

TOQUERVILLE CITY
ORDINANCE 2021.01



AN ORDINANCE TO ADD CHAPTER X TO TITLE 3 (BUSINESS AND LICENSE REGULATIONS) OF THE TOQUERVILLE CITY CODE TO PROVIDE FOR THE ISSUANCE AND REGULATION OF SPECIAL EVENTS OCCURRING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY BY LICENSE.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah.

WHEREAS, the City is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the City’s municipal boundaries.

WHEREAS, the City is further authorized pursuant to Utah Code Annotated, Title 10, Chapter 8 (Section (1)(a)) to fix the amount, terms, and manner of issuing licenses.

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Toquerville City Council (“City Council”) is designated as the governing body of the City.

WHEREAS, the City has seen an increase of persons and groups wanting to organize and conduct special events both on private property and City property and desires to create a method and procedure for processing said requests and regulating the same through the issuance of a Special Event License that clearly sets forth the conditions of issuance and the financial obligations of the applicants and organizers.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

1. ADDITION OF CHAPTER X OF TITLE 3 REGARDING THE LICENSING OF SPECIAL EVENTS. Title 3 of the of the Toquerville City Code (Business and License Regulations) is hereby augmented by adding Chapter X which defines and regulates the conducting of special events within the City’s municipal boundaries as follows:

3-5-1: DEFINITIONS:

SPECIAL EVENT ORGANIZER; *the individual, business entity, or organization who is in charge of planning, organizing and directing the Special Event.*

SPECIAL EVENT: *Any event, gathering, march, parade, ceremony, show, exhibition, pageant, race, festival, circus, carnival, outdoor dance, community fair, concert, or*



activity of any kind, or any similar display, in or upon any street, park, parking lot, or any other place in the city where more than fifty (50) persons are expected to be involved and/or the event is likely to increase the need for City personnel.

3-5-2: LICENSE REQUIRED; EXCEPTIONS:

No person shall engage in, participate in, aid, form or start any Special Event, unless a Special Event License shall have been obtained from the City Clerk. This Chapter shall not apply to the following or any other event exempted by the City Council at a regular meeting of the City Council at which a quorum is present:

- A. A funeral procession;*
- B. Students going to and from school classes. Also school-sponsored activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;*
- C. A governmental agency event related to the agency acting within the scope of its functions such as informational meetings, public meetings, and open houses;*
- D. City-sponsored celebrations or Fourth of July celebrations;*
- E. Church-sponsored activities if held on church-owned property;*
- F. Family reunions or other private events at a city park (provided they do not require additional city personnel); and*
- G. Pioneer Day celebrations.*

3-5-3: APPLICATION FOR SPECIAL EVENT LICENSE; FEE

- A. Filing Period: An application for a Special Event License shall be filed with the City Clerk not less than thirty (30) days nor more than one hundred twenty (120) days prior to the date on which it is proposed to conduct the Special Event.*
- B. Information Required: The application for the Special Event License shall be made upon a form provided by the City Clerk and shall include at a minimum the following information:*
 - 1. The name, mailing address and telephone number of the person or organization seeking to organize and conduct the Special Event;*
 - 2. If the Special Event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;*



3. *The name, address and telephone number of the person who will be the Special Event Chairperson or Director and who will be responsible for its conduct;*
4. *The date(s) when the Special Event is to be conducted;*
5. *The hours the Special Event will start and terminate;*
6. *The location of the Special Event and a notarized statement of ownership or authorization from the owner of the property on which the Special Event is proposed to be located. If the Special Event is located on City-owned property no notarized statement shall be required.*
7. *If the Special Event is a race or parade:*
 - a. *The route to be traveled, including the starting point and the termination point; and if the route includes any state routes requiring the applicant to obtain a UDOT parade permit in addition to the City's Special Event License;*
 - b. *The approximate number and type of entries expected to participate in the Special Event;*
 - c. *The interval of space to be maintained between units of a parade;*
 - d. *A statement as to whether the Special Event will occupy all or only a portion of the width of any street proposed to be traversed; and*
 - e. *The location by street or any other location of any assembly areas for such Special Event;*
8. *If the Special Event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the Special Event License shall file with the City Clerk a communication in writing from the beneficiary, authorizing the applicant to apply for the Special Event License on his/her/its behalf;*
9. *The person signing the Special Event License shall be responsible for reading and knowing the contents of, and agreeing to follow the requirements of, this Chapter and any applicable provisions of the Toquerville Code, the Utah Code and the Utah State Tax Code; and shall provide evidence of compliance with Utah State Tax Commission sales tax collection requirements to include providing the City with the Special Event tax number issued for the event;*
10. *Special Events that include food items will provide a list of exhibitors or vendors along with evidence of compliance with State and County laws and ordinances regulated by the Washington County Health Department and International Fire Code.*



11. A plan addressing the following:

- a. *Access: Specific areas shall be designated for ingress and egress of emergency vehicles, including appropriate barriers to regulate vehicular and pedestrian traffic.*
- b. *Control Plan: A plan establishing adequate provisions for traffic control, crowd control, patron control, and enforcement of city ordinances, state and federal laws and any other applicable regulations, including, but not limited to, traffic, fire, health, security, and Americans with Disabilities Act regulations.*
- c. *Emergency Services: First aid supplies and equipment, and emergency medical services shall be made available to meet public health and safety concerns or legal requirements.*
- d. *Parking: Temporary off-street parking shall be provided at the rate of one vehicle for every four (4) persons reasonably expected to attend the Special Event use unless exempted by the City's Zoning Administrator. Such parking need not be hard surfaced but dust control will be required. If parking spaces are not marked, parking personnel shall be present to ensure orderly and safe ingress and egress from the parking area.*
- e. *Sanitation Facilities: Adequate sanitation facilities shall be provided based on the duration of the Special Event and on the number of persons reasonably expected to participate.*
- f. *Security: A plan shall be approved establishing the number and type of law enforcement and security personnel that will be present at the Special Event to monitor and facilitate the use and provide spectator or participant control and direction. Security personnel must be licensed or certified. Proof must be provided.*
- g. *Existing Zoning: a designation of existing zoning of the site and contiguous properties.*
- h. *Description of Other Uses: Written description of other uses and/or structures on the property and on contiguous properties.*
- i. *Site Plan: Site plan, drawn to scale, showing proposed locations and uses of all temporary structures*

- C. *Late Applications: The City Clerk, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such Special Event is proposed to be conducted. A late fee of fifty dollars (\$50.00) will be imposed for a late application.*



D. License Fee: There shall be paid at the time of filing the application for a Special Event License a fee in the amount designated by the City Council time to time and set forth in the City's Uniform Fee Schedule.

3-5-4: DEPOSIT AND INSURANCE

- A. If it is reasonably expected that the Special Event will result in the necessity of street cleaning, has the potential for unusual noise, or other disruption of commercial activity in the City, or will otherwise pose a hazard to public health and safety of the City, the City may require the applicant to post a deposit (as determined by the City Clerk) to assure compliance with the standards and conditions required in the Special Event License.*
- B. All applicants may be required, if deemed necessary, for public health and safety to provide the City with a valid certificate of liability insurance written through carriers acceptable to the City and Utah Local Governments Trust. Said liability insurance shall:*
- 1. Provide bodily injury and property damage liability protection in the amount of one million dollars (\$1,000,000.00) per occurrence or such additional amount as may be determined from time to time by City.*
 - 2. The applicant must be specified as the insured. The certificate shall name the Toquerville City, its officers and agents, as an "additional insured" and must specify that the applicant's insurance shall be primary to any insurance carried by the City.*
 - 3. A certificate of insurance shall be properly executed with the original signature of the authorizing insurance agent. A copy of the insurance certificate is required prior to the Special Event License being issued and shall not be canceled prior to giving the City at least ten (10) days' written notice of such cancellation.*
 - 4. If alcohol is to be consumed, liquor liability coverage is also required. Special Events open to the general public or private events that charge for alcohol served must adhere to Utah State Division of Alcoholic Beverage Control ("DABC") and provide a copy of the single event permit issued by DABC prior to the Special Event.*
- C. In every case the Special Event location shall be restored to its condition prior to the event. This is to include, but not be limited to, cleaning of streets, sidewalks and gutters, repair damaged streets, sidewalks, utilities, street signs, etc. If the City is required to correct problems or clean up after a Special Event, the responsible party will be billed for the cost of correction and/or cleanup if the Deposit made per subsection A of this section is not sufficient to cover the cost of correction and/or cleanup. If no correction and/or cleanup is required, the deposit made per subsection A of this section will be refunded within 30 days after the Special Event.*



3-5-5: NOTICE TO OFFICIALS

Immediately upon receipt of a completed Special Event License application, the City Clerk shall send a copy hereof to the following requesting their feedback and input on the application:

- A. Washington County Sherriff's Dept. (or applicable law enforcement authority);*
- B. Toquerville City Manager (if applicable) or Mayor;*
- C. Hurricane Valley Fire District (or applicable fire protection authority);*
- D. Toquerville City Public Works Director; and*
- E. Toquerville City Zoning Administrator.*

3-5-6: STANDARDS FOR ISSUANCE

The City Clerk shall issue a Special Event License as provided for hereunder when, from consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- A. Conducting the proposed Special Event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;*
- B. Conducting the proposed Special Event will not require the diversion of so great a number of law enforcement or city personnel to properly police the event as to prevent normal police protection and provision of City services to the residents of City;*
- C. Conducting the proposed Special Event will not require the diversion of so great a number of emergency response service personnel from the Hurricane Valley Fire District so as to prevent normal emergency response service to other portions of the City;*
- D. The concentration of persons, animals and/or vehicles at any assembly points of the proposed Special Event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such event areas;*
- E. Conducting the proposed Special Event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;*
- F. The proposed Special Event is scheduled in such a manner as to not conflict with other events or things which may require law enforcement, fire, ambulance, or other personnel at the same time as the event;*
- G. The proposed Special Event is not to be held for the sole purpose of advertising any product, goods or commercial activity;*



H. *If the sole purpose of the Special Event is to advertise any product, goods or commercial activity or for private profit, the person or party responsible will be required to pay for all costs and/or services.*

3-5-7: NOTICE OF REJECTION

The City Clerk shall act upon the application for a Special Event License within ten (10) business days after the filing thereof. If the City Clerk disapproves the application, notice shall be mailed to the applicant within ten (10) business days after the date upon which the application was filed, stating the reasons for denial of the application.

3-5-8: MODIFIED SPECIAL EVENT LICENSE

The City Clerk, in denying an application for a Special Event License, shall be empowered to authorize to issue a modified Special Event License allowing the applicant to conduct the Special Event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept the modified Special Event License shall, within ten (10) business days after notice of the action of the City Clerk, file a written notice of acceptance with the City Clerk. A modified Special Event License shall conform to the requirements of, and shall have the effect of, a normal Special Event License issued under this Chapter.

3-5-9: CONTENTS OF SPECIAL EVENT LICENSE:

A. *Each Special Event License shall state the following information:*

1. *Special Event sponsor and applicant;*
2. *Special Event date or dates and times of operation;*
3. *Special Event location;*
4. *The number and location of any City personnel required and the rate of pay applicable;*
5. *The portions of any street to be traversed that may be occupied by the Special Event;*
6. *The list of any other tax, Utah Department of Transportation ("UDOT"), or other permits required in addition to the City issued Special Event License to be provided to the City prior to the Special Event; and*
7. *Such other information and conditions as the City Clerk shall find necessary and desirable for the enforcement of this Chapter and the Toquerville Code;*

B. *A completed application must be approved and Special Event License issued at least thirty (30) days prior to the Special Event.*



3-5-10: RULES, REGULATIONS AND REQUIREMENTS

A. Duties of Event Organizer: The Special Event Organizer shall ensure compliance with all Special Event License directions and conditions and with all applicable laws and ordinances.

B. Public Conduct During Special Event:

- 1. Interference: No person shall unreasonably hamper, obstruct, impede or interfere with any event or event assembly, or with any person, vehicle or animal participating or used in a Special Event.*
- 2. Driving Through Events: No driver of a vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as an event, unless specifically directed to do so by a law enforcement officer.*
- 3. Parking on Parade or Race Route: The City Zoning Administrator and law enforcement officials shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a public street or part thereof constituting a part of the route of a Special Event. The City or Special Event Organizer may post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. However, no person shall be liable for parking on the street that is not posted in a manner provided herein, or who is not otherwise advised not to park thereon by a law enforcement officer or City personnel working the Special Event.*

3-5-11: APPEAL PROCEDURE:

Any person aggrieved shall have the right to appeal the denial of a Special Event License to the City Council. The appeal shall be submitted within ten (10) days after notice of denial. The City Council shall act upon the appeal within ten (10) days after its receipt.

3-5-12: REVOCATION OF LICENSE

The City Clerk shall have the authority to revoke a Special Event license issued hereunder upon failure of the applicant or participants in the Special Event to meet the standards and conditions provided herein and on the Special Event License.

3-5-13: PENALTY

Violation of any of the provisions of this Chapter shall be a class B misdemeanor, subject to penalty as provided in Section 1-4-1 of the Toquerville Code, or such lesser offense as the City Attorney in his/her discretion shall choose.

REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.




3. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 20th DAY OF JANUARY, 2021.

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|-----------------------|---|------------------------------|--|
| John 'Chuck' Williams | Aye <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> | Absent/Abstain <input type="checkbox"/> |
| Keen Ellsworth | Aye <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> | Absent/Abstain <input type="checkbox"/> |
| Justin Sip | Aye <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> | Absent/Abstain <input type="checkbox"/> |
| Gary Chaves | Aye <input type="checkbox"/> | Nay <input type="checkbox"/> | Absent/Abstain <input checked="" type="checkbox"/> |
| Ty Bringhurst | Aye <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> | Absent/Abstain <input type="checkbox"/> |

TOQUERVILLE CITY
a Utah Municipal Corporation



Lynn Chamberlain, Mayor

1/21/2021
Date

Attest:


Ruth Evans, City Recorder

