

ORDINANCE NO. O2023-06

AN ORDINANCE OF THE CITY OF EMMETT, IDAHO; AMENDING TITLE 3, CHAPTER 8: SPECIAL EVENTS; WHICH REQUIRES, UNDER CERTAIN CIRCUMSTANCES A PERMIT FROM THE CITY TO STAGE, PROMOTE, OR CONDUCE A PREPLANNED SINGLE GATHERING, EVENT OR SERIES OF RELATED CONSECUTIVE DAILY GATHERINGS OR EVENTS OF AN ENTERTAINMENT, CULTURAL, RECREATIONAL, EDUCATIONAL, POLITICAL, RELIGIOUS OR SPORTING NATURE, OR OF ANY OTHER NATURE, SUCH AS CONCERTS, DANCES, ASSEMBLAGES, PROCESSIONS, PARADES, CIRCUSES, FAIRS, FESTIVALS, BLOCK PARTIES, COMMUNITY EVENTS, MASS PARTICIPATION SPORTS, OR OTHER ORGANIZED ACTIVITY CONDUCTED FOR A COMMON OR COLLECTIVE USE WITHIN THE CITY LIMITS; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF EMMETT, IDAHO, as follows:

Section 1. That Title 3, Chapter 8, Emmett City Code, is amended by interlineations and additions to read as follows:

“Chapter 8 - SPECIAL EVENTS:

Sec. 3-8-1. Purpose.

A. The City finds that special events that are offered to the public or a substantial segment of the public often attract large gatherings of people which may cause adverse public health and safety conditions requiring municipal regulation to ensure adequate protection of public health and safety.

B. It is the intent of the City that this chapter is enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City and to regulate special events for the benefit and protection of the public health and safety. Special event applicants, promoters, and sponsors whose special events require the use of extraordinary City resources because of their anticipated attendance or heightened security concerns should pay for those extraordinary resources. It is the further intent of the City that this chapter is construed liberally in favor of protecting and promoting the health, welfare, and safety of the citizens of, and visitors to the City.

C. The requirements contained in this Chapter shall be in addition to, and not in replacement of, any other requirements by Federal, State, or County laws, or this Code.

Sec. 3-8-2. Special Event Permits.

A. Permit Required: No person shall stage, promote, or conduct any "special event", as herein defined, in the City without first obtaining a special event permit from the "SET Team", as herein defined.

B. Definitions:

CITY SPONSORED SPECIAL EVENT: A preplanned single gathering, event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, educational, or sporting nature, or of any other nature, and is, wholly or at least fifty percent (50%), initiated, financed, or executed by the City or one or more of its departments.

SPECIAL EVENT: A preplanned single gathering, event, or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature, such as concerts, dances, assemblages, processions, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as marathons and running events, fun run/walks, bicycle races or tours, sports tournaments), or other organized activity conducted for a common or collective use.

C. Exemptions: The following shall be exempt from having to obtain a special event permit:

- i. Funeral processions;
- ii. Spontaneous events for the purpose of expressive activity that occur in response to breaking or emerging news;
- iii. Lawful picketing on sidewalks;
- iv. City sponsored special events;
- v. Special events that draw or expect to draw nine hundred ninety-nine (999) or fewer participants or spectators at any one session. This exemption does not apply to any special event that will necessitate full or partial street or alley or partial lane closures, regardless of the number of participants or spectators;
- vi. Special events wholly held on private property;
- vii. In determining whether an event is exempt, no consideration shall be given to the content of any constitutionally protected expression connected with the planned activity. No permit shall be required under this section, nor any condition imposed on any permit, if requiring a permit or imposing the condition would violate rights protected by the Constitution of the United States or by the Constitution of the State of Idaho.

D. Fee: The applicant shall submit the applicable special event fee with the application as established by resolution of the City Council.

E. Overseen By Special Events Team (SET): The special event permit application, accompanying fee, and review for required conditions of permit approval shall be overseen by a representative from each of the following City departments (“SET Team”): Fire Department, Police Department, Public Works, and City Clerk.

F. Reservations: If applicable, the applicant shall make reservations for the subject park site through Public Works, prior to submitting the special event application to the SET Team.

G. Deposit Required: If the applicant will be using City facilities, then a damages and cleaning deposit may be required dependent upon the usage and size of the event, as determined by the SET Team.

H. Submittal Of Application: The special event permit application shall be obtained from the City Clerk's Office and completed, signed, and submitted to said department, along with all required attachments as listed on the application.

I. Application Submittal Time Frame: All applicants for a special event permit shall submit an application for the permit no later than forty-five (45) days and no earlier than one year prior to the date of commencement of the special event.

J. Extraordinary Resources: Special event applicants, promoters and sponsors whose special events require the use of extraordinary City resources because of their anticipated attendance or heightened security concerns shall be required to pay for those extraordinary resources as determined by the SET Team. Full cost recovery for extraordinary resources shall be required no later than sixty (60) days following the conclusion of the special event. Any extraordinary resources for which there are additional costs shall be solely dedicated to the special event. If after the special event permit application is submitted, a determination by City staff is made that extraordinary City resources may be required for the event, then an extraordinary resources deposit may also be required as part of the approval process for the special event permit application. The amount of the deposit will be determined by City staff, subject to evaluation of anticipated extra resources that may be required. Any clean up after an event that must be performed by the City to return the site to its normal state shall be charged at a rate of thirty dollars (\$30.00) per hour with a one-hour minimum charge.

K. Permit Denial: Permits may be denied if:

- i. The applicant has made any false, material representation in the application.
- ii. The applicant fails to provide any of the items or information required by the application, including the signature.

- iii. The special event will substantially interfere or conflict with any special event for which a permit has already been granted, or activity already scheduled for a site or with the provision of public safety or other City services in support of such other previously scheduled event.
- iv. The event coordinator, applicant, promoter, or sponsor failed to pay for any costs incurred from a previously permitted event.
- v. The venue or park requested to host the event is inadequate to meet event hosting requirements, as determined by City staff.
- vi. Conditions set forth by the SET Team or in this Chapter cannot be met or will not be met by the applicant.
- vii. The event coordinator, applicant, promoter, or sponsor has previously violated the terms of this Chapter.

L. Reasons For Denial Provided: If a permit is denied, the SET Team shall provide the applicant with written reasons for denial within five (5) business days of the denial date. The applicant, within ten (10) business days after the date of denial, may appeal the denial to the City Council for a final decision, based upon the documents and circumstances presented, to be rendered at the next regularly scheduled meeting of the City Council.

M. Suspension or Revocation of Permit: A special event permit may be summarily suspended or revoked by the SET Team for violation of any provision of this Chapter, for violation by the applicant of any Federal, State, or local laws or ordinances during the special event, for violation of any of the conditions of the permit, or for making any false, material representation in an application for a permit. In the event of a suspension or revocation, the appeal provisions listed above shall apply, commencing upon the date of the suspension or revocation notice.

N. Violations: At all special events, it shall be unlawful for any person to:

- i. Conduct, present, stage or promote a special event without a permit.
- ii. Violate any provision of this Chapter.
- iii. Serve or cause to be served alcohol in violation of Idaho Code or this Code.
- iv. Violate any condition of a special events permit.

Any person violating any of the provisions of this Chapter for the first offense shall be deemed guilty of an infraction. Any person violating any of the provisions of this Chapter for the second offense shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned in the Gem County Jail for a period not exceeding thirty (30) days or be both so fined and imprisoned.

O. Attendance Estimation: A good faith estimate for attendance and participation shall be provided by the applicant, promoter, or sponsor and shall be noted on the special event application. The applicant shall provide a short-written statement explaining the basis upon which the estimate is made. The statement shall include all the relevant factors known at the time, including, without limitation, past attendance at similar functions having the same and similar performers, both in Emmett and comparable communities, the price of admission, if any, and the extent of advertising and promotion contemplated.

P. Security: The City Police Department does not provide security for any special events, either on duty or off duty, other than those special events that are City sponsored special events. All special events must provide and pay for their own security. The amount of security necessary shall be determined by the City Police Department. The applicant shall designate on the application the agency responsible for providing security. Said agency shall be approved by the City Police Department. The City Police Department reserves the right to reject proposed agencies or personnel for required security.

Q. Emergency Medical Plan: An emergency medical plan shall be provided by the applicant, promoter, or sponsor with the proposed emergency medical personnel and equipment which shall be sufficient to meet all federal, state, and local standards for the location of the special event. The amount of emergency medical personnel and equipment necessary shall be determined by the SET Team.

R. Traffic Control, Transportation, & Street Closures: A traffic and transportation plan shall be provided by the applicant, promoter, or sponsor with the proposed strategy to accommodate the movement of people to, from, and within and around a special event with as little impact on other vehicle and pedestrian traffic as possible and shall include any required license, permit, or authorization from the applicable Highway District or Department of Transportation. Requests for street closures require approval from the City Council.

S. Sanitary And Refuse Disposal: All special events shall designate an individual or individuals who shall be responsible for monitoring restroom supplies, restroom cleanup and refuse disposal. At the discretion of the City, any sanitary or refuse disposal item may be required to be provided, at the expense of the special event, to accommodate the event including, but not limited to, portable toilets, additional restroom supplies, additional trash bins, etc. Such additional requirements shall be listed on the conditions of approval of the special event permit. Failure to provide additional requirements may result in revocation of the permit.

The following table provides the required number of restrooms or portable toilets that shall be provided:

TABLE 1.1
RESTROOMS/PORTABLE TOILETS

Attendance	Number of Hours of Event									
	1	2	3	4	5	6	7	8	9	10
1,000 - 2,000	8	8	8	8	8	12	12	12	12	16
2,001 - 3,000	8	8	10	10	10	12	16	16	20	20
3,001 - 4,000	8	8	12	12	16	16	20	24	24	28
4,001 - 5,000	12	12	12	16	20	30	30	30	30	34
5,001 - 6,000	12	12	16	16	20	30	30	36	36	40
6,001 - 7,000	12	12	16	20	30	32	40	40	42	52
7,001 - 8,000	12	12	20	24	32	32	40	44	48	54
8,001 - 9,000	16	16	24	28	40	40	52	52	60	64
9,001 - 10,000	16	16	28	40	40	52	52	60	60	72

- i. The required numbers on table 1.1 of this section may be increased or decreased at the discretion of SET Team, depending upon weather, alcohol on the site, distance from the site, etc.
- ii. Available public restrooms count toward the minimum requirement.
- iii. One of every twenty (20) restroom units needs to be handicap accessible.

T. Parking & Shuttle Service: All special events shall designate an individual or individuals to monitor restricted and designated parking and shuttle areas for the event. Failure to provide parking and shuttle monitoring may result in revocation of the permit.

U. Fire Watch: Based upon the location of the event, and at the discretion of the Fire Department, a fire watch may be required as a condition of the special event permit. Said fire watch shall be provided at the sole expense of the applicant.

V. Alterations: Should the parameters of the special event change, which would alter conditions listed on the special event permit, after the special event permit has been issued, said parameters should be submitted to the SET Team for review with possible revised conditions to follow said review.”

Section II. Effective Date. This Ordinance, or summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the city, and shall take effect immediately upon its passage, approval, and publication.

Approved by the Council on _____, 2023.

City of Emmett, Idaho

ATTEST:

Gordon W. Petrie, Mayor

Lyleen Jerome, City Clerk

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