

TITLE 10 FIRE, HEALTH, SAFETY AND WELFARE.

CHAPTER 10-500. APPLICATION AND APPROVAL PROCESS FOR SPECIAL EVENTS.

Part 10-510. General Provisions.

10-511. Definitions.

(1) Civic Organizations shall mean an organization comprised of citizens with common interests who typically volunteer their services to fill an unmet societal need. The City Council shall determine what organizations qualify as a Civic Organization under this Ordinance.

(2) Commercial Film Crew shall mean any person, persons, entity, or entities using video recording devices of a professional standard to film on Tremonton City property, which recording is intended for an academic, commercial, or documentary use.

(3) Community Services Director shall mean a Tremonton City employee with the title of Community Services Director or Parks & Recreation Director, or otherwise designated by the City Manager to perform City obligations contained in this Ordinance, not otherwise required by the City Council.

(4) Fireworks Program shall mean the use of any firework(s) that are classified as 1.3G Fireworks as defined by the United States Code of Federal Regulations.

(5) Inflatable Recreational Device, Rides, Mechanical Bulls, etc., shall mean any device that is used for a person or persons to ride, jump, bounce, swing, dance, fight, or otherwise recreate either on top of the device or inside of the device.

(6) Minor Special Event(s) shall mean a special event located within the incorporated Tremonton City limits and on city property that includes, but be not limited to, the following: athletic event or tournament, athletic races; musical entertainment; or any other event or activity that the Community Services Director deems to be similar in nature to the aforementioned events. Minor Special Events is a special event that is not anticipated to exceed the impacts described in 10-522 Classification of Special Event Application. The Community Services Director is authorized to review and consider approval of all Minor Special Events.

(7) Major Special Event(s) shall mean a special event located within the incorporated Tremonton City limits that includes, but be not limited to, the following: Fireworks Programs; strobe/spotlighting events; Inflatable Recreational Device and Rides on City property, Mechanical Bulls on city property; or

Commercial Film Crews on Tremonton City Property. Additionally, a special event shall be a Major Special Event if the special event is anticipated to exceed the criteria described in Section 10-522 Classification of Special Event Application. Only the City Council is authorized to review and consider approval of Major Special Events.

(8) Wildland-Urban Interface shall mean and include, but be not limited to, areas where homes are built near or among lands prone to wildland fire, which in Tremonton City include Radio Hill and the Malad River Bottoms.

Part 10-512. Permit Required. All Minor Special Event(s) and Major Special Events are required to receive a Tremonton City Special Event Permit.

Part 10-520. Approval Process.

10-521. Application Process. Any person, persons, or entity seeking to obtain approval for a Special Event shall first submit a detailed, written proposal to the Community Services Director. The written proposal shall be considered an application and shall include, at minimum, the following: the date, time, duration, and location of the special event, including a valid lease to use the premises or written approval from the property's owner; the type(s) of the special event for which the application approval is being requested; the name of the responsible party; liability insurance coverage; measures taken to protect and preserve the public's health, safety, and welfare; the status of complying with other governmental regulations; any food being served or sold, if applicable; a copy of the special event or temporary business sales tax numbers issued by the State of Utah; if there is a need for additional city services including but not limited to police services, emergency medical services, road closures, etc.; the number of anticipated attendees, anticipated noise levels, etc.

10-522. City Council Meeting. The Community Services Director shall review all submitted Special Events Applications within five (5) business days of the applicant submission. In reviewing the submitted applications, the Community Services Director shall make a determination if the application is complete and may request additional information from the applicant.

Upon receiving a complete application, the Community Services Director shall determine if the proposed special event is categorized as a Minor Special Event or Major Special Event. In making this determination, the Community Services Director shall refer to the definition of a Minor Special Event and

Major Special Event contained in Section 10-511 Definitions. In addition to the criteria contained in the definitions, a special event shall be considered to be a Major Special Event if the event is anticipated to exceed one of the following criteria:

- (1) attendance of 1,000 people or more for two or more hours;
- (2) noise to exceed thresholds contained in Tremontion City Land Use Code Title 1, Chapter 1.20;
- (3) public streets are requested or required to be closed during the event;
- (4) Tremontion City Staff is needed to be at the event outside of regular working hours, or City equipment is requested or required;
- (5) any other anticipated impact that may negatively impact the surrounding property owners for where the event is being located as deemed by the Community Services Director.

10-523. City Council Approval or Denial. The Community Services Director is authorized to review and consider approval, conditional approval, or denial, of all Minor Special Event applications. The Community Services Director's consideration of Minor Special Event applications shall occur within fifteen (15) business days of the applicant submitting a complete application. If necessary or when the Community Services Director deems it appropriate, they may discuss the submitted application with the applicant or other City staff to assist in assurances of local, state, and federal regulation compliance. The Community Services Director's criteria for review and approval, conditional approval, denial, of the application shall be protection and preservation of the public's health, safety, and welfare and in no case shall a conditional approval or denial be based upon the censorship of any free speech or other constitutional rights of the participants in the Special Event. When reviewing and considering the Minor Special Event application, the Community Services Director shall consider the requirements contained in Part 10-530. Special Considerations.

Due to the unique circumstances surrounding each Minor Special Event, there shall be no presumption that a Minor Special Event shall be approved, or shall be required to be approved, by the Community Services Director, or that a previous approval for a similar Minor Special Event shall dictate the course of action that the Community Services Director shall follow. The Community Services Director or Park & Recreation Director is authorized to forward any special event application to the City Council if, in their opinion, the general public interest will be better served by review and approval of the City Council. The decision of the Community Services Director may be appealed within five (5) business days of the

applicant receiving written notification as contained in section 10-525. Written Notification.

10-524. Written Approval. Within thirty (30) days of the applicant submitting a complete special event application, the Community Services Director shall cause a Major Special Event application to be scheduled for review by the City Council. The Community Services Director shall prepare a staff report and recommendations regarding the submitted Major Special Event Application. Attendance by the applicant, or applicant's representative, at the City Council meeting is recommended, and the applicant or applicant's representative shall be given the opportunity to address the City Council if so authorized by the Mayor. After reviewing the written materials, hearing the applicant or applicant's representative address, the City Council shall have the opportunity to ask questions of the applicant or applicant's representative. The City Council shall either approve, conditionally approve, deny, or table the Major Special Event application. The City Council's criteria for review and approval, conditional approval, denial, or table the application shall be protection and preservation of the public's health, safety, and welfare and in no case shall a conditional approval or denial be based upon the censorship of any free speech or other constitutional rights of the participants in the Special Event. When reviewing and considering the Major Special Event application, the City Council shall consider the requirements contained in Part 10-530. Special Considerations.

Due to the unique circumstances surrounding each and a Major Special Event, there shall be no presumption that a Special Event shall be approved, or shall be required to be approved, by the City Council, or that a previous approval for a similar Major Special Event shall dictate the course of action that the City Council shall follow. The decision of the City Council shall be final and may not be appealed.

10-525. Revocation of Approval. The Community Services Director shall provide written notification of either the Community Services Director or City Council's decision for a special event permit. The written notification shall occur within five (5) business days of the Community Services Director or City Council reaching a final decision regarding the special event application.

10-526. Other Governmental Regulations and Permits. The Community Services Director or Tremontion City Council may, at its sole discretion, revoke a Minor or Major Special Event permit. In the event of a revocation, the Community Services Director or City Council shall be required to provide,

in writing, within five (5) business days of the revocation, the basis for the revocation. If the applicant or applicant's representative fails to follow any condition of a permit or has misrepresented the Special Event to the City, and/or when the Special Event puts the public's health, safety, and welfare at risk, the Mayor, Fire Chief, or Police Chief, at their sole discretion, are authorized to immediately revoke a Special Event permit.

10-527. Other Governmental Regulations and Permits. Nothing within this Ordinance shall absolve an applicant from complying with regulations and receiving permits from other governmental entities, which may include, but is not limited to, federal regulation(s), state regulation(s), Mass Gathering Permits from Bear River Health Department, etc. It shall be the applicant's sole responsibility to ensure compliance with all governmental regulations and permits is achieved.

Part 10-530. Special Considerations.

10-531. Special Considerations – Insurance. In consideration of approval of an application for a Special Event, the Community Services Director or City Council may require the applicant to provide proof of general liability insurance sufficient to provide adequate coverage for the Special Event. The Community Services Director or City Council may also require the policy to include Tremonton City as an additional insured.

10-532. Special Considerations – City Protective Services and Personnel. In consideration of approval of an application for a Special Event, the Community Services Director or City Council may require the use of City Protective Services and Personnel, including, but not limited to, City Law Enforcement Officers and security equipment, City Firefighters and firefighting equipment, City Emergency Medical, and/or City Public Works employees and/or Public Works equipment. In situations where the City Council requires the use of such services and personnel, the City may require payment by the applicant to reimburse the City for the services and/or personnel required.

10-533. Special Considerations – Fireworks Programs. Before a Firework Program may be considered for approval by the City Council, the application shall be forward to the Tremonton City Fire Chief for consideration and recommendation. The Fire Chief shall make a recommendation to the City Council, including any and all conditions that they recommend be considered for the City Council's final approval. All Fireworks Programs shall require

the applicant to obtain a minimum of three million dollars (\$3,000,000) in general liability insurance coverage, with Tremonton City being listed as an additional insured. All Fireworks Programs shall require Tremonton City Firefighters and firefighting equipment to be present on-site, and the applicant shall be required to reimburse the City for the costs associated with the equipment and personnel required. The Firework Program shall be operated by an individual that is so licensed by the State of Utah. The City Council shall not allow Fireworks Programs in close proximity, which determination shall be in their sole discretion, to areas of the City's Wildland Urban Interface or agriculture areas that are planted in crops that may be flammable.

10-534. Special Considerations – Inflatable Recreational Device, Rides, Mechanical Bulls, etc. The City Council shall not approve the use of Inflatable Recreational Device, Rides, Mechanical Bulls, etc., for Special Events on city property that are not sponsored by a Civic Organization or another governmental entity.

10-535. Special Considerations – Commercial Film Crews. Legitimate news outlets are exempted from the Special Events application process with regard to commercial film crews only.

Part 10-540. Miscellaneous.

10-541. Exemptions from this Ordinance. Tremonton City-sponsored Special Events are exempt from this Ordinance. Additionally, the Bear River Health Department and Box Elder County Fair Parade and activities that occur on the Box Elder County Fairgrounds are exempt from this Ordinance.

10-542. Indemnification. If approval of the Special Event application is issued, the applicant shall indemnify the City from all liabilities and claims of liability.

10-543. Alcohol Sales/Distribution Prohibited. No alcohol shall be permitted to be sold or distributed in association with a Special Event as defined herein.