PUBLIC HEARING AND PLANNING COMMISSION MEETING
Thursday, July 30, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

NOTICE is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a Public Hearing in connection with their Regular Planning Commission Meeting on Thursday, July 30, 2009, beginning at 7:00 p.m.

PLANNING COMMISSION MEETING

1. Call to Order

2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments on agenda items. (Comments limited to 3 minutes per person with a total of 30 minutes for this item).

PUBLIC HEARINGS

3. Special Events Ordinance

SCHEDULED ITEMS

4. Approval of Minutes from the June 25, 2009, Regular Planning Commission Meeting

5. Review/Recommendation on Special Events Ordinance

6. Committee Assignments and Reports

ADJOURNMENT

7. Adjourn

Posted this 28th day of July, 2009.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission and the staff.

CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant to the City Manager
DATE:	7/30/2009

Planning Commission
Agenda Item

SUBJECT:	Review/Discussion on an Ordinance for an Open Air Market
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Greg Robinson, Assistant to the City Manager, Planning

BACKGROUND AND FINDINGS:

This Item has been continued from our previous meeting,

PREVIOUS LEGISLATIVE ACTION:

6/25/2009 – Planning Commission began a review of a proposed ordinance for special events.

FISCAL IMPACT:

$100 Application Fee

SUPPORTING DOCUMENTS:

Proposed Ordinance
Proposed Application Form

RECOMMENDATION:

Review and make suggestions to the proposed Special Event Ordinance

MOTION:

To make a positive/negative recommendation to the City Council regarding the Special Events Ordinance and direct staff to make the following changes…

Chapter __
SPECIAL EVENTS

__.__.01: PURPOSE:

The purpose and intent of this chapter is to establish reasonable and uniform regulations governing the time, place and manner of holding special events on city streets and on city property, in order to promote, protect and assure the safety and convenience of the people in their use of public streets and places.

__.__.02: APPLICATION OF PROVISIONS:

This chapter imposes regulatory requirements on certain activities which are held on city streets and property and which are defined as "special events". The requirements imposed by this chapter do not alter, supersede or nullify any requirements contained in other statutes, ordinances or regulations which may also regulate these same activities. These requirements shall be applied in a content neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or other unlawful discriminatory classification.

__.__.03: DEFINITIONS:

For the purpose of this chapter, the following words shall have the following meanings:

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, on any city street or city property.

ENTERTAINMENT EVENT: An organized event having as its primary purpose the entertainment or amusement of a group of people, including, but not limited to, parades, carnivals, fairs, concerts, block parties or neighborhood gatherings, on any city street or city property.

POLITICAL EVENT: An organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including, but not limited to, speech making, picketing, protesting, marching, demonstrating or debating public issues, on any city street or city property.

SPECIAL EVENT: Any athletic event, entertainment event or political event, whether held for profit, nonprofit or charitable purposes.

__.__.04: PERMIT REQUIRED:

It is unlawful for any person, corporation, partnership, association or other entity, public

or private, to promote, advertise or hold a special event without first obtaining a special event permit and paying the fees as required in this chapter.

__.__.05: EXEMPTION FROM PERMIT REQUIREMENT:

The provisions of this chapter shall not be applied to regulate the use of traditional public forums as alternative channels of communication by the public, provided 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.

__.__.06: PERMIT; APPLICATION PROCEDURES:

A. Form; Information: All applications for special event permits shall be made on a special event permit application form prescribed by the city and shall include the following information:

1. Type and description of event;

2. Name of the sponsoring entity, contact person, address and telephone number;

3. Name of the promoting entity, contact person, address and telephone number;

4. Proposed date, together with beginning and ending times;

5. Proposed location, including barricade plan and route map;

6. Estimated numbers of event staff, participants and spectators;

7. Admission fee, donation, or other consideration to be charged or requested;

8. Signature of applicant; and

9. If the event is a block party, applicant must collect and submit with the application form a list of signatures consenting to the street closure from all neighbors whose vehicular access to their property is affected by the street closure.

B. Obtain From the Building and Zoning Department: Special event permit application forms may be obtained from the Building and Zoning Department.

