

Ordinance 2017 – 01
An Ordinance outlining Special Event Regulations

4.70 Special Event Regulations

- 4.70.010 Purpose
- 4.70.020 Application Of Provisions
- 4.70.030 Definitions
- 4.70.040 Permit Required
- 4.70.050 Exemption From Permit
- 4.70.060 Permit -- Application Process
- 4.70.070 Insurance Required
- 4.70.080 Permit -- Fees
- 4.70.090 Permit -- Approval And Issuance
- 4.70.100 Appeal Procedures
- 4.70.110 Violation -- Penalty

4.70.010 Purpose

The following ordinance which shall be effective as provided herein shall govern the time, place and manner of holding certain special events on City roads, City property, or at a business licensed with Hyde Park City, when an event's impact upon City services exceeds those regularly provided. The regulations provided herein are enacted in order to promote the health, safety and welfare of all the persons in the City, residents and visitors by ensuring that special events do not create disturbances, become nuisances, menace or threaten life, health, and property, disrupt traffic or threaten or damage private or public property. It is not the intent of this ordinance to regulate in any manner the content of speech or infringe upon the right to assemble, except for the time, place and manner of speech and assembly, and this Chapter should not be interpreted, nor construed otherwise.

4.70.020 Application Of Provisions

This chapter imposes regulatory requirements on certain activities which are held on City streets, City property and at Hyde Park City businesses which are defined as “special events”. The requirements imposed by this chapter do not alter, supersede or nullify any requirements contained in other statutes, ordinances or regulations which may also regulate these same activities. These requirements shall be applied in a content-neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or other unlawful discriminatory classification. This chapter shall not apply to the following events:

1. Events or assemblies occurring inside permanently established, fully enclosed places of assembly such as a place of worship, public auditorium, theater, recreation hall, gym, or other enclosed structure designed primarily for housing and assembly of people, provided that the maximum number of persons expected to attend or in actual attendance does not exceed the maximum number of occupants agreed to at time of licensing or permitting, and that the maximum number of vehicles expected to park at the location does not exceed the parking spaces provided.
2. Events or assemblies in conjunction with Hyde Park City, school events on school property, church events on church property, or government sponsored public hearings.

4.70.030 Definitions

For the purpose of this chapter, the following words shall have the following meanings:

1. "Athletic event" means 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 in Hyde Park City or upon public property in Hyde Park City.
2. "Block Party" means a neighborhood gathering of less than 100 people, sponsored solely by owners, residents or tenants of properties fronting a street, which causes an obstruction or closure of the street, or a portion thereof, to vehicular traffic and use of the street for the gathering.
3. "Entertainment event" means an organized event having as its primary purpose the entertainment or amusement of a group of people, including but not limited to parades, carnivals, fairs, concerts, block parties or neighborhood gatherings where attendance exceeds 100 people, or which is held on public property in Hyde Park City.
4. "Political event" means an organized event, 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 speech making, picketing, protesting, marching, demonstrating or debating public issues, on any City street in Hyde Park City or upon property owned by Hyde Park City.
5. "Special event" means any short term event at a temporary location that is open to the public for a fee, where the public can participate as a spectator or a participant. Special events shall also include any event available to the public that requires the full or partial closure of the public right of way or the use of city property whether or not a fee is required. Special events include, but are not limited to, races, concerts, dances, exhibitions, lectures, parades, or other types of entertainment.

4.70.040 Permit Required

It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit and paying the fees as required in this chapter.

4.70.050 Exemption From Permit

The provisions of this chapter shall not be applied to regulate the use of traditional public forums as alternative channels of communication by the public, provided such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

4.70.060 Permit -- Application Process

Special Event Permit application forms may be obtained from the Hyde Park City Offices, 113 East Center, Hyde Park, UT 84318

1. All applications for special event permits shall be made on a special event permit application form and shall include the following information:
 1. Type and description of event;
 2. Name of the sponsoring entity, contact person, address and phone number;
 3. Name of the promoting entity, contact person, address and phone number;
 4. Proposed date(s) of the event, with beginning/ending times for each date;

