

Chapter 3

SPECIAL EVENTS

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3-3-1: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings herein prescribed:

APPLICANT: The person, or group of people, who is or are the organizer(s) of a special event and with whom the responsibility for conduct of the event lies. The "applicant" signs the special events license application and all other documents relevant to the event. If an organization intends to sponsor a special event, an individual shall represent the organization and act as the "applicant".

CONCESSION: A privilege to sell food, beverages, souvenirs, gifts, artwork or copyrighted or event memorabilia and general merchandise at a licensed event.

FEES: Charges assessed by Brian Head Town for staffing, inspections, public employees, or public equipment assessed to an event and established within the special event licensing process.

LICENSEE: The "applicant", as defined in this section, becomes the "licensee" when the special event license is signed and issued by the Licensing Officer, upon meeting all the criteria in this chapter. As the license holder, the licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights and insurance liabilities connected with the licensed event.

VENDOR: Any person, group or business that transacts business within the town limits on a temporary basis during a special event. (Ord. 08-017, 8-26-2008)

3-3-2: LICENSE REQUIRED:

It is unlawful for any person to conduct a special event with or without charge for admission, on public or private property a special event license for the specific event and its venue. All licenses issued pursuant to this chapter are nontransferable and expire at the completion of the given event or upon revocation, whichever is earlier. (Ord. 08-017, 8-26-2008)

3-3-3: RENEWAL OF LICENSES:

Licensees under the provisions of this chapter who successfully operate a special event under the provisions of this chapter and who wish to have the event on an annual or periodic basis must renew each special event license as provided herein. Events which occur in series, such as concerts, falling under the criteria established in this chapter, must have a special event license which specifically authorizes each concert in the series, even if the same performer is performing on separate occasions. (Ord. 08-017, 8-26-2008)

3-3-4: APPLICATION FOR LICENSE:

- A. Application Submittal: Applications for special events shall be made in writing to the Licensing Officer. Application materials are available at town offices and must be completed and submitted to the Licensing Officer not less than thirty (30) days prior to the scheduled opening of any event, unless otherwise approved by the Town Manager upon a showing of good cause.
- B. Licensing Officer Review:
 1. The Licensing Officer shall review and either approve, approve with conditions, or deny the following applications:
 - a. Applications for new special events; and
 - b. Applications for special events license renewals where material elements of the event have substantially changed from the one year. The Licensing Officer shall review applications for compliance with the standards for license approval described herein as follows:
- C. Staff Review And Recommendation: Upon receipt of a completed special events license application, the Licensing Officer shall review the application for compliance with section [3-3-5](#) of this chapter. The Licensing Officer shall subsequently return a copy of the application to the applicant with a written decision that approves as is, approves with changes and/or conditions, or denies the application and states the cause for denial. Incomplete applications will be returned to the applicant and noted accordingly. Written notice of the town decision shall be delivered to the applicant within a reasonable time from the date of decision.

- D. Appeal: Any applicant whose application has been administratively denied may appeal the decision to the Hearing Officer by filing a written request to the Town Clerk within ten (10) days of the date of decision. (Ord. 08-017, 8-26-2008)

3-3-5: CONDITIONS NECESSARY FOR LICENSE APPROVAL:

Applications for special events shall be reviewed for compliance with any state, federal and other town ordinances, and the standards provided herein. The Licensing Officer or Town Manager may prohibit or restrict any special event whenever any of the following conditions is found likely to occur, unless the event is modified to eliminate said condition:

- A. The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
- B. The conduct of the event will require the diversion of so great a number of police, fire or other essential public employees from their normal duties as to prevent reasonable police, fire or other public services protection to the remainder of the town.
- C. The concentration of persons, vehicles or animals will unduly interfere with the movement of police, fire, ambulance and other emergency vehicles on the streets, or with the provision of other public health or safety services.
- D. The event will substantially interfere with any other special event for which a license has already been granted or with the provision of town services in support of other such events or governmental functions.
- E. Where applicable, the applicant fails to provide the following:
 - 1. The services of a sufficient number of traffic controllers, signs or other town required barriers or traffic devices, along with a traffic control plan submitted for review;
 - 2. Monitors for crowd control and safety;
 - 3. Safety, health or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;
 - 4. Adequate off street parking, shuttle service, or both, where necessary to minimize substantial adverse impacts on general parking and traffic circulation in the vicinity of the event;
 - 5. Required insurance, cash deposit or other security; or
 - 6. The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

