



BILL NO. 3917

CITY OF BALLWIN

ORDINANCE NO. 16-

14811 Manchester Road, Ballwin, MO 63011

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, KERLAGON, BULLINGTON

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

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

Section 1. Section 25 of Article XVI of Appendix A of the Code of Ordinances of the City of Ballwin shall be repealed and replaced with the following: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, and 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 departments of the city 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: Written permission shall be submitted from the owners of all private 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: The city shall not issue a permit requested under any provision of section 25 of Article XVI where investigation determines that the public health, safety and welfare will be adversely affected by such event as proposed.
- (c) 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.
  - (1) Permit required: Special events that will be fully contained on the premises where conducted including the accommodation of parking for the event and in 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.
  - (2) 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 or 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 must coordinate with the property owner or a licensed business at the location of the special event.

- (3) 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.
  - (4) Special Provisions: The provisions of this ordinance, and the subsequent issuance of a permit in accordance with 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.
  - (5) Duration and Frequency: In no event shall more than four special event permits be issued to a permittee at any one location in any one calendar year. 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.
- (d) 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 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 or participating in any way in the special event.
- (e) Application Requirements:
- (1) A person or entity desiring to conduct an event regulated by section 25 of Article XVI shall provide the city, by written application, the following information:
    - (i) The address and description of the location of the special event.
    - (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, portable toilets, support facilities, paths for emergency vehicles, parking areas, etc. A route map must be provided for off-site events involving parades, runs, walks, etc.
    - (iii) 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 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 the special event is to be conducted.
    - (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 licenses upon application. No special event permit shall be issued without valid business and liquor licenses issued by the City to include the entire event period.
    - (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.

- (ix) Special 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 are required, the applicant must obtain a permit from the St. Louis County Department of Health.
  - (x) If a fireworks display is proposed as a part of a special event, a permit from the fire district having jurisdiction is required in addition to the special event permit issued 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.
  - (xi) 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.
- (f) Permit Issuance: A permit shall be issued under the following terms:
- (1) Special Event permits shall be issued by the City Clerk
  - (2) Any permit hereunder provided shall not be assignable or transferable without the written authorization of the City Clerk.
  - (3) The police department and the building inspector may be asked to review and comment on special event permit applications.
  - (4) 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.
  - (5) 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.
- (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.

Section 2. Section 15-206 of the Code of Ordinances of the City of Ballwin shall be amended as follows:

**Sec. 15-206. - Permit required.**

No parade or procession shall occupy, march or proceed along any highway, road or street except in accordance with a permit issued by the City Clerk pursuant to Appendix A, Article XVI, Section 25 and such other regulations as are set forth which may apply.

Section 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage and approval.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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*TIM POGUE, MAYOR*

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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*TIM POGUE, MAYOR*

**ATTEST:**

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*ERIC HANSON, CITY ADMINISTRATOR*