

ORDINANCE NO. 597 (2019)

AN ORDINANCE REPEALING GRAND COUNTY CODE CHAPTER 8.16 PUBLIC ASSEMBLIES, SECTIONS 8.16.010 TO 8.16.110 AND ENACTING A NEW CHAPTER 8.16, SECTIONS 8.16.010 TO 8.16.160 GOVERNING THE PERMITTING OF SPECIAL EVENTS

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

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; and

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; and

WHEREAS, Grand County recognizes that uniform procedures promote and protect the rights of those organizing special events, those participating in them, and those living and working nearby; and

WHEREAS, Grand County desires to provide a reasonable level of service in support of special events and to charge a reasonable fee to recover the costs associated with providing such services in order to ensure special events do not place an unreasonable burden on the fiscal well-being of the County; and

WHEREAS, the Grand County Council previously enacted Grand County Code Chapter 8.16, Public Assemblies, Sections 8.16.010 through 8.16.110 governing the permitting requirements for special events held in Grand County;

WHEREAS, the Grand County Council held a public hearing to consider this Ordinance on August 6, 2019, which public hearing was duly noticed;

WHEREAS, the Grand County Council has reviewed the previous ordinance, has heard and considered all evidence and testimony presented with respect to the repeal of the previous ordinance, and has determined that it is in the best interests of the citizens of Grand County to repeal the previous ordinance and enact a new ordinance governing the permitting requirements for special events held in Grand County.

NOW, THEREFORE, the County Legislative Body of Grand County, UT ordains that the Grand County Code is hereby amended by the repeal of Chapter 8.16, Public Assemblies, Sections 8.16.010 to 8.16.110 and the enactment of a new Chapter 8.16, Special Events, and Sections 8.16.010 through 8.16.160 to read as follows:

See Exhibit A.

PASSED, ADOPTED, AND APPROVED by Grand County Council in a regular public meeting on August 20, 2019 by the following vote:

Those voting aye: Clapper, Paxman, Morse, McGann, Hawks, Halliday

Those voting nay: _____

Those absent: Wells

APPROVE:



Evan Clapper, Grand County Council Chair

ATTEST:



Chris Baird, Grand County 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 License Required**
- 8.16.050 Exceptions**
- 8.16.060 Business License and Sales Tax**
- 8.16.070 Cost Recovery Surcharge**
- 8.16.080 Application Materials**
- 8.16.090 Submission Timeline**
- 8.16.100 Special Events Coordinating Committee**
- 8.16.110 Allowable Conditions**
- 8.16.120 County Council**
- 8.16.130 Grounds for Denial**
- 8.16.140 Enforcement**
- 8.16.150 Remedies and Penalties**
- 8.16.160 Post Event Evaluation**

8.16.010 Purpose and Intent

It is the purpose of Grand County, State of Utah, to regulate assemblage of large numbers of people in excess of those normally needing the public services provided by Grand County in order that the health, safety and welfare of all persons in Grand County, residents and visitors alike, may be protected.

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.

8.16.030 Definition

A "Special Event" shall mean a sporting, cultural, entertainment, commercial, or similar gathering, whether for profit or nonprofit, whether open to the public or not, occurring for a limited or fixed duration not to exceed fourteen consecutive days; and,

- Where Daily Total Attendance may exceed one hundred persons;
- The County Council determines that the proposed event will result in quantifiable impacts to county services or the health, welfare, or safety of citizens; or,
- Any event available to the public that requires the full or partial closure of a public right of way or use of public property.

As used herein, "Daily Total Attendance" shall mean and include;

- All registrants/participants spectators, staff, hired entities or contractors, and volunteers.

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.

Grand County recognizes and supports the public's right to assembly and free speech and this Section 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.

8.16.040 Licenses 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 License issued by Grand County.

In addition, all Special Events shall operate under a valid Grand County business license. Special Events sponsored by a person or organization without a business license shall obtain a temporary business license in addition to the Special Event License.

