

ORDINANCE NO. 1187

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE BUSINESS REGULATIONS CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO LARGE SCALE ENTERTAINMENT EVENTS.

WHEREAS, Utah State law grants to Draper City the authority to regulate business uses; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

WHEREAS, the Business Regulations Code of the Draper City Municipal Code has been established to provide regulations concerning general business operations including large scale entertainment events within the City Boundaries; and

WHEREAS, the City Council of Draper City adopted Business Regulations Code to guide businesses within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of Business Regulations Code regarding the large scale entertainment events;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Revision. Business Regulations Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 2nd DAY OF February, 2016.

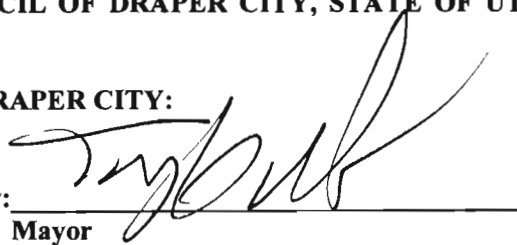
ATTEST:



City Recorder

DRAPER CITY:

By:



Mayor



EXHIBIT A

Chapter 17 SPECIAL EVENTS

6-17-030: DEFINITIONS

ATHLETIC EVENT: 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 or sidewalk or other city property.

BLOCK PARTY: An outdoor party put on by residents of a neighborhood that requires closing down a city street, sidewalk, or other city property.

CITY EVENT: A special event that is organized and operated by the city, whether directly or by contract with a third party operator.

ENTERTAINMENT EVENT: An organized event having its primary purpose the entertainment or amusement of a group of people, including, but not limited to, parades, festivals, carnivals, fairs, concerts, or similar activities on any city street or sidewalk or other city property.

FILMING EVENT: Filming of a media broadcast (other than for news purposes), filming of a motion picture or television broadcast, or still commercial photography, in any case involving more than four (4) human participants.

LARGE SCALE ENTERTAINMENT EVENT: An entertainment event with an expected attendance of at least 1,000 spectators at any one time which is located on public or private property.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of products including but not limited to, displays and exhibitions, farmers markets, craft fairs, outdoor sales, tent sales and other similar activities.

PERSON: Includes an individual, corporation, partnership, association, or other entity whether public or private.

POLITICAL EVENT: An organized event involving the preplanned participation of more than fifty people, not including and athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speechmaking, picketing, protesting, marching, demonstrating or debating public issues, on any city street or sidewalk or other city property.

PUBLIC FORUM: City roads, sidewalks, rights-of-way and city property that has by tradition been used by the public for assembly and expression, or city property that has not traditionally been open for public assembly and debate but that the city has opened for use by the public as a place for assembly and expression.

SPECIAL EVENT: Any athletic event, entertainment event, filming event, block party, political event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.

SPONTANEOUS EVENT: A special event that is occasioned by news or affairs coming into public knowledge fewer than fourteen (14) days before the special event.

6-17- 050: SPECIAL EVENTS ALLOWED:

Any person may sponsor or conduct special events. The special events listed in this section will be allowed up to the time limits specified for each event and are subject to the terms of this chapter. Unless otherwise specified herein, occurrences shall be counted based on the applicant or location of the event, whichever is greater.

- A. A multi-day athletic event, entertainment event, outdoor sales event, or filming event may be conducted for up to eight (8) days per occurrence with a maximum of four (4) occurrences per year. Vendors operating booths, displays, demonstrations, or services as a part of these events will be considered permitted as a part of the permit for the entire event, but necessitate independent business licensure, as required by this title.
- B. A single-day athletic event, entertainment event, block party, outdoor sales event, or filming event may be conducted for up to one day per occurrence with a maximum of four (4) occurrences per year.
- C. Off-site motorized vehicle sales conducted by a licensed dealer on private property may be held for up to twenty one (21) days per occurrence with not more than three (3) occurrences per year.
- D. The launching of fireworks displays may be conducted during times permitted under state law. Fireworks displays are subject to the approval and requirements of all appropriate fire agencies. The launching of fireworks displays may also be subject to location restrictions of the city and all appropriate fire agencies.
- E. Auctions with outside storage, screened from view from any adjacent street by a six foot (6') site obscuring fence, may be conducted for up to three (3) days per occurrence with no more than four (4) occurrences per year per site. Up to two (2) occurrences may run consecutively, when applied for as such, but shall be counted as separate occurrences.
- F. A large scale entertainment event may be approved for duration of 6 months with the approval of a Special Event Agreement with the City Council. An agreement may be renewed for a subsequent duration at the City Council's discretion and subject to the denial criteria found in Section 6-17-100 of this Title.

