructions, and the details of these may change from time to time.

(d) - Processing of applications and disposition of permits

The town may deny any application based on the objective criteria, or designate an alternate time, place or manner for the Spontaneous Event if the objective criteria suggest that the preferred date, time, place or manner could pose risk of health, safety or welfare concerns.

The town may immediately revoke any permit for a Spontaneous Event, before or during the Spontaneous Event, by giving actual notice via email, text, telephone or in- person to the applicant listed on the permit, if any aspect of the application contents is incomplete, false, misleading, omitted or changed,.

The town may immediately revoke any permit for a Spontaneous Event, before or during the Spontaneous Event, by giving actual notice via email, text, telephone or

in-person to the applicant, listed on the permit, if such event results in violation of town ordinances or other applicable law.

Should a Spontaneous Event permit be revoked, the applicant and applicant contacts named on such permit may not apply for a Spontaneous Event permit for a period of six (6) months from revocation.

2. This Ordinance 2026-002 is effective upon passage.

Certification

I, Shawn Donahue, Mayor, do hereby certify that the foregoing Ordinance 2026-002 was adopted at a meeting of the Town Council held on April 20, 2026 at which a quorum was present and voting. The vote was as follows:

Yea _____ Nay _____

Mae Umphlett, Vice Mayor
Michael Bedell
Alice Cooper
Matt Cunningham
Rebecca Tebbs Nunn
Cynthia Scott

Shawn Donahue, Mayor

Attest: _____
Cindy Balderson, Town Clerk