

ORDINANCE NO. 2017 - _____ - _____

SPECIAL EVENTS PERMIT. AN ORDINANCE CREATING A NEW CHAPTER OF TITLE 5 OF THE AMERICAN FORK MUNICIPAL CODE REQUIRING THE PROCUREMENT OF A SPECIAL EVENTS PERMIT PRIOR TO SPECIAL EVENTS IN AMERICAN FORK, UTAH.

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

WHEREAS, the American Fork 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 American Fork 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 American Fork, Utah that:

Sec. 5.06.010 Definitions

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

- A. *Additional City Services*: Services required beyond the typical scope of day to day city operations.
- B. *Department Designee*: an individual or individuals designated by a Department Director to represent their respective department with regards to Special Events.
- C. *Special Event*: An event which is primarily for the purpose of recreation, entertainment, fundraising or the exercise of expressive activities of a political nature and may utilize city property in a manner that potentially interferes with the public's typical and safe use of city property and/or requires dedication of additional city services. 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.

Sec. 5.06.020 Permit Required; Application Procedures; Issuance

- A. **Permit Required:** All special events, as defined in section 5.06.010 of this chapter, require an application and must receive a permit from the city. 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 American Fork, and the application fee shall be paid to the City of American Fork 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 if applicable
 5. Estimated attendance, including event staff, participants, and spectators;
 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.

Sec. 5.06.030 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 it is determined that the event is not a special event. Depending on the nature of the event, and the commitment of 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) days in advance for special event permits. Applications submitted less than thirty (30) days in advance of event will be subject to a late fee.

Sec. 5.06.040 Review Process

- A. In order to ensure that all necessary departments are aware of the event, all special event applications are reviewed by a designee from each applicable department. The department designee will review the application and make necessary comments and provide an estimate of costs associated with additional city services, if necessary. A permit shall not be issued until all applicable departments have given their approval. During the 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 departments 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 5.06.010 of this chapter, no permit is necessary and therefore no permit will be issued.
- C. If the City determines that the event requires the provisions of additional city services, all provisions of this chapter shall apply, including section 5.06.050 "Security Deposit" of this chapter.

Sec. 5.06.050 Security Deposit

The city requires a 500 hundred dollar (\$500.00) refundable deposit at the time of permit issuance. 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 thirty (30) days of being notified of the actual costs. Any excess deposit will be returned to the sponsor within thirty (30) days of the conclusion of the event.

Sec. 5.06.060 Insurance Requirements; Indemnification

- A. A commercial general liability insurance policy with a limit of not less of three million dollars (\$3,000,000.00) occurrence and aggregate is required to hold a special event within the city. The policy must name as an additional insured American Fork City Corporation 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.

Sec. 5.06.070 Violation

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 seven hundred fifty dollars (\$750.00). 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, or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.