6-17-060: APPLICATION AND STANDARDS FOR SPECIAL EVENTS:

A person seeking a special event permit shall submit an application to the city on forms provided by the city. The application shall be filed not less than forty five (45) and not more than three hundred sixty five (365) days before the activity is proposed to commence. Any application for a filming event permit shall be submitted no later than four (4) business days before the filming event is scheduled to occur.

- A. **Application and Processing Fees:** Application and processing fees, as determined in R-15-11 of this code, shall be paid to the city by the applicant when the application is filed with the department in order to cover the administrative costs of processing the permit application.
- B. **Late Notification Fee:** Any applicant for a special event permit (except applicants for filming event's) who fails to give at least forty five (45) days notice to the city before the activity is proposed to commence shall remit to the city a late notification fee of \$40 in addition to the application and processing fee.

C. Complete Copy Of Application: The application for any special event requiring a mass gathering permit pursuant to Salt Lake Valley Health Department regulations must include a complete copy of their required application.

D. Access: Specific areas shall be designated for ingress and egress of emergency vehicles, including appropriate barriers to regulate vehicular and pedestrian traffic.

E. Plans: The following plans must be submitted with the application for a special event permit:

1. Site Plan: The site plan shall depict the proposed layout of the entire property to be used for the special event. This site plan must include the exact address of the property, the name and address of the property owner, and the name and twenty four (24) hour contact information of the contact person or coordinator. The site plan must clearly show all entrances, exits, roadways, walkways and parking, all sanitation facilities, medical and first aid stations, waste containers, food stands, vendor areas, lighting, types of merchandise being sold, types of food being prepared/sold, alcohol sales, types of live entertainment, sound systems, temporary structures, temporary and permanent power sources, amusement rides, and all other activities associated with the event.

2. Control Plan: A plan shall be submitted and approved establishing adequate provisions for traffic, crowd, and patron control and assurance of compliance with city, state, and federal laws including, but not limited to, fire, health, security, and Americans with disability act regulations. Only Draper City public safety personnel shall be used for traffic control on Draper City streets, trails, or sidewalks for special events. No more than two (2) special events per calendar month shall be allowed when public safety personnel such as police, fire, or ambulance services are necessary. No special events requiring public safety personnel shall be allowed in the month of July, except for events associated with Draper Days. Exceptions may be made by the city council.

3. Sign Plan: Applicants shall provide a plan showing the location of all signs to be placed in association with the event. The sign plan must include the total number of signs with the dimensions and size of each sign. All signs must meet the requirements of [title 9, chapter 26](#) of this code.

4. Security Plan: A security plan shall be submitted to and approved by the city establishing the number and type of enforcement and security personnel needed to monitor and facilitate the event and provide spectator or participant control and direction. The security plan must include a list of names and contact information for all security personnel and volunteers assisting with the event to ensure coverage and accountability on the day of the event.

5. Parking Plan: A parking plan shall be submitted to and approved by the city identifying areas for parking in a capacity to accommodate the reasonably expected attendance at the event. Parking areas shall meet all requirements and specifications of the fire department. If parking spaces are not marked, parking personnel must be provided to ensure orderly and safe ingress and egress from the parking area.

F. Emergency Services: First aid supplies, equipment, and emergency medical services must be made available to meet public health and safety concerns and legal requirements.

G. Sanitation Facilities: Adequate sanitation facilities shall be provided based on the duration of the event and on the number of persons reasonably expected to participate.

H. Trash Removal: All trash shall be removed and the site restored to the condition the property was in prior to the event before the applicant or event sponsors leave the site. All

trash must be disposed of properly and any equipment used returned to its designated location. It is the sole responsibility of the event organizers to provide appropriate means of trash disposal and site cleanup.

I. Events On Public Property: With proper authorization from appropriate city departments, special events may be held in public places or on city owned property. Events on public property must end by ten o'clock (10:00) P.M. on any given day unless an extension of time is granted by the city manager's office. A written request to the city manager must be submitted with detailed information as to the need to extend the end time of an event. This approval must be completed before a special event permit is issued.

