



**Town of Smithfield  
 Planning Department  
 P.O. Box 761 or  
 350 East Market Street  
 Smithfield, NC 27577**

## Temporary Use Permit Application

**TYPES OF EVENT**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                          |
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| <input type="checkbox"/> Special Event<br><input type="checkbox"/> Town recognized event _____<br><input type="checkbox"/> Over 100 people in attendance<br><input type="checkbox"/> Live Band or Amplified Sound _____<br><input type="checkbox"/> Requires closure or blockage of Town Street<br><input type="checkbox"/> Involves Food Trucks<br><input type="checkbox"/> Requires Security (potential safety, security concerns)<br><input type="checkbox"/> Involves structures larger than 200 square feet and canopies larger than 400 square feet.<br><input type="checkbox"/> Involves Town park property<br><input type="checkbox"/> Involves Fireworks | <input type="checkbox"/> Modular Office Units.<br><input type="checkbox"/> Emergency, construction and repair residence.<br><input type="checkbox"/> Temporary storage facility (portable storage unit)<br><input type="checkbox"/> Sale of agricultural products grown off-site<br><input type="checkbox"/> Sale of Fireworks<br><input type="checkbox"/> Other (please describe) _____ |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Name of Event _____	Location of Event ( <b>exact street address</b> ) _____
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Applicant name \_\_\_\_\_ E-mail address \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

Phone number \_\_\_\_\_ Event date \_\_\_\_\_

Event start time \_\_\_\_\_ Event end time \_\_\_\_\_

Event set up time \_\_\_\_\_ Event cleanup time \_\_\_\_\_

Sound amplification Hours \_\_\_\_\_ Will food or goods be sold? \_\_\_\_\_

# Food Trucks if applicable \_\_\_\_\_ **(requires valid permit for a Mobile Food Unit, NC Sales and Use Certificate, NC Department of Agriculture Permit, and/or ABC Permit, if applicable)**

Security agency name & phone, if applicable: \_\_\_\_\_

Will any Town property be used (i.e., streets, parks, greenways)? \_\_\_\_\_

If any Town streets require closure, please list all street names. \_\_\_\_\_

Are event trash cans needed? \_\_\_\_\_ How many? \_\_\_\_\_

I hereby certify that the information contained in this application is true to the best of my knowledge and I further certify that this event will be conducted per all applicable local laws. I certify that I have received the attached information concerning the regulations for Temporary Uses. I certify that I have notified all adjoining property owners of the planned temporary use.

\_\_\_\_\_  
 Applicant's Name (print)                      Signature                                              Date

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Method of Payment: Cash** \_\_\_\_\_ **Check#** \_\_\_\_\_ **Credit Card** \_\_\_\_\_ **Amount \$** \_\_\_\_\_

**Completed applications should be submitted to the Town of Smithfield Planning Department at least 4 weeks prior to the event.** Email applications to [julie.edmonds@smithfield-nc.com](mailto:julie.edmonds@smithfield-nc.com) or drop them off in the Planning Department. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

## TEMPORARY USE PERMIT PROCEDURES AND SUBMITTAL REQUIREMENTS

The Town of Smithfield requires a Temporary Use Permit, approved by the Planning Department, or the Town Council for various uses. The applicant should contact Town departments directly to make arrangements for public safety personnel or Town property for the event. A list of departments and phone numbers are located below. Failure to make timely arrangements may cause denial of the permit if the Town feels the public health or safety may be affected, or that inadequate steps have been taken to insure that no property damage will be done to Town property. **Property owner notification is required for all types of events.** Attach a signed and notarized affidavit verifying that all adjoining property owners have been notified of the date, time, and description of this event. If the notification was in written form, attach a copy of the letter delivered to adjoining property owners.

**The Smithfield Fire Department shall be contacted for carnivals, fairs, tents and membrane structures larger than 200 square feet and canopies larger than 400 square feet.**

Events taking place on public streets, in public parks (if in parks, contact Smithfield Parks and Recreation at 919-934-2148). Please provide:

- Complete route, including all intersections where assistance will be needed.
- Details of site where event will begin and end, including set up and clean up
- Traffic access on/off site
- Location/number of off-street parking spaces
- Restroom facilities and trash removal
- Location and type of all temporary structures including tents and canopies
- Proposed signs
- Location and number of food trucks if applicable.

