1st Reading: April 25, 2019
2nd Reading: April 25, 2019

SPONSOR: GLICK

ORDINANCE NO. 3918

BILL NO. 19-32

AN ORDINANCE REPEALING AND REPLACING CHAPTER 463 OF THE MUNICIPAL CODE OF THE CITY OF FENTON, MISSOURI RELATING TO SPECIAL EVENTS.

WHEREAS, Staff requested that the Planning and Zoning Commission review amendments to Chapter 463, Special Event Procedures, related to approval of special events that will utilize City resources or City property; and

WHEREAS, the Planning and Zoning Commission held duly a noticed public hearing on April 9, 2019 in compliance with the City Code and Chapter 89 RSMo. regarding amending Chapter 463, Special Event Procedures ; and

WHEREAS, after discussion of the proposed amendments, the Commission made a recommendation to the Board of Aldermen that Chapter 463 be amended as presented by staff; and

WHEREAS, the Board of Aldermen reviewed the Planning and Zoning Commission's recommendation, agrees with the Commission's recommendation, and finds it in the best interest of the City to approve such text amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. Chapter 463, Special Events, is hereby repealed in its entirety and a new Chapter 463, Special Events, is hereby enacted in lieu thereof as indicated in attached Exhibit 1.

Section 2. This ordinance shall be in full force and effect after the date of its passage and approval.

ORD. NO. 3918

PASSED this 25 day of April, 2019.

JOSH VOYLES, MAYOR

APPROVED 25 day of April, 2018.

JOSH VOYLES, MAYOR

ATTEST:

Morgan Kuepfert, City Clerk

Motion to approve. Roll Call vote:
Ayes: Seemayer, Sobey, Hefele, Maurath, Clauss, Brasses, Patton, Glick
Nays: 0
Absent: 0

ORD. NO. 3918

EXHIBIT 1

Chapter 463
Special Event Procedures

Section 463.010 Purpose.

The purpose of this Chapter is to define, establish procedures and provide basic standards for special events.

Section 463.020 Special Events Defined.

A. The term *"special event"*, as referenced in this Chapter, shall mean a temporary use of land or structures for one (1) or more of the following types of activities:

1. *Non-commercial events.* Any fundraising and/or not-for-profit event held outside an enclosed permanent structure; except as provided for in Chapter 610: Parades, Processions and Organized Physical Activities or exempted by Section 463.030 of this Chapter.
2. *Commercial events.* Any commercial event held outside an enclosed permanent structure with the intent to sell, lease, rent or promote specific merchandise, services, product lines or other aspects of a business including, but not limited to, tent sales, arts and craft sales, trade shows or product demonstrations; except as provided for in Chapter 461: Outdoor Displays, Sales and Storage of Merchandise.
3. *Public attractions.* Any public event intended primarily for entertainment or amusement such as carnivals, concerts, festivals, barbeques or picnics; except as exempted by Section 463.030 of this Chapter.

Section 463.030 Exemptions.

A. The following events are exempt from the terms and conditions of this Chapter.

1. Any non-commercial or public attraction event, including, but not limited to, barbeques, picnics, car washes or baked good sales, that are less than forty-eight (48) hours in duration and in which no mechanical amusement devices, inflatables or mechanical game equipment are involved, provided that the City has been given advance notification of the event of not less than seven (7) days, including evidence of notification to the Fenton Fire District and St. Louis County Police Department, 5th Precinct.
2. Any event held by the City.
3. Any event held within a public park, provided that the event complies with all provisions of the City of Fenton Code and any other requirements of the City regulating conduct in the parks and recreation areas and are held under a permit authorized under Code Section 220.170.
4. Residential yard sales as regulated by Section 250.020 of the City of Fenton Code.

5. Any event held at a private dwelling including, but not limited to, private gatherings, open houses, weddings, showers and wakes.
6. Persons acting pursuant to an order or process of a court of competent jurisdiction.

Section 463.040 Authorization.

A. The Director shall issue a permit for any special event, as referenced herein, within any zoning district, unless otherwise provided for within this Chapter. This permit shall not waive the requirement for any building permit, operating permit, special use permit, tent permit, liquor license, St. Louis County or other permit or license required by law for the proposed activity, facility or use associated with the special event. Additionally, the Director, or, if applicable, the Board may establish any reasonable conditions deemed necessary to ensure compatibility with adjacent land uses and to minimize potential adverse impacts on adjacent properties and uses including, but not limited to:

1. Event-specific restrictions on the hour(s) and day(s) of the week of the operation at a specific location, duration of the event, size of the activity or other operational characteristics, including limited duration and the health, safety and welfare of the community;
2. Provisions for traffic control or security personnel to ensure the public safety and convenience;
3. Temporary arrangements for on-site rest room facilities, parking and traffic circulation;
4. Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event. The Director or, if applicable, the Board may establish that said guarantees require the posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.

Section 463.050 Standards For Special Event Permits.

A. Except as provided in Section 463.060.A, the Director shall issue a permit, as provided herein, when, after consideration of the application and other information as may otherwise be required, he finds that:

1. *Land-use compatibility.* Any special event, as defined in this Chapter, shall be conducted on private property and shall not involve the use of public right-of-way. The special event will be consistent with the intent of this Chapter and will not impair the normal, safe and effective operation of a permanent use on the same site nor endanger or be detrimental to the public health, safety or welfare or injurious to any adjacent property.
2. *Hours of operation.* The hours of operation of a special event, including setup and take down, shall be limited between the hours of 7:00 A.M. and 10:00 P.M. Sunday through Thursday and 7:00 A.M. to 11:00 P.M. Friday and Saturday.
3. *Duration.* The duration of special event will not exceed ten (10) consecutive days.

4. *Frequency.* The maximum frequency of a special event at the same address shall be four (4) times per calendar year. Although different types of special events may be concurrent and treated as one (1) event. There must be a minimum of at least thirty (30) days between each event held at the same address. Multiple event types can be combined and issued under one (1) permit.
5. *Traffic circulation.* The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls.
6. *Off-street parking.* Off-street parking will be provided to meet the needs of the special event and the event will not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt, unless an acceptable alternative is approved by the Director. Grass or lawn surfaces will not be accepted as a parking surface.
7. *Area of parking lot dedicated to outdoor special events.* No drives or maneuvering areas may be utilized within the special event area unless such drives or maneuvering areas are directly adjacent to the approved special event area, are not required for emergency access and are not deemed necessary by the Director to provide proper circulation through the lot.
8. *Public safety, conveniences and litter control.* Where applicable, adequate on-site rest room facilities and solid waste containers have been provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.
9. *Appearances and nuisances.* The event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution. Exterior illumination shall not be greater than one (1.0) foot-candle at any property line adjoining a non-residential district or greater than one-tenth (0.1) at any property line adjoining a residential district.
10. *Site location.* No portion of the event shall be located within twenty-five (25) feet of a street right-of-way or fifteen (15) feet of any side or rear property line adjoining a non-residential district or within twenty-five (25) feet of any side or fifty (50) feet of any rear property line adjoining a residential district.
11. *Insurance coverage.* Proof of general liability insurance coverage, in an amount required by the Director based on the size and characteristics of the event, shall be provided to the Director.
12. *Signs.* The Director shall review all signage in connection with the issuance of the special event permit. All signs shall be subject to Chapter 485: Sign Regulations.
13. *Compliance with other regulations.* The special event shall comply with all applicable City, County, State and Federal health, safety, environmental and other applicable requirements.

Section 463.060 Additional Requirements.

A. *City Services or City Owned Property.*
1. If the applicant requests the City to provide extraordinary services or equipment or if the Director otherwise determines that extraordinary services (including, but not limited to,

traffic control or security personnel) or equipment are required to protect the public health, safety or general welfare, the special event permit application shall be submitted to the Board for consideration. If the Board approves the requested permit with City provided services, the applicant shall be required to reimburse the City for the cost of those services. The Board may require the applicant to submit a security deposit or other form of surety, in an amount and form approved by the City Attorney, prior to the event to guarantee that the City will be reimbursed for the cost of such extraordinary services.

2. If the applicant requests, or seeks to use, City owned property for the special event, including use of City ROW if not expressly exempt by this Chapter, the special event permit application shall be submitted to the Board for consideration. As a condition of approval for a special event on City owned property, the applicant shall at minimum be required to obtain insurance at the then current sovereign immunity limits and name the City as an additional insured on such policies and execute an indemnification and waiver of liability agreement. In approving such special event permit, the Board may impose additional conditions to protect the public health, safety or general welfare.

B. *Restoration Of Site.* Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition (including the removal of any temporary structure, all litter, signage, attention-attracting devices or other evidence of the special event and return of all ground cover that may have been disturbed or, in the alternative, measures to control erosion).

C. *Permit To Be Displayed Or Made Available.* The applicant shall post or otherwise display a valid special event permit on the premises at all times during the duration of the event.

Section 463.070 Application Requirements.

A. Any person seeking the issuance of a special events permit as herein required shall file an application with the Director, on forms provided by the Community Development Department, not less than thirty (30) days before the date on which it is proposed to conduct the special event. The application shall set forth the following information:

1. Name, address and telephone number of the person or organization seeking to conduct the special event. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible leaders of such organization.
2. Description of the nature or type of special event to be conducted.
3. The address/location and date(s) and time(s) of the special event.
4. Number of people expected to attend the event.
5. The name, address and telephone number of the persons who will be special event chairperson or managing officer and who will be responsible for its conduct.
6. Three (3) copies of a site plan drawn to scale showing the layout of the event, such as where interactive inflatable equipment, games, food tables, tents, etc. will be placed on the property.

7. If inflatables are used, they shall not exceed twenty-five (25) feet in height, measured from the ground and shall not be allowed on the rooftop of structures. In addition, the following information must be provided:
a. How the inflatable will be tethered to the ground;
b. How power will be supplied to the inflatable and the safety measures taken to protect the public from being injured.
8. If the special event is to be held by, on behalf of or for any person or persons other than the property owner, the applicant for such permit shall file with the Director a communication in writing from the property owner authorizing the applicant to hold the special event.
9. Any additional information that the Director shall find reasonably necessary to determine whether a permit should be issued.

Section 463.080 Notice To Other Officials.

Prior to the issuance of a special event permit, the Director shall send a copy of the application to the City Administrator, Public Works Director, Fenton Fire Protection, St. Louis County Police Department, 5th Precinct and any other entity deemed appropriate by the Director.

Section 463.090 Prohibition of Transfer of Permits.

No special event permit issued under the provisions of this Chapter shall be assigned or transferred to any other person or business or transferred to another location.

Section 463.100 No Vested Right Created; Revocation of Permit.

Because the intention of this Chapter is to allow for the temporary use of property under specific controlled conditions, the City's issuance of a special event permit is not intended to, and expressly does not, create a vested property right in any use of property allowed by the City's grant of a special event permit nor does it create a right or expectation in the property owner to the City's issuance of a subsequent special event permit for the same special event. The Board may, at its sole discretion based upon the health, safety and welfare of the residents of the City and the community as a whole, revoke an existing special event permit for violation of its terms or other exigent circumstances or decline issuance of further permits. The Director shall have the authority to stop or otherwise halt the conduct of any special event that is at any time presenting a threat to the health, safety or welfare of the inhabitants of the City.