

AN ORDINANCE AMENDING TITLE IX OF THE GLADSTONE CODE OF ORDINANCES BY REPEALING CHAPTER 2400, OUTDOOR SPECIAL EVENTS, AND ENACTING IN LIEU THEREOF A NEW CHAPTER 2400, OUTDOOR SPECIAL EVENTS.

LEGISLATIVE FINDINGS:

1. The Gladstone City Council continues to review and update ordinances relating to outdoor special events practices and requirements, and has compiled and codified such ordinances as the City's "Building and Construction Ordinance"; and
2. The City Council desires to amend the Code of Ordinances as it pertains to outdoor special events to address all types of outdoor special events as defined; and
3. The City Council therefore finds that it is in the best interest of the citizens of the City of Gladstone to enact the provisions of the Building and Construction Ordinance set forth herein:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

SECTION 1. REPEAL OF CERTAIN PROVISIONS OF THE GLADSTONE CITY CODE.

The following chapter contained within Title IX of the Gladstone Code or Ordinances, and adopted under Ordinance 4.030, is hereby repealed:

Chapter 2400. Outdoor Special Events.

SECTION 2: ENACTMENT OF A NEW CHAPTER WITHIN TITLE IX ENTITLED "BUILDING AND CONSTRUCTION ORDINANCE".

1. The following new chapter within Title IX of the Gladstone Code or Ordinances is hereby adopted:

Chapter 2400. Outdoor Special Event

2. The specific provisions of the foregoing chapter are attached, and incorporated as part of the ordinance by this reference as it fully set forth herein.

SECTION 3: EFFECT OF REPEAL.

The provision of the Gladstone Code of Ordinances repealed herein shall not be construed to revive any former ordinance, clause or provision of the Gladstone Code of Ordinances.

SECTION 4: SEVERABILITY CLAUSE.

The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 9TH DAY OF JUNE 2014.



J. Brian Hill, Mayor

Attest:



Ruth E. Bocchino, City Clerk

1st Reading: June 9, 2014

2nd Reading: June 9, 2014

CHAPTER 2400. OUTDOOR SPECIAL EVENTS

Sec. 9.2400.010. General provisions.

9.2400.010.1 Title. This chapter shall be known as *Outdoor Special Events* of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this chapter”.

9.2400.010.2 Scope. The provisions of this chapter are to set forth procedures for controlling *special event* activities in the City of Gladstone.

9.2400.010.3 Intent. The purpose of this chapter is to allow the short-term use of land for *special events*, while protecting area residents and businesses from activities that may be disruptive, obnoxious or otherwise incompatible, and to safeguard life, health, property, and public welfare.

Sec. 9.2400.020. Applicability.

9.2400.020.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

9.2400.020.2 Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

9.2400.020.3 Partial invalidity. In the event that any part or provision of this chapter is held to be illegal or invalid, this shall not have the effect of making void or illegal any of the other parts or provisions.

Sec. 9.2400.030. Definitions.

9.2400.030.1 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meaning shown in this section.

9.2400.030.2 Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2400.030.3 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

9.2400.030.4 General Definitions.

Agent. See “*Owner*” and “*Operator*”

Approved. Acceptable to the *building official* or authority having jurisdiction.

Attention-Attracting Devices. Any item designed or used to promote, advertise, demonstrate, or call attention to any commercial, residential, office, retail or service business or activity.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official. The officer who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

Business. All kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in the *City*.

City. The City of Gladstone, Clay County, Missouri.

Commercial. The sale, purchase or exchange of goods, products, or property of any kind for profit.

Construction documents. Written, graphic and political documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a *permit*.

Debris. The remains of something broken down or destroyed: and/or discarded *garbage* or *rubbish*.

Department. The Community Development Department of the *City*.

Easement. That portion of land property reserved for present or future use by a person or agency other than the legal fee owner of the *property*. The easement shall be permitted to be for use under, on or above a said lot or lots.

Enclosed area. Any area, which is inaccessible to the public view.

Exterior property. The space on the premises and on adjoining property under the control of the *owners* or *operators* of such *premises*.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Goods. Any wares, merchandise or other property capable of being the object of a *Special Event* or sale regulated hereunder.

Jurisdiction. The governmental unit that has adopted this chapter under due legislative authority.

Litter. *Rubbish, garbage and debris* that have been thrown away and that are lying on the ground.

