

ORDINANCE NO. 1182

AN ORDINANCE OF THE DRAPER CITY COUNCIL
AMENDING SECTION 6-17 OF THE DRAPER CITY
MUNICIPAL CODE REGARDING SPECIAL EVENTS

WHEREAS, the Draper City Council wishes to have a fair and concise policy regarding special events, and the permitting of events that take place within Draper City, and;

WHEREAS, Title 6 Section 17 of the Draper City Municipal code had become outdated and did not fully address all the needs for Draper City regarding special events

WHEREAS, the City Council finds it in the best interest of the City to protect City owned assets as well as recoup actual costs of staff time and resources; and,

WHEREAS, in respect to the general public and the ease of understanding procedures for obtaining a special event permit, several sub-sections of the code needed to be amended, and;

WHEREAS, Title 6-17 did not include many needed items, or was too “vague” or “grey” as to clearly define intent, it needed to be amended, and;

WHEREAS, the City Council feels a need to keep up with the ever increasing use and demands for events in Draper City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Approval. The City Council hereby amends and adopts 6-17 of the Draper City Municipal Code to read as shown in Exhibit “A” attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Resolution is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable..

Section 3. Effective Date. This Resolution shall become effective upon passage.

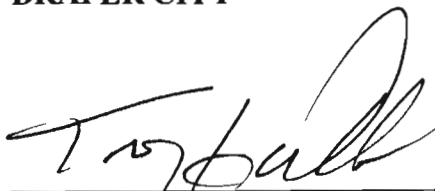
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 12th DAY OF JANUARY, 2016.

ATTEST:




Rachelle Conner, MMC, City Recorder

DRAPER CITY



Mayor Troy K. Walker

EXHIBIT "A"

Special Event Ordinance

6-17-010: PURPOSE:

The purpose of this chapter is to establish permit requirements for special events. The permit requirements and other regulations in this chapter are designed to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues that may occur as a result of the special event. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for lawful time, place and manner regulations necessary to protect the public health, safety and welfare.

6-17-020: SCOPE:

This chapter imposes regulatory requirements on certain activities that are defined as "special events". The requirements imposed by this chapter do not alter, supersede or nullify any requirements contained in other federal, state or local statutes, ordinances, or regulations that may also regulate special events. These requirements shall be applied in a content neutral manner and without discrimination as to race, sex, national origin, political affiliation, or other unlawful discriminatory classification.

6-17-030: DEFINITIONS

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling, or skating, on any city street or sidewalk or other city property.

BLOCK PARTY: An outdoor party put on by residents of a neighborhood that requires closing down a city street, sidewalk, or other city property.

CITY EVENT: A special event that is organized and operated by the city, whether directly or by contract with a third party operator.

ENTERTAINMENT EVENT: An organized event having its primary purpose the entertainment or amusement of a group of people, including, but not limited to, parades, festivals, carnivals, fairs, concerts, or similar activities on any city street or sidewalk or other city property.

FILMING EVENT: Filming of a media broadcast (other than for news purposes), filming of a motion picture or television broadcast, or still commercial photography, in any case involving more than four (4) human participants.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of products including but not limited to, displays and exhibitions, farmers markets, craft fairs, outdoor sales, tent sales and other similar activities.

PERSON: Includes an individual, corporation, partnership, association, or other entity whether public or private.

POLITICAL EVENT: An organized event involving the preplanned participation of more than fifty people, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speechmaking, picketing, protesting, marching, demonstrating or debating public issues, on any city street or sidewalk or other city property.

PUBLIC FORUM: City roads, sidewalks, rights-of-way and city property that has by tradition been used by the public for assembly and expression, or city property that has not traditionally been open for public assembly and debate but that the city has opened for use by the public as a place for assembly and expression.

SPECIAL EVENT: Any athletic event, entertainment event, filming event, block party, political event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.

SPONTANEOUS EVENT: A special event that is occasioned by news or affairs coming into public knowledge fewer than fourteen (14) days before the special event.

6-17-040: SPECIAL EVENT PERMITS:

A. Permit Required: It is unlawful to hold a special event without first obtaining a special event permit and complying with all other city ordinances, including but not limited to obtaining a single event business license, if applicable.

B. Exceptions: A special event permit shall not be required for the following events. However, any event exempted herein from the provisions of this chapter may request the assistance provided through the permitting process by submitting a complete application, including payment of all necessary fees, for a special event permit.

1. Gatherings, demonstrations, or protests of fifty or fewer people who gather at a public forum to

exercise their constitutionally protected rights under the First Amendment of the United States Constitution.

