

Chapter 26

Special Event Ordinance

Section 1. Purpose and Intent. It is the purpose and intent of this Chapter to protect the public health, safety, quietude, and welfare through the issuance of permits for Special Events located within the City of Marine on St. Croix.

Section 2. Definitions. As used in this Chapter, the following words and terms shall have the meaning ascribed to them in this Section:

Subd 1. Applicant. Applicant shall mean any person or organization who seeks a Special Event permit to conduct or sponsor or have a Special Event within the City.

Subd 2. Special Event. A Special Event shall mean a specific event or activity held within the City of Marine on St. Croix including but not limited to events held outdoors or in temporary structures such as tents, sound stages, pavilions, open garages, and amphitheaters including those during which sound waves are produced and amplified artificially.

Subd 3. Person. Person means an individual, firm, partnership, corporation, trustee, association, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, person shall include employees and licensees.

Subd 4. School. School means an institution or place for instruction or education where twenty-five or more persons receive a full course of educational instruction with an organized body of teachers associated for pursuit and dissemination of knowledge.

Subd 5. Church. Church means a place of worship used for religious services.

Subd 6. Permittee. Permittee shall mean a person to whom a Special Event permit is issued.

Section 3. Permit Required. Any person conducting or desiring to conduct, coordinate, or sponsor a Special Event in the City of Marine on St. Croix shall first obtain a permit from the City Clerk.

Subd 1. Categories of Special Events Requiring a Permit.

a. Athletic Event. An athletic event means any scheduled and registered outdoor event or gathering of persons for physical exertion that moves from one location to another such as running, walking, bicycling, cross-country skiing, and other recreational activities upon any City street, sidewalk, trail, or path for cause, contest, or benefit. All athletic events that start, traverse, and/or finish in the City are subject to this Chapter.

b. Block Party. A block party means an outdoor neighborhood gathering of persons between the hours of 12:00noon and sunset residing in one (1) City block, or two (2) adjacent City blocks where the street or right-of-way is sought to be closed or restricted for use, and for which the gathering is completely residential in nature and does not include the sale of food or beverages to the public.

c. Community Festival. A community festival means an outdoor gathering of persons on public property or right-of-way for social, recreational, or artistic purposes which location can be predetermined and fixed where more than one hundred (100) people are gathered at any given time.

d. Parade. A parade means any outdoor procession or motorcade, consisting of persons, animals, or vehicles or a combination thereof upon the streets, sidewalks, or other public grounds within the City that interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or other public grounds.

e. Private Event. A private event means any outdoor event, to include but not limited to sponsored events, conference gatherings, retreats, concerts, performances, forums or presentations, banquets, receptions, weddings, reunions, dances, parties, group health and wellness activities, or similar uses for sole use and enjoyment to the exclusion of the public that utilizes sound amplification or where more than one hundred (100) people are gathered at any given time.

f. Private Residential ticketed Event. A private residential remunerated event means any indoor or outdoor event, including but not limited to sponsored events, conference gatherings, retreats, concerts, performances, forums or presentations, banquets, receptions, weddings, reunions, dances, parties, group health and wellness activities, or similar uses for which the general public is invited and/or charged admission to attend by ticket or other artifice to compensate or otherwise provide financial off-set for the activity, and that the activity takes place on residentially zoned property, and that the use isn't otherwise exempt (Section 9) or restricted (Section 10). Furthermore, no residential property may hold more than four (4) private residential remunerated events in any calendar year, and the minimum amount of time between private residential remunerated events for that residential property must be no less than 6 weeks (42 days).

Any more than four (4) permitted private residential remunerated events is prohibited within one calendar year.

Section 4. Permit – Application – Requirements.

Subd 1. Filing of Application. Any person conducting, coordinating, or sponsoring a Special Event shall first make application for a permit by filing a completed application with the City Clerk and the Special Event shall not commence unless and until a permit is issued. All applications (except block parties) are due sixty (60) days prior to the event date. Block party applications are due ten (10) days prior to the event. Block party applications will consist of a simplified form to better support residential community-building. All other events will have a separate application form. All events will require a map of the event area and/or route. All road closures must be indicated on the map. The application shall require the following information:

- a. Event Organizer details, to include basic name, date-of-birth, and contact information for the primary responsible person organizing the event.
- b. Event Details, to include general Description, Date, Hours, Setup/Takedown Time, Road Closure/Open Time, and whether the event is annually recurring.
- c. Event Specifics, to include use of firearms/pyrotechnics/fireworks, tents/canopies, propane, power generation, sound amplification and music entertainment, carnival rides, animals, temporary structures, charitable gambling, food service, alcohol/liquor, portable restrooms and handwashing, waste/recycling, parks, and parking restrictions.
- d. The approximate number of persons expected to attend the event.
- e. The name, address and telephone number of vendors and entertainers.
- f. Security contractor information, to include the number of security personnel to be employed together with their name, address, contact phone number, and email address.
- g. Such other information as the City Clerk and/or Public Safety Committee shall require. An example may include, but is not limited to, a community notification plan.

Subd 2. Insurance.

All Athletic Event applications shall be accompanied by evidence in the application form of a properly executed certificate of insurance that the city is protected as an additional insured under a comprehensive public liability insurance policy against all liability or claims which might arise out of the holding of the event. The insurance coverage is to be in the amount not less than three hundred thousand dollars (\$300,000.00) for injury or damage to any person or property and not less than one million dollars (\$1,000,000.00) in the aggregate amount for any number of claims arising out of a single occurrence.

Insurance for other events may be required as a condition under Section 6 (Permit Conditions).

Section 5. Review. The application shall be referred to the City's Public Safety Committee for review of the contents of the application and for recommendation as to matters of public safety.

Section 6. Permit Conditions. Upon recommendation by the Public Safety Committee and approval of the City Council, the Mayor may issue the permit with such conditions and requirements as are necessary to protect the safety and rights of the public including the requirement that private security personnel and/or contracted police services be employed by the permittee in the conduct of the event.

Section 7. Permit Fees. A non-refundable permit fee in an amount established by a duly adopted Resolution and Ordinance of the City Council shall be paid with the

application. Block parties are exempt from permit fees. Multi-day Special Events will require a permit and permit fees for each day of the event as set forth in the fee schedule.

Section 8. Denial of Application. A permit may be denied based upon a determination that:

- a. The event may seriously endanger public safety;
- b. The event may seriously inconvenience the general public;
- c. The event may unreasonably infringe upon the rights and quietude of other property owners;
- d. The event may conflict with another proximate event or interfere with construction or maintenance work;
- e. The event lacks sufficient security personnel or other safety precautions;
- f. The applicant failed to complete the application form after being notified of the additional information or conditions required;
- g. The applicant cannot meet, is unwilling to meet, or has a demonstrated history of not meeting all the requirements of this ordinance;
- h. Other issues in the public interest were identified by the City Clerk or Public Safety Committee; ~~or~~
- i. Failure to prepay fees; or
- j. Commercial or other activity in a residential zone that contradicts applicable zoning ordinances or permitted uses.

Section 9. Exemption from Permit. The City, its boards and agencies, schools, and churches as defined herein shall be exempt from the requirements of this Chapter.

Section 10. Restrictions on Special Events. Events as defined and restricted under the provisions of Chapter 30 (Short Term Rentals) remain restricted and are not permitted to receive permits under this Chapter. The following time restrictions are applicable, unless exempted under Section 9 or by the discretion of the City Council:

- a. Sunday through Thursday: No Special Events shall be held or conducted between the hours of 10:00 p.m. and 9:00 a.m.
- b. Friday and Saturday: No Special Events shall be held or conducted between the hours of 12:00 midnight and 9:00 a.m.

Section 11. Noise Regulation Each person who is issued a Special Event permit shall comply in all respects with all applicable noise and nuisance provisions of the City Code. Additionally, the noise produced by the event shall not disturb the peace and quietude of neighboring residential property owners or residential tenants.

Section 12. Revocation. Any Special Event permit issued by the City may be suspended or revoked upon a finding that the permittee, during the term of the permit, failed to comply with:

- a. Any provision of this ordinance;
- b. Any directive or order issued by a law enforcement officer;
- c. Any condition imposed upon the issuance of the permit;
- d. Any term, restriction, or provision stated upon the permit; or
- e. Any applicable federal or state statute, administrative rule, or City or county ordinance.

Section 13. Penalty. Any person who violates any provision of this Chapter is guilty of a misdemeanor and shall, upon conviction thereof, be punished according to law. Each act of violation and each day a violation occurs or continues constitutes a separate offense. In all cases the City shall be entitled to collect its enforcement costs as permitted by law.