Ordinance No. 004-2013

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 7 CHAPTER 7 PARKS AND CITY OWNED PROPERTY BY ADDING SECTION 9 SPECIAL EVENTS.

WHEREAS Providence City desires to govern the time, place, and manner of holding certain special events on City roads, right-of-ways, City property, and on private property within the City when an event's impact upon health, fire, police, transportation, and other services exceeds those regularly provided in the City; and

WHEREAS the City Staff requested a code amendment and the City Council proposed the attached Code which addresses the following:

- Purpose
- Definitions
- Application and Permit Process, Review, Fees, Issuance or Denial
- Insurance Required
- Cleanup Fee Required
- Violation and Penalty

THEREFORE be it ordained by the Providence City Council

- The attached code amendment requested by City Staff shall be approved; and
- This ordinance shall become effective immediately upon passage and posting.

Passed by vote of the Providence City Council this 9 day of July 2013.

Council Vote:

Astle, Dale	(x)Yes ( )No	( )Excused	( )Abstained	( )Absent
Bagley, Bill	(x)Yes ( )No	( )Excused	( )Abstained	( )Absent
Calderwood, Don	(x)Yes ( )No	( )Excused	( )Abstained	( )Absent
Call, Ralph	(x)Yes ( )No	( )Excused	( )Abstained	( )Absent
Russell, John	(x)Yes ( )No	( )Excused	( )Abstained	( )Absent

Signed by Mayor Ronald Liechty this 9 day of July 2013.

Providence City

Ronald Liechty, Mayor

Attest:

Skarlet Bankhead, Recorder

CORPORATE SEAL OF THE CITY OF PROVIDENCE

7-7-9: **SPECIAL EVENTS:**

A. Purpose. It is the purpose of this Section to provide guidelines for special events held within the City, on city property.

B. Definitions. For the purpose of this Section, the following words shall have the following meanings:

Basic City Services	Those services determined in the sole discretion of the city to be necessary to protect the public health, safety and welfare of participants and spectators at any commercially related special event or free expression activity.
City Costs	Any expense incurred by the city, as a result of a commercially related special event or free expression activity except those for basic city services and except for city services specifically budgeted for commercially related special events or free expression activities.
City Services	The provision of city employees or equipment for services related to commercially related special events or free expression activities including police, fire and building inspection services other than those which are determined by the city to be basic city services. City services shall also include the city allowing the applicant or sponsor the exclusive use of city property including the exclusive right to sell merchandise on the property.
Special Event	Any athletic event, commercially related special event, free expression activity, entertainment event or political event, whether held for profit, nonprofit or charitable purposes.
Utilizing a Public Road	Using any portion of a public road or the public right-of-way for an athletic event, entertainment event, political event, or special event.

C. Application and Permit Process. An application for a permit to hold an actual or anticipated assembly of one hundred (100) or more persons shall be made in writing to the City Administrator at least forty-five (45) calendar days in advance of such assembly. Special event application forms may be obtained from the City Office.

1. Exemptions from obtaining a special event permit:
    a. Events not utilizing a public road that are organized by a political party or organization, an established religious organization, family reunions, and school sponsored activities shall not be required to obtain a permit under this Section.
    b. Events held in existing and established recreational facilities, sporting arenas, stadiums, or other similar facilities that have been inspected and approved for the use and safety by the City or any other political subdivision of the State of Utah.
    c. Funeral processions by a licensed mortuary.
    ~~d.~~ Events sponsored in whole by the City or Cache County ~~shall not be required to obtain a permit under this section.~~

2. All applications for special event permits shall be made on a special event permit application form and shall include the following information:
    a. Type and description of event;

b. Name of the sponsoring entity, contact person, address and telephone number;
c. Name of the promoting entity, contact person, address and telephone number;
d. Proposed date(s) of the event, together with beginning and ending times for each date;
e. Proposed location, including a plat or map of the proposed area to be used, including any tents, vending wagons, stages, bleachers, etc., any barricade, street route plans or perimeter/security fencing;
f. Estimated numbers of event staff, participants and spectators;
g. Public health plans, including plans for culinary water supplies, solid waste collections and disposal and wastewater;
h. Fire prevention and emergency medical services plans;
i. Security plans and/or law enforcement response;
j. Admission fee, donation, or other consideration to be charged or requested;
k. Plans for parking; and
l. Signature of applicant.