Events taking place at one site. Please provide:

- Location and type of all temporary structures including tents and canopies
- Proposed signage
- Uses on adjacent properties
- Traffic access on/off site
- Location/number of off-street parking spaces
- Restroom facilities and trash removal
- Proposed signs
- Location and number of food trucks if applicable

**Food Trucks** – Food trucks may conduct sales while parked on a public street when the Town Council has approved a temporary street closing or on property owned by the Town for a Town-sponsored or civic event such as a street festival/fair, or Town Council approved special event. The applicant must also submit a copy of a valid permit for a Mobile Food Unit, NC Sales and Use Certificate, NC Department of Agriculture Permit, and/or ABC Permit when applicable, location of approved grease disposal facility, proof of food truck storage location and a copy of the vehicle or trailer registration.

Food trucks must be located at least 100 feet from the front door of any restaurant and outdoor dining area during restaurant business hours and at least 50 feet from any permitted mobile food vending cart location. Additionally, food trucks are prohibited from parking closer than at least 15 feet of any fire hydrant, and closer than 5 feet from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. Food Trucks serving alcoholic beverages shall be no closer than 50 feet from any place of worship. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurants main entrance.

Food trucks may not use audio amplification. Freestanding signage shall be limited to a single sandwich board sign of a maximum height of four (4) feet and a maximum length of three (3) feet. All equipment and signage associated with the

food trucks must be located within three (3) feet of the food truck. The food truck operator is responsible for disposing of all trash associated with the operation of the food truck. All areas within fifteen (15) feet of the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.

**Modular office units** – Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to, and installation at other sites, may be placed on a property to serve as the following, subject to applicable ordinances:

- a) Expansion space for existing churches, health care facilities, and government offices, under specific situations;
- b) Temporary classroom space to augment an existing school facility;

**Emergency, construction and repair residences.** Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to, and installation at other sites, may be placed on a property to serve as the following, subject to applicable ordinances:

- a) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe; and

**Sale of agricultural products grown off-site:** For purposes of this section, locally grown agricultural products are defined as agricultural products grown within the State of NC, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:

- a) As well as locations listed above, the temporary sale of agricultural products may occur from a vacant lot.
- b) The temporary sale of agricultural products is exempt from the requirement to be similar to the products of the principal use.
- c) The temporary sale of agricultural products may be accomplished from a vehicle, trailer or tent, per Section 7.30.3 of the UDO.
- d) The temporary sale of agricultural products shall be allowed only with an annual temporary permit which expires on December 31 of each calendar year.
- e) Signs advertising agricultural products for sale shall be allowed provided that:
  1. One ground sign is allowed facing each road on which the property has frontage;
  2. Signs may be displayed only during the season while agricultural products are actually for sale at the location.
  3. Signs shall not exceed 40 sq. feet in area.

**Sale of fireworks:** The temporary sale of fireworks may be allowed subject to issuance of a temporary use permit pursuant to 7.30.5 of the UDO. The sale of fireworks and other pyrotechnics shall meet all requirements for the temporary sale of non-agricultural goods, except are exempt from the similar product provisions.

**Restrictions on fireworks:** Section 13-13(9) of the Smithfield Code of Ordinances allows an applicant to request the Town to prohibit the possession, discharge, and/or other use of pyrotechnics other than those used for which a lawful permit has been issued. If the applicant checks "yes" on the application, all types of fireworks, including smoke bombs, sparklers, party poppers, etc., sold legally to the public would be banned at the event. If the applicant checks "no," fireworks sold legally to the general public would be allowed while more dangerous fireworks (rockets, Roman candles, and other exploding fireworks) would still require special permits and approvals. If the applicant wishes to ban all fireworks public notification of such prohibition will be the responsibility of the applicant, both prior to and at the event itself.

**Exempt from Temporary Use Permits.** Temporary Use Permits are **NOT** required for the following, but may be subject to the maximum allowable time frames and temporary signage requirements:

- a) Athletic events held at approved sports facilities;
- b) Temporary not-for-profit car washes held on developed sites;
- c) Block parties occurring entirely upon the grounds of a private residence or common area of a multi-family residential development;
- d) Other events with 99 people or fewer in attendance provided there is little likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse effects upon the public health, safety, or welfare;
- e) Private events which are not open to members of the general public typically has a duration of less than 12 hours, and which is not expected to have significant negative impacts on surrounding properties, such as wedding ceremonies, funerals, and private parties, etc.; and
- f) Events which occur or take place entirely within the boundaries of a parcel or parcels which possess development plan approval for such activities, i.e. assembly halls, convention centers, amphitheatres, or event centers, etc.

