

# Special event permits in a time of uncertainty...to issue or not to issue?

By Robin Aronson

As summer makes its debut during this time of COVID-19, many members are receiving applications for special event permits for events that may or may not be able to take place. It's difficult to approve and issue a permit for a strawberry festival or boat race to take place in July or August when it's unknown if your agency will be in phase 1, 2, 3, or 4 and possibly operating under a state, federal, or local order that prohibits such activity. For smaller events that don't require extensive planning, some applicants may be satisfied with waiting a bit. For events that involve significant cost and complex and lengthy planning, asking an applicant to wait on a decision or wait to submit an application may be met with frustration and opposition.

What to do! Some members during the phase 1 period are simply not accepting applications or processing applications for special event permits. Other members are issuing special event permits with a caveat, by using a legal disclaimer, that provides if the time comes for the event and it's not allowed by state or local order, that the permit is effectively invalid, and the event cannot take place. Whichever route your agency decides to take, to issue or not to issue, members must act consistently, and follow their agency's special event policies and ordinances.

WCIA has sample disclaimer language that can be used for those circumstances where a member is inclined to issue a permit despite uncertainty that the planned event can take place on the requested date(s). The disclaimer language can be added to the permit or used as a standalone document. The disclaimer has optional language that can be used to address responsibility for fees incurred by the permit requestor due to cancellation.

Members are advised to consult with their agency attorney regarding use of disclaimer language. Please see below for the sample disclaimer.

The Risk Services staff are available to answer questions about special events!

## **SAMPLE**

### ***[with optional language regarding cancellation fees]***

#### **DISCLAIMER/CONDITION FOR SPECIAL EVENT PERMITS DURING PUBLIC HEALTH CRISIS RESULTING FROM COVID-19**

The issuance or granting of this permit shall not be construed to be a permit for, or approval of, any violation of any ordinance or order of the **[insert: City/Town]**, of any state or federal law, or of any order, proclamation, guidance advice or decision of a local health officer or the Governor of this State. To the extent the issuance or granting of this permit is interpreted to allow activity during any period of time when such activity is prohibited or restricted by any state or federal law, or order, proclamation, guidance advice or decision of a local health officer or the Governor of this State, this permit shall not authorize such activity and shall not be valid. The **[insert: City/Town]** is authorized to suspend or revoke this permit if it is determined to be issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any **[insert: City/Town]** ordinance, regulation or order, state or federal law, or any order, proclamation, guidance or decision of a local health officer or the Governor in existence on the date the event is scheduled to take place.

#### **[optional language to insert re cancellation fees]:**

The **[insert: City/Town]** is not responsible for any loss of money, resources or damages incurred by the permit requestor or vendors as a result of suspension or cancellation of this permit based on requirements of any **[insert: City/Town]** ordinance, regulation or order, state or federal law, or any order, proclamation, guidance or decision of a local health officer or the Governor in existence on the date the event is scheduled to take place.

I have read the above disclaimer/condition for issuance of this special event permit, I understand it, and I agree to the disclaimer/condition as stated.

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PRINTED NAME

SIGNATURE

DATE