

City of Ballwin

Memo

To: Eric Hanson, City Administrator

From: Thomas H. Aiken, AICP, Assistant City Administrator/City Planner

Date: 2/2/16

Re: Special Event Permits

Pursuant to your assigning the issuance of special event permits to the office of the City Clerk, I have reviewed the current ordinance. Attached are several recommended changes. Of particular note is the elimination the multi-step hierarchy of different intensities of special event with an associated fee schedule. Under the revised ordinance there would only be one kind of special event and the only fee would be a reimbursement of costs incurred by Ballwin for direct expenses such as having an additional police officer direct traffic or having to have a public works employee come in on a weekend to set up or remove barricades. The other changes are mostly to simplify the application process and remove a lot of language that in my mind really does not need to be part of the ordinance. Once the ordinance changes are approved the application form will be revised accordingly.



CITY OF BALLWIN

14811 Manchester Road, Ballwin, MO 63011

BILL NO. _____

ORDINANCE NO. _____

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, BOLAND, KERLAGON

AN ORDINANCE AMENDING SECTIONS OF THE CODE OF ORDINANCES WITH RESPECT TO SPECIAL EVENTS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended to add a definition of "special event" as follows:

Sec. 1-2. Definitions.

Special event. The words "special event" mean:

A planned event, activity or temporary grouping of people in any zoning district that deviates from the normal land use that occurs on the site on City, public, or privately owned property, and interferes with the normal flow or regulation of pedestrian traffic, vehicular traffic, or parking in any manner. This shall also include any event, activity or temporary grouping of people which will require special City services which include, but are not limited to, provision of barricades, signage, special traffic or parking arrangements, and/or special police services or protections.

- (1) Examples of special events include but are not limited to: parades, bicycle races, fairs, outdoor music performances/concerts including events with DJs and live bands, craft fairs, block/neighborhood parties, carnivals, shows, outdoor cultural/community events, fund-raisers, organized run/walks, exhibitions, public speaking events, and/or sales and promotions.

Section 2. Section 25 of Article XVI of Appendix A of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following:

Section 25. Special events.

Purpose: The purpose of these regulations is to permit special events on public and private property provided that the property rights, health and safety, or general wellbeing of nearby residents, businesses, property owners, or ~~the~~ community are not negatively impacted. A special event permit is a privilege not a right. Such permits will only be issued if all the departments of ~~the city police, public works and code enforcement~~ are

satisfied the event is planned in a manner to minimize disruption to the community and presents no danger to the public health, safety, or welfare.

~~(a) — [Permission.]~~

Permission: Written permission shall be obtained from the owners of ~~all private the~~ properties on which the special event shall be held. Such written permission shall be provided to the City in conjunction with the submission of the permit application. In the case of commercial property, permission may be granted by an authorized leasing agent of the property.

~~(b) — [Public safety.]~~

Public safety: The city shall ~~not issue a refuse issuance of any~~ permit requested under any provision of ~~this~~ section 25 of Article XVI where investigation determines that the shows that public health, safety and welfare will be adversely ~~shall be~~ effected ~~adversely~~ by such event as proposed.

~~(c) — [Authorized.]~~

Authorized: Notwithstanding the provisions of section 22 of Article XVI, special events may be conducted on private property in any zoning district of the City of Ballwin. areas other than a totally enclosed building on the premises of a parcel in the R1, R1A, R2, R3, R4, R5, PA, MXD, or PSD zoning, OR premises of an occupant or contiguous occupants of businesses in the C-1, C-2, C-3 or S-1 zoning districts upon the following conditions:

~~(1) — Permit and application fee (where applicable and subject to permit approval) required. A permit issued by the city shall be obtained by the company, person or organization sponsoring the event by making application prior to specified deadline and remitting application fee (where applicable and subject to permit approval) according to the following schedule:~~

~~***Application Fee — Estimate provided, actual fee will be assessed based on cost of City Services: i.e. plan review, inspections, cost of delivery/pick up of traffic control devices.~~

Formatted: I0

Event	Type of Event	Application Dead line	Application Fee
-------	---------------	-----------------------	-----------------

Formatted: I0, Left

SMALL SPECIAL EVENT	<p>Residential, Subdivision, Commercial or Charitable Events:</p> <ul style="list-style-type: none"> • Without tent(s) larger than 700 square feet and no walls or larger than 200 square feet with walls, requiring tent permits • Single day event • No required city inspections • No required city services/assistance except barricade drop-off and pick-up • No anticipated public impact/disruption to area vehicular traffic, parking, or pedestrian traffic • Event contained entirely upon applicants property (with exception of block parties and subdivision parades). 	15 Business Days prior to Event	NO FEE
MEDIUM SPECIAL EVENT	<p>Residential, Subdivision, Commercial or Charitable Events:</p> <ul style="list-style-type: none"> • With tent(s) larger than 700 square feet and no walls or larger than 200 square feet with walls, requiring tent permits • Single day event • City tent and/or electrical inspections required • No required city services/assistance except barricade drop-off and pick-up • Limited anticipated public impact/disruption to area vehicular traffic, parking, or pedestrian traffic • Event contained entirely upon applicants property • Use of amplified outdoor music, entertainment or public address 	30 Business Days prior to Event	\$25***

