

**GRAND COUNTY, UTAH
ORDINANCE NO. 658 (2022)**

**TO REPEAL ORDINANCE NO. 643 AND CHAPTER 8.16 (SPECIAL EVENTS) OF THE
GRAND COUNTY GENERAL ORDINANCES AND ADOPT NEW
CHAPTER 8.16 (SPECIAL EVENTS)**

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

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;

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;

WHEREAS, as provided in Utah Code § 17-50-302, the County may exercise powers and perform functions that are reasonably related to the “safety, health, morals, and welfare of County inhabitants;”

WHEREAS, in further exercise of the County’s general powers, as provided in Utah Code § 17-53-223, the county may “pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;”

WHEREAS, as provided in Utah Code § 17-53-216, the County may adopt ordinances which provide for the licensing of businesses defined as “any enterprise carried on for the purpose of gain or economic profit,” within their jurisdictions for the purpose of regulation and includes the power to deny, revoke, or suspend such license;

WHEREAS, under such statutory authority as cited above and in exercise of its general powers, the County has the authority to issue special events permits and regulate the same, which authority includes the power to deny, revoke, or suspend such permits;

WHEREAS, the previously named Grand County Council enacted Ordinance No. 627 (2021) to license and regulate special events held in Grand County; adopt uniform procedures to promote

and protect the rights of those organizing special events, those participating in them, and Grand County residents;

WHEREAS, the County repealed and replaced Ordinance No. 627 (2021) with Ordinance No. 637 (2021) to update Chapter 8.16 to restructure the Special Event Committee membership, and update COVID-19 guidelines;

WHEREAS, the County repealed and replaced Ordinance No. 637 (2021) with Ordinance No. 643 (2021) to update Chapter 8.16 to restructure to the modify the approval authority, review process and requirements, and update COVID-19 guidelines;

WHEREAS, the County seeks to update Chapter 8.16 to remove COVID-19 guidelines and requirements;

WHEREAS, the County Commission held a public meeting on April 19, 2022 to consider this matter; and

WHEREAS, the Grand County Commission has determined that it is in the best interests of the citizens of Grand County to repeal and replace Chapter 8.16 and Ordinance No. 643.

NOW, THEREFORE, BE IT ORDAINED that the Grand County Commission hereby:

1. Repeals Ordinance No. 643 and Chapter 8.16 (Special Events) of the Grand County General Ordinances; and
2. Adopts new Chapter 8.16 (Special Events) of the Grand County General Ordinances as set forth in *Exhibit A*.

ADOPTED by the Commission in a public meeting on April 15, 2022 as follows:

Those voting aye: Hadler, Hedin, Kovash, McGann, Stock, Walker

Those voting nay:

Those absent: Clapper

Grand County Commission:

ATTEST:



4/20/2022

Jacques Hadler, Chair



4/21/2022

Gabriel Woytek, Clerk/Auditor

EXHIBIT A

Chapter 8.16 Special Events

Sections:

- 8.16.010 Purpose and Intent**
- 8.16.020 Severability**
- 8.16.030 Definitions**
- 8.16.040 Permits Required**
- 8.16.050 Exceptions**
- 8.16.060 Sales Tax**
- 8.16.070 Special Events Advisory Committee**
- 8.16.080 County Commission**
- 8.16.090 Application Requirements**
- 8.16.100 Fees**
- 8.16.110 Application Review Procedure**
- 8.16.120 Conditions**
- 8.16.130 Grounds for Denial**
- 8.16.140 Enforcement**
- 8.16.150 Remedies and Penalties**
- 8.16.160 Post Event Evaluation**
- 8.16.170 Constitutional Right**

8.16.010 Purpose and Intent

It is the purpose of Grand County to regulate assemblage of people requiring mitigation of impacts to the health, safety, peace, comfort and welfare of all persons in Grand County, residents and visitors alike.

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.

If any provision of this Chapter conflicts with any state or county executive or public health order or other temporary regulation, the latter shall govern.

8.16.030 Definitions

- A. “Cost Recovery Surcharge” shall mean 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.

