

AGENDA ITEM SUMMARY

DATE: May 2, 2011

DEPARTMENT: Community Development

DEPT HEAD: [Signature]

SUBJECT: Second Reading of Ordinance 1082 - Amendments to Municipal Code Chapter 12.14 - Special Events and Resolution to establish fees.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council held a public hearing and approved Ordinance 1082 on April 11, 2011. Ordinance 1082 repeals the current Chapter 12.14 in its entirety. The amendments focus on events the either close streets or attract 250 or greater participants and attempt to reduce overlap with the park use polices and make administration more clear. The amendments also incorporate Resolution 2009-05 (Banner Placement Policy).

The following minor changes were made to the ordinance since April 11; the numbering has been corrected, the phrase "anticipated to attract" replaced "reasonably expected" throughout and the banner specifications, which had been referred to as Exhibit "A", were added.

Additionally, the fees were removed and placed in a resolution, based on the direction given on April 25, 2011 in the discussion of the Park Use amendments. Section 12.14.070 was modified from the version reviewed and approved by the Council on April 11, 2011 in order to establish the fees by resolution rather than by ordinance. The resolution is included with the revised ordinance.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case# # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input checked="" type="checkbox"/> Streets |
| <input checked="" type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input checked="" type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input checked="" type="checkbox"/> Public Works, Parks | _____ |
| <input checked="" type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

motion to conduct the second reading of ordinance 1082.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only)
Instrument # _____

HAILEY ORDINANCE NO. 1082

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 12.14, SPECIAL EVENTS OF THE HAILEY MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT BY A NEW CHAPTER 12.14; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the special events permit process to make the City of Hailey an event friendly place while maintaining public safety and reducing costs and time associated with permitting incurred by the city and the applicant; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Chapter 12.14 of the Hailey Municipal Code is amended by the addition of the language, as follows:

12.14.010 Purpose. The purpose of the Special Event permit process is to make the City of Hailey an event friendly place while maintaining public safety and reducing costs and time associated with permitting incurred by the city and the Applicant.

12.14.020 Definitions.

“Applicant” means the one person or legal entity, who is the organizer and who is responsible for conduct of the Special Event.

“Administrator” means the department head, or his/her designee, as assigned by the mayor or city administrator to oversee the administration of this chapter or sections thereof.

“City Parks” shall mean those parcels of land that are owned or managed by the City of Hailey and are held for public use or as open or green space, including, but not limited to City Parks and hillside parcels.

"Government Event" means an event produced by a government on its property and administrated under its sole authority.

“Special Event” means any event that is described in section 12.14.030(B).

“Street Closure” means the deliberate or incidental temporary blockage of all, or a

portion of, a public or private street, alley, highway, public right-of-way, parking lot or other thoroughfare used for pedestrian or vehicular circulation.

12.14.030 Applicability.

A. It shall be unlawful for any person to conduct a Special Event without first applying for and being granted a Special Event permit or for an owner of the real property where the Special Event is conducted to allow a Special Event without the issuance of a Special Event permit by the City. All permits issued pursuant to this chapter are nontransferable and expire at the completion of the Special Event.

B. The following categories of events require a Special Event permit

1. Those involving a Street Closure within any zoning district.
2. Those attracting an anticipated 250 or more people at any one time

within any zoning district.

C. The following types of events are exempt from obtaining a Special Event permit.

1. Events fully contained on private property within the Business zoning district.
2. A school or recreational district sporting event held on a school or recreational district property.
3. A Government Event

12.14.040 Administration

A. The Administrator of this Chapter is responsible for the receipt, coordination of departmental review and issuance of a Special Event permit.

B. Authority of Administrator.

1. For Special Events that are reasonably expected to attract less than 250 participants and involves a Street Closure, the Administrator has the authority to issue a Special Event permit after making positive findings pursuant to the standards section (§12.14.080).

2. For Special Events that are anticipated to attract 250 or more people, the Administrator shall recommend approval or denial of a permit after making findings pursuant to the standards section (§12.14.080) for final decision by the Hailey City Council.

C. Application Procedure.

1. An application for a Special Event shall be signed by the Applicant on a form provided by the Administrator and shall be filed with the Administrator according to the following schedule:

a. An application for a Special Event involving a Street Closure and anticipated to attract fewer than 250 people at any one time shall be filed at least fourteen (14) calendar days prior to the Special Event.

b. An application for a Special Event anticipated to attract 250 to 1,499 people at any one time shall be filed at least thirty (30) calendar days prior to the Special Event.

c. An application for a Special Event anticipated to attract 1,500 or more people at any one time shall be filed at least sixty (60) calendar days prior to the Special Event.

2. At a minimum, the Applicant shall provide, on a form provided by the Administrator, sufficient information to address the requirements set forth in the requirements section (§12.14.050), including but not limited to:

- a. The projected hours of set up and removal of facilities needed for the Special Event;
- b. The projected hours of the Special Event;
- c. The projected number of people who will attend the Special Event during one hour intervals of the Special Event, and if applicable, the actual number of people who attended the Special Event for the prior three years;
- d. If applicable, description of temporary structures, such as tents and stages;
- e. If applicable, description of flame producing devices;
- f. If applicable, description of food service;
- g. The proposed number of trash receptacles and/or dumpsters and portable toilets;
- h. A statement declaring notice was provided to businesses or owners occupying units located on any street proposed to be closed including the location, time, date, duration and nature of the Special Event and Street Closure;
- i. If applicable, the dates requested for display of a banner across Main Street, the dimensions, construction and wording of the banner;
- j. If applicable, description of amplified sound, including estimated decibel levels;
- k. For Special Events anticipated to attract 250 or more participants and/or serving beer, wine or liquor shall submit the following:
 - i) a security plan for review and approval by the Chief of Police and shall include the number of staff people dedicated to security and their qualifications.
 - ii) an emergency medical care and ambulance support plan for review and approval by the Fire Chief and shall include the number of dedicated state licensed EMT with basic medical supplies and communications with an EMS Agency assigned to no other duties at the event.

3. Events that have been held for three (3) or more consecutive years may be administratively approved provided no changes to the event location, time, or Street Closure have been made, no violation of prior permits has occurred and a copy of current insurance is provided. Events involving Street Closures will be required to meet any changes to applicable traffic control standards.

4. An applicant may apply for their next year's event upon completion of the current year's event and upon completion of a post event review with the Administrator.

12.14.050 Requirements. A Special Event shall meet all of the following requirements determined to be applicable by the Administrator.

A. Except as otherwise provided herein, a Special Event shall not substantially interrupt the safe and orderly movement of traffic contiguous and near its venue.

1. The Applicant may apply for a Street Closure and will be required

to submit a closure and traffic control plan; such a plan shall accommodate access by emergency response vehicles.

a. To facilitate Special Events, especially those located in downtown, the city may issue to the Applicant a closure and traffic control plan, including the type of equipment and number required to implement the closure and traffic control plan, for certain blocks, including but not limited to:

- i) Croy Street from River Street to Main Street, Main Street to First Avenue and First Avenue to Second Avenue
- ii) First Avenue from Carbonate Street to Bullion Street and Croy Street to Walnut Street
- iii) Carbonate Street from Main Street to First Avenue and Main Street to River Street

2. The Applicant shall be required to implement an approved closure and traffic control plan in exact accordance with the approved closure and traffic control plan. A closure and traffic control plan may be modified at anytime before or during the event with the documented approval of the Public Works Director or Police Chief of the City of Hailey, except any changes that affect emergency access or designated safety clear zones shall be approved by the Police Chief or Fire Chief.

3. The number of days a street is closed may be limited by the city.

B. The Special Event shall not cause a public safety hazard to the remainder of the city by interrupting emergency response by city services, including but not limited to police, fire and ambulance.

C. The Special Event shall not be reasonably likely to cause injury to persons or property, to result in disorderly conduct or to create a disturbance.

D. For events with 500 or more participants the Applicant shall, at a minimum, provide one (1) six yard dumpster per 500 people,

E. For events with 100 or more participants the Applicant shall, at a minimum, provide one permanent or portable bathroom per 100 people and one (1) handicapped accessible bathroom if the number of people at the Special Event is projected to exceed 500 people.

E. No more than two events anticipating more than 250 participants per event per month per City Park shall be allowed unless the City Council makes a determination that the limitation set forth in this subsection should be waived for a given event. The start date of each event anticipating more than 250 participants shall be no less than ten (10) calendar days apart..

F. Liability Insurance. Proof of general liability insurance coverage in the minimum amount of one million dollars naming the city as an additional named insured.

G. Damages. If damage occurs to city property or if the city is responsible for the damage because of the event, the city may reimburse itself for the damages from any security deposit posted and require the Applicant to immediately pay the city for any unreimbursed cost of such repairs.

H. Indemnification. The Applicant shall agree to indemnify, defend and hold harmless the city and its officers and employees from any and all demands, claims or liability of any nature, caused by or arising out of, or connected with the Special Event. The agreement to indemnify, defend and hold the city harmless shall be a condition of any Special Event permit.

I. The Applicant has made no false statements or misrepresentations upon any present or former application for the Special Event permit.

J. The Applicant has not substantially violated any provision of city, state or federal laws, including the provisions of this chapter, in conducting any previous Special Event.

K. The Special Event permit is subject to other applicable city, state, federal or other governmental rules, regulations or laws.

12.14.060 Display of Banners

A. The City of Hailey will allow appropriate banners to be displayed across the public right-of-way of Main Street or be displayed from public light poles in the public right-of-way within or adjacent to the Business (B) Zoning District provided the following requirements are met.

1. The banner advertises a special, date-specific event which is of general interest and benefit to the community, or be associated with a special event permit issued under this Chapter.

2. The banner advertises only the event name, date(s), and/or name(s) of the sponsor(s) and/or organizer(s). The name(s) of the sponsor(s) and/or organizer(s) shall be limited to a maximum of 25% of the space on each side of a banner.

3. The banner is constructed in accordance with the specifications set forth herein.

a. Street Banner Specifications.

i) Size: 4 ft x 36 ft (length x width)

ii) Material: Polyester net background, the edges and

lettering in denier nylon, nylon rope, with steel snap hooks on top and 2 in each bottom corner. The changeable text area not to exceed 16 square feet made of 3 mil vinyl patches.

b. Pole Banner Specifications.

i) Size: 3 ft x 18 inch (length x width)

ii) Material: 3 mil vinyl

B. Installation.

1. Except as otherwise provided herein, a banner across Main Street shall be installed no earlier than thirty (30) calendar days prior to the event and shall be removed one week after it is hung. Banners shall not be installed after the event has concluded.

2. Banners on light poles shall be installed no earlier than thirty (30) calendar days prior to the event and shall be removed immediately thereafter. The banners shall be displayed for a maximum period of thirty (30) calendar days per event, per year, unless approved by the Administrator for an additional fourteen (14) calendar days.

3. No more than one banner across Main Street for any one event will be displayed at any one time.

4. The Applicant shall provide a minimum of six (6) banners per event for display on light poles.

5. The City Council of Hailey reserves the right to or terminate use of public ways for banners at any time and without prior notice.

C. Application:

1. A request to display a banner across Main Street may be included by the Applicant in a Special Event permit application as set forth in section 12.14.030.

2. A request to display a banner across Main Street for an event outside of the City of Hailey may be submitted by an Applicant, at least fourteen (14) calendar days prior the date first requested for display of the banner, on a form provided by the Administrator.

3. A request to display a banner on light poles shall be submitted by the Applicant at least four (4) weeks prior to the date first requested for display of banners, on a form provided by the Administrator.

4. In the case of more than one application for the same period of time, the Administrator shall give preference to events held within the City of Hailey. In the case of more than one application for events held within the City of Hailey, the Administrator shall permit the first application filed to display for this period.

5. An application to display the same banner may be submitted immediately following the take down of a banner's display.

12.14.070 Fees and Deposits

A. Except as otherwise provided herein, the Applicant shall pay the non-refundable application fee in addition to any applicable per diem or service fees for the proposed Special Event permit, as established by resolution of the City Council, at the time of the filing of the Special Event application.

1. A per diem fee shall be assessed for a Special Event within a City Park, including set-up and tear-down days. Events that meet the following criteria may be exempted from this per diem fee by resolution of the City Council.

a. Non-profit events that have been annual events within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators and are promoted locally and regionally within the state and the northwest.

B. A banner installation fee shall be paid by the applicant, in addition to a Special Event application fee or solely if the banner placement is not in conjunction with a Special Event application.

C. The following services may be arranged with the City in advance of the Special Event; any such service provided by the city will be billed to the Applicant. The Applicant may be required to pay a deposit in advance for such charges and in the event the deposit exceeds the actual charges, the City Clerk shall refund the balance to the Applicant.

1. City Equipment – the Applicant shall be responsible for providing approved MUTCD standard traffic control devices, such as cones, barricades, flags, signs and ropes. If available, these devices may be borrowed from the City upon advance reservation with the Street Superintendent and payment of a security deposit for the devices borrowed.

2. Police Services – traffic control for Special Events involving the closure of Main Street or police coverage provided by the Hailey Police Department. Police coverage will be required as a minimum for the following events.

a. Events with 1,500 to 2,000 participants require coverage by

at least 3 officers.

b. Events with over 2,000 but under 4,000 participants require coverage by at least 4 officers.

c. Events with over 4,000 participants require coverage by at least 5 officers.