D. APPLICATION REVIEW.

1. Administrator to Review: The administrator shall review all special event permit applications for completeness. If an application is incomplete, it shall be returned to the applicant with an explanation for why the application is incomplete within seven (7) calendar days.
2. Criteria for Consideration: In reviewing an application, the City shall consider the following:
    a. The impact of the special event on the traffic, security, health and safety of the public, public facilities, surrounding property owners and the plans of the applicant to address such impacts;
    b. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health and welfare of the public and the past history of the applicant in complying with such requirements;
    c. The location and duration of the special event and the City's ability to accommodate the event with the necessary resources and the cost of those resources; and
    d. Other previously approved special events that could cause scheduling conflicts during the same period and cause overextension of the City's resources.

E. Insurance Required.

1. No special event permit shall be issued unless and until the applicant has submitted to the administrator a certificate of insurance, listing Providence City as an additional insured party, on an occurrence policy issued by an insurance company authorized to do business in the state of Utah, showing comprehensive general liability and property damage coverage for the event with minimum limits of one million dollars ($1,000,000.00) for injury or death for one person in any one occurrence; three million dollars ($3,000,000.00) for injury or death for two (2) or more persons in any one occurrence; and five hundred thousand dollars ($500,000.00) for property damage in any one occurrence.
2. The following special events shall be exempt from the insurance requirements set forth in this section:
    a. Political events;
    b. Events sponsored by a religious organization on private property;
    c. School events on school property;
    d. Events sponsored in whole by the county;
    e. Block parties and family reunions; and
    f. Events sponsored in whole by a municipality.

3. In consideration for the issuing of a special event permit, the applicant shall agree to indemnify, save harmless and defend the City, its officers and employees, against any claim for loss, damage or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the special event.
4. By issuing a special event permit, Providence City makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

F. APPLICATION FEES:

1. Each initial application for a special event permit shall be accompanied by a nonrefundable fee as established by the city council to defray the administrative costs of processing the application. The following special events shall be exempt from the application fee set forth in this section but shall be subject to fees of other agencies or departments:
   a. Political events;
   b. School events on school property;
   c. Events sponsored by a religious organization on private property;
   d. Events sponsored in whole by the city;
   e. Block parties and family reunions;
   f. Revenue raising events where the revenue flows to the direct benefit of Providence City government; and
   g. Events sponsored in whole by a municipality.
2. In order to promote, protect and assure the safety and convenience of the people in their use of public streets, public places, and/or private property, the sheriff's office shall coordinate the use of professional peace officers if the special event requires traffic control or police protection. An additional fee may be charged by the sheriff's office to cover the costs incurred. The sheriff's office shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as: the date and time of the event; the event location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format and configuration of the event; and the estimated time for the event. The fee charged for traffic control or police protection shall be paid prior to the issuing of the special event permit.
3. Additional fees may be charged by the Cache County health department, the Logan City Fire Department, licensed EMS providers, or other county agencies for special services, equipment or facilities provided by these agencies. Such additional fees shall be specified at the time the agency approves the special event permit application and shall be paid directly to the agency prior to the issuing of the special event permit.

G. CLEANUP FEE REQUIRED:

1. Each initial application for a special event permit shall be accompanied by a refundable cleanup fee as established by the City council. This fee is to ensure that the property utilized in the City is restored to its proper order after the event. The fee may be refunded in whole or part by the administrator upon a determination by her/him that the event organizers have restored the grounds to their proper state. If the property utilized by the event organizer is not cleaned appropriately, the fee may be used by the City to ensure that city property is cleaned properly. The following special events shall be exempt from the cleanup fee set forth in this section but shall be subject to fees of other agencies or departments:
   a. Political events;
   b. School events on school property;
   c. Events sponsored by a religious organization on private property;
   d. Events sponsored in whole by the City;
   e. Block parties and family reunions; and revenue raising events where the revenue flows to the direct benefit of Providence City government.

H. SPECIAL EVENT PERMIT ISSUANCE OR DENIAL.

1. Providence City reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, safety or welfare, or which may result in unreasonable inconvenience or cost to the public.
2. If an applicant does not comply with the requirements placed upon them through the permitting process, the City reserves the right to deny or revoke any application or permit granted. The City additionally reserves the right to deny any future applications for noncompliance with the terms and conditions of granting a prior special event permit.
3. A denial of the application for a special event permit may be appealed to the Providence City Council.

I. VIOLATION AND PENALTY. A violation of this chapter shall be a class B misdemeanor. The Cache County sheriff's office, in its discretion, may stop an event which has been issued a permit and/or may issue citations where event staff or participants violate other state statutes, county or City ordinances, terms or conditions specified in the application, and including, but not limited to, traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.