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 License; and

Special Events held at the Old Spanish Trail Arena (OSTA) multi-purpose recreation complex and Old City Park shall not require a Special Event License provided the event sponsor follows all other licensing requirements, adheres to the facility's established policies and fees; provided, however,

The Special Events Coordinating Committee, as defined in Section 8.16.100, may require a Special Event License for an event to be held at OSTA or Old City Park when the event:

- Significantly impacts county services, such as an increased demand for litter control, traffic control or the presence of law enforcement;
- Presents a considerable risk to the health, safety or welfare of citizens, including overcrowding, personal privacy, or noise; or,
- Presents unbudgeted fiscal impacts upon the County in terms of staff time, public resources, or the like.

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 five (5) days prior to the Special Event.

Each Special Event Licensee 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 Cost Recovery Surcharge

Pursuant to Ordinance No. 575 (the Grand County Consolidated Fee Schedule), Special Events subject to County Council approval under Section 8.16.120 shall be subject to a Cost Recovery Surcharge, which shall be defined as 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. The Cost Recovery Surcharge shall be proportionate to impacts and costs generated by the event and shall be calculated to reimburse Grand County for unbudgeted expenses for excess public services, staff time, or the like. The County may require the Cost Recovery Surcharge be paid in advance, or within sixty (60) days of the Special Event after invoice by the County in the event of unplanned impacts.

8.16.080 Special Event License Application Materials

All applicants shall provide the following information:

1. Special Events Application Fee;
2. Copy of Applicant's Business License;
3. Name, address, telephone number, and email address of event sponsor;
4. The proposed dates and times of operation;
5. Description of 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;
6. The proposed location and premises to be used;
7. The name, address, telephone number, and email address of property owner(s);
8. Notarized property owner(s) signature(s) authorizing the special event on the property;
9. Anticipated number of event participants –max number during a two-hour peak;
10. Anticipated number of event staff and spectators;
11. A Site Plan/ Detailed Course Map:
 - 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;
 - 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;
 - Location, type, and provider of solid waste, recycling, compost, waste diversion containers;
 - Location, type, and provider of restroom facilities;

- Location of operator’s headquarters at the gathering;
 - Location of all beer gardens and cooking areas;
 - The location, size, and type of proposed audio, lighting, visual equipment, open fires or pyrotechnics;
 - Parking areas and overflow parking areas;
 - Shuttle plan;
 - Entrance and exits;
 - Vendor stations;
 - Generator locations and/or source of electricity; and
 - First aid and water stations.
12. 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;
 13. Proof of liability insurance and indemnification agreement;
 14. Applicant’s sales tax account number;
 15. Information concerning all admission fee charges, booth fees, rental charges, or similar information relating to fees generated by the event;
 16. Single point of contact for the day of event;
 17. A description of the number and type of vendors planned for the event;
 18. Any pertinent information requested by staff concerning impacts generated by the event including traffic control, security, emergency medical services, or other similar information;
 19. Pertinent coordination information such as required permits and approvals from Utah Department of Transportation, Utah Highway Patrol, local Health Department, Alcohol Control Board, Moab City, federal and state land management agencies, and other agencies as may be deemed appropriate;
 20. 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;
 21. If the special event involves Utah Department of Transportation (“UDOT”) managed rights of way, a copy of the UDOT permit.

8.16.090 Submission Timeline

Complete applications shall be submitted a minimum of one hundred and twenty (120) days in advance of the proposed Special Event. This timeline may be waived by the Special Events Coordinating Committee if a complete application is received and minimal impacts are anticipated. The Committee may require additional time if questions or concerns arise. A Special Events License authorized by this section shall be valid for the dates specified not to exceed twelve (12) months from the date of issuance, subject to Section 8.16.110 below.

8.16.100 Special Events Coordinating Committee

A Special Events Coordinating Committee (“Committee”) made up of County staff shall meet as needed. The Committee shall have the authority to develop an application form and a compliance checklist consistent with this ordinance, and to review and approve, approve with conditions, or deny a special event application, with or without conditions except as limited by Section 8.16.120. Applications shall be subject to review by the following County departments:

roads, building, fire, law enforcement, EMS, travel council, planning and zoning, and others as required for the special event.