Lot. A portion or parcel of land considered as a unit.

Lot line. A line dividing one *lot* from another, or from a street or any public place.

Not-for-profit. Any person or organization that operates without private profit, for a public, charitable, educational, literary, fraternal, or religious purpose.

Operator. Any person who has charge, care or control of a structure or *premises*, which is let or offered for occupancy.

Owner. Any person, *agent, operator, firm or corporation* having legal or equitable interest in the *property*; or recorded in the official records of the state, county or municipality as holding title to the *property*; or otherwise having control of the *property*, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

Parking area, commercial. An approved *paved area*, which is connected to the driveway approach and is used or intended for the use of temporary and transient parking of motor vehicles. Any public or private area, under or outside of a building or structure, designed and used for the parking of motor vehicles including parking lots, garages, and legally designated areas of public streets.

Paved area. An area constructed of materials approved by the *City*, for the purpose of parking motor vehicles.

Permit. An official document or certificate issued by the authority having jurisdiction, which authorizes performance of a special activity.

Person. An individual, corporation, partnership or any other group acting as a unit.

Premises. A *lot*, plot or parcel of land, including any *structures* thereon.

Property. Any unimproved or improved real property, or portion thereof, located in the *City* including the *building* or *structures* located on the *property* regardless of condition.

Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Registered design professional. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the

professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

Rubbish. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust and other similar materials.

Setback. The building line back of the street line as established in Title VII, Zoning and Planning Ordinance (ZAPO), of the Code of Ordinances, as adopted by the *City*.

Shopping Center. A concentration of retail stores and service establishments in a suburban area, with generous parking space and planned to serve the community or neighborhood.

Major. A *shopping center* located on a tract of ground five (5) acres or more.

Minor. A *shopping center* located on a tract of ground less than five (5) acres.

Special Event. An outside or outdoor thematic entertainment, amusement, athletic event or merchandise sale that may or may not be advertised or promoted inside or outside the City, on private property or in the exclusionary use of public property, and it is reasonably foreseeable to involve a large assemblage of vehicles, and/or persons, impose traffic congestion, impact required parking, involve sanitation and/or security concerns, the erection of structures or operation of rides, games or machines that may affect the city residents' or invitees' health, safety, or welfare, or may require excessive public safety cost in responding to and/or managing the event to preserve the public peace. A *special event* has a specific start and stop date, and has no intervening dates of event inactivity, except for city sponsored events. A series of similar events is not considered a single event, unless conducted on consecutive days. The outdoor display or sale of merchandise or placement of vending on private property in connection with the sale of merchandise is considered a *special event*, unless approved through special conditions or other approved conditions respective to the zoning. A *special event* can include, but is not limited to:

1. Any organized formation, parade, procession or assembly consisting of persons, animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls;
2. Any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has impact on, other public property or facilities and the provision of the City's public safety services in response thereto;
3. The display and/or sale of goods and merchandise, food, clothing, supplies, equipment, concessions, souvenirs, balloons, candy, jewelry and any other similar items outside of the primary business structure; or
4. Structures, including stages, booths, canopies, awnings, risers, bleachers, fences, partitions, stands or similar construction.

Additional examples of *special events* include but not limited to:

1. Filming;
2. Pyrotechnic displays or any kind;
3. Outdoor concerts;
4. Parades;
5. Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games and the like;
6. Fairs;
7. Festivals;
8. Block parties;
9. Automobile or motorcycle rallies;
10. Community events; and/or
11. Sports competition such as:
 - a. Marathons and running/walking events, or
 - b. Bicycle races or tours.

Structure. That which is built or constructed or a portion thereof.

Tenant. A *person*, corporation, partnership or group, whether or not the legal owner of record, occupying a *building* or portion thereof as a unit.

Yard. An open space on the same *lot* with a structure.

Sec. 9.2400.040. Permit required; application.

9.2400.040.1 Required. Any *owner, tenant, person, authorized agent, or organization* that intends to operate, host, or conduct a *Special Event* shall first make application to the building official and obtain a permit.