2. Spontaneous events held at a public forum.
3. Use of sidewalks, trails, or other pedestrian pathways as a means of transportation of a group to or from an event or activity or for travel from place to place which do not require the use of Draper City public safety personnel.
4. Activities or events within a structure or on a site for which the structure or site were specifically designed, including, but not limited to:
 - a. School sports, activities or events, on school property, regardless of public or private schools, sponsored or sanctioned by the Utah High School Activities Association (UHSAA) or the school district in which the school is located;
 - b. Meetings or gatherings as a part of the normal course of business; or
 - c. On site school programs or activities for the attendance of students, relatives, and guests which are not of a money raising nature.
 - d. Activities, gatherings, or events for religious groups that fully comply with subsection 5 of this section.
5. Events or activities that fully comply with all of the following:
 - a. The event or activity is completely contained on private property for which the property owner has given permission for the event or activity;
 - b. Attendance at the event or activity does not exceed the determined capacity for any building in which the event or activity will be held;
 - c. No public services such as police, fire, or ambulance, are anticipated to be needed on site for the event, whether for traffic control, on standby, or for security at the site;
 - d. Adequate restroom facilities are readily available on the site for attendees at the event or activity;
 - e. Sales of alcohol will not be conducted as a part of the event;
 - f. Traffic, crowd, or parking control is not needed to accommodate attendees;
 - g. No vendors profiting separately from the overall event are within, a part of, or associated with the event; and
 - h. Special event signs as described in subsection [9-26-080B](#) of this code are not needed.

6-17- 050: SPECIAL EVENTS ALLOWED:

Any person may sponsor or conduct special events. The special events listed in this section will be allowed up to the time limits specified for each event and are subject to the terms of this chapter. Unless otherwise specified herein, occurrences shall be counted based on the applicant or location of the event, whichever is greater.

- A. A multi-day athletic event, entertainment event, outdoor sales event, or filming event may be conducted for up to eight (8) days per occurrence with a maximum of four (4) occurrences per year. Vendors operating booths, displays, demonstrations, or services as a part of these events will be considered permitted as a part of the permit for the entire event, but necessitate independent business licensure, as required by this title.
- B. A single-day athletic event, entertainment event, block party, outdoor sales event, or filming event may be conducted for up to one day per occurrence with a maximum of four (4) occurrences per year.
- C. Off-site motorized vehicle sales conducted by a licensed dealer on private property may be held for up to twenty one (21) days per occurrence with not more than three (3) occurrences per year.
- D. The launching of fireworks displays may be conducted during times permitted under state law. Fireworks displays are subject to the approval and requirements of all appropriate fire agencies. The launching of fireworks displays may also be subject to location restrictions of the city and all appropriate fire agencies.

- E. Auctions with outside storage, screened from view from any adjacent street by a six foot (6') site obscuring fence, may be conducted for up to three (3) days per occurrence with no more than four (4) occurrences per year per site. Up to two (2) occurrences may run consecutively, when applied for as such, but shall be counted as separate occurrences.

6-17-060: APPLICATION AND STANDARDS FOR SPECIAL EVENTS:

A person seeking a special event permit shall submit an application to the city on forms provided by the city. The application shall be filed not less than forty five (45) and not more than three hundred sixty five (365) days before the activity is proposed to commence. Any application for a filming event permit shall be submitted no later than four (4) business days before the filming event is scheduled to occur.

A. Application and Processing Fees: Application and processing fees, as determined in R-15-11 of this code, shall be paid to the city by the applicant when the application is filed with the department in order to cover the administrative costs of processing the permit application.

B. Late Notification Fee: Any applicant for a special event permit (except applicants for filming event's) who fails to give at least forty five (45) days notice to the city before the activity is proposed to commence shall remit to the city a late notification fee of \$40 in addition to the application and processing fee.'

C. Complete Copy Of Application: The application for any special event requiring a mass gathering permit pursuant to Salt Lake Valley Health Department regulations must include a complete copy of their required application.

D. Access: Specific areas shall be designated for ingress and egress of emergency vehicles, including appropriate barriers to regulate vehicular and pedestrian traffic.

E. Plans: The following plans must be submitted with the application for a special event permit:

1. Site Plan: The site plan shall depict the proposed layout of the entire property to be used for the special event. This site plan must include the exact address of the property, the name and address of the property owner, and the name and twenty four (24) hour contact information of the contact person or coordinator. The site plan must clearly show all entrances, exits, roadways, walkways and parking, all sanitation facilities, medical and first aid stations, waste containers, food stands, vendor areas, lighting, types of merchandise being sold, types of food being prepared/sold, alcohol sales, types of live entertainment, sound systems, temporary structures, temporary and permanent power sources, amusement rides, and all other activities associated with the event.