8.16.110 Allowable Conditions and Timeline

Permissible conditions may include, but are not limited to:

- payment of a special event license application fee and temporary business license application fee,
- payment of fees for land use permits, building permits, temporary structure permits, or other applicable charges,
- security requirements,
- liability insurance,
- damage deposit or surety bonds,
- cost recovery surcharge,
- indemnification or liability waivers. Applicant shall agree in writing to indemnify the county and its officials, employees and agents and to hold them harmless from and against any and all claims, liability, damage, loss or expense of any kind (including attorneys' fees and costs) arising or resulting in any way from the activities of the licensee on County property, including, but not limited to, streets, sidewalks, or other public rights of way.
- limits upon days or hours operation,
- limits on numbers of participants,
- limits on size and type of lighting, audio or visual equipment,
- Emergency Medical Services,
- Law Enforcement,
- Acreage limits,
- Additional parking and/or traffic control,
- Sanitation,
- Fire protection services,
- Other similar requirements to promote public health, safety, and welfare, including traffic control, crowd control, litter disposal, noise control and privacy concerns.

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

8.16.120 County Council

The Committee shall elect to refer a complete Special Event application to the County Council for review, and the County Council shall have the power to request such referral, and subsequently review, approve, approve with conditions, or deny a special event license where the proposed Special Event meets one or more of the following conditions:

1. May significantly impact County services or present a considerable risk to the health, safety, or welfare of citizens;
2. Involves the full or partial closure of a public right of way or use of a County owned facility not exempted in Section 8.16.050;

3. Requires issuance of additional licenses or permits which require County Council approval;
4. Is likely to draw in excess of three hundred (300) people per day of operation; or
5. Is likely to generate unbudgeted fiscal impacts upon the County in terms of staff time, public safety, or the like.

The County Council may set event cost recovery surcharges based upon recommendations of the Committee.

8.16.130 Grounds for Denial

The Committee, or the County Council upon referral, may deny an application for a Special Event License for any of the following reasons:

1. Applicant submits incorrect, incomplete, or false information;
2. The proposed Special Event poses a significant danger or threat to the public health, welfare or safety, or which may result in an unreasonable inconvenience or cost to the public;
3. The zoning of the proposed event site does not permit the use contemplated by the applicant;
4. Applicant refuses or fails to pay required fees or to comply with license or permit conditions;
5. Site-specific or event impacts of the proposed Special Event render it incompatible with community or neighboring uses;
6. Impacts associated with the proposed Special Event cannot be mitigated;
7. Applicant does not meet timelines required herein;
8. 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; or
9. The Committee otherwise supports a denial based on Post Event Evaluation(s).

In the event of denial of a Special Events License, the applicant may submit a written appeal to the County Council within thirty (30) days of the Committee's written decision.

8.16.140 Enforcement

The Sheriff's Office or other assigned county department or office may conduct inspections before, during, and after a Special Event to ensure compliance with this ordinance, approved plans, and conditions of approval. The Special Event Licensee shall provide access to all areas of the gathering the County deems necessary and provide the number of access credentials requested.

The County may stop an event which has not been issued a license and/or may issue citations where event staff or participants violate state statutes, County ordinance, or conditions of approval. Expedited judicial remedies are expressly authorized where violations of this ordinance present an imminent risk to public health, safety, or welfare.

8.16.150 Remedies and Penalties

Any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this Chapter shall be guilty of a Class C misdemeanor. Without limiting the generality of the foregoing, it shall also be a Class C misdemeanor for any person, firm, entity, or corporation to conduct a Special Event without the licenses required by this Chapter or fail to comply with License conditions.

In addition to other penalties imposed, such persons shall be liable for all expenses incurred by the County for such services as law enforcement, fire protection, emergency medical services, utilities, traffic control, parking, or for removing or abating any Nuisance.

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.