

CHAPTER 16. SPECIAL EVENTS

8-16-1. Purpose.

8-16-2. Definitions.

8-16-3. Permit required - unlawful activity.

8-16-4. Exemptions from Chapter requirements.

8-16-5. Special event permit application - form.

8-16-6. Special event permit application - procedure - fees.

8-16-7. Special event permit approval - conditions - security - display.

8-16-8. Insurance - assumption of risk - indemnification - deposit.

8-16-9. Special event permit denial.

8-16-10. Appeals.

8-16-11. Costs - repairs.

8-16-12. Disclaimer.

8-16-13. Spontaneous assembly.

8-16-14. Distributing items from vehicles.

8-16-15. Authority of Tooele City.

8-16-16. Penalty for violation - enforcement.

8-16-1. Purpose.

The purpose of this Chapter is to establish reasonable and uniform regulations governing the time, place, and manner of holding special events within a Tooele City public right-of-way or on Tooele City public property, such as, a public park, in order to promote and protect the public health, safety, and general welfare, while honoring constitutionally protected speech and assembly. (Ord. 2016-16, 09-21-2016)

8-16-2. Definitions.

The following terms are hereby defined for purposes of this Chapter.

Applicant - Both the person signing the special event permit application on behalf of the sponsoring entity and the sponsoring entity.

Block Party - A gathering of persons who live in the same geographic area.

City Services, Additional - Those municipal-type services deemed necessary in the sole discretion of Tooele City, over and above basic city services, necessary to protect the public convenience, health, safety, and general welfare of special event staff, participants, spectators, and others, including equipment, materials, and police, fire, and city inspection services.

City Services, Basic - Those municipal-type services generally provided to residents and businesses necessary to protect the public convenience, health, safety, and general welfare of special event staff, participants, spectators, and others, including culinary water, sanitary sewer, and garbage services.

Department - The department of Parks and Recreation.

Director - The director of the department.

Event, Athletic - An organized competitive or recreational activity or event in which a group of people engages in a sport, a race, or a form of physical exercise entirely or partially within a public right-of-way or on public property, including running, jogging, walking, bicycling, dancing, and skating.

Event, Entertainment - An organized activity or event occurring entirely or partially within a public right-of-way or on public property, having as its primary purpose the entertainment or amusement of a group of people, including a parade, carnival, fair, show, concert, pageant, exhibition, ceremony, reunion, block party, and neighborhood gathering.

Event, Filming - An organized activity or event occurring entirely or partially within a public right-of-way or on public property, having as its primary purpose filming activities, such as, the making of a movie.

Event, Political - An organized activity or event occurring entirely or partially within a public right-of-way or on public property, having as its primary purpose the exercise of expressive activities of a political nature, including speech-making, picketing, protesting, marching, demonstrating, debating, or addressing public or social issues.

Event, Special - Any athletic event, entertainment event, or political event, whether for profit, not for profit, charitable, or other purposes. Also event.

Neighborhood Gathering - See block party.

Occur Entirely Or Partially Within A Public Right-of-way - When any portion of a special event, including set up and take down, takes place on a public sidewalk, park strip, curb and gutter, or road. Does not include the mere driving on a public right-of-way to, from, or as part of a special event.

Permit - A special event permit.

Promoting Entity - That person or organization that is paying, in whole or in majority part, the costs associated with a special event.

Sponsoring Entity - That person or organization that is organizing, promoting, conducting, funding, or otherwise sponsoring a special event.

Spontaneous Assembly - A meeting, gathering, or assembly, occurring entirely or partially within a public right-of-way or on public property, that is neither planned, organized, nor coordinated in advance but that occurs as a spontaneous reaction to a special event or another spontaneous assembly, and where the requirement to obtain a special event permit would prohibit or substantially limit constitutionally protected speech or assembly.

(Ord. 2016-16, 09-21-2016)

8-16-3. Permit required - unlawful activity.

(1) Except as expressly exempted, all special events require a Tooele City special event permit.

(2) Except as expressly exempted, all special events are subject to the requirements of this Chapter.

(3) Except as expressly exempted, it shall be unlawful for any individual, corporation, partnership, association, or other person or entity to promote, sponsor, advertise, manage, or conduct a special event without first applying for and obtaining a Tooele City special event permit, and paying the associated permit fee.

(4) It shall be unlawful for any person involved in a spontaneous assembly:

(a) to disrupt vehicular, bicycle, or pedestrian traffic within a public right-of-way;

(b) to substantially disrupt the general public's lawful use of public property;

(c) to substantially disrupt a permitted special event;

(d) to create a nuisance, generate prohibited noise, or commit disorderly conduct, as defined by law; or,

(e) to create any imminent threat to the public health, safety, or general welfare.

