

CITY OF KETCHUM, IDAHO, ORDINANCE NO. 1131

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING CHAPTER 12.32 OF THE KETCHUM MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 12.32

WHEREAS, Chapter 12.32 was adopted by the Ketchum City Council and amended over time,

WHEREAS, special events are recognized as an important element of a vibrant and successful community;

WHEREAS, the current standards and regulations in Chapter 12.32 are outdated and at times discourage events and therefore are in need of updating;

WHEREAS, it is the intent of the Ketchum City Council to provide clear standards and a simplified process to encourage special events;

WHEREAS, it is found appropriate to repeal Chapter 12.32 and adopt a new Chapter 12.32 that contains new standards and application procedures;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Ketchum Idaho:

SECTION 1. AMENDING KETCHUM MUNICIPAL CODE. Ketchum Municipal Code is hereby amended by the repeal of 12.32 and addition of Chapter 12.32 Special Events Permits as follows,

SECTION 2. SPECIAL EVENT PERMITS

SECTION 3. 12.32.010: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the meanings prescribed in this section:

APPLICANT: The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the special event lies. The applicant signs the special event license application and all other documents relevant to the special event.

CITY: The city of Ketchum, Idaho.

CITY ATTORNEY: The duly appointed city attorney of the city of Ketchum, Idaho.

CITY COUNCIL: The duly elected city council of the city of Ketchum, Idaho.

ENGAGING IN OR CONDUCTING BUSINESS: The selling, soliciting, advertising or offering for sale of any service or item of personal property or real property or any interest in such property.

FEES: Charges assessed by the city for licensing, staffing, equipment use/rental, property use/rental, cleanup, and inspections involving the use of public property, public employees or public equipment assessed to a special event and established within the special event licensing process.

LARGE EVENT: Special events requiring a street closure of more than one day; or have an anticipated attendance over 400 people; or a weekly event that takes place more than four (4) consecutive weeks.

LICENSEE: The applicant becomes the "licensee" when the special event license has been approved and signed by the special event coordinator, and the fee, security, insurance and indemnity requirements have been fulfilled. As the license holder, the licensee becomes the sole proprietor of the special event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, insurance and liabilities connected with the licensed special event.

MEDIUM EVENT: Special events that require a street closure of one day or less; or have an anticipated attendance between 100-400 people; or a weekly event that takes place up to, but not more than, four (4) consecutive weeks.

PERSON: Every natural person, firm, partnership, association, corporation or any other business entity.

PUBLIC EVENT: Any special event held on public property in which the general public is invited, with or without charge, and which creates significant public impact through: a) the attraction of large crowds; b) the necessity for street closures or use of other public property; c) the required use of city equipment and/or services; or d) the necessity for temporary business licensing.

PUBLIC HOLIDAY: Any state or national holiday or any locally declared day of celebration, including, but not limited to, Wagon Days and New Year's Eve, during which a special event may be held.

PUBLIC PROPERTY: Any sidewalk, street, alley, highway, public right of way, park, parking lot or other place owned in fee or leased by the city, or in, on or over which an easement exists in the name of or held by the city, or which exists for the benefit and use of the public.

SMALL EVENT: Special events that do not require a street closure, are a single occurrence, and have an anticipated attendance under one hundred (100) people.

SPECIAL EVENT: The temporary use of public property, including streets, parking lots, parks and waterways, for the purpose of conducting certain public events such as, but not limited to, art shows, music concerts, fundraising events, amusement attractions, circuses, carnivals, rodeos, craft fairs, sporting events, contests, dances, tournaments, walkathons, marathons, races, exhibitions or related activities. In addition, a "special event" is any public event which could

reasonably be interpreted to cause significant public impact via disturbance, crowd, traffic/parking or disruption of the normal routine of the community or affected neighborhood.

STREET CLOSURE: The deliberate blockage of all, or a portion of, a public street, a right of way or a city owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure, regardless of duration, requires a special event license.

VENUE: The location or locations upon which a special event is held, as well as the ingress and egress route.

WEEKLY EVENT: Any event that takes place once per week for two (2) or more consecutive weeks.

SECTION 4. 12.32.020: SPECIAL EVENT LICENSE REQUIRED:

Unless exempted by state or federal law, it is unlawful for any person to conduct a special event, with or without charge for admission, on public property without first applying for and being granted a special event license for the specific special event and its venue. All licenses issued pursuant to this chapter are nontransferable and expire at the completion of the given special event.

SECTION 5. 12.32.030: LIMITATION OF LICENSES:

1. The following limitations apply to all special events:

- a. A special event shall be limited to no more than four (4) consecutive days in duration.
- b. No more than eight (8) special event licenses shall be issued to any one applicant during a single calendar year.
- c. For events lasting four (4) days or more, only two (2) licenses shall be issued to one applicant per calendar year.
- d. Events that take place on consecutive weeks, or weekly events, are required to apply for one special event license. A weekly event shall be limited to one event per week, and limited to a total of twenty two (22) weeks out of the calendar year.

SECTION 6. 12.32.040: APPLICATION PROCEDURE:

An application for special event license shall be made in writing on forms provided by the city.

A. Filing Period: A complete application and filing fee shall be submitted to the city in accordance with the following time frames:

1. Small Event outside of Town Square. Within 10 days of the date of the proposed event date.
2. Medium Event or Small Event within Town Square. Within 30 days of the date of the proposed event date.
3. Large Event. Within 60 days of the proposed event date.

These filing deadlines may be modified by the City Administrator if a determination is made that the event will have minimal impacts.

B. Notice: All events shall be placed on the official city of Ketchum special events calendar upon receipt of the special event application. For small events within town square, medium and large events, written notice of the application shall be mailed, or emailed if requested, to those property owners and businesses adjoining the proposed venue of the special event within five (5) days of city receipt of the special event application. The notice shall state the date, time, venue and purpose of the special event, and that such adjoining property owners and businesses have seven (7) days in which to submit comments regarding the proposed special event to the city.

For all events, city staff may elect to provide additional noticing based on the size, location and scope of the event. Additional noticing may include, but is not limited to, newspaper advertisements and physical mailing to adjacent property owners or business owners.

C. Decision: The application materials and any comments received from the adjoining property owners will be reviewed by the city in light of the standards provided in section 12.32.050 of this chapter. The city shall provide in writing a decision on the application within five (5) days of the date a complete application was filed for small events and within twenty (20) days of the date a complete application was filed for medium and large events.

D. License Issuance: An applicant shall be issued a special event license for the given special event upon the approval of the city, and upon the fulfillment of the fee, security, insurance and indemnity requirements.

E. Fees: Except as provided in subsection E1 of this section, all fees due the city as a result of a special event must be paid in full no later than five (5) days prior to the first day of the special event.

1. Application Fee: An application fee shall be paid at the time the special event permit is filed with the city. The application fee shall be set by resolution of the city council.
2. Notice Fee: The applicant shall be responsible for a fee equal to the expense of giving notice as required by subsection B of this section.

3. City Equipment/Services Fee: If the applicant requests city equipment and/or services in conjunction with the special event or if city equipment and/or services are deemed necessary by the city to protect the public's health, safety and welfare during the special event, the applicant shall be responsible for a fee equal to the expense of such city equipment and/or services. The city shall provide the applicant with an estimate of equipment/service fees based on city salaries and equipment rental charges.

SECTION 7. 12.32.050: STANDARDS FOR ISSUANCE:

The city may issue a license as provided for under this chapter when, from consideration of the application, comments received from adjoining property owners and from such other information as may otherwise be deemed necessary, he or she finds that:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic contiguous to its venue;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the venue and the contiguous area as to prevent normal police protection to the city;
- C. The special event will not require the diversion or impact paramedic services in the city.
- D. The conduct of the special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed special event and the contiguous areas;
- E. The concentration of persons and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- F. The conduct of the special event will not interfere with the movement of firefighting equipment en route to a fire;
- G. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create an undue disturbance; and
- H. The special event is not for an unlawful purpose.

SECTION 8. 12.32.060: INSURANCE REQUIREMENTS:

Every applicant, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of the licensed special event, public liability insurance in the amount of one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per accident. In addition, every applicant, at its sole cost and expense, shall

obtain and maintain public liability insurance for property damage in the amount of one million dollars (\$1,000,000.00). Certificates of such insurance shall be filed concurrently with the application for the special event. Such certificates shall be subject to the approval of the city attorney and shall contain an endorsement stating that the city of Ketchum is named as an additional insured and that such insurance will not be canceled or altered by the insurance company or applicant without ten (10) days' prior written notice of such intended alteration or cancellation to the city. Current certificates of such insurance shall be kept on file at all times during the term of the special event.

SECTION 9. 12.32.070 INDEMNITY:

The applicant shall indemnify, defend and hold harmless the city, its officers, agents and employees from any and all demands, claims or liability of any nature caused by or arising out of or connected with the licensed special event.

SECTION 7. 12.32.080 EXEMPTIONS:

When the city is the applicant for a special event, the city shall be exempt from the requirements of subsection 12.32.040 E and sections 12.32.60 and 12.32.070 of this chapter.

SECTION 8. 12.32.090: APPLICABLE LAW:

The special event license is subject to other applicable city, state, federal or other governmental licenses, tax regulations or laws.

SECTION 9. 12.32.100: APPEALS:

1. Appeal of a decision on medium and large event applications. An appeal from any decision on a special event application for medium and large events may be made to the Ketchum city administrator. All appeals shall be made only by an affected party. Upon reviewing the appeal, the Ketchum city administrator shall consider the record, the decision on the application, together with a presentation by the appellant, and the applicant. The city administrator may affirm, reverse or modify, in whole or in part, the decision on the application. The city shall transmit a copy of the city administrator's decision to the appellant, the applicant and any person who has requested a copy in writing.

2. Deferral To Council: The city administrator shall have the sole discretion to defer review and decision on an appeal to the Ketchum city council.

3. Time For Filing Appeals: Notice of appeal shall be filed before five o'clock (5:00) P.M. of the fifth calendar day after the decision on the application has been rendered. The failure to physically file a notice of appeal with the city within the time limits prescribed by this section shall cause automatic dismissal of such appeal.

4. Fee For Appeals: An appeal fee shall be set by Resolution of the City Council and shall be paid upon filing the appeal. In the event the fee is not paid as required, the appeal shall not be considered filed.

5. Notice Of Appeal: Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the city.

SECTION 10. 12.32.110: ENFORCEMENT AND PENALTIES:

A. Any violation of the conditions of approval for an event, or the event not operating in the manner identified in the event application, may result in the event being cancelled or shut down. In addition, if the event is a reoccurring event, future application may be denied.

B. Any person who shall violate any provision of this chapter shall be guilty of an infraction.

C. Civil Enforcement: 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 in subsection A of this section.

SECTION 11. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 12. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of Ketchum this 20th day of April, 2015.

CITY OF KETCHUM, IDAHO



Nina Jonas, Mayor

ATTEST:


Sandra E. Cady