

SPECIAL EVENTS ORDINANCE

ORDINANCE NO. 11-08-2021-01

SPECIAL EVENTS PERMIT. AN ORDINANCE CREATING A NEW CHAPTER OF THE EUREKA CITY MUNICIPAL CODE REQUIREING THE PROCUREMENT OF A SPECIAL EVENTS PERMIT PRIOR TO SPECIAL EVENTS IN EUREKA, UTAH.

WHEREAS, Eureka City wishes to preserve the public welfare, peace, safety, and health of the community while providing individuals the ability to host Special Events in Eureka, Utah;

WHEREAS, the Eureka Municipal Code presently contains no criteria or procedure for governing Special Events;

WHEREAS, Special Events would be best aided by permits, which would allow City cooperation in routes, areas, and other resources for these activities;

WHEREAS, a security deposit requirement will assure the adequate clean-up of the affected areas;

WHEREAS, the Eureka City Council finds that the adoption of this ordinance would promote the public health, safety, and welfare of the city.

NOW THEREFORE, be it ordained by the City Council of Eureka, Utah that:

I. DEFINITIONS:

As used in this chapter, the following words shall have the following meanings:

ADDITIONAL CITY SERVICES: Services required beyond the typical scope of a day to day city operations.

EMERGENCY MANAGEMENT COMMITTEE: An administrative committee comprised of representatives of city departments that plan and coordinate emergency response.

SPECIAL EVENT: A special event is defined as an activity or series of activities, specific to an identifiable time and place, produced in conjunction with community organizations often held on public property. Such events may include but are not limited to filming, protests and rallies, block parties, fund raisers, street parties, runs, races, walks, and other community events. They may occur on streets and/or sidewalks, parks, and other City-owned property. For the purpose of this policy, special events shall not include: a) privately sponsored events which rent space inside city facilities; or b) the public use of city property for regular recreational programs that have an incidental and temporary impact on city property.

II. PERMIT REQUIRED; APPLICATION PROCEDURES; ISSUANCE:

- A) Permit Required: It is unlawful for any person, corporation, partnership, association or other entity, public or private, to organize and hold a special event without first obtaining a special event permit. Permits shall not be issued until all appropriate fees; including the estimated costs of additional city services are paid.
- B) Application; Fee: All applications for permits shall be made electronically or in writing to the City of Eureka, and the application fee shall be paid to the City of Eureka prior to final approval.
- C) Information Required: All applications made for a special event permit shall require the following information:
 - 1. Type and description of event;
 - 2. Name of the sponsoring entity, contact person, address, telephone number and e-mail address;
 - 3. Proposed date, together with beginning and ending times;
 - 4. Proposed location, including barricade plan and route map;
 - 5. Estimated number of event staff and attendees;
 - 6. Admission fee, donation or other consideration to be charged or requested;
 - 7. Temporary Utah sales tax number, if applicable;
 - 8. Signature of applicant.
- D) Temporary Sales Tax License: Special events that will be selling any taxable item, such as food or memorabilia, will be required to obtain a temporary sales tax license from the Utah state tax commission, special events unit.
- E) Issuance; Signature; Attestation: All permits shall be issued by the City and signed by appropriate department designees, including one of the Administration Office.
- F) Denial; Advertising Costs Not Reimbursed: If an application is denied, any advertising costs spent prior to denial will not be reimbursed by the city.

III. FEES; DEADLINES:

- A) Amount of Fee; Refunds: The city shall fix the amount of the special event application fee as adopted in the city consolidated fee schedule. The application fee is intended to cover the cost of the event review and is therefore not refunded, even if the event permit is denied or is not a special event. Depending on the nature of the event, and the commitment of the city resources, the applicant will also be responsible for costs associated with any additional city services as determined by applicable department designees.

- B) **Deadline for Submitting Application:** Applications must be submitted thirty (30) in advance for special event permits. Applications submitted less than thirty (30) days in advance of event may be rejected.

IV. REVIEW PROCESS:

- A) In order to ensure that all necessary departments are aware of the event, all special event applications are reviewed by the emergency management committee. The committee will review the application and make necessary comments and provide an estimate of costs associated with additional city services, if necessary. The committee may be comprised of City Council members, the Mayor, appointed City officials, and/or local emergency responders. A permit shall not be issued until the committee has given approval. During review of the application, the following will be considered.
1. The impact of the special event on the traffic, security, health and safety of the public;
 2. A determination by the committee of appropriate and reasonable requirements for the mitigation of traffic, security, health and safety concerns, and an evaluation of the measures proposed by the applicant to satisfy those requirements;
 3. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health, and welfare of the public;
 4. The location and duration of the special event and the city ability to accommodate the event with the necessary resources; and
 5. Other previously approved special events that could cause scheduling conflicts during the same period and cause overextension of the city resources or unsafe congestion on city property.
- B) If the committee makes a determination that the event is not a "special event", as defined in section I of this chapter, no permit is necessary and therefore no permit will be issued.
- C) The agencies involved in reviewing an application may impose additional requirements or conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public.

V. SECURITY DEPOSIT:

- A.) The city requires a refundable deposit at the time of permit issuance. The required deposit amount shall be set by Resolution. The deposit will be used if the actual cost of additional city services exceeds the estimated cost. These costs might include, but are not limited to, additional cleanup, additional personnel or damage incurred during the event. If the additional cost exceeds the amount of the deposit, the sponsor or organizer of the event shall reimburse the city for the cost difference within fourteen (14) days of being notified of the actual costs. Any excess deposit will be returned to the sponsor within fourteen (14) days of the conclusion of the event.

VI. INSURANCE REQUIREMENTS; INDEMNIFICATION:

- A) A commercial general liability insurance policy with a limit of not less of One million dollars (\$1,000,000) occurrence and aggregate is required to hold a special event within the city. The policy must name as an additional insured Eureka City and its officers, employees and agents, and as required, any other public entity involved in the event. Such insurance shall protect the city from all claims for damages to property and bodily injury in connection with the event. Proof of insurance is required prior to payment for special event.
- B) By issuing a special event permit, the city makes no guarantees and assumes no liability for the safety of participants or spectators of special events.
- C) To the fullest extent permitted by law the special event permit holder shall indemnify, defend and hold the city and the city officers, agents, representatives and employees harmless from any and all claims, demands, liabilities, damages, injuries, causes of action, costs and expenses, including attorney fees, arising out of or in any way related to the use of the special event permit, caused in whole or in part by any negligent act or omission of the permit holder, or anyone directly or indirectly employed by the permit holder.

VII. VIOLATION; PENALTY:


Any person violating any of the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00). A person who commits a subsequent violation of any provision of this chapter shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall forfeit his permit and be punishable by a fine not to exceed seven hundred fifty dollars (\$750.00), or by imprisonment not to exceed ninety days, or by both such fine and imprisonment. Furthermore, failure to obtain a permit as required by this chapter may also result in enforcement action by the Juab County Sheriff's office, which may stop an event that has been issued a permit and/or may issue citations where event staff or participants violate other state statutes or city ordinances, including but not limited to traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.

PASSED AND ADOPTED THIS 8TH DAY OF NOVEMBER, 2021.

MAYOR OF EUREKA:


J. NICHOLSON CASTLETON

ATTEST:


CITY RECORDER