2. Control Plan: A plan shall be submitted and approved establishing adequate provisions for traffic, crowd, and patron control and assurance of compliance with city, state, and federal laws including, but not limited to, fire, health, security, and Americans with disability act regulations. Only Draper City public safety personnel shall be used for traffic control on Draper City streets, trails, or sidewalks for special events. No more than two (2) special events per calendar month shall be allowed when public safety personnel such as police, fire, or ambulance services are necessary. No special events requiring public safety personnel shall be allowed in the month of July, except for events associated with Draper Days. Exceptions may be made by the city council.

3. Sign Plan: Applicants shall provide a plan showing the location of all signs to be placed in association with the event. The sign plan must include the total number of signs with the dimensions and size of each sign. All signs must meet the requirements of [title 9, chapter 26](#) of this code.

4. Security Plan: A security plan shall be submitted to and approved by the city establishing the number and type of enforcement and security personnel needed to monitor and facilitate the event and provide spectator or participant control and direction. The security plan must include a list of names and contact information for all security personnel and volunteers assisting with the event to ensure coverage and accountability on the day of the event.

5. Parking Plan: A parking plan shall be submitted to and approved by the city identifying areas for parking in a capacity to accommodate the reasonably expected attendance at the event. Parking areas shall meet all requirements and specifications of the fire department. If parking spaces are not marked, parking personnel must be provided to ensure orderly and safe ingress and egress from the parking area.

F. Emergency Services: First aid supplies, equipment, and emergency medical services must be made available to meet public health and safety concerns and legal requirements.

G. Sanitation Facilities: Adequate sanitation facilities shall be provided based on the duration of the event and on the number of persons reasonably expected to participate.

H. Trash Removal: All trash shall be removed and the site restored to the condition the property was in prior to the event before the applicant or event sponsors leave the site. All trash must be disposed of properly and any equipment used returned to its designated location. It is the sole responsibility of the event organizers to provide appropriate means of trash disposal and site cleanup.

I. Events On Public Property: With proper authorization from appropriate city departments, special events may be held in public places or on city owned property. Events on public property must end by ten o'clock (10:00) P.M. on any given day unless an extension of time is granted by the city manager's office. A written request to the city manager must be submitted with detailed information as to the need to extend the end time of an event. This approval must be completed before a special event permit is issued.

J. Events On Private Property: Special events are allowed on private property with the property owner's written approval. Notification of the event taking place shall be issued to all adjacent property owners prior to the event. Events on private property may not exceed hours of operation as dictated in the city's nuisance ordinances.

K. Insurance: Applicants for a special event permit must provide liability insurance to ensure the health and safety of the public. s Mandatory liability insurance with a minimum two million dollars (\$2,000,000.00) coverage will be required prior to the issuance of a special event permit. The liability insurance must also name the city as an additional insured. Applications without the required insurance will not be accepted and the event will not be allowed to be held.

1. The following special events shall be exempt from the insurance requirement:

- a. Political events, unless the event will include fireworks or other similarly hazardous features.
- b. School events located on, or directly adjacent to, school property;
- c. Events sponsored in whole by the city;
- d. Block parties; and

2. In consideration for the issuing of a special events permit and use of city streets and sidewalks or city property, the applicant agrees to indemnify, save harmless and defend the city, its officers and employees, against any clam 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.

L. Performance Bond: The city may require the applicant or sponsor of a special event, in addition to the aforementioned liability coverage, to protect the city's interests with a performance bond in a form and amount as determined by the city Parks and Recreation Director.

M. Inspections: Authorized law enforcement officers, code compliance and zoning enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws.

N. Approval of Other Public Agencies: The applicant has obtained the approval of any other public agency within whose jurisdiction the event or portion thereof will occur.

O. Facility Reservations: If the application proposes the use of any city facility designated and designed to be available on a reservation basis and subject to a facility use agreement, the applicant shall also be responsible to comply with all rules and regulations applicable to the reservation and use of such facility, and pay all applicable fees and deposits prior to the issuance of the special event permit.

P. Exclusive Use of Public Property: The event will not require the exclusive use of park or other public areas in a manner which will adversely impact upon the reasonable use or access to those areas by the general public unless such exclusive use has been approved by the parks and recreation director pursuant to the department's

policies.

Q. For a filming event, the number of dates of filming and the number of locations to be used, and a report regarding discussions with property owners or occupants in the affected neighborhoods. The applicant shall provide a short written description of and schedule for the proposed filming to the owners and occupants in the affected neighborhoods (as defined by boundaries set by the parks and recreation director). The applicant shall talk with owners and occupants of all such property and submit as part of the application a report noting any owner's or occupant's reaction along with the addresses and phone numbers of all such property owners and occupants;

R. Additional Information: Any additional information that the city finds reasonably necessary to a fair determination as to whether a special event permit should issue.