J. Events On Private Property: Special events are allowed on private property with the property owner's written approval. Notification of the event taking place shall be issued to all adjacent property owners prior to the event. Events on private property may not exceed hours of operation as dictated in the city's nuisance ordinances.

K. Insurance: Applicants for a special event permit must provide liability insurance to ensure the health and safety of the public. Mandatory liability insurance with a minimum two million dollars (\$2,000,000.00) coverage will be required prior to the issuance of a special event permit. The liability insurance must also name the city as an additional insured. Applications without the required insurance will not be accepted and the event will not be allowed to be held.

1. The following special events shall be exempt from the insurance requirement:

- a. Political events, unless the event will include fireworks or other similarly hazardous features.
- b. School events located on, or directly adjacent to, school property;
- c. Events sponsored in whole by the city;
- d. Block parties; and

2. In consideration for the issuing of a special events permit and use of city streets and sidewalks or city property, the applicant agrees 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.

L. Performance Bond: The city may require the applicant or sponsor of a special event, in addition to the aforementioned liability coverage, to protect the city's interests with a performance bond in a form and amount as determined by the city Parks and Recreation Director.

M. Inspections: Authorized law enforcement officers, code compliance and zoning enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws.

N. Approval of Other Public Agencies: The applicant has obtained the approval of any other public agency within whose jurisdiction the event or portion thereof will occur.

O. Facility Reservations: If the application proposes the use of any city facility designated and designed to be available on a reservation basis and subject to a facility use agreement, the applicant shall also be responsible to comply with all rules and regulations applicable to the reservation and use of such facility, and pay all applicable fees and deposits prior to the issuance of the special event permit.

P. Exclusive Use of Public Property: The event will not require the exclusive use of park or

other public areas in a manner which will adversely impact upon the reasonable use or access to those areas by the general public unless such exclusive use has been approved by the parks and recreation director pursuant to the department's policies.

Q. For a filming event, the number of dates of filming and the number of locations to be used, and a report regarding discussions with property owners or occupants in the affected neighborhoods. The applicant shall provide a short written description of and schedule for the proposed filming to the owners and occupants in the affected neighborhoods (as defined by boundaries set by the parks and recreation director). The applicant shall talk with owners and occupants of all such property and submit as part of the application a report noting any owner's or occupant's reaction along with the addresses and phone numbers of all such property owners and occupants;

R. Additional Information: Any additional information that the city finds reasonably necessary to a fair determination as to whether a special event permit should issue.

S. For a large scale entertainment events, in addition to the special event permit and business license, a special event agreement is required.

1. The special event agreement shall be applied for through the City Manager's Office with approval or denial made by the City Council. Prior to any City Council meeting the City Manager's Office may require application review by City staff or outside agency, as may be deemed necessary, to ensure adequate conditions of approval.

2. Such agreement will outline event specific conditions of approval and application requirements, including but not limited to the conditions and requirements listed in this chapter.

Chapter 9

EVENTS CHARGING ADMISSION

6-9-010: EVENTS CHARGING ADMISSION:

Sporting, musical, or other spectator or participation events, ~~including all "public events", as defined in chapter 7 of this title,~~ shall furnish the city with names, addresses, state tax collection numbers and city business licenses number of all concessions and vendors making taxable sales at the event. Sporting, musical or other spectator or participation events charging admissions shall be required to obtain a city temporary use permit or special event permit and temporary business license and shall pay the required license fee and any additional fee as set forth in the city's consolidated fee schedule unless exempted by ordinance or other applicable local, state or federal law. (Ord. 590, 2-15-2005)

Chapter 7

PUBLIC RECREATION LICENSES

6-7-010: DEFINITIONS:

6-7-020: POLICY:

6-7-030: PUBLIC HEALTH, SAFETY AND WELFARE REQUIREMENTS:

6-7-040: INSURANCE:

6-7-050: CONTINUED COMPLIANCE, ADEQUATE PERSONNEL, OTHER PROVISIONS:

6-7-060: INSPECTIONS:

6-7-070: PENALTY:

6-7-080: EXEMPT ORGANIZATIONS:

6-7-090: BUSINESS LICENSE REQUIREMENTS:

6-7-010: DEFINITIONS:

"Public events" means a concert, fair, festival, bazaar, prizefight, race or other event held in an outdoor setting involving one thousand (1,000) or more patrons. (Ord. 590, 2-15-2005)

6-7-020: POLICY:

The city takes public notice that "public events", as herein defined, involving people numbering more than one thousand (1,000) create hazardous conditions, including, but not limited to, traffic, solid waste disposal, sanitation, sewage disposal, public health, fire protection, noise and other public safety concerns; therefore, the city finds and determines that this chapter which prescribes the procedures, rules and regulations for conducting "public events", as herein defined, is necessary to protect the health, safety and welfare of the citizens of the city. This chapter shall be liberally construed to accomplish this purpose. (Ord. 590, 2-15-2005)

6-7-030: PUBLIC HEALTH, SAFETY AND WELFARE REQUIREMENTS:

It shall be unlawful to sponsor, undertake or provide any "public event", as defined within this chapter, without first obtaining a public event business license from the city and paying the city business license fee and any additional fee as required by the city's consolidated fee schedule. Prior to issuance of the public event business license, a temporary use permit and an application for a public event license must be completed and approved by the community development department. All fees for the temporary use permit must be paid as required by the consolidated fee schedule.

A. Public Safety Requirements Of Applicant: In conjunction with the public event license application, applicant shall provide evidence of measures taken to reasonably protect the health, safety and welfare of the patrons to the public event and the public in general. Such evidence shall include, but is not limited to, the following:

1. A statement of the number of expected participants or potential number of participants with an explanation of how said number was derived. Said number may be derived from, but shall not be limited to, items such as the number of presold tickets, available seating and/or parking, past experience with similar activities, etc.

2. A sealed drawing of the area in which the public event is held. Said drawing shall show:

a. Off street parking facilities providing for one vehicle for every four (4) patrons reasonably expected to attend the public recreation, said parking to be hard surfaced and striped or, if not hard surfaced and striped, adequately regulated by parking personnel to ensure orderly and safe ingress and egress from the parking facility;

b. Specific areas designated for uninhibited ingress and egress of emergency vehicle. Such areas shall specifically exclude, by appropriate barriers, vehicular and pedestrian traffic;

~~e. Specific areas designated for safe ingress and egress of vehicular traffic and for patron admission to ensure the safety of patrons, the enforcement of state and local laws and ordinances and the exclusion of persons not entitled to entry. The adequacy of such areas shall be based upon the number of patrons reasonably expected to attend the public recreation.~~

~~3. A plan outlining adequate provisions for traffic control, crowd control and enforcement of city ordinances, state and federal laws and any other applicable regulations. Said plan shall include, but is not limited to, the following:~~

~~a. Number of enforcement personnel located at the premises;~~

~~b. Type of security personnel (i.e., private security, city police, county or state personnel);~~

~~c. Name and address of the private security agency that is providing security personnel if a private agency is used;~~

~~d. Arrangements for communication between internal and external security personnel, including city personnel, if any, and arrangements for emergency communication with patrons.~~

~~B. Approval Required: To ensure the reasonable protection of the health, safety and welfare of the patrons to the public recreation and the public in general, the business license application as herein before required shall be subject to approval by the following personnel of agencies:~~

~~1. Police chief;~~

~~2. Fire chief;~~

~~3. Community development department;~~

~~4. Health department;~~

~~5. Ambulance director.~~

~~Approval by the above personnel and agencies shall be based upon compliance with the approval of the information required in subsection A of this section, upon implementation by the public event of those measures outlined in subsection A of this section, upon compliance by the applicant with city and state ordinances, statutes and regulations, upon compliance with other reasonable conditions imposed by the above personnel and/or agencies which reasonably protect the safety of patrons to the event and the public in general, and ensures compliance with city and state laws by patrons.~~

~~C. Change In Information Submitted: Should any of the information required in subsection A of this section change after issuance of the business license, the applicant shall submit said changes to the personnel or agencies listed in subsection B of this section for their approval within ten (10) days of such change. (Ord. 590, 2-15-2005)~~

~~6-7-040: INSURANCE:~~

~~The public event applicant shall hold city harmless from any and all claims arising from any and all personal injury or property damage resulting from said public recreations and shall submit, with its business license application, evidence of a liability insurance policy providing for a minimum of one million dollars (\$1,000,000.00) bodily injury coverage per person; three million dollars (\$3,000,000.00) bodily coverage per occurrence; and two hundred fifty thousand dollars (\$250,000.00) property damage coverage. City shall be named as an additional insured and the applicant shall submit a certificate of insurance to the city stating that the insurance shall not be canceled prior to giving city at least ten (10) days' written notice of such cancellation. (Ord. 590,~~