5. Proposed location, including a plat or map of the proposed area to be used, including any barricade, street route plans or perimeter/security fencing;
6. Estimated numbers of event staff, participants and spectators;
7. Public health plans, including plans for water, garbage collection and disposal and waste water (toilet facilities), if applicable;
8. Fire prevention and emergency medical services plans, if applicable;
9. Security plans and/or law enforcement response, if applicable;
10. Admission fee, donation, or other consideration to be charged or requested;
11. Signature of applicant;
2. If the event is a block party or other event planned within a residential area, the applicant must collect and submit with the application form a list of signatures consenting to the street closure from all neighbors whose vehicular access to their property is affected by the event.
3. In reviewing an application, the City shall consider the following:
 1. The impact of the special event on the traffic, security, health and safety of the public and the plans of the applicant to address such impacts;
 2. A determination by the agency that the plans for addressing any such impacts are appropriate and reasonable to address traffic, security, health and safety concerns are satisfactory;
 3. 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;
 4. The location and duration of the special event and the City's ability to accommodate the event with the necessary resources; and,
 5. Other previously approved events that could cause scheduling conflicts during the same period and cause over extension of the City's resources.
4. The City 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.

4.70.070 Insurance Required

1. No special event permit shall be issued unless and until the applicant has submitted a certificate of insurance, listing Hyde Park City as an additional insured, on an occurrence policy issued by an insurance company authorized to do business in the state, showing comprehensive general liability and property damage coverage for the event with minimum limits of One Million Dollars (\$1,000,000) for injury or death for one person in any one occurrence; Three Million Dollars (\$3,000,000) for injury or death for two or more persons in any one occurrence; and Five Hundred Thousand Dollars (\$500,000) for property damage in any one occurrence.
2. The following special events shall be exempt from the insurance requirements set forth in this section:
 1. Political events;
 2. School events on school property;
 3. Events sponsored in whole or in conjunction with the City; and,
 4. Block parties.
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, Hyde Park City makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

4.70.080 Permit -- Fees

1. Hyde Park City will charge a fee as outlined in the Hyde Park City Fee schedule for the issuance of a special event permit.
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 North Park Police Department shall coordinate the use of professional peace officers if the special event requires traffic control or police protection. If a fee is required, the North Park Police Department shall so specify the fee required and the fee shall be paid prior to the issuing of the special event permit.
3. Fees may be charged by the Bear River Health Department, the North Park Police Department, Smithfield Fire/EMS or other agencies for special services, equipment or facilities provided by these agencies. Such 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.
4. Although a fee may not be required, a permit shall be required for all events held in a facility designed primarily to operate as an event center or reception center that exceeds 500 people. An LUA will be held to review the application.

4.70.090 Permit -- Approval and Issuance

1. Completed application forms shall be submitted to the business license department at least thirty calendar days before the event is scheduled to take place, in order to allow sufficient time for final evaluation of the application and to allow timely appeal to the Hyde Park City Council in the event the application is denied. Applications submitted less than thirty calendar days prior to the scheduled event shall be denied unless the applicant demonstrates to the City Council that compliance with the thirty-day deadline was impractical or impossible due to the nature of the event.
2. A special event permit application may be approved and a permit issued to the applicant by the Hyde Park City business license specialist upon approval as specified herein. The business license specialist shall notify the City Council and all affected agencies of all special events permits issued pursuant to this chapter.
3. Hyde Park City has no authority to approve or permit events other than in Hyde Park City. Permits issued by Hyde Park City apply only to the City, and if an event crosses into a municipality across the City line, applicants should determine if a permit is necessary in the other jurisdiction.
4. Hyde Park City reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, welfare or safety, or which may result in unreasonable inconvenience or cost to the public.
5. If a special event permit application is denied, the reason or reasons for denial shall be provided in writing to the applicant.
6. If a special event permit has been approved by another entity, such as Cache County, for an event that only partially occurs in Hyde Park City, a separate special event permit from Hyde Park City is not necessary, unless the event involves the use of Hyde Park City park facilities.
7. The sale of alcoholic beverages at any Special Event within Hyde Park City is not allowed.

4.70.100 Appeal Procedures

Any permit applicant desiring to appeal an administrative decision concerning the denial of a special event permit may petition the City Council. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be filed at City Hall within seven (7) calendar days after the

date the applicant received notice of the administrative denial. An applicant aggrieved by the decision of the City Council may seek judicial review of such decision pursuant to any other applicable ordinance, statute or rule providing for such review.

4.70.110 Violation -- Penalty

A violation of this ordinance shall be a Class B misdemeanor. The North Park Police Department, 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 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.

Effective Date: This ordinance will become effective immediately upon its adoption by the City Council.

ADOPTED AND APPROVED by the HYDE PARK CITY COUNCIL this 22nd day of February, 2017.

HYDE PARK CITY, a municipal corporation

Robert Christensen, Mayor

ATTEST:

Donja J. Wright, Recorder