9.2400.040.2 Exempt from permit. Exemptions from *permit* requirements of this chapter shall not be deemed to grant authorization for the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Permits* shall not be required for the following:

1. Any *not-for-profit special event* less than 72 hours in duration. The *Building* may require a special event permit if in the judgment of the *Building Official* the activity is such that review is necessary to provide for protection and to safeguard life, health, property, and public welfare of area residents and businesses.
2. Any event sponsored or co-sponsored by the *City*.
3. Duly licensed auctioneers, selling at auction. (Although exempt from this section, this type of *special event* shall be governed by Title IX, Chapter 1400.)
4. Persons acting in accordance with their powers and duties as public officials.
5. Any business, which operates pursuant to a special use *permit* regulating the display and sale of outdoor goods or the operation of any other *special event*.
6. Any business, which has been approved through special conditions or other approved conditions respective to their zoning. (Although exempt from this

section, this type of *special event* shall be governed by their approved conditions as to location on property, times, dates and any other conditional requirements.)

9.2400.040.3 Application for permit. To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the *Department* for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Applicant's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date(s) and time(s) of the proposed event.
5. Be accompanied by construction documents and other information as required by Section 9.2400.060 et seq.
6. Be signed by the applicant, or the applicant's authorized *agent*.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2400.040.4 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2400.040.5 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent operation of a *special event*, where in violation of this chapter or any other ordinances of this jurisdiction.

9.2400.040.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

Sec. 9.2400.050. Fees.

9.2400.050.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2400.050.2 Permit fee. *Special events* requiring a *permit*, a minimum fee of \$50.00, or as provided for in the adopted schedule of fees and charges, shall be paid at time application is made for each *permit*. *Special events* conducted prior to obtaining a *permit*, shall be assessed a penalty fee equal to the permit fee in addition to the required permit fee.

Exception: A type 2 permit.

9.2400.050.3 Related fees. The payment of the fees for the *special event* shall not relieve the applicant, property owner, or holder of *permit* from the payment of other fees that are prescribed by law. Applicant shall reimburse any costs incurred by the City of Gladstone for personnel, etc. related to the operation of a *special event*.

Sec. 9.2400.060. Special event documents.

9.2400.060.1 Submittal documents. A plan of sufficient detail showing the location of the following:

1. Existing and/or proposed structures,
2. Off street parking,
3. Traffic circulation,
4. Outdoor display area,
5. Signs,
6. Adjacent streets, and
7. Property lines.

9.2400.060.2 Description of event. A description of the proposed event indicating the following information:

1. Any merchandise, products, or displays,
2. Signs,
3. Attention-attracting devices, and
4. Any other information deemed necessary by the *Building Official* to ensure compliance with this Ordinance and any other Ordinances that may pertain to said event.

9.2400.060.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying *construction documents* and shall ascertain by such examination whether the said event indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

9.2400.060.4 Amended special event. Said event shall be in accordance with the *approved permit* and submitted *construction documents*, and any changes made after

approval or during said event that are not in compliance with the *approved permit* and submitted *construction documents* shall be resubmitted for approval as an amended set of *special event construction documents*.

Sec. 9.2400.070. Type of special event permit.

9.2400.070.1 General. *Special events* shall be classified as one of the following three (3) types:

Type 1. Outdoor Commercial Events: Commercial activities not conducted in an enclosed *building* or regular place of business, but are conducted on the premises of said business. Such commercial activities must be associated with the ongoing primary purpose of the business.

Type 2. Outdoor Fund-Raising Activities by *Not-For-Profits*: Outdoor fund-raising or non-commercial events by *not-for-profit* organizations.

Type 3. Outdoor Community/Public Events: Outdoor events such as but not limited to; filming, concerts, running/walking/biking events, races or tours,

Sec. 9.2400.080. Special event standards.

9.2400.080.1 General. *Special events* shall comply with the following standards:

9.2400.080.1.1 Land use compatibility. The *special event* must be compatible with the purpose and intent of this chapter and with surrounding land uses. The *special event* shall not impair the normal, safe and effective operation of a permanent use on the same site. The *special event* shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the *special event*, given the nature of the activity, its location on the site and its relationship to parking and access points.

9.2400.080.1.2 Compliance with other regulations. A building and/or fire inspection may be required before any temporary *structure* used in conjunction with the *special event* is occupied or modified. All *structures* and the site, as a whole, shall be required to meet all applicable building code, zoning code, fire code and sign code standards and any temporary *structure* shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event or use, the site shall be returned to its previous condition (including the removal of all *rubbish, garbage, debris, signage, attention-attracting devices* or other evidence of the *special event* or use). No outdoor display or *structure* shall occur within any required front, side, or rear yard setback.

