

Sec. 90-37.2. - Special event permits.

Any individual or organization holding an event or temporary use of a property which includes erecting temporary structures, offering food/beverages, or affecting traffic or parking requires a special event permit. Outdoor events, tent sales, employment fairs, celebrations, or similar special events are subject to this ordinance and require a special event permit.

- (1) **Purpose and intent.** Provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Protect nearby property owners, residents, and businesses from special events that may be disruptive, obnoxious, unsafe or inappropriate given the site conditions, traffic patterns, land use characteristics and the nature of the proposed event. Preserve the public health, safety, and welfare of the community.
- (2) **Special event application process.** All permits shall be applied for at least 30 days prior to the event:
 - a. Applicant name, address, phone number;
 - b. Date of proposed special event;
 - c. Address of proposed special event;
 - d. Name of property owner, if different from applicant;
 - e. The fees established by the adopted fee schedule.
 - f. Type and description of the special event and a list of all activities to take place at the special event;
 - g. Estimated number of persons to attend;
 - h. Duration of the special event, including beginning and ending times;
 - i. Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities, if applicable;
 - j. Any fire prevention and emergency medical services plans, if applicable;
 - k. Any security plans, if applicable;
 - l. The admission fee, donation or other consideration to be charged or requested for admission, if applicable;
 - m. Whether food or alcohol will be served or sold at the event;
 - n. A detailed description of all public rights-of-way and private streets for which the applicant requests the city to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, the nature of such restrictions or alterations, and the basis;
 - o. A description of any services, city personnel, city equipment and city property which the applicant requests the city to provide, including the applicant's estimate of the number and type needed, and the basis on which the estimate is made;
 - p. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
 - q.

A statement signed by the applicant either agreeing to pay all fees and meet all other requirements of this section, or representing to the city that the applicant is duly authorized to make such agreement on behalf of the person or organization holding or sponsoring the special event;

- r. Applicant signature and property owner's signature, if different from applicant; and
- s. Any other information requested by the city deemed reasonably necessary in order to determine the nature of the special event and the extent of any special services required.
- t. The applicant shall sign a hold harmless agreement for the city for any accidents or damages caused by the event.

(3) **Special events not requiring special event permits.**

- a. Sales, promotional activities or fund-raising events that take place entirely within a building that is properly zoned for the use do not require a special event permit.
- b. Wedding ceremonies and receptions, funeral ceremonies and funeral processions or other similar events.
- c. Any event that is otherwise regulated by the city through the use of another regulatory manner, such as an interim use permit or conditional use permit.
- d. The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.
- e. Approved activities on a city park.

(3) **Special events subject to administrative approval.**

- a. Upon receipt of an application the community development director or designee shall review the application. If it is deemed that the event is minor in nature and does not fall under any of the items under (5) in this section the application can be administratively approved. The community development director has the right to forward any special event permit application to the city council. No more than two special events on a property per calendar year shall be administratively approved.

(5) **Special events subject to city council approval:**

- a. Any event that serves alcohol.
- b. Any event that expects over 200 people in attendance.
- c. Any event that will include live or amplified music or sound.
- d. Any event that will extend after dusk.
- e. Any event proposed in the same calendar year as two preceding events on the same property.

(6) **Conditions imposed.** The city may place restrictions, conditions and requirements on a special event permit to protect the health, safety, and welfare of the community, mitigate unfavorable consequences of activities resulting from issuing the permit, enforce laws and regulations, and ensure compliance with the conditions of the permit.

(7) **Basis for denial.** In order to recommend denial of a special event permit, the city must find that the proposed use will meet one or more of the conditions found below:

- a. The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail.

- b. The applicant fails to supplement the application after having been notified by the city of additional information or documents needed.
 - c. The applicant fails to agree to abide or comply with all of the conditions and terms of the special event permit, including payment of all costs and expenses.
 - d. The special event would substantially or unnecessarily interfere with the normal daily operations of the city, cause traffic congestion, or would interfere with access to businesses or residences in the immediate vicinity of the event and there are not sufficient city resources available at the time of the event to mitigate the disruption.
 - e. The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way.
 - f. The special event would likely endanger the public safety or health, create or constitute a public nuisance, cause significant damage to public property or facilities, or would engage in or encourage participants to engage in illegal acts.
 - g. The applicant, responsible party or the person on whose behalf the application is submitted has on prior occasions made material misrepresentations regarding the nature and extent of special services required for a special event in the city, or has violated the terms of a prior special event permit.
- (8) **Expiration.** A special event permit shall expire at the expiration date established by the city council or city staff at the time of approval.
- (9) **Suspension and revocation.**
- a. At any time the city may suspend or revoke the special event permit upon failure of the permit holder, owner, operator, tenant or user, to comply with City codes, the laws of the State of Minnesota, the approved plans, or the conditions of approval, or by which that activities allowed under the permit adversely affect the public health, safety, or welfare.
- (10) **Issuance of permit.** The community development director or designee shall, within ten days of city council approval of any special event permit, provide one copy of the completed permit to the applicant and the city clerk.

(Ord. No. 2009-437, § 1, 12-7-2009)