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C. Submission; Time Limit: Completed application forms shall be submitted to the department at least thirty ~~(30)~~ (60) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the City Manager in the event the application is denied. Applications submitted less than thirty ~~(30)~~ (60) calendar days prior to the scheduled event shall be denied unless the applicant demonstrates to the city manager that compliance with the thirty ~~(30)~~ (60) day deadline was impractical or impossible due to the nature of the event.

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D. Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued.

E. Multiple Jurisdictions: Special events which cross or involve multiple governmental jurisdictions shall be approved only if the applicant also obtains formal authorization from all respective governing bodies.

__.__.07: PERMIT; APPLICATION PROCESSING:

A. Approval Of Agencies: Upon receipt of a special event permit application, the department shall circulate copies of the application to the following agencies for the purpose of obtaining their approval or disapproval of the proposed special event:

1. Utah County-county health department;

2. The city law enforcement services provider; ~~and~~

3. The city fire service provider; and

4. Any other city department which is to provide a service in connection with the special event.

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B. Considerations: In reviewing an application, the departments involved shall consider the following:

1. The impact of the special event on the traffic, security, health and safety of the public;

2. A determination by the department of appropriate and reasonable requirements for the mitigation of traffic, security, health and safety concerns, and an evaluation of the measures proposed by the applicant to satisfy those requirements;

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3. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health and welfare of the public;

4. The location and duration of the special event and the city's ability to accommodate the event with the necessary resources; and

5. Other previously approved special events that could cause scheduling conflicts during the same period and cause over extension of the city's resources.

C. Additional Requirements Or Conditions: The agencies or departments involved in reviewing an application may impose additional requirements or conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public.

__.__.08: PERMIT; FEES:

A. Fee: Each initial application for a special event permit shall be accompanied by a nonrefundable fee of one hundred dollars ($100.00) to defray the administrative costs of processing the application.

B. Protection Fees: In order to promote, protect and assure the safety and convenience of the people in their use of public streets and places, the city shall coordinate the use of professional peace officers if the special event requires traffic control or police protection and an additional fee shall be charged by the city to cover the costs incurred. The city shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as: the date and time of the event; the route location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format and configuration of the event; and the estimated time for the event. The fee charged for traffic control or police protection shall be paid prior to the issuing of the special event permit.

C. Additional Fees: Additional fees may be charged by the Utah County-county health department or other city departments or service providers. Such additional fees shall be specified at the time the department approves the special event permit application and shall be paid directly to the agency prior to the issuing of the special event permit.

D. Exempt From Fees: The following special events shall be exempt from the fees set forth in this section:

1. Political events;

2. Parades of less than one mile in length;

3. School events in the immediate area of the school;

4. Events sponsored in whole by the city; and

5. Block parties.

__.__.09: PERMIT; APPROVAL AND ISSUANCE:

A. Approval; Issuance: A special event permit application shall be approved and a permit shall be issued to the applicant by the department upon approval by all affected departments and compliance with the requirements of this chapter. The department shall notify the city manager, the city council and all affected agencies of all special events permits issued pursuant to this chapter.

B. Reasons For Denial Specified: If a special event permit application is denied by the department, the reason or reasons for denial shall be provided in writing to the applicant.

C. Authority To Deny: The city reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, welfare or safety, or which may result in unreasonable inconvenience or cost to the public.

__.__.10: PERMIT; LIABILITY INSURANCE AND INDEMNIFICATION:

A. Certificate Of Insurance: No special event permit shall be issued unless and until the applicant has submitted to the department a certificate of insurance, listing the city as an additional insured, on an occurrence policy issued by an insurance company authorized to do business in the state, showing comprehensive general liability and property damage coverage for the event with minimum limits of: two hundred fifty thousand dollars ($250,000.00) for injury or death for one person in any one occurrence; five hundred thousand dollars ($500,000.00) for injury or death for two (2) or more persons in any one occurrence; and one hundred thousand dollars ($100,000.00) for property damage in any one occurrence.

B. Exemptions: The following special events shall be exempt from the insurance requirements set forth in this section;

1. Political events;

2. Parades of less than one mile in length;

3. School events in the immediate area of the school;

4. Events sponsored in whole by the city; and

5. Block parties.

C. Save Harmless Agreement: In consideration for the issuing of a special event permit and the use of city streets or property, the applicant agrees to indemnify, save harmless and defend the city, its officers, employees, and volunteers against any claim for loss, damage or expense (including, without limitation, the city attorney fees and costs, if any) sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the special event.