- g) Sale of Goods Other than Agricultural Products in accordance with UDO Section 7.30.3.
- h) Real estate sales offices and model sales homes in accordance with UDO Section 7.30.2
- i) Temporary construction offices on construction site with an approved site plan in accordance with UDO Section 7.13

**Town-recognized events:** These are defined as events which is in part, or wholly, sponsored by the Town, recognized by the Town, or proclaimed as a Town-recognized event by the Town Council. Such events shall include only those listed on the Town-recognized Event List as maintained by the Town Clerk. The Town-recognized Event List may be amended as needed by the Town Council. The event sponsors are required to complete temporary use permits and are subject to the maximum allowable time frames, temporary signage requirements, and specific regulations as listed in Section 7.30 of the UDO.

**Restrictions on Animals:**

Section 4-7 of the Smithfield Code of Ordinances allows that the applicant, for approval of an event, may request that animals not be permitted within the boundaries and confines of the event, with the exception of guide dogs and animals used in the event itself. Upon approval of the request by the Town Manager, responsibility for giving proper notice to the public will rest with the applicant, both in pre-event advertising and through notices posted at the event itself.

**Working with various Town Departments:**

While the application will be forwarded to the necessary departments for their review, the applicant may need to contact various Town departments directly to make arrangements to utilize Public Safety personnel or Town property for the event.

**Police Department:** Call 934-2121 to arrange for police assistance in traffic control, parking direction, route layout, etc. If Smithfield police officers will be needed, whether off- or on-duty, arrangements must be made no less than four weeks prior to the event.

**Emergency Services: (Fire or EMS Division)**—Call 934-2468 to apply for fireworks sales permits, public fireworks display permits and tent permits **ONLY IF** any **one** single tent is over 200 square feet and any **one** single canopy is over 400 square feet. Or to arrange for rescue squad personnel or equipment to be present at your event

**Permits and Inspections:** Call 934-2116 ext. 1111 to apply for temporary use permits. The application is also located at [www.smithfield-nc.com](http://www.smithfield-nc.com) in the Planning Department section under printable forms and documents.

**Public Works:** Call 934-2596 to arrange for barricades, trash and/or rubbish removal by the Town, including arrangements for dumpsters.

**Parks and Recreation:** Call 934-2148 to arrange for use of Town property, such as Town Commons Stage, Parks or Greenway.

**Town Recognized Events List**

Through this approval and future ordinance amendments, Temporary Use Permits will be required; however, no fees will be associated with the permit applications submitted for events on the Town Recognized Events list. Requiring permits will reduce scheduling conflicts and will facilitate better internal communication and coordination among Staff.

The following list includes those events that are recognized by the Town of Smithfield as “town recognized events.” This list may be amended as required only by action of the Town Council.

- Ham and Yam Festival
- Ava Gardner Festival
- Tree Lighting
- Christmas Parade
- Town Board Events
- DSDC Events
- Fireworks
- Endless Yard Sale

While exempt from temporary use fees and sign permits, accepting any of these events as town-recognized would not exempt them from Police or Fire Department regulations or building permit requirements, if necessary. This list is maintained in the Town Clerk’s office and may be amended only through Town Council action.

## **Special Events**

Any organized event, specifically including, but not limited to, a circus, carnival, cultural event, fair, party, communal camping, or celebration, which reasonably may be expected to attract more than 100 persons at any one time, or which otherwise may reasonably be expected to increase the risk of:

- Damage to public or private property, beyond normal wear and tear;
- Injury to persons;
- Public or private disturbances or nuisances;
- Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
- Significant additional police, fire, trash removal, maintenance, or other public services, demands; or
- Other significant adverse effects upon the public health, safety, or welfare

The term "special event" shall not include any organized activities conducted at sites and facilities that are legal uses and structures under this Ordinance and that are typically intended and used for such activities. Examples of such activities include, but are not necessarily limited to, sporting events such as 10K runs not held on public right-of-way, golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship; or noncommercial activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.