6-17-070: SPECIAL EVENTS ON VACANT PROPERTIES:

Special events may be allowed on properties which are vacant or undeveloped following application for and issuance of a special event permit in compliance with the terms of this chapter.

6-17-080: CITY SUPPORT SERVICES

City support services shall be provided for special events as determined by the city to protect the health, safety, and welfare of the public, at cost as stated in the city's consolidated fee schedule, payable by the organizer.

A. The city shall not issue a special event permit until the organizer pays the estimated support costs as determined by the city based on the application and past experience with similar events.

B. City support costs include, but are not limited to, police (but only for traffic control and cleanup), fire, and emergency medical protection, park maintenance, power, water, road closures, cleanup of city facilities before, during, or after the special event, and other costs to the city directly attributable to the special event.

C. City support services shall be limited to the minimum necessary to protect the health, safety, and welfare of the public and the public's use of city property. Police protection needs shall be determined and assigned by the chief of police or designee after considering relevant criteria such as the size, location, duration, time, and date of the special event; the number of streets and intersections blocked; and the need to detour or preempt public travel and use of streets or sidewalks. Park maintenance as well as the closure of roads and streets shall be administered by the appropriate city departments or divisions.

D. The city shall bill, and the organizer shall pay, the remaining support costs within thirty (30) days after the date of invoice. Any refund due to the organizer shall be paid by the city within thirty (30) days after the special event if actual costs are less than the estimate.

E. Police, Fire, And Traffic Crowd Control: The organizer shall provide police and fire protection and traffic crowd control to the extent determined by the police chief, the fire chief, or their designees, and shall pay the fees therefore as stated in the city's consolidated fee schedule.

6-17-090: CONDITIONS OF ISSUANCE:

A. As a condition to issuing a permit, the parks and recreation director may impose reasonable terms and regulations concerning the time and place of such event; the area and manner of conducting such event; the maximum number of persons participating therein; the regulation of traffic, if required, including the number and type of vehicles, the number and type of signs and barricades to be provided by the applicant, if any, together with a plan of their disposition following the event; permissible noise levels; and such other requirements as the director may find reasonable and necessary for the protection of persons and property and the compliance with the requirements of this code.

B. Issuance of a special event permit is conditioned on and subject to the right of the city to suspend, revoke, restrict or modify such permit due to the failure to pay event fees, costs or deposits, provide required insurance, or for the planning, permitting or conduct of activities or programs which are a violation of law or the conditions or parameters of the permit.

C. A special event permit granted herein is not transferable.

6-17-100: GROUNDS FOR DENIAL:

An application for a special events permit may be denied on any of the following grounds:

- A. The application for permit is not fully completed or fails to comply with the requirements of this chapter.
- B. The application for permit contains a material falsehood or misrepresentation.
- C. The applicant is legally incompetent to contract or to sue and be sued.
- D. The applicant or any person on whose behalf the application for permit was made has on prior occasions:
 - 1. Damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city;
 - 2. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
 - 3. Has violated the terms of prior permits issued to or on behalf of the applicant.
- E. The applicant has failed to comply with all conditions and regulations attendant to issuance of the permit.
- F. The use or activity intended by the applicant is prohibited by the provisions of this code, regulations of the city, or otherwise prohibited by law.
- G. The conduct of the special event will substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location, unreasonably limit or obstruct access to private property, or unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas.
- H. The proposed event will unreasonably interfere with or obstruct the public's ability to use public property for activities unrelated to the event.
- I. The conduct of the special event will require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city.
- J. The conduct of the special event is reasonably likely to cause injury to persons or property.
- K. Adequate sanitation and other required health facilities are not, or will not be, available in or adjacent to any special event areas.
- L. There are insufficient parking places near the site of the special event to accommodate the number of vehicles reasonably expected.
- M. The special event, if conducted on city property, is for the primary purpose of advertising any product, goods, or event that is primarily for private profit. This prohibition against advertising products, goods, or events shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the special event.
- N. A city event is scheduled for the same time and location.
- O. A special event permit application for the same time and location is already granted or has been received and will be granted.
- P. An event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed special event would have an immediate and adverse effect upon the welfare and safety of persons and property.

6-17-110: ENFORCEMENT AND PENALTIES:

A violation of any provision of this chapter shall be subject to the remedies, penalties, and procedures set forth in this title and [title 9, chapter 7](#) of this code, as applicable.

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1182** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 12th day of January, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: January 14, 2016, through February 2, 2016

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah