

Exhibit 1

CHAPTER 10

SPECIAL EVENTS

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3-10-1: PURPOSE:

The purpose of this chapter is to provide for and encourage temporary events to occur in the city in order to create a sense of community and enhance the quality of life for city residents. It is also the city's intent to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues which may occur as a result of the special event. This chapter is adopted to ensure that the special events do not create disturbances, become a nuisance, threaten life, health, and property, disrupt traffic, or threaten or damage private or public property. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for time, place and manner regulations. (Ord. 2015-10-003, 10-1-2015)

3-10-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall be defined as set forth in this section:

APPLICANT: The individual event organizer and the organization responsible for the event and the payment of fees.

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, held on any public or private property.

CITY EVENT: A special event that is organized and operated by the city, whether directly or by contract with a third party operator.

FILMING EVENT: Filming of a media broadcast (other than for news purposes), filming of a motion picture, television broadcast and digital media production.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of product including, but not limited to, displays and exhibitions, farmers' markets, craft fairs, outdoor sales, tent sales and other similar activities.

REOCCURRING EVENT: An event that has occurred annually without missing a year.

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

- A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.
- B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.
- C. Events held at the following are not special events under this chapter:
 1. A building that has a business located in it that has a current annual business license as an event business;
 2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required.
- D. For purposes of this chapter, events organized and conducted by the city located on city-owned property or within city facilities are not special events; however, events held by non-city entities which may have some level of sponsorship by the city are special events.

SUBSTANTIAL CHANGES: Changes adding:

1. Additional security;
2. Amplified sound;
3. Sale of alcohol;
4. Three hundred plus (300+) additional participants; or
5. Additional road closures or other encroachments.

TEMPORARY EVENT: Any event which occurs on a temporary basis of less than one (1) year at a location where the applicant does not have an annual business license for the specific activities being held. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2017-04-002, 4-6-2017; Ord. 2022-12-006, 12-15-2022; Ord. 2023-03-003, 3-16-2023; Ord. 2023-04-001, 4-6-2023)

3-10-3: PERMIT REQUIRED:

No person, corporation, partnership, association or other entity, public or private, shall promote, advertise, or hold a special event without first obtaining a special event permit. Events which are listed on the March 21, 2023, list of reoccurring events and events for which the city is a sponsor may promote and advertise the event after submission of a preliminary application, confirmation by city staff of the availability of the location and dates for the event, and payment of the application fee, if any. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2023-04-001, 4-6-2023)

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:

A. *Submission:* Except as provided in subsection [B](#) of this section, a completed application on city forms shall be submitted to the city at least forty-five (45) 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 council in the event the application is denied. Applications for new events or reoccurring events with substantial changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

B. *Exemption For Reoccurring Events With No Substantial Changes:* A list of reoccurring events will be provided for city council review and authorization annually by July 1. After city council authorization, any application for reoccurring events with no substantial changes may be accepted by the city within forty-five (45) calendar days prior to the event so long as the city has sufficient time to process the application.

C. *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. Events which are listed on the March 21, 2023, list of reoccurring events and events for which the city is a sponsor may promote and advertise the event after submission of a preliminary application, confirmation by city staff of the availability of the location and dates for the event, and payment of the application fee, if any.

D. *Inspections:* Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2022-12-006, 12-15-2022; Ord. 2023-04-001, 4-6-2023)

3-10-5: INSURANCE REQUIREMENT:

A. *Insurance:* The applicant, vendors, exhibitors, and concessionaires of a special event held on city property shall procure and maintain commercial general liability insurance posted on the city's website in the amount required by the city to protect the city against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the city on an insurance certificate which shall include the following:

1. The name and address of the insured.
2. City shall be named as an additional primary insured and noncontributory on the general liability certificate.
3. The location of the operations to which the insurance applies.
4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.
5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.
6. A statement that all coverage is on an occurrence basis rather than a claims basis.
7. A provision that the policy or policies will not be canceled, denied renewal, or reduced in coverage until at least thirty (30) days after written notice has been received by city.
8. Name, address, and telephone number of the insurance company's agent.
9. A waiver of subrogation.

B. *Workers' Compensation Insurance:* Applicant shall procure and maintain workers' compensation insurance as required by Utah law.

C. *Certificate Of Insurance:* No special event permit shall be issued until the applicant and all vendors, exhibitors, or concessionaires participating in the event submit to the city a certificate of insurance as required in this chapter. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2022-12-006, 12-15-2022)

3-10-6: FEES:

A. *Application And Cost Recovery Fees:* Along with the application for a special event permit, the applicant shall pay any applicable special event application fees and city cost recovery fees.

B. *City Cost Recovery Fees:* Extra city services will be provided for special events as determined by the city to be needed to protect the health, safety and welfare of the public and shall be paid by the applicant.

1. City costs include, but are not limited to, police, fire, park maintenance, power, water, road closures, and cleanup of city facilities before, during, or after the event, and other costs to city directly attributable to the special event.
 2. Before city approval is granted to hold the event, the applicant shall pay the deposit and estimated city fees as determined by the city based on the application, the applicant's past event history with the city, and experience with similar events.
- C. *Invoice:* The city may mail or deliver to the permit holder an invoice for the cost of city services provided and any costs incurred by the city in restoring the site. If the amount exceeds the city cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice was mailed or delivered. If the amount is less than the city cost recovery fees paid prior to issuance of the permit, then the remaining amount shall be returned to the applicant. (Ord. 2015-10-003, 10-1-2015)

3-10-7: APPLICATION REVIEW, APPROVAL AND ISSUANCE:

The city manager, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The city manager may refer the request for a special event permit to city council for approval. (Ord. 2015-10-003, 10-1-2015)

3-10-8: GROUNDS FOR DENIAL:

- A. *Grounds For Denial:* The special event application may be denied by the city if:
1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public;
 2. The proposed special event is not consistent with the intended nature and use of the requested city property;
 3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
 4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the city, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
 5. The permit application contains a material falsehood or misrepresentation;
 6. The applicant has failed to pay a debt to the city including costs incurred during a prior special event;

7. Incomplete permit applications; and
8. The applicant or any person on whose behalf the application for a permit was made has on prior occasions:
 - a. Damaged city property, if the applicant is for an event on city property; or
 - b. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
 - c. Has violated the terms of prior permits issued to or on behalf of the applicant.

B. *Notice:* If a special event permit application is denied, the city shall notify the applicant in writing of the reason or reasons for the denial. (Ord. 2015-10-003, 10-1-2015)

3-10-9: APPEAL PROCEDURES:

Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the city council if the decision was made by the city manager. Any decision made by the city council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the city recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the city council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the city council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal. (Ord. 2015-10-003, 10-1-2015)

3-10-10: VIOLATION:

A violation of this chapter shall be a class B misdemeanor. (Ord. 2015-10-003, 10-1-2015)

The St. George City Code is current through Ordinance 2023-05-013, passed May 18, 2023.

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

[City Website: www.sgcity.org](http://www.sgcity.org)

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