

**ORDINANCE NO. 521 (2013)**

**AN ORDINANCE REPEALING GRAND COUNTY CODE CHAPTER 8.16 PUBLIC ASSEMBLIES, SECTIONS 8.16.010 TO 8.16.110 AND ENACTING A NEW CHAPTER 8.16, SECTIONS 8.16.010 TO 8.16.140 GOVERNING THE PERMITTING OF SPECIAL EVENTS.**

**WHEREAS**, Grand County recognizes the value of special events to the economy, tourism, and quality of life experienced in the community; and

**WHEREAS**, Grand County has an important and compelling governmental interest in regulating the needs and impacts associated with special events in order to protect property, public health, safety, and welfare and provide for orderly crowd movement and traffic safety, personal privacy, noise and litter control; and

**WHEREAS**, Grand County desires to establish reasonable and uniform time, place and manner regulations governing the permitting and operation of special events in order to establish clear rules and an efficient process for event sponsors and county administration; and

**WHEREAS**, Grand County recognizes and supports the public's right to assembly and free speech and this ordinance is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. To the extent any provision of this ordinance is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of speech shall prevail; and

**WHEREAS**, Grand County recognizes that uniform procedures promote and protect the rights of those organizing special events, those participating in them, and those living and working nearby; and

**WHEREAS**, Grand County desires to provide a reasonable level of service in support of special events and to charge a reasonable fee to recover the costs associated with providing such services in order to ensure special events do not place an unreasonable burden on the fiscal well being of the County; and

**WHEREAS**, due notice was given that the Grand County Council would meet to hear and consider this amendment in a public hearing on August 20<sup>th</sup>; and

**WHEREAS**, the Grand County Council previously enacted Grand County Code Chapter 8.16, Public Assemblies, Sections 8.16.010 through 8.16.110 governing the permitting requirements for special events held in Grand County;

**WHEREAS**, the Grand County Council has reviewed the previous ordinance, has heard and considered all evidence and testimony presented with respect to the repeal of the previous ordinance, and has determined that it is in the best interests of the citizens of Grand County to

repeal the previous ordinance and enact a new ordinance governing the permitting requirements for special events held in Grand County.

**NOW, THEREFORE**, the County Legislative Body of Grand County, UT ordains that the Grand County Code is hereby amended by the repeal of Chapter 8.16, Public Assemblies, Sections 8.16.010 to 8.16.110 and the enactment of a new Chapter 8.16, Special Events, Sections 8.16.010 through 8.16.140 to read as follows:

## **Chapter 8.16 Special Events**

### **Sections:**

**8.16.010 Purpose and Intent**

**8.16.020 Severability**

**8.16.030 Definitions**

**8.16.040 License Required**

**8.16.050 Exceptions**

**8.16.060 Business License and Sales Tax**

**8.16.070 Cost Recovery Surcharge**

**8.16.080 Application Materials**

**8.16.090 Submission Timeline**

**8.16.100 Special Events Coordinating Committee**

**8.16.110 Allowable Conditions**

**8.16.120 County Council**

**8.16.130 Grounds for Denial**

**8.16.140 Enforcement**

**8.16.150 Remedies and Penalties**

### **8.16.010 Purpose and Intent**

It is the purpose of Grand County, state of Utah, to regulate assemblage of large numbers of people in excess of those normally needing the public services provided by Grand County in order that the health, safety and welfare of all persons in Grand County, residents and visitors alike, may be protected.

### **8.16.020 Severability**

If a provision, clause, sentence, or paragraph of this chapter or application thereof to any person or circumstances shall be ruled invalid, such ruling shall not affect the other provisions or applications of this chapter, and to this end the provisions of this chapter are severable.

### **8.16.030 Definition**

A "special event" shall be defined as an event where entrance fees are charged, retail sales are conducted, vendors offer goods or services, races, concerts, dances, exhibitions, lectures or a public assembly, such as a parade, rally, or celebration, whether open to the public or not, where daily total attendance may exceed one hundred persons, or that have quantifiable impacts to county services or the health, welfare, or safety of citizens. Special events also include any event available to the public that requires the full or partial closure of a public right of way or use of public

property. Special events are of limited duration and shall not exceed fourteen consecutive days, unless otherwise approved.

#### **8.16.040 License Required**

Unless otherwise provided herein, no person, entity, organization, business, firm or other establishment may conduct, organize, establish, institute, operate or sponsor a special event in unincorporated Grand County without first obtaining a valid written Special Event License issued by Grand County.

#### **8.16.050 Exceptions**

Weddings, family reunions, neighborhood block parties, garage sales, conferences, and similar events held in a regular, established permanent facility not exceeding the facility's occupancy and design standards nor creating additional impacts to county services or citizens shall not require a Special Event License.