- B. "Committee" shall mean the Special Events Advisory Committee, the composition, duties and obligations of which are set forth in Section 8.16.070.
- C. "Daily Total Attendance" shall mean and include all registrants, spectators (including family of or crew for the registrants), staff (including agents and subcontractors), volunteers, vendors, and any other participants.
- D. "Permittee" shall mean the applicant for the Special Event, as hereinafter defined, becomes the Permittee when the Special Event permit is signed by the Clerk/Auditor, as defined in Section 8.16.100, County Commission as defined in Section 8.16.080, or other designee of the County.
- E. "Processing Department" shall mean the Economic Development Department ("ED") for events in the county or Old Spanish Trail Arena ("OSTA") for events at the facility.
- F. "Referral Agencies" shall mean Grand County Planning and Zoning, Roads, Building, and Economic Development Departments; Utah Department of Transportation; Utah Highway Patrol; Grand County Sheriff's Office; Moab City Police Department; Grand County Emergency Medical Services; Moab Valley or Thompson Fire Protection Districts; Southeast Utah Health Department; Utah Division of Alcoholic Beverage Control; City of Moab; Town of Castle Valley; San Juan County; federal and state land management agencies; and other agencies the Committee deems appropriate.
- G. "Special Event" shall mean a sporting, cultural, entertainment, commercial, or similar gathering or activity, whether for profit or nonprofit, whether open to the public or not, whether located on private or public land (including trails), occurring for a limited duration not to exceed thirty (30) consecutive days; and:
- i. Where Daily Total Attendance may exceed one hundred persons;
 - ii. Noise that is prohibited by Title 11 of the Grand County General Ordinances may be used or created (the "Noise Ordinance");
 - iii. The County Commission determines that the proposed event will result in identifiable impacts to county services or the health, welfare, peace, comfort, or safety of Grand County residents or visitors; or,
 - iv. Any event available to the public that requires the full or partial closure of a public right of way or use of public property.

By way of illustration but not limitation, Special Events include events where entrance fees are charged, retail sales are conducted, or 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. Special Event shall not include non-commercial family or youth events held in a County facility.

- H. "Special Event Permit" or "Permit" means a certificate or other written approval sought

by an applicant for an event as defined in this chapter, granted through the Grand County Commission or its designee, the Clerk/Auditor.

8.16.040 Permits 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 Permit issued by Grand County.

In addition, all Special Events shall operate under a valid Grand County business license, or temporary business license, pursuant to Title 5 of the Grand County General Ordinances, as amended.

8.16.050 Exceptions

Weddings, family reunions, neighborhood block parties, garage sales, conferences, and similar events held in a permitted permanent facility consistent with the facility's occupancy and design standards shall not require a Special Event Permit.

8.16.060 Sales Tax

With the exception of religious and charitable entities, all vendors participating in Special Events are required to obtain a Sales Tax Account Number from the Utah Tax Commission prior to application to the Special Events Committee. Religious and charitable entities shall submit proof of 501(c)3 entity status to the Grand County Clerk no less than thirty (30) prior to the Special Event.

Each Special Event Permittee is responsible for ensuring compliance with Utah State Tax Commission requirements. By way of illustration, but not limitation, admission fees, entrance fees, participation fees, tangible goods, merchandise, and prepared food are taxable sales sourced to the county and/or municipality in which the Special Event starts regardless of the location of the business entity or end location.

8.16.070 Special Events Advisory Committee

8.16.070.1 Membership. The County Commission hereby establishes a Special Events Advisory Committee comprised of the following persons or their designee:

- Commission Administrator or Associate Administrator;
- Economic Development Director;
- Old Spanish Trail Arena Director;
- County Attorney;
- Clerk/Auditor;
- One County Commissioner.

8.16.070.2 Duties and Obligations. Subject to Section 8.16.080 and the Governing

Documents of the Committee, the Committee shall develop all necessary application forms and documents consistent with and required by this Chapter; review all applications; refer technical matters to the related Referral Agencies; and recommend application approval or denial, with or without conditions, to the Clerk/Auditor or County Commission.

8.16.070.3 Review Guidelines. The County Commission shall adopt Policies and Procedures to govern the Committee's review of special events applications, which Policies and Procedures shall require the Committee to determine whether the special event's economic, entertainment or recreational benefit to the County and its residents outweighs the impact to the County and its residents.

8.16.080 County Commission

The County Commission has the authority to review, approve, or deny any application of interest to the Commission. The Committee shall refer the final approval of complete applications, as reviewed by the Committee, to the County Commission for additional review and final approval where the proposed Special Event:

- A. May significantly impact County services or present a considerable risk to the health, safety, peace, comfort or welfare of citizens;
- B. Requires approval of an exemption to the Noise Ordinance or a temporary land use not expressly permitted in the Grand County Land Use Code;
- C. Involves All-Terrain Vehicles as defined by the Utah Motor Vehicle Act;
- D. Is likely to draw in excess of one thousand (1000) Daily Total Attendance for all event locations per day with the; or
- E. Is likely to generate unbudgeted fiscal impact on the County (staff time, public safety, etc.).

8.16.080.1 Pre-Authorization Approval List. The Commission may approve a pre-authorization list granting the Clerk/Auditor approval authority for applications otherwise require County Commission review under Section 8.16.080(D). In approving the pre-authorization list, the County Commission may consider the follow criteria:

- A. Event type;
- B. If the event is recurring;
- C. If the event and/or applicant are in good standing with the County;
- D. If the event is locally sponsored; and
- E. If the event is intended to be cultural, community/family, educational or historical.

The Committee may refer any other applications to the County Commission in its sole discretion.

8.16.090 Application Requirements

All applicants shall provide the following information:

- A. Special Events Application and Compliance Fee;
- B. Copy of Applicant's Business License;
- C. Copy of State of Utah Special Event Temporary Sales Tax License;
- D. Name, address, telephone number, and email address of Applicant and single point of contact for each day of Special Event;
- E. The proposed dates and times of operation of the Special Event;
- F. Description of Special Event, including description of all the anticipated elements such as signage, listing 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;
- G. The proposed event location(s), including address or other identifying information, and for multiple event locations, the distance between them;
- H. The name, address, telephone number, and email address of property owner(s);
- I. Property owner(s) signature(s) authorizing the Special Event on the property;
- J. Anticipated number of total event attendance and average Daily Total Attendance:
 - i. registrants;
 - ii. spectators;
 - iii. staff;
 - iv. volunteers;
 - v. vendors (number and type); and
 - vi. any other participants;
- K. A Site Plan/ Detailed Course Map for each event location:
 - i. 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;
 - ii. 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. If semi-permanent structures are to be included, applicant must supply specific information on how those structures will be anchored to the ground;
 - iii. Location, type, and provider of solid waste, recycling, compost, waste diversion containers;
 - iv. Location, type, and provider of restroom facilities;
 - v. Location of operator's headquarters at the gathering;
 - vi. Location of all beer gardens and cooking areas;
 - vii. The location, size, and type of proposed audio, lighting, visual equipment, open fires or pyrotechnics;
 - viii. Parking areas and overflow parking areas;
 - ix. Shuttle plan;
 - x. Entrance and exits;
 - xi. Vendor stations;
 - xii. Fencing and appropriate gates;

- xiii. Security and parking personnel (if applicable);
- xiv. Generator locations and/or source of electricity; and
- xv. First aid and water stations.
- L. Sanitation service commitments, including the following minimum requirements: daily, compost, recycling and garbage pick-up, daily restroom hauling and cleaning, handwash replenishing, and waste diversion plan;
- M. Proof of insurance coverage naming Grand County as an Additional Insured in an amount not less than \$1 million per occurrence and \$2 million aggregate unless a lesser amount is approved in writing by the Commission Administrator or County Attorney;
- N. County Indemnification Agreement;
- O. Applicant's sales tax account number;
- P. Information concerning all admission fee charges, booth fees, rental charges, or similar information relating to fees generated by the event;
- Q. Any pertinent information requested by staff concerning impacts generated by the event including traffic control, security, emergency medical services, or other similar information;
- R. Pertinent coordination information such as required permits and approvals from the Referral Agencies;
- S. Contingency Plan considering any emergency plans, medical service, fire and police, residential notification and mitigation plan;
- T. 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; and
- U. If the special event involves Utah Department of Transportation ("UDOT") managed rights of way, a copy of the UDOT permit.

8.16.100 Fees

- A. Application Fee: Each application shall be accompanied by the nonrefundable Application Fee established by the Grand County Consolidated Fee Schedule. The Application Fee shall be due regardless of location of the Special Event. The Application Fee is due and payable upon submission of an application. Applications shall not be deemed complete until the Application Fee has been paid. The payment of the Application Fee and/or the acceptance of fees by the County shall not constitute approval or otherwise be deemed to signify that the application is complete or appropriate in any manner.
- B. Compliance Fee: Special Events shall be subject to a Compliance Fee which reimburses the County for its costs to ensure compliance with the requirements of this Chapter and the Special Events Permit in the amounts established by the Grand County Consolidated Fee Schedule. Where an event is held in a County Facility, the Permittee shall pay the fees charged by the County for use of the facility or the Compliance Fee, whichever is greater. The Permittee shall pay the Compliance Fee at least thirty (30) days in advance of the Special Event.
- C. Sheriff's Fees: Special Events shall be subject to any applicable Sheriff's

Fees as established by the Grand County Consolidated Fee Schedule.

- D. **Cost Recovery Surcharge:** In addition to the Application and Compliance Fees, Special Events shall be subject to a Cost Recovery Surcharge proportionate to impacts and costs generated by the Special Event. The Cost Recovery Surcharge shall reimburse the County for unbudgeted expenses including but not limited to excess public services, staff time, or the like. The Permittee shall pay the estimated Cost Recovery Surcharge at least thirty (30) days in advance of the Special Event, which Cost Recovery Surcharge may be increased within sixty (60) days of the Special Event after invoice by the County in the event of unplanned impacts.
- E. **Financial Security:** The County Commission or Committee may require an applicant to post a cash deposit or other security with the County Clerk/Auditor for all estimated contingent costs prior to the issuance of a Special Event Permit, as a guarantee against fees, damages, cleanup, or loss of public property.

8.16.110 Application Review Procedure

- A. **Intent to Apply:**
 - i. Applicants must submit an Intent to Apply to the appropriate Processing Department for approval of the dates desired for the Special Events. The Intent to Apply shall include a description of the event, proposed location, number of attendees, and event dates. Upon request of the Intent to Apply, the Processing Department shall approve the dates or work with the applicant to arrange alternative dates. Approval of dates by shall not constitute approval of the proposed Special Event and shall not be deemed a Special Event Permit.
- B. **Initial Special Event Advisory Committee Review:**
 - i. The Committee shall conduct an initial review of the Intent to Apply to determine if the proposed event is in compliance with local, state and federal laws as well as County Ordinances and Resolutions. The Committee shall all identify the approval authority as defined in Section 8.16.080. The Committee may identify additional conditions, requirements and/or request additional information. The Committee shall provide, in writing, through the Processing Department, approval to proceed with the application. If the event is non-compliant with local, state or federal, and/or County Ordinances or Resolutions, the Committee shall provide, in writing, through the Processing Department findings of fact regarding the denial.
- C. **Application Submission:**
 - i. Upon written approval to proceed with the application submission, the Processing Department shall work with the applicant to submit a complete Special Event Permit Application.

D. Referral Agency Review:

- i. When the Processing Department confirms the application is complete, the application shall be reviewed by the Referral Agencies.
- ii. Referral Agencies shall provide agency-specific approval or denial, with or without conditions within five (5) business days. The Processing Department may proceed to The Committee review without all Referral Agencies approval or denial after five (5) business days.

E. Special Event Advisory Committee Application Review:

- i. The Processing Department shall send the complete application to The Committee following the Referral Agency review.
- ii. The Committee shall review the application and make a formal recommendation to the Clerk/Auditor or Commission to approve or deny the application, with or without conditions.
- iii. The Processing Department shall submit a permit with conditions for approval to the Clerk/Auditor or Commission for the necessary signature.
- iv. Upon signing of the permit, the Processing Department shall notify the applicant of approval or denial, with or without conditions, in writing to the applicant. The Processing Department shall send both the applicant and Referral Agencies a copy of the signed permit.

F. Submission Deadlines:

- i. The Intent to Apply shall be submitted to the Processing Department a minimum of one hundred and twenty (120) days in advance of the proposed Special Event. This deadline may be waived at the discretion of the Committee if a complete application is received, minimal impacts are anticipated, additional services or emergency response is not necessary or otherwise expected for the event, requested dates are available, and available staff time is adequate to fully process the application. The Committee may also require additional time if questions or concerns arise.

The Committee shall review the application for consistency and compliance with this Chapter and County law, including the Grand County land use zone and the General Ordinances. As necessary, the Committee may request additional information from the applicant and shall refer review of the application to the Referral Agencies as necessary.

