

## **Ordinance 1018**

An Ordinance Adopting Chapter 61, Special Events, of the City Code of Waverly, Iowa governing the use of city streets and public property for special events.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAVERLY, IOWA, THAT:

Section 1.     **PURPOSE.** The Purpose of this Ordinance is to adopt Chapter 61, Special Events, to the Waverly Municipal Code.

Section 2.     **ADDITION.** Chapter 61 of the Waverly Municipal Code is hereby adopted as follows:

### **CHAPTER 61 - SPECIAL EVENTS**

- 61.01 Purpose
- 61.02 Definitions
- 61.03 Permit Required; Food and Health Regulations
- 61.04 Application for a Special Event Permit
- 61.05 Approval/Denial of Application
- 61.06 Coordination of Application
- 61.07 Permit Fee
- 61.08 Indemnity/Insurance Requirement
- 61.09 Permit Expiration
- 61.10 Obstruction of Traffic Prohibited
- 61.11 Exhibiting Permit
- 61.12 Contractual Arrangements
- 61.13 Revocation or Suspension of Permit
- 61.14 Appeals
- 61.15 Peddler, Solicitor and Transient Merchant Permits

## 61.01 PURPOSE.

The purpose of this chapter is to ensure that special events are promoted and staged in a manner which preserves the safety of both our citizens and visitors to our City; to ensure that all promoters of these events are treated fairly and in accordance with their particular needs in the promotion of the event; to promote the economic well-being of our community through the orderly attraction of people to these events; and to ensure City personnel adequate opportunity to prepare for and provide services for the events so as to provide them the maximum opportunity for success.

## 61.02 DEFINITIONS.

For the purpose of this chapter certain terms and words are hereby defined:

1. "Special event" means an event sponsored by an individual, organization, club, group, partnership or corporation in which the public is invited to attend and which requires the use of public streets or other public property as a staging area for promotion of the event.
2. "Special event area" means a place designated by the special event promoter as provided in this chapter where the general public is invited to gather for an event and where the area of interest of the promoter will be promoted and/or celebrated and where, in connection with the special event, there may be displays, speeches, the performance of music or the arts, games, and other similar celebrations, and the sale and/or distribution of literature, antiques, crafts, curios, art or artifacts, food, and other similar items, all under the sponsorship of a "special event promoter" as defined in this section. The area designated as a special event area may include property which is privately owned, provided that the inclusion of private property within the special event area shall not be construed as requiring the owner of the private property to participate in or otherwise allow the property to be used in the special event without his, her or its consent, or as prohibiting the owner of the private property from using the private property in a manner otherwise allowed by law.
3. "Special event merchant" means an individual, organization, club, group, partnership or corporation which engages in the sale of items within a "special event area" as defined in this section through the permission of the special event promoter.

4. "Special event promoter" means an individual, organization, club, group, partnership or corporation which organizes, sponsors, promotes or makes space available for a special event or is otherwise considered the organizer of the special event.

61.03 PERMIT REQUIRED; FOOD AND HEALTH REGULATIONS.

1. No individual, organization, club, group, partnership or corporation shall act as a special event promoter within the City without first obtaining a permit as provided in this chapter.

2. Special event promoters granted a permit hereunder and special event merchants selling pursuant to that permit shall comply with all applicable State food and health rules and regulations.

3. Special event promoters granted a permit hereunder and special event merchants selling alcohol during the event shall comply with all applicable State regulations for the sale and on-site consumption of alcoholic beverages by event attendees.

61.04 APPLICATION FOR A SPECIAL EVENT PERMIT.

1. A special event promoter shall file with the City Clerk an application for a special event permit. The City Administrator may grant authority to a special event promoter to hold a special event in a designated special event area. The application shall be on a form furnished by the City Clerk and shall contain information concerning the requested dates and hours of the event, other information required by this chapter, and such other information as may be reasonable in relation to the event for which the permit is requested.

2. The special event promoter shall provide, at the time of application, a preliminary map or drawing showing the area to be designated as the special event area. Upon approval of the application for a special event permit, the special event promoter shall provide the City Clerk a detailed map of the designated special event area, showing any booths, trailers, stages, or other facilities which will be temporarily erected, constructed or parked as a part of the event. The detailed map shall be furnished 60 days in advance of an event.

3. At the time of application for the special event permit, the special event promoter shall make a request for any necessary street or right-of-way closings. Public right-of-way

barricades must be erected in compliance with City of Waverly (and Iowa Department of Transportation when applicable) guidelines and comply with the Manual of Uniform Traffic Control Devices. It shall be the responsibility of the special event promoter to arrange for the erection of necessary barricades at its cost.

#### 61.05 APPROVAL OF APPLICATION.

The City Administrator shall approve or deny the permit application based upon the facts and information presented to the City, discussion with City staff and due consideration of the overall effect the special event would have on the City and/or its citizens. The City Administrator may elect to defer consideration of the application to the City Council for approval at a regular meeting. An application may be rejected if granting the application would not be in the best interests of public health, safety, or welfare, including, but not limited to: excessive traffic; parking congestion; blocking access to other properties; reducing access for emergency vehicles; noise; if public health, safety and welfare were negatively affected by previous events in the same location or sponsored by the same Promoter; or if the Promoter has supplied false or misleading information on the application form.