__.__.11: APPEAL PROCEDURES:

Any permit applicant desiring to appeal an administrative decision of the department concerning the denial of a special event permit may petition the city manager. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be filed in the city office within seven (7) calendar days after the date the applicant received notice of the administrative denial. An applicant aggrieved by the decision of the city manager may seek judicial review of such decision pursuant to rule 65(b), Utah rules of civil procedure, or any other applicable ordinance, statute or rule providing for such review.

__.__.12: CITY LIABILITY:

By issuing a special event permit, the city makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

__.__.13: VIOLATION; PENALTY:

A violation of section __.__.04 of this chapter shall be a misdemeanor. Failure to obtain a permit as required by this chapter may also result in enforcement action by the city or its designee which, in its discretion, may stop an event which has not been issued a permit and/or may issue citations where event staff or participants violate other state statutes or city ordinances, including, but not limited to, traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.

City of Cedar Hills
Special Event Application – Part I

The special event application must be filled out and submitted electronically to the Building and Zoning Department no less than 60 days prior to the event. The application will be reviewed by the appropriate departments. Approval of the permit is not guaranteed.

APPLICANTION FEES – DUE AT TIME APPLICANT SUBMITS PART I

All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

ADDITIONAL FEES

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME
STREET ADDRESS
CITY, STATE, ZIP CODE
DAY PHONE
FAX PHONE
E-MAIL ADDRESS
SPONSORING ORGANIZATION
Contact Person "ON SITE" Day of Event
Name: Cell Number:

EVENT INFORMATION

Special Event Criteria (Check all that apply):
PRIVATE OR PUBLIC EVENT :

Causes significant public impacts via disturbance, crowd, traffic/parking	Disruption of the normal routine of the community or affected neighborhood	Necessitates temporary business or liquor licensing	Events signs, visible from public property	Temporary structures
Run/Walk	Parade	Trail Event	Road Bike Event	Park Festival
Street Fair	Concert	OTHER (please specify):		

EVENT TITLE:

FIRST TIME OR ANNUAL EVENT (if annual how many years?)
EVENT DATE (S)
EVENT HOURS START: END:
SET-UP DATE: TIME:
BREAK DOWN DATE: TIME:
ATTENDANCE
PARTICIPANTS: SPECTATORS: TOTAL:
LOCATION

OVERALL EVENT DESCRIPTION (Briefly explain event and activities):

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event)

PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:

RULES AND REGULATIONS

• A non-refundable application fee is required at the time the application is submitted to the City of Cedar Hills. For new events the application fee is $100, for returning events the application fee is $50.00.

• Part I of the application must be submitted a minimum of 60 days prior to a Special Events Permit and 60 days prior to a Special Event. Part II of the application for a Special Event must be submitted 45 days prior to the requested event date.

• A site plan of your event is required with your application identifying street closures, signs, supply trucks, barricades, tents, activity location portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, walkways and any other details that would assist the City Staff with understanding the setup of your event.

• For runs, walks and parades a site plan outlining your route must be submitted along with your Special Event Permit application. If your event wil generate additional traffic, or interrupt existing traffic on any city street, a traffic control plan outlining necessary street closures is required before a Special Event Permit will be issued.

• Permit Applications may require review by the City Council for approval or denial. Need for review is based on size, location, scope and impact o event.

• An applicant must schedule a meeting with City Staff 30 working days prior to event

• A certificate of insurance must be filed with the Building and Zoning Department ten (10) working days before the event in the amount o $1,000,000.

• All debris and trash must be removed from an event site immediately after the event. Failure to do so may require more City Services. All expenses will be the responsibility of the event applicant. It is highly recommended that the applicant provide recyclable receptacles at the event. Please contact a local recycle company (information provided in Application Part II).

• Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.

• You must receive approval for your event before you promote market or advertise your event. Conditional approval will be made after the even organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.

• Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.

• In some cases, the hiring of officers from the American Fork Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The American Fork Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.

• The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;

• The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.

• All temporary structures, i.e. tents, stages, platforms, etc. must be reviewed and approved by the City Engineer

• The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:

A. The cost of providing, erecting, and moving barricades and/or signs;
B. The cost of providing and moving garbage or waste receptacles;
C. The cost of city personnel who are required by the city to work overtime hours

• The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars ($1,000.00).