Special events held at the Old Spanish Trail Arena (OSTA) multi-purpose recreation complex and Old City Park shall not require a Special Event License provided the event sponsor follows all other licensing requirements, adheres to the facility's established policies and fees, and no additional impacts to county services or citizens are anticipated.

The Special Events Coordinating Committee, as defined in Section 8.16.100, may require a special event license for an event to be held at OSTA or Old City Park when the event: (i) significantly impacts county services, such as an increased demand for litter control, traffic control or the presence of law enforcement; (ii) presents a considerable risk to the health, safety or welfare of citizens, including overcrowding, personal privacy, or noise; (iii) presents unbudgeted fiscal impacts upon the County in terms of staff time, public resources, or the like.

#### **8.16.060 Business License and Sales Tax**

Special events sponsored by an existing, licensed business shall pay the special event license fee. Special events sponsored by a person or organization without a business license shall obtain a temporary business license in addition to the special event license.

All vendors participating in special events are required to obtain a Temporary Sales Tax License from the Utah Tax Commission. Temporary licenses are issued to each individual participant of a special event, or the promoter of a special event may receive a number of temporary licenses for the vendors participating in the event. Each Special Event Licensee is responsible for ensuring compliance with Utah State Tax Commission requirements.

#### **8.16.070 Cost Recovery Surcharge**

Events subject to County Council approval will be subject to a cost recovery surcharge, which shall be defined as a project specific fee to recover costs incurred by Grand County for event related public safety, utilities, traffic control, and parking, and which may also include or incorporate charges which would otherwise apply for land use permits, building permit fees, temporary structure permits, or other applicable charges. To the extent possible, the cost recovery surcharge

will be proportionate to impacts and costs generated by the event and shall be calculated to reimburse Grand County for unbudgeted expenses for excess public services, staff time, or the like.

### **8.16.080 Application Materials**

All applicants shall provide the following information:

1. Name, address, telephone number, and email address of event sponsor;
2. The proposed dates and times of operation;
3. Description of event, including description of all the anticipated elements such as signage, lighting types of merchandise, types of food being prepared/sold, alcohol sales, types of live entertainment, sound systems, temporary power, amusement rides, inflatable devices, and/or fireworks;
4. The proposed location and premises to be used;
5. The name, address, telephone number, and email address of property owner(s);
6. Notarized property owner(s) signature(s) authorizing the special event on the property;
7. Anticipated number of event participants –max number during a two hour peak;
8. Anticipated number of event staff and spectators;
9. A Site Plan/ Detailed Course Map:
  - An outline of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind, indicate the direction of travel and all street or lane closures. No permanent paint shall be applied to public property for marking course routes.
  - Location, type, number, and description of all temporary structures to be used in the event, including: stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, booths, vehicles, and trailers.
  - Location, type, and provider of solid waste containers
  - Location, type, and provider of restroom facilities
  - Location of operator's headquarters at the gathering;
  - Location of all beer gardens and cooking areas.
  - The location, size, and type of proposed audio, lighting, visual equipment, open fires or pyrotechnics,
  - Parking areas and overflow parking areas,
  - Shuttle plan,
  - Entrance and exits,
  - Vendor stations,
  - Generator locations and/or source of electricity,
  - First aid and water stations.
10. Sanitation service commitments, including the following minimum requirements: daily garbage pick-up, daily restroom hauling and cleaning, and a recycling plan;
11. Proof of liability insurance and indemnification agreement;
12. Applicant's sales tax identification number;
13. Information concerning all admission fee charges, booth fees, rental charges, or similar information relating to fees generated by the event;
14. Single point of contact for the day of event;

15. A description of the number and type of vendors planned for the event;
16. Any pertinent information requested by staff concerning impacts generated by the event including traffic control, security, emergency medical services, or other similar information;
17. Pertinent coordination information such as required permits and approvals from Utah Department Of Transportation, Utah Highway Patrol, local Health Department, Alcohol Control Board, Moab City, federal and state land management agencies, and other agencies as may be deemed appropriate;
18. If the special event occurs in the public right of way, a detailed plan identifying the anticipated route, street names, start/finish points, start/finish times, traffic control plans, traffic fixture locations, and anticipated street crossings;
19. If the special event involves Utah Department of Transportation (“UDOT”) managed rights of way, a copy of the UDOT permit.

#### **8.16.090 Submission Timeline**

Applications shall be submitted a minimum of 45 days in advance of the proposed event. This timeline may be waived by the Special Events Coordinating Committee if a complete application is received and minimal impacts are anticipated. The Committee may require additional time if questions or concerns arise. A permit authorized by this section shall be valid for the dates specified not to exceed twelve months from the date of issuance.