Formatted: l0

Formatted: l0, Left, Indent: Left: 0", Right: 0"

Formatted: l0, No bullets or numbering

Formatted: l0, Left

Formatted: l0

Formatted: l0, Left, Indent: Left: 0", Right: 0"

Formatted: l0, No bullets or numbering

Formatted: l0, Left

LARGE SPECIAL EVENT	<p>Residential, Subdivision, Commercial or Charitable Events:</p> <ul style="list-style-type: none"> ▪ With tent(s) larger than 700 square feet and no walls or larger than 200 square feet with walls, requiring tent permits ▪ Single or multiple day events (must be consecutive days to qualify as one event) ▪ City tent and/or electrical inspections required ▪ Required city services/assistance ▪ Significant anticipated public impact/disruption to area vehicular traffic, parking, or pedestrian traffic with traffic control required ▪ Events utilizing city streets, city property or non-owned property (including shopping center parking lots) ▪ Use of amplified outdoor music, entertainment or public address ▪ Any event with anticipated participants in excess of 500 attendees over the course of the event ▪ Required to submit insurance certificate with the city as additional insured if event uses city owned property or public street 	<p>60 Business Days prior to Event</p>	<p>\$100***</p>
---------------------	--	---	----------------------------

Formatted: l0

Formatted: l0, Left, Indent: Left: 0", Right: 0"

Formatted: l0, No bullets or numbering

Formatted: l0, Left

Formatted: l0

~~The city reserves the right to determine, in its discretion, whether a particular special event requires a permit under this Section and the most appropriate classification of the special event based upon review of the application. Any event, in the city's opinion, which meets criteria of a larger classified event, shall be subject to the larger classification.~~

~~(2) [Other requirements for permit.]~~

Permit required: Special events that will be fully contained on the premises where conducted including the accommodation of parking for the event and compliance with all signage regulations of the city will not require a permit, but any utilization of adjoining properties or rights-of-way for the event or associated parking will require a permit.

Permits issued to: Special event permits will only be issued to a property owner or a business licensed at the address of the special event. Third party organizations r individuals such as not-for-profit organizations, concessioners, food vendors, etc. cannot obtain a special event permit for property not owned or licensed for their

use. To be involved in a special event, such people or organizations coordinate with the property owner or a licensed business at the location of the special event.

Requirements for a permit: The provisions of this ordinance are intended to augment and be in addition to the provisions of the general licensing ordinance of this city [chapter 14 of the Code]. Where this ordinance poses a greater restriction upon persons, premises, businesses or practices than is imposed by the general licensing ordinance of the city, this ordinance shall control.

~~(3) — [Special Privileges]~~

Special Provisions: The provisions of this ordinance, and the subsequent issuance of a permit in accordance to said ordinance, does not create, extend, entitle or guarantee to the applicant or event any special privileges, variances, or exemptions from following all existing State, County, and Local laws.

~~(4) — [Duration, frequency Generally:]~~

Duration and Frequency: In no event shall more than four special event permits be issued to anyone permittee held by any permittee at any one location hereunder in any one calendar year. The A permit issued hereunder shall extend for a period of not more than four days, measured in continuous 24-hour periods, Sundays and legal holidays included,

~~(5) — [School Events Exempt] Generally, school events, such as athletic competitions and most school fundraisers, shall be exempt from requiring a special event permit for events held upon a school grounds/campus. However, a special event permit is required when a for-profit business or a non-school related non-profit organization conducts an event on a school campus~~

~~(d) — Restricted location:~~

Restricted Location: When a person or entity applying for a special event permit operates more than one place of business or controls more than one noncontiguous property, the permit issued shall apply only to the one location specified in the application; and no other location shall advertise or represent that it is cooperating or participating in any way with the special event; nor shall the location conducting the special event advertise or represent that any other location is cooperating with it or participating in any way in the special event.

~~(e) — Application requirements:~~

~~(1) —~~

Application Requirements: A person or entity desiring to conduct an event regulated by this section 25 shall provide the city, by written application, the following information:

(i) The address and description of the location of the special event. The true name and address of the owner of the goods to be the object of the sale or display, AND/OR the name and address of the organization and/or person sponsoring the event.

