

BILL NO. 2016-3088

ORDINANCE NO. 2016-3088

AN ORDINANCE OF THE CITY OF AURORA, MISSOURI AMENDING CHAPTER 605 "LICENSES AND BUSINESS APPLICATIONS" BY ADDING ARTICLE III "SPECIAL EVENTS" TO THE MUNICIPAL CODE OF ORDINANCES

Whereas; Section 605.020, "Merchant's License", of the City of Aurora Municipal Code outlines the requirements for a Merchants license for many professions (including "merchants of all kinds) and;

Whereas; The City has created a "Special Events" category that outlines specific requirements for those professions engaged as a part of a "Special Event" and;

Now Therefore, a new Article III is added to Section 605 "Licenses and Business Regulations" of the Aurora Municipal Code to read as follows:

Article VIII. Special Events

Section 605.370. Special Event Permit Required

Any special event held within the City of Aurora shall require a special event permit and is subject to the terms and conditions of the approved plan. Obtaining a special use permit shall not relieve the applicant of the need to obtain all permits and authorizations necessary to comply with federal, state and local rules and regulations including applicable zoning requirements. Failure to obtain required authorizations and permits may result in the denial of or suspension of the permit.

Section 605.380. Definitions.

Municipal Services. Services typically provided by police, fire, EMS, public works, parks, or other city departments.

Vender(s). Vendors include all sellers of merchandise; service, or food/beverages, and carnival/amusement ride services. All vendors, if selling at retail to the public are responsible for collecting and remitting Missouri sales tax in accordance with Missouri State Statutes.

Special Event. Any public or private event held within the corporate limits of the City whether on public or private property that is in the category of events including, but are not limited to, concerts, carnivals, fairs, festivals, or similar events, parades, rallies, sporting events or events that are reasonably expected to have more than a minimal impact on municipal services as determined by the city. Such events shall not exceed 3 days in length. The City at its sole discretion may limit the number of Special Events held by any one individual or group in any given year.

A Special Event might involve one or more of the following activities on public property or on private property, where otherwise prohibited by law:

1. Closing or **blockage** of a street.
2. Blocking or restriction of public property.
3. Sale of merchandise, food or beverage.
4. Erection of a tent 400 square feet or larger.
5. Installation of a stage, band shell, trailer, van, portable building or toilet, grandstand, or bleacher for public use.
6. Placement of temporary no-parking, directional, over-size or identification signage or banners.
7. Use of the City Hall Square.

Section 605.390. When a Permit is Required

A Special Event Permit is required for a Special Event.

If your event is a “**Walk, Run or Parade**”, you are required to attach a Route Map upon the submission of your application outlining each street that will be affected. Your application will not be processed without the Route Map.

Section 605.400. Exceptions.

No special event permit are required for the following events:

- Events authorized by the City Council.
- City activities approved by the City Manager.
- An event for which the City is a primary sponsor.
- Regularly scheduled school activities or school events.
- Sporting events hosted by the Little League, Lawrence County Youth Soccer Association and the YMCA and Babe Ruth.

Section 605.410. Fees

Special Event Permit Fee

Sections 605.010-605.130 of the Aurora Municipal Code outline the fees required for Merchant Licenses. Section 605.010, "License, Payment of License Fee Required" states,

"No person, either as principal or agent, shall pursue, conduct, carry on or operate within the City any trade, calling, business, vocation, occupation or profession hereinafter named in Chapter, without first obtaining a license therefor and without paying in advance the license fees hereinafter prescribed"

Section 605.020, "Merchant License", (B) states, "**Any merchant issued a license to do business in the City of Aurora, Missouri, shall be charged a fee of twenty-five dollars (\$25.00) for such license to do business.**"

Exceptions to certain fee charges are granted under Federal, State or local statutes.

Section 605.420. Public Notifications

If the estimated number of participants and spectators exceed 500 during any day of the special event, the applicant shall, at least 30 days before the special event begins, deliver written notice to all owners or occupants of real property abutting the boundaries of the area in which the special event will be conducted, including all owners or occupants of real property abutting the route of a progressive event such as a special event parade or run/walk event. The notice must include the following information:

- event date, time and location;
- an application for a special event permit has been filed;
- interested persons may contact the City of Aurora, PO Box 30, 2 West Pleasant, Aurora, Missouri 417-678-5121.

Section 605.425. Vendors

Vendors

Vendors include, but are not limited to, all sellers of merchandise; service, or food/beverages, and carnival/amusement ride services. All vendors, if selling at retail to the public are responsible for collecting and remitting Missouri sales tax in accordance with Missouri State Statutes.

The City requires a promotor to submit a Vendor List as part of the Special Event Application. The Vendor List must include the following information:

- (1) Trade name of vendor
- (2) Contact Information
- (3) Sales Tax ID#
- (4) Indicate generally what the vendor will be selling
- (5) Lawrence County Health Department Permit # (Food/Beverage vendors only)
- (6) Insurance Certificate (if applicable)

The promotor of the event will be responsible to hand out Missouri Department of Revenue forms to vendors and to turn in a copy of the completed forms along with the special events application to the City of Aurora.

For an individual – FORM 2643S (individuals send to Missouri Department of Revenue)

For a corporation or LLC – FORM 2643A – (individuals send to Missouri Department of Revenue)

For craft persons over the age of 65 – FORM 2478 (This form must be posted in the booth and it exempts the vendor from tax)

Section 605.430. Insurance

Commercial General Liability Insurance: Must be provided with combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence if the estimated attendance is between 2,501 and 4,999, and \$1,000,000 for each occurrence if the estimated attendance is 5,000 or more. The City of Aurora, its officers, employees and appointed representatives shall be listed as additional insured.

Liquor Liability Insurance: If any alcoholic beverage is sold, served, or otherwise made available at the special event, Liquor Liability Insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

Fireworks / Special Effects: If any fireworks or other special effects are used then minimum limits of a)1,000,000 per occurrence; b)2,000,000 general aggregate; c)250,000 fire legal liability is required.

If a special event includes **vehicles, aircraft, or other equipment, devices or activities that are excluded from coverage in the general liability insurance policy**, then separate additional liability insurance coverage for the applicable exclusion(s) must be provided with the same combined single limits of liability for bodily injury and property damage as outlined in the paragraph above for commercial general liability insurance.

Special Event Banners on Street Light Poles: Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence.

Animals: Provide the City of Aurora with a certificate of general liability covering any bodily injury and property damage caused by animals in the minimum of \$500,000 showing the City of Aurora, its officers, employees and appointed representatives as additional insured.

Section 605.440. Security, Crowd Control, & Traffic Control

The applicant may be required to provide police officers for security, crowd control, and traffic control at the special event. The total number of police officers working at the special event is determined by the City, and in some cases, the Aurora Police Department, using planning variables, including but not limited to: (1) the estimated number of participants and spectators; (2) the availability of alcoholic beverages; (3) topography and size of the event location; (4) weather conditions; (5) the time of day during which the special event is conducted; (6) the need for street closures or rerouting of vehicular or pedestrian traffic; and, (7) the history of the particular special event.

Section 605.450. Denial or Revocation

The City shall deny or revoke a special event permit if the applicant makes a false statement of material fact on the application or fails to comply with or the special event is in violation of any provision of the special event permit, Article VIII, “**Special Events**” of the Aurora City Code, or any other applicable law.

The special event permit shall also be denied or revoked if the City Manager, Chief of Police department, or the Chief of the Fire Department determines the special event poses a serious threat to public health, safety or welfare.

Section 605.451. Usage of City Property

If the organizer of the event is requesting the usage of city property such as picnic tables, road barriers, etc. he/she must submit a written proposal to the city manager when application for the event is made.

Section 605.452. Sanitation Guidelines

Trash and Recycling

- The City requires a Clean-Up Plan as part of the Special Event Application.
- The organizer will be responsible for addressing trash handling and how they will provide trash receptacles for the event.
- The organizer is responsible for periodically emptying the trash barrels as they become full, replacing them with a plastic liner, and hauling away the full bags. Additional trash bags are the responsibility of the event coordinator.

Section 605.453. Portable Toilets

The City requires a Restroom Plan as part of the Special Event Application. For each 500 person, a public event must have at least 4 toilets (one to be handicapped accessible) and an adequate hand washing station.

If the event duration is for more than 6 hours, the restroom units will likely need to be cleaned and res-stocked with supplies. This service is the responsibility of the event coordinator.

Section 605.454. Roadway and Parking Lot Closings

- Street and parking lot closures are only permitted if approved by the City of Aurora.

Section 605.455. Parking and Transportation

- Parking space is limited in the downtown business area. Existing parking ordinances will be enforced.
- If the event is in a location with limited parking availability, the event organizer will be required to develop a Parking Plan as part of the Special Event Application in conjunction with the Aurora Police Department. This plan displays how people will get to

and from the event. Shuttle bus service is recommended for transportation of persons from remote parking areas to the event.

Section 605.456. Site Plan

The City requires a Site Plan as part of the Special Event Application. This should be a detailed narrative map including a description of activities in the event, such as event entry and exit, water stations, first aid, start/finish lines, inflatables, and a time line of you event.

Section 605.457. First Aid

The City of Aurora requires a First Aid Plan as part of the Special Event Application. Coverage can be provided by either a private entity, the Aurora Fire Department, or qualified individuals from the event staff.

Section 605.460. Offenses

An applicant/person commits an offense if he/she commences or conducts a special event without a special event permit or in violation of any provision of the special event permit, Article VIII, "Special Events" of the Aurora City Code, or any other applicable law.

Section 605.470. Indemnification

As a condition of a Special Event Permit being issued, the permit holder agrees to indemnify, defend and hold harmless the City of Aurora and all of its officers and employees against any and all suits, causes of action or claims for injuries, damages, costs and expenses to persons or property, whether public or private, that may arise out of, or be constituting a part of the special event, or any activity constituting a part of the special event, or any act, omission or misconduct of the permit holder or his agents, representatives, contractors, or employees. The permit holder agrees to discharge any and all judgments that may be rendered against the City of Aurora or its officers and employees in connection with any suit, cause of action, or claim after the judgment becomes final and unappealable.

Please Note: *Per FAA Policy, Unmanned Aerial Vehicles (UVA 's) or drones are not permitted in Class B Airspace. UVA 's, drones and model aircrafts with cameras attached are strictly prohibited in Class B Airspace unless granted a waiver from the FAA.*

Section 605.480. Protests, Demonstrations and Rallies

Protests, demonstrations, and rallies are considered a First Amendment right; therefore, a Special Event Permit may not be issued for these types of events. Organizers are asked to contact the City to verify that no events are scheduled in the areas where protests are being planned and to ensure public safety precautions are in place.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AURORA,
MISSOURI ON THIS 8th DAY OF NOVEMBER 2016.**

APPROVED:

Rick Boyer, Mayor

ATTEST:

Kathie Needham, City Clerk