(Ord. 2016-16, 09-21-2016)

8-16-4. Exemptions from Chapter requirements.

The following are exempt from the permit requirements of this Chapter:

(1) Spontaneous assemblies engaged in constitutionally protected speech or assembly.

(2) Events that occur entirely on private property and that do not occur entirely or partially within a public right-of-way or on public property.

(3) (a) Block parties or neighborhood gatherings that do not require a public right-of-way to be closed.

(b) Block parties or neighborhood gatherings that do not substantially interfere with vehicular, bicycle, or pedestrian traffic within a public right-of-way.

(4) The activities of Tooele City acting within the scope of its discretionary or governmental functions.

(5) Organized group picnics, dinners, and reunions at public parks that involve less than 500 people.

(6) Public, private, charter, or home school activities authorized and supervised by the respective school that do not occur entirely or partially within a public right-of-way.

(7) Religious or church activities authorized and supervised by the respective religious group or church that do not occur entirely or partially within a public right-of-way.

(8) Graveside funerals or ceremonies.

(9) Youth athletic leagues utilizing city facilities according to arrangements with the City and conforming to city rules and regulations.

(Ord. 2016-16, 09-21-2016)

8-16-5. Special event permit application - form.

All applications for a special event permit shall be made on a special event permit application form prescribed by the department, and shall include the following information:

(1) type of special event (e.g., athletic event);

(2) detailed description of the special event, including event purpose;

(3) name of each sponsoring entity and its principal place of business;

(4) name of the contact person for each sponsoring entity, together with the person's mailing address and 24-hour telephone number; the contact person must have sponsoring entity authority over the special event;

(5) name of each promoting entity and its principal place of business;

(6) name of the contact person for each promoting entity, together with the person's mailing address and 24-hour telephone number; the contact person must have promoting entity authority regarding the special event;

(7) proposed special event date(s), together with beginning and ending times;

(8) proposed special event location(s), together with site plan and route maps;

(9) estimated number of special event staff, participants, and spectators;

(10) estimated number of special event animals and vehicles, as applicable;

(11) number, nature, location, and specifications of any lighting and sound amplification devices or systems anticipated to be used in the special event;

(12) number and location of portable restroom facilities to be provided for the special event, and plan for waste disposal;

(13) special event staff, participant, and spectator parking and transportation plan, including barricade requirements;

(14) special event emergency medical services plan;

(15) special event crowd control and safety plan;

(16) number and type of special event concessions and vendors;

(17) special event set-up, take-down, and clean-up plan;

(18) signature of applicant;

(19) if the special event is a block party or a neighborhood gathering for which a public right-of-way will be entirely or partially closed, a list of signatures consenting to the closure from all residents whose vehicular access to their property will be affected by the closure;

(20) written property owner authorization for any use of private property;

(21) a Tooele City building permit application where required by adopted codes;

(22) a Tooele City sign permit application where required by Chapter 7-25;

(23) a Tooele City business license where required by Chapter 5-1;

(24) copies of required third-party agency permits (e.g., health department) regarding noise, sanitation, food handling, alcohol, mass gathering, and other matters; and,

(25) other information deemed reasonably necessary by Tooele City in order to protect the public health,

safety, and general welfare based on the specific circumstances of the proposed special event.
(Ord. 2016-16, 09-21-2016)

8-16-6. Special event permit application - procedure - fees.

(1) (a) A completed special event permit application for a special event that will not entirely or partially occur within a public right-of-way must be submitted to the department at least 10 calendar days before the special event.

(b) A completed special event permit application for a special event that will entirely or partially occur within a public right-of-way must be submitted to the department at least 30 calendar days before the special event.

(c) An untimely special event permit application shall be denied except with a written finding of extraordinary circumstances by the department and documenting that the special event:

- (i) appears to be in the public interest; and,
- (ii) is not anticipated to adversely affect the public health, safety, or general welfare.

(2) Based on a completed special event permit application and input from the various Tooele City departments, the department will evaluate the following:

(a) the basic city services and the additional city services anticipated to be required by the special event, as well as the estimated costs to provide the additional city services;

(b) the impact of the special event on vehicular, bicycle, and pedestrian traffic in the public rights-of-way;

(c) the impact of the special event on public property and on the use of public property by the general public;

(d) the impact of the special event on other permitted special events; and,

(e) the impact of the special event on the public health, safety, and general welfare.

(3) A special event permit application fee shall be established by resolution of the City Council. An application shall not be considered complete until after the payment of the application fee. The application fee is not refundable should an application be withdrawn, left incomplete, or denied.

(4) The use of certain public properties, such as, pavilions in public parks, shall require the payment of rental, reservation, or other user fees in addition to the special event permit application fee.

(5) A special event permit application may be submitted no earlier than 12 months in advance of the proposed special event.

(6) Approval of applications for conflicting or competing special events shall be determined based on which application was the first completed application to be submitted to the department, including the payment of the permit application fee. Tooele City, however, may

invite applicants to consider alternate special event dates and locations in order to resolve conflicts.
(Ord. 2016-16, 09-21-2016)

8-16-7. Special event permit approval - conditions - security - display.

(1) The department shall approve all complete and timely special event permit applications, and shall issue special event permits pursuant to approved applications, when the department has determined that, based upon the representations contained in the application and made by the applicant, the special event permit application complies with the requirements of this Chapter and the special event can be carried out in such a manner that:

(a) is not likely to disrupt the safe and orderly movement of vehicular, bicycle, and pedestrian traffic within the public rights-of-way;

(b) is not likely to disrupt the movement of police, fire, or ambulance vehicles within, or the provision of police, fire, or ambulance services to, any area of the City;

(c) is not likely to substantially disrupt other permitted special events;

(d) is not likely to require the exclusive use of an entire public property, such as, a public park, or to substantially disrupt the general public's lawful use of public property;

(e) is not likely to create a nuisance, generate prohibited noise, or constitute disorderly conduct; and,

(f) is not likely to create any imminent threat to the public health, safety, or general welfare.

(2) Tooele City is hereby authorized to impose upon a special event permit all conditions deemed reasonably necessary to protect the public health, safety, and general welfare. Tooele City representatives may inspect the location of a special event at any time to verify compliance with the provisions of this Chapter and with the conditions of a special event permit.

(3) In order to protect the public health, safety, and general welfare, the City may require the use of certified Tooele City peace officers for special event traffic control and security. The number of peace officers required shall be determined by the police department upon consideration of factors such as the following: dates and times of the special event; estimated special event duration; special event route locations and length; public right-of-way closures required by the special event; anticipated traffic and weather conditions; estimated number of special event staff, participants, and spectators at the special event; nature, composition, format, and configuration of the special event; and, conflicting permitted special events. The cost for peace officer services shall be included in the definition of additional city services. No private, non-certified, or non-Tooele City peace officers may be utilized except with the written authorization of the police department. It shall be a violation of this Chapter to use traffic control or security

officers not authorized by the police department.

(4) A special event permit shall be maintained at all times in the possession of the sponsoring entity contact person or named designee at the site of the special event. A special event permit shall be displayed at the request of any Tooele City agent. It shall be a violation of this Chapter to fail to so maintain or display the permit. (Ord. 2016-16, 09-21-2016)

8-16-8. Insurance - assumption of risk - indemnification - deposit.

(1) (a) Prior to the issuance of a special event permit, the sponsoring entity shall provide to the department proof of comprehensive general liability insurance coverage, including for both property damage and bodily injury/death coverage, naming Tooele City and its agents as additional insureds. Coverage shall be maintained for the duration of the special event. Minimum coverage shall be \$1,000,000 per occurrence with a \$2,000,000 general aggregate, for a total aggregate of \$3,000,000.

(b) A special event at which an inflatable toy is utilized, such as, a bounce house, shall require a separate liability insurance policy provided by the inflatable toy vendor/provider, in the minimum per occurrence coverage amount of \$3,000,000, naming Tooele City and its agents as additional insureds.

(c) A special event permit application shall not be considered complete without sufficient evidence of adequate liability insurance coverage, as required by this Section.

(2) By signing a special event permit application, the applicant and the sponsoring entity agree to assume the entire risk of all damage and injury that may occur in connection with or arising out of the permitted special event.

(3) Prior to a permitted special event, the sponsoring entity shall agree in writing, upon a form approved by the City Attorney, to indemnify, hold harmless, and defend Tooele City and its agents against any claim for loss, damage, or expense sustained by any person in connection with or arising out of a permitted special event.

(4) Prior to a special event, the City may require a sponsoring entity to pay to the City a reasonable refundable cash deposit to be used, in the City's discretion, to repair damage to the public rights-of-way or public property upon which the special event is to occur. (Ord. 2016-16, 09-21-2016)

8-16-9. Special event permit denial.

(1) The director may deny a special event permit upon making a written finding of any of the following:

(a) the special event permit application was incomplete, untimely, or untruthful;

(b) the special event applied for substantially conflicts with a special event previously applied for;

(c) a reasonable belief that the special event

applied for cannot be carried out in the manner specified in Section 8-16-7(1);

(d) a reasonable belief that no reasonable conditions can be imposed upon the special event permit under Section 8-16-7(2) that adequately will protect the public health, safety, and general welfare;

(e) the applicant or sponsoring entity failed to promptly reimburse Tooele City for invoiced additional city services following a previously permitted special event;

(f) the applicant or sponsoring entity conducted a previous special event in Tooele City without obtaining a special event permit;

(g) the applicant or sponsoring entity failed to promptly reimburse Tooele City for damage to a public right-of-way, public property, or other Tooele City property occurring in connection with a previously permitted special event;

(h) the applicant or sponsoring entity violated one or more terms or conditions of a previously issued special event permit;

(i) the applicant or sponsoring entity has failed to fully satisfy criminal penalties associated with a prosecution of a violation of any provision of this Chapter.

(2) The department shall send notice of permit denial to the applicant by certified U.S. mail to the sponsor contact mailing address provided on the permit application.

(Ord. 2016-16, 09-21-2016)

8-16-10. Appeals.

(1) An applicant may appeal in writing to the Mayor the department's denial of a special event permit and imposition of conditions upon the approval of a special event permit within 5 business days of the denial or imposition of conditions.

(2) An applicant may appeal to the Administrative Hearing Officer the Mayor's denial of a special event permit and imposition of conditions upon the approval of a special event permit.

(Ord. 2016-16, 09-21-2016)

8-16-11. Costs - repairs.

(1) Upon applying for, and as a condition of the issuance of, a special event permit, the applicant and the sponsoring entity shall pay in advance to the City all anticipated costs for additional city services deemed by Tooele City, in its sole discretion, to be necessary in order to protect the public health, safety, or general welfare. Costs for additional city services provided for the special event but not paid in advance shall be paid promptly upon invoice. Should the City determine, in its discretion, that paid anticipated costs for additional city services exceed actual costs, Tooele City will promptly refund the difference, without interest.

(2) Tooele City will not charge an additional fee for basic city services.

(3) The applicant shall leave the public rights-of-way and public property utilized for a permitted special event in as good a condition as when received. The applicant and the sponsoring entity, if different, shall be jointly and severally liable to reimburse Tooele City for any documented costs incurred by the City to clean up and make repairs that exceed the deposit and for payment of costs for additional city services.

(Ord. 2016-16, 09-21-2016)

8-16-12. Disclaimer.

By issuing a special event permit, Tooele City makes no guarantees and assumes no liabilities for the health, safety, or welfare of special event staff, participants, or spectators or the condition of their respective property.

(Ord. 2016-16, 09-21-2016)

8-16-13. Spontaneous assembly.

Tooele City may regulate the time, place, and manner of speech of any spontaneous assembly so as to:

- (1) minimize disruption to vehicular, bicycle, and pedestrian traffic within a public right-of-way;
- (2) minimize disruption to the general public's lawful use of public property;
- (3) minimize disruption of a permitted special event;
- (4) prevent or stop a nuisance, noise disturbance, disorderly conduct, or other violation of law; and,
- (5) prevent an imminent threat to, and otherwise protect, the public health, safety, or general welfare.

(Ord. 2016-16, 09-21-2016)

8-16-14. Authority of Tooele City.

Tooele City is hereby authorized to do the following:

(1) to order that a permitted special event be stopped, and persons gathered for the special event be disbursed, if the special event is documented by Tooele City to be in violation of its special event permit, in violation of the law, or an imminent threat to the public health, safety, or welfare. It shall be a violation of this Chapter for persons attending a special event to fail to disburse when lawfully ordered to do so by a Tooele City peace officer;

(2) to use all legal means to cancel or stop a special event upon the occurrence of a natural disaster or other emergency that Tooele City finds, in its discretion, may adversely affect the health, safety, or welfare of special event attendees;

(3) to prohibit or restrict the parking of vehicles within public rights-of-way constituting part of the route of a special event. Prohibited or restricted parking areas shall be posted with signage. It shall be a violation of this Chapter to park a vehicle contrary to signed parking restrictions;

(4) to reserve space and to erect and reserve seating in a public right-of-way or on public property for observation of a special event. Reserved space or seating shall be signed, cordoned, or otherwise marked. It shall

be a violation of this Chapter for unauthorized persons to utilize reserved space or seating; and,

(5) to take any other lawful act.

(Ord. 2016-16, 09-21-2016)

8-16-15. Penalty for violation - enforcement.

(1) A violation of any provision of this Chapter shall be a class C misdemeanor.

(2) Tooele City may use all legal means to prevent or to stop a special event conducted in violation of any provision of this Chapter.

(Ord. 2016-16, 09-21-2016)