G. The Committee shall provide a written recommendation for approval or denial (with or without conditions) to the Clerk/Auditor or Commission at least forty-five (45) days before the proposed Special Event.

H. A Special Events Permit authorized by this section shall be valid for the dates specified therein, subject to Section 8.16.120 below.

8.16.120 Conditions

The County Commission, the Clerk/Auditor, or the OSTA Director may impose conditions on the Special Events Permit to protect the health, safety, peace, comfort and welfare of Grand County residents and visitors. Conditions may include, but are not limited to:

- A. security requirements;
- B. Grand County Local Consent with approval conditional upon receiving DABC permit for alcohol;
- C. liability insurance and/or additional insurance coverage,
- D. damage deposit or surety bonds;
- E. cost recovery surcharge;
- F. additional indemnification and/or liability waivers;
- G. limits upon days or hours operation, number of participants, size and type of lighting, acreage and location, audio or visual equipment, or noise;
- H. provision of emergency medical, fire protection, and/or law enforcement services (such as vehicle escorts, crowd control, and/or traffic control);
- I. additional parking and/or traffic control;
- J. waste removal and sanitation; and
- K. other similar requirements to promote public health, safety, peace, comfort and welfare of Grand County residents and visitors.

The Permittee shall provide proof that all conditions are met at least thirty (30) days before the Special Event or the Special Events Permit shall be void and of no further force or effect.

8.16.130 Grounds for Denial

A special event is a privilege. Thus, the Committee, or the County Commission may deny an application for a Special Events upon written Final Decision explaining the reasons for the denial, including but are not limited to:

- A. Applicant submits incorrect, incomplete, or false information;
- B. The proposed Special Event threatens or is incompatible with the public health, safety, peace, comfort or welfare of Grand County residents or visitors, including community or neighboring uses and morals, or may result in an unreasonable inconvenience or cost to the public;
- C. The zoning of the proposed event site does not permit the use contemplated by the applicant;
- D. Applicant refuses or fails to pay required fees or to comply with permit requirements or conditions;
- E. Impacts associated with the proposed Special Event cannot be mitigated;
- F. Applicant does not meet the deadlines and timelines required herein;
- G. The proposed Special Event places unreasonable competing demands on County resources and/or conflict in proposed date(s), time and location with a reoccurring Special Event that is in good standing with the Committee and/or has an established annual date or season;

- H. The Committee otherwise supports a denial based on Post Event Evaluation(s) and community complaints regarding incompatibility of the event with community health, safety, comfort, peace, and welfare; or
- I. Executive or Public Health orders preclude the Event as per the order's provisions.

In the event of denial of a Special Events Permit, the applicant may submit a written appeal to the County within thirty (30) days of the Final Decision pursuant to Chapter 1.16 of the Grand County General Ordinances, as amended.

8.16.140 Enforcement

The County or its designee may conduct inspections before, during, and after a Special Event to ensure compliance with this ordinance, approved plans, and conditions of approval. The Special Events Permittee shall provide access to all areas of the Special Event the County deems necessary and provide the number of access credentials requested.

8.16.150 Remedies and Penalties

In the event a Permittee or Special Event is violating local, state, or federal law or conditions of approval, the County shall have the following remedies:

- A. Cancel or stop the Special Event and/or revoke the Special Event Permit;
- B. Seek an injunction in the Moab District Court;
- C. Issue Civil Fines pursuant to the Grand County Consolidated Fee Schedule, this Chapter, and Title 1 of the Grand County General Ordinances;
- D. Issue criminal citations. Any person, firm, entity, or corporation found violating this chapter or the conditions of approval shall be guilty of a Class C misdemeanor; or
- E. Deny the Permittee or Special Event a Special Event Permit for up to the following three (3) years.

8.16.160 Post Event Evaluation

The Committee shall conduct a Post Event Evaluation of each Special Event and may issue an After-Action Report/Improvement Plan, as deemed necessary; provided, however, that the Committee's failure to so conduct a Post Event Evaluation or issue an After-Action Report/Improvement Plan does not constitute a finding of good standing for any particular Special Event and is not a waiver of remedies hereunder.

8.16.170 Constitutional Right

Grand County recognizes and supports the public's right to assembly and free speech and this Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint or message. To the extent the terms herein are 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.