#### **8.16.100 Special Events Coordinating Committee**

A Special Events Coordinating Committee (“Committee”) made up of County staff shall meet as needed. The Committee shall have the authority to develop an application form and a compliance checklist consistent with this ordinance, and to review and issue a special event license, with or without conditions. Applications shall be subject to review by the following County departments: roads, building, fire, law enforcement, EMS, travel council, planning and zoning, and others as required for the special event.

#### **8.16.110 Allowable Conditions**

Permissible conditions may include, but are not limited to:

- payment of a special event license application fee and temporary business license application fee,
- payment of fees for land use permits, building permits, temporary structure permits, or other applicable charges,
- security requirements,
- liability insurance,
- damage deposit or surety bonds,
- cost recovery surcharge,
- indemnification or liability waivers. Applicant shall agree in writing to indemnify the county and its officials, employees and agents and to hold them harmless from and against any and all claims, liability, damage, loss or expense of any kind (including attorneys fees and costs) arising or resulting in any way from the activities of the licensee on County property, including, but not limited to, streets, sidewalks, or other public rights of way.
- limits upon days or hours operation,

- limits on numbers of participants,
- limits on size and type of lighting, audio or visual equipment,
- Emergency Medical Services,
- Law Enforcement,
- Acreage limits,
- Additional parking and/or traffic control,
- Sanitation,
- Fire protection services,
- Other similar requirements to promote public health, safety, and welfare, including traffic control, crowd control, litter disposal, noise control and privacy concerns.

#### **8.16.120 County Council**

The Committee may elect to refer complete applications to the County Council for review where the following criteria apply:

1. The planned event may significantly impact County services or present a considerable risk to the health, safety, or welfare of citizens.
2. The event involves the full or partial closure of a public right of way or use of a County owned facility not exempted in Section 8.16.050.
3. The event requires issuance of additional licenses or permits which require County Council approval, or
4. The event is likely to draw in excess of three hundred people per day of operation, or
5. The event is likely to generate unbudgeted fiscal impacts upon the County in terms of staff time, public safety, or the like.

The County Council may set event cost recovery surcharges based upon recommendations of the Committee.

#### **8.16.130 Grounds for Denial**

The Committee may deny an application for a Special Event License on the following grounds:

1. Submission of incorrect, incomplete, or false information.
2. The proposed event poses a significant danger or threat to the public health, welfare or safety, or which may result in an unreasonable inconvenience or cost to the public;
3. The zoning of the proposed event site does not permit the use contemplated by the applicant;
4. Refusal or failure of the applicant to pay required fees or to comply with license or permit conditions; or
5. The existence of site-specific impacts of the proposed license which render it incompatible with neighboring uses.

In instances where two or more applications have been submitted to the County and the events associated with those applications place unreasonable competing demands on County resources and/or conflict in proposed date(s), time and location, the Committee shall give precedence to the event that is in good standing, is reoccurring and/or has an established annual date or season.

The applicant may submit a written appeal of a denied permit to the County Council.

**8.16.140 Enforcement**

The Sheriff's Office or other assigned county department or office may conduct inspections before, during, and after a special event to ensure compliance with this ordinance, approved plans, and conditions of approval. The event sponsor shall provide access to all areas of the gathering the County deems necessary and provide the number of access credentials requested.

The County may stop an event which has not been issued a license and/or may issue citations where event staff or participants violate state statutes, County ordinance, or conditions of approval. Expedited judicial remedies are expressly authorized where violations of this ordinance present an imminent risk to public health, safety, or welfare.

**8.16.150 Remedies and Penalties**

Persons conducting special events without the licenses required by this chapter or who fail to comply with license conditions or the provisions of this chapter may be subject to license revocation as well as civil and criminal remedies and penalties.

In addition to other penalties imposed, such persons shall be liable for all expenses incurred by the County for such services as law enforcement, fire protection, emergency medical services, utilities, traffic control, parking, or for removing or abating any nuisance.

**ADOPTED by the Grand County Council** in open session this 1<sup>st</sup> day of October 2013 by the following votes:

Those voting aye: Ciarus, Holyoak, Paxman, Jackson, Tubbs, Ballantyne, Nyland

Those voting nay: \_\_\_\_\_

Absent: \_\_\_\_\_

*Grand County Council*

**ATTEST:**

*Diana Carroll*  
*Diana Carroll, Grand County Clerk/Auditor*

*Gene Ciarus*  
*Gene Ciarus, Grand County Council Chairman*