3. Fire and EMS Services - additional safety precautions and personnel required to monitor the area for safety hazards and to facilitate evacuation as determined necessary by the Hailey Fire Chief. When EMS services are required, the Applicant may request the services be provided by the Hailey Fire Department.

4. Street Services

a. Street sweeping

b. Garbage collection from city owned receptacles

c. Traffic control

12.14.080 Standards.

A. A Special Event permit may be issued after the following findings are made by the Administrator.

1. The Special Event will in fact qualify as a Special Event.

2. The Special Event meets all of the applicable requirements set forth in §12.14.040.

3. All required fees and deposits have been paid.

B. Following an evaluation of the above requirements and standards, the application may be approved, conditionally approved or denied. Conditions may be imposed that are deemed to be reasonably related to the above standards and that will promote the public health, safety and general welfare.

12.14.090 Right of appeal.

A. An appeal from any decision of the Administrator made in the administration or enforcement of this chapter may be made to the city council by filing a written appeal and fee with the Administrator within fifteen calendar days following the date of the action or decision giving rise to the appeal. Upon hearing the appeal, the city council shall consider the record, the decision of the Administrator, and the written appeal together with oral presentation by the appellant, a city officer, and the Applicant. The city council may affirm, reverse, or modify the decision of the Administrator. The city council shall not substitute its judgment for that of the Administrator as to the weight of the evidence on questions of fact. The city council shall affirm the Administrator's decision unless the city council finds the decision is a) clearly erroneous, b) arbitrary, capricious or an abuse of discretion, or c) not supported by substantial evidence in the record as a whole. The Administrator shall transmit a copy of the city council's decision and findings to the appellant, the Applicant and any other person who has requested a copy in writing. The fee for processing the appeal shall be set by resolution of the city council.

2.14.100 Enforcement.

A. Criminal liability. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction, subject to a fine of not more than three hundred dollars (\$300.00) or imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day a violation continues shall be considered a separate offense, punishable as described in this section.

B. Civil liability. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of the provisions stated in this chapter, to prevent any violation of these regulations, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of public property. These remedies shall be in addition to the penalties described above.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2011.

Richard Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2011

RESOLUTION NO. 2011 - ____

A RESOLUTION OF THE HAILEY CITY COUNCIL ENACTED PURSUANT TO HAILEY MUNICIPAL CODE CHAPTER 12.14, PROVIDING FOR FEES WHICH SHALL BE ASSESSED FOR SPECIAL EVENT APPLICATIONS AND BANNER RESERVATIONS.

WHEREAS, the City of Hailey has adopted Chapter 12.14 of the Hailey Municipal Code which allows the city to assess fees by resolution for Special Event application and banner installation;

WHEREAS, Resolution 2004-07 previously established the special event permit application fee and Resolution 2009-05 previously established procedures and fees for banner placement across the public right-of-way or on public light poles in the public right-of-way and Resolution 2009-08 previously established the per diem fee for an event in a city park and all three resolutions should be repealed; and

WHEREAS, no fees are being increased and no new fees are being assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hailey, Idaho that Resolution 2004-07, Resolution 2009-05 and Resolution 2009-08 are hereby repealed and the following fees for special events and banner installation shall be adopted:

1. A special event permit application fee of one hundred and twenty-five dollars (\$125.00) shall be established to defray the cost of administrative review and evaluation of safety standards under Chapter 12.14 of Hailey Municipal Code.

2. A per diem fee of two hundred dollars (\$200.00) shall be assessed for a Special Event within a City Park, including set-up and tear-down days. Events that meet the following criteria may be exempted from this per diem fee by separate resolution of the City Council.

a. Non-profit events that have been annual events within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators and are promoted locally and regionally within the state and the northwest.

3. Except as otherwise provided herein, a fee of one hundred dollars (\$100.00) per installation over Main Street and a fee of twenty-five dollars (\$25.00) per light pole installation shall be prepaid by the applicant to cover the costs of installation and removal by City personnel and equipment. Banners will be installed and removed by the Hailey Public Works Department.

a. The City of Hailey is exempt from the payment of fees and may hang a banner for general public purposes, including but not limited to promoting the economic vitality of the Hailey business community at large.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON MAY
2nd, 2011 AND EFFECTIVE THE ____ DAY OF _____, 2011.

Richard L. Davis
Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express, _____, 2011