Formatted: Font: Italic

Formatted: l1

Formatted: Indent: Left: 0", Tab stops: 0.5", Left + 1.06", Left + Not at 1"

Formatted: Indent: Left: 0.5"

- (ii) The special event permit application must be accompanied by a site plan, which shows the locations of all existing & proposed structures, all activity areas, ~~and~~ portable toilets, support facilities, paths for emergency vehicles, parking areas, etc. A route map must be provided for events involving parades, runs, walks, etc.
- (iii) ~~A description of the place where said event, sale and/or display is to be held. The name, address and all contact information for the permit applicant including documentation of legal interest in the property where the special event will be held.~~
- (iv) ~~The nature of the occupancy, whether by simple ownership, lease or sublease and the effective date of termination of said occupancy, if applicable. The name, address and all contact information for the owner of the property where the special event will be held.~~
- (v) ~~The name, address and all contact information for the sponsor or the beneficiary of the special event if different from the applicant.~~
- (vi) The dates and times of the period in which the special event, ~~sale and/or display~~ is to be conducted.
- (vi) ~~The means to be employed in advertising such event, if applicable.~~
- (vii) ~~In the case of charitable events, the charitable cause, organization, and/or benefactor must be disclosed on the application.~~
- (viii)(vii) Any applicant subject to the business license requirements of Chapter 14 and/or ~~the~~ liquor license requirements of Chapter 3 must provide proof of valid ~~business and/or liquor~~ licenses upon application. No ~~S~~special ~~E~~event ~~P~~permit shall be issued without valid business and liquor licenses issued by the City to include the entire event period.
- (ix) ~~In the case of events held on city owned property or public streets (Large Event Classification), applicant shall be required to provide insurance certificate with the City as additional insured. Coverage amounts shall be in compliance with those specified by the public works department.~~
- (viii) If tents will be erected in conjunction with a special event, the size and location of each tent must be shown on the site plan. The applicant shall provide proof with the application that each tent meets all minimum fire code and flame retardant regulations of the applicable building codes.
- (x) ~~Under St. Louis County Health code, sponsors of most s~~Specials events, at which a minimum of 100 people are expected to be present at peak hour(s), and where sewer toilets are not readily available to accommodate anticipated attendance are required to provide portable toilets and hand washing facilities. If portable toilets and required, the applicant you intend to, or are required to, provide portable toilets/restrooms, you must obtain a permit to Operate Portable Sanitations Units from the St. Louis County Department of Health.
- (xi)(ix) If a fireworks display is proposed as a part of a special event, a permit from the All fireworks displays are required to obtain permits from St. Louis County Public

Formatted: Indent: Left: 0.5", Hanging: 0.06"

Formatted: Indent: Left: 0.5"

~~Works and any fire district department~~ having jurisdiction is required in addition to ~~the any city's~~ Special Event Permit issue by Ballwin. Additionally, the permittee must provide proof that it possesses liability insurance in the amount of no less than one million dollars. If such insurance is provided by a pyrotechnics subcontractor, the insurance must list the permittee as a coinsured. if the city does not provide specific inspection and permitting processes for fireworks.

~~(xii)~~(x) It shall be the responsibility of the applicant to comply with all permit and inspection requirements of any other regulating authority with jurisdiction over the event.

Formatted: Indent: Left: 0.5", Hanging: 0.06"

~~(f)~~ Effective permit.

Permit Issuance: A permit shall be issued under the following terms:

- ~~(1)~~ Permit. ~~The license shall authorize the event described in the application.~~
- ~~(2)~~ Nature of the event. ~~The permit shall authorize only the one type of special event described in the application at the location named therein.~~
- ~~(3)~~ Special Event permits shall be issued by the city clerk
- ~~(2)~~ Transfer. ~~Any permit hereunder provided shall not be assignable or transferable without the written authorization of the City Clerk.~~
- ~~(4)~~ Police approval. ~~The police department may be asked to review special event permit applications. Approval of the police department is obtained prior to issuance of any permit granted hereunder.~~
- ~~(5)~~ Fee. ~~The permit application fee, if applicable and subject to permit approval, has been remitted to the city.~~
- ~~(6)~~ Additional requirements. ~~Special event permits may be issued with additional requirements attached as conditions of the permit's approval and issuance. Such additional restrictions must be met at all times.~~
- ~~(7)~~ Permit Available. ~~The applicant shall keep the special event permit and any letter of conditions on the premises during the event; however, these documents need not be posted.~~

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

~~(g)~~

Penalty: Failure to comply with the requirements of this ordinance shall be subject to the penalty provisions of Section 1 - 6 of the Ballwin Code of Ordinances.

Formatted: Indent: Left: -0.13", Hanging: 0.75", Tab stops: Not at 1"

Section 2. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS _____ DAY OF _____, 2014.

TIM POGUE, Mayor

APPROVED THIS _____ DAY OF _____, 2014.

TIM POGUE, Mayor

ATTEST:

Robert Kuntz, City Administrator