

**AN ORDINANCE AMENDING TITLE 1, GOVERNMENT PROVISIONS OF THE MUNICIPAL CODE OF THE CITY OF WAYNESVILLE, MISSOURI ESTABLISHING POLICY AND PROCEDURE REGARDING THE PLANNING AND PERMITTING OF SPECIAL EVENTS HELD WITHIN THE CITY LIMITS OF THE CITY OF WAYNESVILLE, MISSOURI;
FIXING AN EFFECTIVE DATE**

WHEREAS, the City of Waynesville, Missouri (the "City") desires to plan, promote and support successful events, programs and festivals in the Roubidoux Park, the Downtown District of the City, along Historic Route 66 and other areas of the City deemed appropriate; and

WHEREAS, festivals, programs and events require extensive planning by and coordination between the City, the organizing entity and the downtown businesses and businesses located along Historic Route 66 to ensure the convenience, safety and general welfare of attendees, businesses and the citizens of the City; and

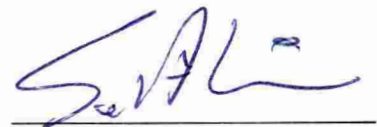
WHEREAS, the City desires to plan, promote, facilitate, approve and support well planned festivals and events for the benefit of the citizens, and business owners throughout the city by allocating funds and in-kind contributions, when needed, to present and support these events for the betterment of the city, its citizens and the region as a whole.

NOW THEREFORE, BE IT APPROVED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNESVILLE, MO, AS FOLLOWS:

Section 1. That Chapter 160 titled "Public Events, Festivals and Programs" of the Waynesville City Code, attached to this ordinance as "Exhibit A" is hereby approved.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This ordinance shall be in full force from and after the date of passage.



Mayor, Sean A. Wilson



City Clerk, Michele L. Brown



CHAPTER 160: PUBLIC EVENTS, FESTIVALS AND PROGRAMS

Section 160.010. Purpose

It is the purpose of this chapter to promote festivals, events, activities and programs on the city's public properties and rights-of-way by providing a uniform permit process to assist organizers and city staff in planning and allocating available city resources. Conditions and restrictions of these permits are imposed in the interest of public health, safety and welfare; to provide for fees and charges as authorized by the city council; and to administer the permit process. Nothing contained in this chapter or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of the applicant or organizer to comply with the provisions hereof.

Section 160.020. Definitions

- A. *Applicant/Organizer.* Means the individual and/or organization who completes the application and who shall act as the primary contact and responsible party for the festival, event or program.
- B. *Non-Profit Organizer.* Any person, firm or organization who completes the application and who shall act as the primary contact and responsible party for the festival, event or program and has an active status as a nonprofit organization with the State of Missouri
- C. *Festival/Event/Program.* An event held in a location on city property or city right-of-way, which the general public may attend. Festivals, Events or Programs include, but are not limited to arts and craft shows, outdoor barbeques, carnivals, circuses, dances, entertainment activities, exhibitions, fairs, flea markets, shows, symposiums, workshops or other similar events. Not included in this definition are events exclusively involving political or religious activity or events intended primarily for the communication or expression of ideas where no vendor activities are involved and which are protected under the First and Fourteenth Amendments.
- D. *Permit.* Means a permit issued by the City to the Applicant/Organizer.
- E. *Sponsor.* A group or individual who contributes to the planning and coordination of an event festival or program by providing either funding or in-kind contributions.
- F. *Vendor.* Any individual, firm or organization who sells goods or services at a festival, event or program, including but not limited to concessions, food vendors and booths for the sale of crafts, memorabilia, souvenirs, services or other similar items.
- G. *Attraction.* Any individual, firm or organization who provides a service or performance at festival, event or program, including but not limited to, musical performers, entertainment performers, carnival ride or game, petting zoo, or other similar services.
- H. *City Sponsored Event.* Any festival, event, activity or program organized, funded, permitted, in whole or in part, by the City of Waynesville, Missouri or any department of the City. This

includes events at rented or borrowed facilities, city facilities, city-managed concessions and city co-sponsored or supported events.

Section 160.030. Permit Required.

Any person or group desiring to conduct or sponsor a festival, event, activity or program on city property, parks or city rights-of-way, shall first apply for a Special Event permit under this chapter. Applications should be submitted at least ninety (90) days prior to the proposed date of the event to allow adequate time for event approval. The City shall issue or deny a permit within thirty (30) days from the date a complete application is received.

Section 160.040. Permit Duration

A Special Event Permit issued under this chapter shall be valid only for the time period approved by the city and vests no permanent rights in the applicant. A single permit may cover multiple events associated with a licensed business or non-profit in the same calendar year where each event is for the same activity.

Section 160.050 Administration

- A. The City Administrator or his/her designee shall establish a Festival Event permit application form, process, and approval/denial criteria; and publish such forms, process and criteria on the city's website. The criteria for approval/denial shall be reviewed and approved by the Police and Fire Departments prior to adoption. The process for approval/denial of individual permit applications shall include an opportunity for review and comment by the city's Parks department, if applicable.
- B. The City Administrator or his/her designee may approve, deny, modify, or condition an application for a Special Event permit.

Section 160.060. Appeal of denial or revocation of permit.

- A. Any individual or organizer aggrieved by the action of the Director in refusing to issue any permit or revoking a permit issued under this chapter shall have the right to appeal the City Administrator's action to the Economic Development Committee, or such other hearing body or officer as may be designated by the City Council, by filing a notice of appeal with the City Clerk within ten (10) calendar days of issuance of notice of the denial or revocation. Any appeal shall be accompanied by a statement indicating the grounds for such appeal.
- B. The hearing body or officer shall set a date for hearing such appeal, to take place within twenty (20) calendar days of the date of receipt of the notice of appeal, unless the appellant agrees to a longer time frame. If the twentieth day falls on a weekend or holiday, the next business day would be the final day for holding a hearing. At such hearing the appellant and other interested persons may appear and be heard, subject to rules adopted by the city council or the hearing body. The hearing body or officer shall

render its decision on the appeal within five (5) business days following the close of the appeal hearing. The decision of the hearing body or officer is final.

Section 160.070. Conditions authorized and additional permits.

- A. The City Administrator or his/her designee may include in a Special Event permit, among other provisions, reasonable terms or conditions as to the: (1) time, place and manner of the event; (2) compliance with health and sanitary regulations; (3) provision of emergency services, security, and other services deemed necessary by the city for health, safety, and welfare purposes; and (4) payment of or reimbursement for city costs associated with the event.
- B. In addition to the reasonable terms and conditions that may be included in a Special Event permit, a Special Event permit shall ensure that:
 - 1. No fee may be charged nor donations solicited for admission to a Special Event located on City properties or rights-of-way or any entertainment venue at the event located on City properties or rights-of-way. This condition does not prevent the event organizer from collecting vendor fees and charges, or allowing the sale of goods and services at the event, or soliciting or allowing the solicitation of donations for support of non-profit organizations in a manner such that the solicitation would not reasonably be construed by the general public as a charge or donation for admissions.
 - 2. The event organizer is responsible for all equipment set-up and take-down, litter and garbage clean-up at the event venue, and prompt removal of all event equipment and site clean-up at the end of the event.
 - 3. The organizer of a Special Event shall make provisions for the free exercise of speech at the event. If the organizer intends to impose any manner and location restrictions on the free exercise of speech at the event the restrictions must be submitted in writing with the application and must include a statement as to how the free exercise of speech will be accommodated. Any manner and location restrictions imposed by the organizer must comply with those clearly set forth in the permit.
 - 4. Each Special Event organizer at which food is sold or served shall propose a method of notifying event vendors and attendees that only service animals are allowed in areas where food is prepared and served. Sponsors will be presumed to have provided adequate notice by prominently placing in or adjacent to all areas where food is sold or served signs which state "No animals other than service animals allowed in food sales, serving, and preparation areas."
- C. The city may condition any Special Event permit on a requirement that the permittee give written advance notice of the event and its probable impact to the general public and any property owners or tenants adjacent to the event location or any event venue.

- D. Additional permits and licenses may be required for Special Events to meet the conditions established by the permit or other city, county, and state codes, including food permits and business licenses for vendors.

Section 160.080. Fees and charges.

The Special Event permit is for the use of city property and the provision of city services associated with the event. Any person, firm or organization who organizes a Special Event within the city must also:

- A. Pay all city fees in accordance with applicable code or fee schedules adopted by city council.
- B. Obtain all applicable permits and licenses required by Waynesville Municipal Code and pay associated fees in accordance with the code.
- C. Reimburse the city for actual costs of city personnel, services and supplies required as a direct result of the organizer's failure to comply with permit conditions for the event within 45 days of the date of issuance of invoices for such by the city.

Section 160.090. Waiver of fees and charges.

The City Administrator or his/her designee may waive all or any portion of the following fees and charges for an event organizer if in the City Administrator or his/her designee's opinion support for the event will not cause a significant disruption in the delivery of normal city services and the event is of sufficient public benefit to warrant the expenditure of city funds, if:

- A. The actual cost of city personnel for services incurred on behalf of the event occurred during regular work hours.
- B. The event organizer is a non-profit organization or 501(c)3.
- C. The event is sponsored by the City or any department of the City.

Section 160.100 Hold Harmless.

As a condition to the issuance of any permit under this chapter, the organizer shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents, for any and all suits, claims or liabilities caused by, or arising out of any use or activity authorized by any such permit.

Section 160.110 Insurance requirements.

The organizer shall provide general liability insurance naming the city as an additional insured. Limits of coverage will be determined by the City Administrator. Certificates of insurance are to be submitted to the city for approval along with the Special Event Application, prior to the issuance of the Special Event permit.

Section 160.120 Revocation of permit.

Any permit issued under this chapter may be summarily revoked by the city at any time when, by reason of disaster, public calamity, riot or other emergency or exigent circumstances, the city determines the safety of the public or property requires such immediate revocation. The city may also summarily revoke any permit issued pursuant to this ordinance if the city finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the event organizer by personal service or by certified mail at the address specified by the permittee in the application.