

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

WHEREAS, the City Council has conducted a comprehensive review of Chapter 2400 Special Event Regulations; Title IX of the Code of Ordinances relating entertainment activities not conducted in an enclosed building or regular place of business in commercial zoned districts; and

WHEREAS, the City Council desires to amend the Code of Ordinances as it pertains to Special Events within commercial zoned districts; particularly as it pertains to entertainment activities not conducted in an enclosed building or regular place of business; and

WHEREAS, the City Council desires to set forth standards and stipulations to safeguard property and the public welfare while allowing for entertainment activities within the commercial zoned districts that are not conducted in an enclosed building or regular place of business; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Gladstone, Missouri to enact the provisions of the Ordinance set forth herein.

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

Section 1. That Chapter 2400 of the Code of Ordinances of the City of Gladstone, Missouri, regarding outdoor special events, is hereby repealed.


Section 2. That Chapter 2400 of Code of Ordinances of the City of Gladstone, Missouri is hereby amended to read as set forth in Exhibit A, Chapter 2400, Special Event Regulations, attached hereto and incorporated as part of this Ordinance by reference as if fully set forth herein.

Section 3. That the provisions of the Code of Ordinances of the City of Gladstone, Missouri repealed herein shall not be construed to revive any former Ordinance, clause, or provision of the Gladstone Code of Ordinances.

Section 4. That 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.

Section 5. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI ON THIS 9TH DAY OF AUGUST 2021.



R.D. Mallams, Mayor

Attest:



Ruth Bocchino, City Clerk

1st Reading: August 9, 2021

2nd Reading: August 9, 2021

EXHIBIT A
CHAPTER 2400



Request for Council Action

RES # City Clerk Only

BILL # 21-26

ORD # 4.564

Date: 8/3/2021

Department: Community Development

Meeting Date Requested: 8/9/2021

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Adoption of Type 6 Special Event.

Background: The Community Development Department has seen an upsurge in some of the restaurant business wanting to conduct outdoor entertainment events, primarily live music. Under our current Special Event Regulations, they are only allowed three (3) special event permits good for one month each and can run consecutively. This does not allow them to have such events through most of the yearly outdoor weather.

Staff has revised the regulations to allow for outdoor commercial entertainment events. Commercial businesses will be able to apply for a Type 6 Special Event Permit; this permit is valid for ninety (90) days and may have up to three (3) Type 6 Special Event Permits per calendar year. There is a stipulation that a business may only have three (3) events per week during the validity of the permit.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: I spoke to three (3) business about the type 6 Special Event requirements and all three are pleased with these requirements and had no opposition.

Community Development Staff presented the Type 6 Special Event to the Board of Zoning and Adjustments (BZA) at their meeting on Monday, July 19, 2021. The BZA had no changes to the proposed Chapter and voted unanimously to present to City Council for their recommendation.

Community Development Staff presented the Type 6 Special Event requirements to the City Council during the Open Study Session on Monday, August 9, 2021; and endorsed moving forward with adoption of the requirements.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan D. Napoli, C.B.O.

JM Counsel

SW City Manager

Community Development Administrator | Building Official

**CHAPTER 2400
SPECIAL EVENT REGULATIONS**

**DIVISION 1
SCOPE AND ADMINISTRATION**

PART 1 – SCOPE AND APPLICATION

**SECTION 9.2400.101
GENERAL**

9.2400.101.1 Title.

This chapter shall be known as the Special Event Regulations for the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this chapter”.

9.2400.101.2 Scope.

The provisions of this chapter are to set forth procedures for controlling *special and qualifying event* activities in this jurisdiction.

9.2400.101.3 Intent.

The purpose of this chapter is to allow the short-term use of land for *special and qualifying 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.

**SECTION. 9.2400.102.
APPLICABILITY**

9.2400.102.1 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.

9.2400.102.2 Other laws.

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

9.2400.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2400.102.4 Partial invalidity.

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

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2400.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2400.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2400.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of portable storage containers and dumpsters, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2400.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2400.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2400.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2400.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property *owner* and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; *owner's* authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2400.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

**SECTION 9.2400.104
PERMITS**

9.2400.104.1 Required.

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

9.2400.104.2 Exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization from 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 or qualifying event* less than seventy-two (72) hours in duration. The *building or premises* may require a *permit* if in the judgement 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. Duly licensed auctioneers, selling at auction. (Although exempt from this chapter, this type of event shall be governed by Title IX, Chapter 1400.)
3. Person's acting in accordance with their powers and duties as public officials.
4. Any business, which operates pursuant to a special use permit regulating the display and sale of outdoor goods.
5. Businesses which have been approved through special conditions or other approved conditions respective to their zoning. (Although exempt from this chapter, this type of event shall be governed by their approved conditions as to location on *premises*, times, dates, and any other conditional requirements.)