- F. The applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms and conditions of this chapter, or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
- G. The applicant has not obtained the approval of any other public agencies, including the fire department, within whose jurisdiction the event or a portion thereof will occur. (Ord. 08-017, 8-26-2008)

3-3-6: CONFLICTING LICENSE APPLICATIONS:

- A. Criteria: No more than one special event shall be approved for the same date, unless the Licensing Officer or designee finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety and welfare of the town. In making this determination, the Licensing Officer or designee will apply the following criteria:
 - 1. Geographic separation of the events;
 - 2. Proposed time and duration of the events;
 - 3. Anticipated attendance volumes;
 - 4. Necessity for public personnel, equipment and/or transportation services at the events;
and
 - 5. Anticipated traffic and parking impacts.
- B. Resolution; Order, Priorities: When more than one special event application is received for the same date, and the Licensing Officer finds that the events will adversely impact one another, or concurrent scheduling of the events will adversely impact the public hearing, safety and welfare, the licensing officer shall first attempt to reach an agreement among the conflicting applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the licensing officer shall resolve the issue based on the following order or priorities:
 - 1. Historic Usage: Special events where the same applicant has been granted a license under this chapter for use of a particular town forum at a particular date, time and place prior;
 - 2. Governmental Entities: Events planned, organized or presented by state, federal or town governmental entities or their agents shall have priority over conflicting applications if:
 - a. The application is timely filed and processed by the town; and
 - b. Said governmental application is made in good faith and not with the effect or purpose of improperly challenging constitutional rights of conflicting applicants.

3. First In Time Application: If neither subsection B1 or B2 of this section is applicable, or if subsection B1 or B2 of this section does not resolve the conflict, then the first in time application shall be given priority. The conflicting applicant shall be advised of other open dates on the town events calendar. (Ord. 08-017, 8-26-2008)

3-3-7: ADDITIONAL LICENSES NECESSARY:

Where applicable, the applicant/licensee shall provide to the Licensing Officer proof of valid special event temporary liquor or beer license, health department permit, fireworks permit and building permit, as applicable. The licensee must obtain all other permits required by law for any temporary structure constructed under the provisions of a special event license and must pass all inspections as a condition precedent to a valid special event license. Unless otherwise approved by the Licensing Officer or designee, all concessions require a temporary mobile vendor license. (Ord. 08-017, 8-26-2008)

3-3-8: FEES ASSESSED:

- A. Application Fee: All special event vendor applications shall not be assessed a fee. All special event coordinator applications, whether a new application or renewal application, shall be assessed a fee according to the consolidated fee schedule. Special event coordinator application fees are due and payable upon submission of a completed application. Special event coordinator applications shall be considered incomplete unless and until the application fee is paid in full.
- B. Town Service Fees: Upon receipt of a completed special event application, the licensing officer will provide the applicant with an estimate of fees based on estimated costs for town services arising from the event, including, but not limited to, the use of town personnel and/or equipment, town transportation services, inspections and user fees. A final assessment of the town costs will occur upon completion of the special event. All town services fees must be paid in full within thirty (30) days of the final assessment of town costs for the special event.
- C. Financial Security: The Licensing Officer is authorized to require an applicant to post a cash deposit or other security accepted by the town for all estimated contingent costs prior to the issuance of a special event license, as a guarantee against fees, damages, cleanup, or loss of public property. The town shall submit an estimation based on the special events coordinator requests for town services to the special events coordinator prior to the special event. Costs that exceed the estimation given by the town shall be authorized by the special events coordinator for additional costs. (Ord. 08-017, 8-26-2008)

3-3-9: FEE WAIVERS:

- A. Eligibility: The Town Manager may waive the following special event licensing and associated fees, upon a finding of eligibility pursuant to the criteria provided herein:

1. Application fee.
 2. Town shuttle service charges.
 3. Equipment usage above and beyond reasonable use charges.
- B. Request Submitted; Criteria: All fee waiver requests should be submitted to the licensing officer within ten (10) days of the date of application. Fee waiver requests shall be reviewed and approved/denied by the Town Manager. Fee waiver determinations made by the Town Manager may be appealed to the Town Council. Eligibility for a full or partial fee waiver shall be determined by the Town Manager pursuant to the following criteria, none of which shall be individually controlling:
1. For profit or nonprofit status of the applicant;
 2. Whether the event will charge admission fees;
 3. Whether the event is youth oriented;
 4. The duration of the event;
 5. Whether and to what extent the town is likely to receive positive tax benefits by virtue of the event;
 6. The degree of town services involved and whether town costs are likely to be recovered by other revenue opportunities arising from the event;
 7. The season of occurrence; and
 8. Demonstration of hardship by the applicant.
- C. Precedent Not Established: Approval of a fee waiver for any application shall not create a precedent for future requests. (Ord. 08-017, 8-26-2008)

3-3-10: INSURANCE REQUIREMENTS:

In the event that a special event, or any portion thereof, is to take place on any real property owned or leased by the town, or will use any equipment, supplies or personal property owned or leased by the town, or will require the use of any town personnel and employees in their capacity as employees of the town, including emergency and police personnel, or will in any way result in a disruption of any town public right of way or traffic flow, applicants shall provide, upon application for a special event license, proof of liability insurance in the amount of one million dollars (\$1,000,000.00), or more, as may be required by the Licensing Officer, or their designee, and shall further name the town municipal corporation as an additional insured. All applicants shall further indemnify and defend the town from any claim, suit or judgment of liability arising out of injury to person or property occurring at the event, except for any claim, suit or judgment arising out of the sole gross negligence or intentional torts of the town or its employees. (Ord. 08-017, 8-26-2008)

3-3-11: RUNS, WALKS, RACES, FILMMAKING AND PROMOTIONS:

Runs, walks, races, filmmaking, parades, public demonstrations and promotions shall be considered special events, unless such event does not create substantial public impact or require substantial town service. For profit corporation falling under the provisions of this chapter or who are specifically in filmmaking or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of code enforcement. (Ord. 08-017, 8-26-2008)

3-3-12: REVOCATION FOR CAUSE; NOTICE TO CURE:

- A. Notice To Cure: If the Licensing Officer, or any sworn law enforcement officer, determines that the conditions of any license issued pursuant to this chapter have been or are being violated, then notice shall be given to the licensee, sponsor or designated organizer's representative of the special event to cure the violation.
- B. Failure To Cure: It is unlawful for the licensee, sponsor or on site organizer's representative of an authorized special event to fail to take reasonable steps to promptly cure any notice of violation of this chapter. It is also unlawful for any participant or spectator to fail to comply with lawful direction issued by any sworn law enforcement officer or by the licensee, sponsor or on site organizer's representative to cure their violation of this chapter.
- C. Clear And Present Danger: If a sworn law enforcement officer determines, after consultation with the public safety director or the public safety director's designee, that any failure to cure a violation of this chapter creates a clear and present danger of immediate significant harm to life, public safety or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the benefits to the organizers or participants of the special event, the licensee, sponsor or on site organizer's representative of the special event shall be promptly notified that the license is revoked and that the special event must immediately cease and desist.
- D. Violation Of Cease And Desist Order: If a license is revoked as specified in subsection C of this section, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities. (Ord. 08-017, 8-26-2008)

3-3-13: CRIMINAL PENALTY:

Any person who willfully violates any provision of this chapter shall be guilty of a class B misdemeanor. Persons conduct special event license are subject to a class B misdemeanor and the event is subject to closure. Violators are subject to penalty as provided in section [1-4-1](#) of this code. (Ord. 08-017, 8-26-2008; amd. 2010 Code)