#### 61.06 COORDINATION OF APPLICATION.

1. Upon receipt of an application for a special event permit, the City Clerk shall refer the application to the City Administrator and such other City personnel as may be appropriate for the coordination of street closings, barricade requirements, park use, liability protection and City personnel and service requirements. If the Police Chief deems it necessary for the protection of the public good, the Police Chief shall conduct an investigation of the special event promoter and the proposed special event. The Chief shall submit findings and any other comments to the City Administrator consideration in making a final decision on the application.

2. Upon review of a special event promoter's application, all affected Department Directors shall attach their comments to the application and return the application to the City Clerk. The City Clerk shall submit the Directors' comments to the City Administrator for consideration in making a final decision on the application.

3. Any permit approved by the Administrator will also include all comments from City Departments and will be provided to the applicant for compliance.

4. Any permit approved by the City Council shall also include any additional requirements imposed by the Council which shall be provided to the applicant for compliance.

#### 61.07 PERMIT FEE.

The special event promoter shall pay a fee in the amount established by the City Council by resolution. The fee shall be paid upon issuance of the permit and shall be nonrefundable. Any City services utilized by the special event promoter shall be billed separately at rates established by the City Council by resolution. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City.

#### 61.08 INDEMNITY/INSURANCE REQUIREMENT.

The approval by the City Administrator of an application for a special event permit shall be contingent upon the special event promoter providing the City with a signed Indemnity Agreement. For those events with large numbers of participants, multiple activities and extended operation time, the City Administrator may, in his or her discretion, require a certificate of liability insurance coverage naming the City as an “also insured” in a minimum amount of one million dollars (\$1,000,000.00) combined limits. Upon receipt of the Indemnity Agreement or Certificate of Insurance, the City Clerk shall issue the permit to the special event promoter.

#### 61.09 PERMIT EXPIRATION.

A special event permit as issued shall set forth the time period for which the permit is issued. The time period for which the permit is effective shall include a reasonable period for cleanup. The permit shall expire at the end of the time period specified in the permit.

61.10 OBSTRUCTION OF TRAFFIC PROHIBITED.

The special event for which a permit is issued shall be conducted within the designated special event area. The special event shall not be conducted in such a manner as to hinder or obstruct the free passage of pedestrian or vehicular traffic outside of the designated special event area, except as specifically permitted.

61.11 EXHIBITING PERMIT.

A special event promoter shall be required to provide a permit to each special event merchant for exhibit by the special event merchant during the term of the permit period.

61.12 CONTRACTUAL ARRANGEMENTS.

The special event promoter shall be solely responsible for any contractual arrangements between the promoter and any special event merchants and/or private property owners operating or located within the designated special event area.

61.13 REVOCATION OR SUSPENSION OF PERMIT.

A permit issued under the provisions of this chapter may be revoked or suspended by the City Administrator, without notice, for any of the following causes:

1. Fraud, misrepresentation, or an incorrect statement contained in the application for permit, or made in the course of promoting the special event.
2. Failure to comply with any provision of this chapter.
3. Promoting the special event in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

61.14 APPEALS.

Any person aggrieved by the action of the City Administrator in denying a permit or in revoking or suspending a permit may appeal to the City Council. Such appeal shall be filed with

the City Clerk within fourteen (14) days after the action complained of, and include a written statement setting forth fully the grounds for such appeal. The City Clerk shall set a time and place for consideration of such appeal at a Council meeting and notice of such consideration shall be mailed, postage prepaid, to the appellant at its last known address at least five (5) days prior to the meeting date. The person aggrieved shall be permitted a reasonable time to present the appeal at the meeting. The decision of the City Council regarding an appeal shall be final.

#### 61.15 PEDDLER, SOLICITOR, AND TRANSIENT MERCHANT PERMITS.

A special event promoter may, in its application for a special event permit, request that the City Council temporarily limit the areas within the City for which a peddler, solicitor or transient merchant permit provided under Chapter 53 of this Code of Ordinances may be issued to an applicant thereunder during the time period for which a permit is issued under this chapter. In making its request, the special event promoter shall suggest particular areas within the City limits which the special event promoter believes would be appropriate for the limitation of peddler, solicitor or transient merchant permits during the time period in question. If the City Administrator agrees with the suggested limitation of areas for which a peddler, solicitor or transient merchant permit may be issued during the time period for which a permit is issued under this chapter, the Administrator shall request that the City Council adopt a resolution providing for the modification of the issuance of peddler, solicitor and transient merchant permits as requested in the application hereunder. In adopting its resolution, the City Council shall be required to find that the permitted special event is of City-wide interest, promotes the well-being and reputation of the City, and that the issuance of a peddler, solicitor or transient merchant permit on a City-wide basis concurrent with the permitted special event would detract from the benefits provided by the permitted special event.

Section 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. EFFECTIVE. This Ordinance shall not be in effect until and after its final passage, approval and publication as provided by law.

PASSED AND ADOPTED this 27th day of December, 2016.

Timothy C. Kangas, Mayor Pro-Tem