9.2400.080.1.3 Hours of operation. The hours of operation of a *special event* shall be consistent with the surrounding land uses.

9.2400.080.1.4 Number and timing of outdoor special event permits. All special event permits are valid for thirty (30) days from date of issuance. No *business, not-*

for-profit, or any other organization, etc. can have more than three outdoor special event permits in a calendar year. No *permit* can run consecutively, a minimum of thirty (30) days must transpire between *permits*.

9.2400.080.1.5 Traffic circulation. The *special event* shall not cause undue traffic congestion or accident potential given attendance and the design of adjacent streets, intersections, parking and traffic controls.

9.2400.080.1.6 Off-street parking. Off-street parking shall be provided to meet the needs of the requested *special event*, and the event shall not create a parking shortage for any of the other existing uses on the site. All parking surfaces used by the business and *special event* shall be of approved material.

9.2400.080.1.7 Public conveniences and litter control. Adequate on-site restroom facilities and onsite solid waste containers shall be required. The applicant shall calculate the demand for such facilities and how the need will be addressed.

9.2400.080.1.8 Appearances and nuisances. The *special event* shall be compatible in intensity, appearance, usefulness, enjoyment and value with surrounding land uses. The event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

9.2400.080.1.9 Signs and attention-attracting devices. The city shall review all signage in connection with the issuance of the *permit*, although a sign *permit* is not required. The number and types of signs and *attention-attracting devices* permitted shall be evaluated on the following criteria:

1. Type,
2. Size and duration of the proposed event or use,
3. Safety considerations,
 - Site-distance setback,
 - Sidewalks in area,
4. Lighting considerations,
 - Disturbance of nearby residents,
 - Disturbance of nearby businesses, and
 - Adverse effects to traffic on adjacent streets.
5. Aesthetic concerns.
 - Appearance,
 - Illumination,
 - Number and size of signs, and
 - Number and size of *attention-attracting devices*.

9.2400.080.1.10 Area of parking lot dedicated to outdoor special events. No more than ten percent (10%) of the parking stalls required for the business requesting the *special event* permit shall be permitted for the display and demonstration of *special events*. No drives or maneuvering areas may be utilized within the *special event* area

unless such drive or maneuvering areas are directly adjacent to the approved display or demonstration area, not required for emergency access, and not deemed necessary by the *Building Official* to provide proper circulation through the lot.

9.2400.080.1.11 Outdoor commercial events. All outdoor *special events* shall be located on an approved surface. A permanent *structure* occupied by an existing primary business possessing a valid business license within the *City* is required to operate any *special event* on *premises* within the *City*.

9.2400.080.1.12 Other conditions. The *Building Official* may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to the following:

- Time and frequency of operation,
- Limitations on signs and *attention-attracting devices*,
- Temporary arrangements for parking and traffic circulation,
- Requirements for screening/buffering, and
- Guarantees for site restoration and cleanup following the *special event*.

These special conditions may include, but shall not be limited to:

1. Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.
2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required *special event* standards and stipulations.
3. If the applicant requests the *Building Official* to provide extraordinary services or equipment or if the *Building Official* otherwise determines that extraordinary services including, but not limited to:
 - Traffic control,
 - Security personnel, or
 - Equipment

is required to protect the public health or safety the applicant shall be required to reimburse the *City* for the cost of any such services if the applicant does not provide such services. The *Building Official* may require the applicant to submit a security deposit prior to the event to ensure that the applicant complies with the provision.

4. *Special events* held on public property and all events assisted by the *City* must have a certificate of liability and personal injury insurance identifying the *City* as additional insured, at such levels of insurance designated by the *City*.

Sec. 9.2400.090. Violations.

9.2400.090.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to operate, maintain, or conduct a *special event* regulated by this chapter or cause same to be done, in conflict with or in violation of any provisions of this chapter.

9.2400.090.2 Violation; penalties. Any person, who violates a provision of this chapter or fails to comply with any order made there under, or any certificate or permit issued there under, from which no appeal has been take, or who shall fail to comply with such orders affirmed or modified by the board of appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1.100.140 of this Code. The imposition of one penalty for any violation shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that a prohibited condition is maintained shall constitute a separate offense.