9.2400.104.3 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 9.2400.104.
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*.

9.2400.104.4 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.

9.2400.104.5 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*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2400.104.6 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.

SECTION 9.2400.105
EVENT DOCUMENTS

9.2400.105.1 General.

Submittal documents consisting of *event documents* and a map indicating the following:

1. Location of the event,
2. Existing and/or proposed structures,
3. Off street parking area(s),
4. Traffic circulation,
5. Outdoor display area(s),
6. Signage and location thereof,
7. Adjacent streets, and
8. Property lines.

9.2400.105.2 Information on documents.

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 these regulations and any other regulations that may pertain to said event.

9.2400.105.3 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying *event 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.

9.2400.105.4 Amended documents.

Said event shall be in accordance with the *approved permit* and submitted *event documents*, and any changes made after approval or during said event that are not in compliance with the *approved permit* and submitted *event documents* shall be resubmitted for approval as an amended set of *event documents*.

SECTION 9.2400.106
FEEs

9.2400.106.1 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.

9.2400.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; but not less than \$100.00 per permit and shall be paid at time permit is issued. *Special events* conducted prior to obtaining a *permit* shall be assessed a penalty fee equal to the permit fee in addition to the require permit fee.

Exception: Type 2 and type 4 *special event permits*.

9.2400.101067.3 Related fees.

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

SECTION 9.1400.107
APPEALS

9.1400.107.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1400.107.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1400.107.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone’s Code of Ordinances.

SECTION 9.2400.108
VIOLATIONS

9.2400.108.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2400.108.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2400.109.

9.2400.108.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2400.109, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2400.108.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

**SECTION 9.2400.109
Notices and Orders**

9.2400.109.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2400.109.2 and 9.2400.109.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1400.109.2 Form.

Such notice prescribed in Section 9.2400.109.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2400.108.3.

9.2400.109.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2400.109.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2400.109.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2400.108.4.

9.24200.109.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**DIVISION 2
DEFINITIONS**

**SECTION. 9.2400.201
GENERAL**

9.2400.201.1 Scope.

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

9.2400.201.2 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.

9.2300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2400.201.4 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.

**9.2400.202
GENERAL DEFINITIONS**

APPROVED. Acceptable to the *building official*.

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 utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority 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 *jurisdiction*.

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

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

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

EASEMENT. That portion of land property reserved for present or future use by a person or agency other than the legal fee *owner(s)* 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.

ENTERTAINMENT. An event, performance, or activity designed to entertain others.

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

EVENT 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*.

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.

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 LOT. An open area, other than a street, used for the parking of motor vehicles.

PAVED AREA. A hard surface area consisting of concrete, asphalt or other *approved* materials.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a special activity.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot or parcel of land, *easement* or *public way*, including any *structures* thereon.

PUBLIC WAY. Any street, alley or similar parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated, or otherwise permanently appropriated to the public for public use; and has clear width and height of not less than ten (10) feet.

QUALIFYING EVENT. A celebration, observance, or commemoration of a happening that is held within an enclosed *building*, but necessitating outdoor promotional materials. Such as, but not limited to:

1. *Business* anniversary,
2. Special sales,
3. Grand openings,
4. Holidays,
5. Special awards, and
6. Special offers.

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.

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 *jurisdiction*, 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's residents' or invitees' health, safety, or welfare, or may require excessive police department 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 police department 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:
 - 11a. Marathons and running/walking events, or
 - 11b. Bicycle races or tours.
12. *Qualifying events.*
13. *Entertainment.*

STRUCTURE. That which is built or constructed.

TEMPORARY SPECIAL EVENT STRUCTURE. Any temporary ground-supported structure, platform, stage, stage scaffolding or rigging, canopy, tower supporting audio or visual effects equipment or similar structures not regulated within the scope of the International Building Code.

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*.

**DIVISION 3
SPECIAL EVENTS**

**SECTION 9.2400.301
TYPES OF PERMITS**

9.2400.301.1 General.

Special event permits shall be classified as one of the following six (6) types:

9.2400.301.1.1 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.

9.2400.301.1.2 Type 2. Outdoor Fund-Raising Activities by Not-For-Profits:

Outdoor fund-raising or non-commercial events by *not-for-profit* organizations.

9.2400.301.1.3 Type 3. Outdoor Community/Public Events:

Outdoor events such as but not limited to; filming, concerts, running/walking/biking events, races or tours.

9.2400.301.1.4 Type 4. City Sponsored Events:

Outdoor events/activities which benefit the community and is open for participation to the general community at-large, and is conducted in whole or part on public property or public right-of-way, and the City, solely or in partnership with another entity, produces, manages and/or coordinates the event, or has agreed to provide in-kind services and/or other financing in support of the event/activity, or has agreed to lend its name in support of the event/activity, after determining that the event/activity either:

1. Provides a local commemoration of a national holiday;
2. Provides cultural or recreational experiences to City and area residents that are not otherwise routinely available in the community; or
3. Significantly enhances tourism or other forms of economic development to the City.

This event requires approval by City Council: applications must be submitted a minimum of forty-five (45) days prior to the event.

9.2400.301.1.5 Type 5. Qualifying Events:

Commercial activities conducted in an enclosed *building* or regular place of *business*, but necessitate outside notification of said event.

9.2400.301.1.6 Type 6. Outdoor Commercial Entertainment Events:

Commercial *entertainment* activities not conducted in an enclosed *building* or regular place of business, but conducted on the premises of said business. Such *entertainment* activities must be associated with the ongoing primary purpose of the business.

SECTION 9.2400.302 STANDARDS AND STIPULATIONS

9.2400.302.1 General.

Special events shall comply with the following:

9.2400.302.1.1 Land use compatibility.

The event must be compatible with the purpose and intent of this chapter and with surrounding land uses. The event shall not impair the normal, safe and effective operation of a permanent use on the same site. The 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 event, given the nature of the activity, its location on the site and its relationship to parking and access points.

9.2400.302.1.2 Compliance with other regulations.

A building and/or fire inspection may be required before any temporary *structure* used in conjunction with the 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 event or use). No outdoor display or *structure* shall occur within any required front, side, or rear yard setback.

9.2400.302.1.3 Hours of operation.

The hours of operation of an event shall be consistent with the surrounding land uses.

9.2400.302.1.4 Number and timing of 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 (3) *special event permits* in a calendar year. *Special event permits* can run consecutively.

Exception: Type 4 and type 6 *special event permits*.

9.2400.302.1.4.1 Type 6 permits; timing of.

Type 6 *special event permits* are valid for ninety (90) days from date of issuance.

9.2400.302.1.4.2 Type 6 permits; number of.

Type 6 *special events* shall only be allowed entertainment events three (3) days per week during the validity of the permit.

9.2400.302.1.5 Traffic circulation.

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

9.2400.302.1.6 Off-street parking.

Off-street parking shall be provided to meet the needs of the requested 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 event shall be of approved material.

9.2400.302.1.7 Public conveniences and litter control.

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

9.2400.302.1.8 Appearances and nuisances.

The 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.

9.2400.302.1.9 Signs and attention-attracting devices.

The city shall review all signage in connection with the event. 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,
 - 3.1. Site-distance setback,
 - 3.2. Sidewalks in area,
4. Lighting considerations,
 - 4.1. Disturbance of nearby residents,
 - 4.2. Disturbance of nearby businesses, and
 - 4.3. Adverse effects to traffic on adjacent streets.
5. Aesthetic concerns.
 - 5.1. Appearance,

- 5.2. Illumination,
- 5.3. Number and size of signs, and
- 5.4. Number and size of *attention-attracting devices*.

9.2400.302.1.10 Area of parking lot dedicated to.

No more than ten percent (10%) of the parking stalls required for the business requesting the event permit shall be permitted for the display and demonstration of the event. No drives or maneuvering areas may be utilized within the 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.

9.2400.302.1.11 Outdoor events.

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

Events shall abide by Title II, Chapter 120 Noise and Title IX, Chapter 600 Fire Prevention Regulations, International Fire Code (IFC) Section 3105 Temporary Special Event Structures.

Exception: Type 4 special event permits.

9.2400.302.1.12 Other conditions.

The *Building Official* may establish 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:

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

9.2400.302.1.12.1 Special Conditions.

Special conditions may include, but 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 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:
 - 3.1. Traffic control,
 - 3.2. Security personnel, or
 - 3.3. 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. 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*.

SECTION 9.2400.303

TEMPORARY SUSPENDING CERTAIN ORDINANCE REGULATIONS.

9.2400.303.1 Temporary suspending.

The City Council shall have the power to temporarily suspend the applicability of certain City Ordinance Regulations for type 4 City Sponsored Events by approval of the *special event* permit application, including but not limited to:

1. Section 2.120.050 Noise prohibited.
2. Section 2.130.010(2) Park rules and regulations (hours).
3. Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
4. Section 2.135.040 Prohibition of smoking on or within all public park grounds.
5. Section 2.140.040 Public fireworks display prohibited, exceptions.
6. Section 5.110.1800 Drinking in public.
7. Section 5.160.230(a) Street use permit (street use permit allowed).

8. Section 9.1600.110 Temporary signs.
9. Section 9.3000.301.2 Operating locations, hours.