ARTICLE IV. - SPECIAL EVENT PERMITS

Footnotes:

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Editor's note— *Ord. No. 23013 , § 1, adopted December 5, 2016, amended article IV title to read as herein set out. Formerly, such article pertained to use permit.*

Cross reference— *Licenses, permits and miscellaneous business regulations, Ch. 13.*

Sec. 24-71. - Required; application; conditions for issuance.

(a) Whenever any person shall desire to temporarily block a portion of any public street or sidewalk for a special temporary event that is not described in section 24-73, such person shall make application on a form to be supplied by the city to the city manager not less than twenty (20) days prior to the date the person shall desire to use such street or sidewalk. A twenty-five dollar ($25.00) processing fee will be required with the application. The city manager may issue a permit with conditions to such person to use a portion of such street or sidewalk to such extent and for such time as the city manager shall find to be reasonably necessary, provided that the city manager shall find that the following conditions exist:

(1) No safety hazard will be created as determined by the director of public works or his designate, and

(2) No obstruction will be created that would unreasonably interfere with police, fire or health protection of the city, and

(3) No unreasonable interference with the normal uses of the abutting property will be created.

(b) The person making an application to the city manager shall, as a part of the application, present evidence that all users or owners or occupants of property abutting the area to be closed have been notified of the use, the dates and time of such use and their right to submit a written objection to the city manager's office.

(Code 1964, § 14.010(B); Ord. No. 9995, § 1, 11-7-83; Ord. No. 10140, § 1, 4-2-84; Ord. No. 20654, § 6-21-10; Ord. No. 21051, § 1, 8-15-11; Ord. No. 21948, § 1, 1-6-14; Ord. No. 23013 , § 1, 12-5-16)

Sec. 24-72. - Appeals; hearings before council.

(a) Any person aggrieved by a denial of a permit by the city manager may file an appeal within five (5) days following such denial with the city council to be acted upon at the next regular council meeting after said appeal is filed. The city council shall use the standards set out in section 24-71 in making its determination whether to uphold or reverse the city manager's denial of the permit.

(b)

Any user, occupant or owner of property within the same general area of, or abutting the portion of the street or sidewalk to be used may either file a written protest or appeal before the city council to register such a protest, and the city council shall also consider such protest in making its determination whether to uphold or reverse the city manager.

(Code 1964, § 14.010(c); Ord. No. 9995, § 1, 11-7-83; Ord. No. 21051, § 1, 8-15-11; Ord. No. 23013 , § 1, 12-5-16)

Sec. 24-73. - Special event permits.

(a) The city manager shall designate a city event committee to assist with the issuance of special event permits. The city event committee is authorized to close any public street, sidewalk or public place as follows:

(1) Any event in the downtown area;

(2) For any event that is ticketed, has entry fees, for-profit or otherwise excludes the general public;

(3) For any event at a city park if submitted by the director of the parks and recreation department; and

(4) For any event in other public places if submitted by the city manager.

For purposes of this article, "downtown area" means the area bound on the north by Park Avenue, on the east by College Avenue, on the south by Elm Street and on the west by Providence Road. Issuance of a special event permit does not obligate or require the city to provide services, equipment or personnel in support of an event. The city manager may cancel or postpone a special event permit if the manager thinks that any denial condition listed in this section exists, or is likely to exist, or to otherwise protect people and property in the city. The city event committee may promulgate forms and regulations to assist applicants that are not inconsistent with this section. The city event committee may request detailed plans, evidence, maps or other documentation to evaluate the application.

(b) The city event committee shall not approve closing any area as set out in subsection (a) above for any of the following:

(1) The day before, or the day of, any scheduled University of Missouri home football game; and

(2) Any event that requires city services, equipment or support that is outside the ordinary course of business of the city.

Any closures of this kind shall require an agreement negotiated by the city manager with the event organizer and the agreement must be approved by the city council.

(c)

Applications for a special event permit shall be considered in the order that the application is received. Multiple applications shall be given an order of priority by the applicant if submitted by one applicant, or shall be selected at random if it cannot determine the order in which applications have been received. Applications for special event permits shall be submitted ninety (90) days prior to the first day of the event. A one hundred dollar ($100.00) processing fee will be required with the application. As part of the application, the applicant shall present evidence that all owners or occupants of property abutting the street to be closed have been notified of the proposed street closure and over fifty (50) percent must give consent for an application to be considered. Upon request by the city event committee, applicants shall submit detailed plans, evidence or maps to be used to evaluate the application and to address any denial condition concerns. The city event committee shall approve or deny the application as soon as possible but no later than forty-five (45) days before the first day of the event. Any person aggrieved by a denial of a permit by the city event committee may file an appeal within five (5) days following such denial with the city council to be acted upon at the next regular council meeting after said appeal is filed.

(d) The city event committee shall grant a special event permit unless it is determined that one or more of the denial conditions listed in subsection (d)(1) or (d)(2) below requires denial. The city event committee shall accept timely written comments from the downtown community improvement district board as to any of the denial conditions listed below if the event is in the community improvement district area.

(1) The city event committee shall deny a special event permit to an applicant who fails to:

a. Provide a completed and signed application; or

b. Meets the requirements for submitting an application for a special event permit; or

c. Provide a sufficient traffic control plan; or

d. Provide a plan or evidence of sufficient monitors, event staff, volunteers or security for crowd control and safety; or

e. Provide a plan or evidence of sufficient sanitation or portable sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for safety, health and the public welfare; or

f. Provide a plan or evidence of sufficient waste management services; or

g. Provide sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event as determined by the city event committee; or

h. Obtain the written approval of any other public agency within whose jurisdiction the special event or portion of the special event will occur; or

i. Provide a sufficient public safety plan based on event risk factors including but not limited to, on-site medical personnel, emergency preparedness for adverse weather conditions, temperature, fire, or other potential health and public safety concerns; or

j. Obtain all other required city permits; or

k. Provide insurance to protect the city against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event that impacts or occurs on city property. The amount, if the insurance is required, shall be determined by the city and the insurance shall name the city as an additional insured and must be maintained for the duration of the special event. The city manager may waive or require a substitute to the insurance requirement only if the event organizer demonstrates that it is impossible or impractical to obtain insurance coverage.

(2) The city event committee shall deny a special event permit if it determines that:

a. The event will violate any local, state or federal law or regulation; or

b. The resources required to ensure public safety within the special event venue or district will prevent the police, fire or emergency medical service departments from providing reasonable protections to the remainder of the city; or

c. The concentrations of persons, animals, or vehicles within the special event venue or district will unduly interfere with the movement of police, fire, ambulance or other emergency vehicles; or

d. The event will substantially interfere with any other special event for which a permit has been granted, or the combination of events, although they do not interfere, diminishes public safety resources to unacceptable levels in the determination of the city; or

e. The event will interfere with scheduled and unscheduled government functions, including, but not limited to, construction of buildings (public and private), road and utility work, street closures, or any other reason to protect safety, health and the public welfare in the city; or

f. The event organizer demonstrates an inability or an unwillingness to conduct an event in compliance with the requirements of this chapter, or to comply with a condition to a permit issued under this chapter; or

g. The event organizer conducted a prior special event in a manner that failed to substantially comply with city code requirements.

(e) The city council shall not close a street or sidewalk and issue a special use permit when an applicant appeals the denial of a permit or in approving an agreement unless it determines that:

(1) No safety hazard will be created, and

(2) No obstruction will be created that would unreasonably interfere with police, fire or health protection of the city, and

(3) No unreasonable interference with the normal uses of the abutting property will be created.

(f)

The following restrictions and obligations apply after a street or sidewalk closure has been granted as part of a special use permit:

(1) No vendors may operate within the closed street without the permission of the special event permit holder. This subsection shall not prevent the owners of businesses adjacent to the closed street from selling items on the sidewalk as otherwise permitted by law.

(2) No peddler shall conduct peddling within seven hundred fifty (750) feet of a street closed under this section without the written permission of the city manager. The manager shall not give such written permission without first consulting with the special event permit holder to determine whether such peddling will interfere with the special event to be held on the closed street.

(3) No unreasonable interference with the normal uses of the abutting property will be created. Access to businesses that abut the street closure shall be maintained during the normal business hours of the affected business. No entry fee shall be charged to a person who resides or operates a business in the closed street area or to a customer of or person making delivery to a business or residence in the closed street area.

(Ord. No. 21051, § 9, 8-15-11; Ord. No. 21948, § 1, 1-6-14)

Secs. 24-74—24-85. - Reserved.