2-15-2005)

~~6-7-050: CONTINUED COMPLIANCE, ADEQUATE PERSONNEL, OTHER PROVISIONS:~~

~~A. Facilities, Safeguards Required: After approval of its business license application and for the duration of the public recreation, applicant shall provide those facilities and implement those safeguards required by the city which constitute the basis for approving the license application and shall comply with all ordinances, laws and statutes applicable to the public recreation. Failure to do so shall result in any and/or all penalties provided in section 6-7-070 of this chapter.~~

~~B. Personnel: The applicant shall provide adequate personnel, including competent security, to assure full compliance with the provisions of this title and the provisions of any other city, county, state or federal law. The adequacy of said personnel shall be determined by compliance with the provisions of section 6-7-030 of this chapter.~~

~~C. Compliance: Compliance with the provisions of this chapter shall not excuse any public recreation from compliance with any other applicable statute, ordinance or regulation, or the necessity of obtaining any other permit or license required by law including, but not limited to, those provisions in this title specifically related to the operation of a business, as herein defined. (Ord. 590, 2-15-2005)~~

~~6-7-060: INSPECTIONS:~~

~~Authorized law enforcement officers, fire control personnel, emergency medical personnel, along with other necessary government personnel, shall be permitted free access to the public recreation to make inspections as outlined in section 6-7-040 of this chapter. (Ord. 590, 2-15-2005)~~

~~6-7-070: PENALTY:~~

~~A. Suspension, Revocation Of License: If it is determined by the city business license official that a public event business licensee is in violation of any of the provisions of this title, the city business license official shall have the authority to suspend or revoke, without a hearing, any license issued by the city that relates to the public recreation. Said suspension or revocation shall be in compliance with the procedural provisions of chapter 3 of this title.~~

~~B. Criminal Penalty: Any person who is found guilty of violating any of the provisions of this title, either by failing to do those acts required herein or by doing a prohibited act is guilty of a class B misdemeanor and shall be subject to any of the penalties provided in this title or in any other pertinent body of law including, but not limited to, those penalties of suspension and/or revocation of any license granted by the city.~~

~~C. Separate Violation Each Day: Each day such violation is committed or permitted to continue shall constitute a separate violation.~~

~~D. Abatement Proceedings: The city attorney may initiate legal action, civil or criminal, requested by the city to abate any condition that exists in violation of these rules and regulations.~~

~~E. Liability For Expenses: In addition to other penalties imposed by a court of competent jurisdiction, any person or persons found guilty of violating any provisions of this title shall be liable for all expenses incurred by the city in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, sanitation violation, or repairing any damage or making restitution for any personal injury or property damage arising from noncompliance with this title. (Ord. 590, 2-15-2005)~~

~~6-7-080: EXEMPT ORGANIZATIONS:~~

~~Government operated public recreations shall be exempt from the provisions of this chapter. (Ord. 590, 2-15-2005)~~

~~6-7-090: BUSINESS LICENSE REQUIREMENTS:~~

~~A. Blanket Temporary Use Permit For Participants: The organizers of any public event sponsored by the city shall obtain a blanket temporary use permit for all vendors, concessionaires and participants engaging in business as a part of the public event. The permit shall be issued by the city to the sponsor of the event without fee.~~

~~B. Single Event Business License Application; Fee: At least two (2) weeks prior to any city sponsored public event, the organizer shall deliver to the city a list of all vendors, concessionaires and participants expected to engage in business at the event. Those vendors, concessionaires and participants holding a valid Draper City business license or a license from a reciprocating jurisdiction shall be required to fill out a Draper City single event business license application form. No fee shall be assessed for the single event business license. Those vendors, concessionaires and participants not holding a valid Draper City business license or a license from a reciprocating jurisdiction shall be required to fill out a Draper City single event business licenses application form and to pay a single event business license fee of twenty dollars (\$20.00) prior to participating in the public event. (Ord. 590, 2-15-2005)~~

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1187** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 2nd day of February, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: February 4, 2016, through February 24, 2016

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah