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Chapter 4.01
PURPOSE

The purpose of this Title is to establish clear procedures through which a proposed special event or street performance may be permitted within the City of Moab. Special events are an integral component of the economy and sense of identity of Moab. Special events frequently impact businesses, neighborhoods, and normal day-to-day municipal functions, which is why the City sets forth below specific procedures and requirements to mitigate those impacts while ensuring a safe and successful event or street performance.
Chapter 4.02
DEFINITIONS

The following definitions apply to this Title:

“Applicant” means the person, persons, or entity submitting an application under this chapter and who is responsible for the conduct of the event. The applicant signs the special event permit application and all other documents relevant to the event. The applicant is legally responsible for compliance with all terms of an issued permit.

“Charge” shall be defined as requiring someone to pay a fee or to set, negotiate or establish a fee for a performance. Seeking voluntary contributions through passing around a hat, leaving an open instrument case or other receptacle, or soliciting donations after a performance is not defined as a charge.

“Debriefing” means a meeting held by the Special Events Review Committee (SERC) within thirty (30) business days of the close of the event. Attendance/participation of the applicant at this meeting is mandatory.

“Fees” means all charges assessed by the City of Moab for permitting, staffing, equipment use/rental, property use/rental, set-up, clean-up, inspections, public labor charges, or public equipment rental charges assessed to a special event and established within the event permitting process. See Section 4.15.

“Mass gatherings” are defined by Rule 392-400 of the Utah Administrative Code. Applicants must contact the Southeastern Utah District Health Department for information about mass gathering permits and food handling permits to the extent otherwise required by Utah law.

“Nonprofit organization” means an organization that qualifies for tax-exempt status according to the U.S. Treasury under Section 501(c)(3) of the Internal Revenue Code, which is created and operated to benefit the public interest and which includes a charitable, educational, scientific, religious, recreational, or artistic purpose.

“Permittee” means the applicant holding a valid permit under this chapter.

“Private event” means an event which is: (1) closed to the general public; (2) held entirely on private property for which such events are a permitted use under Title 17, or City property for which a permit has been obtained; (3) does not require installation of temporary water, power, cooking, sanitation, or waste management facilities; and (4) does not adversely impact City personnel, services, or facilities. Private events shall not in any case be defined to include any event to which the public is invited, whether by advertisement or otherwise, or events where an admission fee is charged.

Private events are not regulated by this chapter except where specifically noted; however, the Moab police department may take enforcement action in the event of a nuisance, breach of the peace, noise violation, or the like.
“Public event” shall be defined to mean any gathering which is open to all persons, which is advertised as open to the general public, or which is open to all persons who purchase admission.

“Performance” shall be defined to include, but not be limited to, the following activities: playing music, singing, dancing, pantomiming, puppeteering, juggling, fire-spinning, reciting, etc. Performance does not include providing personal services.

“Special event” means a sporting, cultural, entertainment, commercial, or similar gathering, whether held for profit or on a nonprofit basis, occurring for a limited or fixed duration, not to exceed fifteen consecutive days, and which is likely to attract a large number of participants or spectators. By way of illustration, and not of limitation, special events subject to this chapter include: concerts, fairs, rallies, athletic events, or temporary sales events. Special events are further defined as follows:

Level I Event. Events expected to be attended by not more than two hundred people per day and which include one or more of the following:
- Partial or rolling street closure of City right-of-ways, including streets, sidewalks, and/or pathways;
- Vendor sales or concessions;
- Amplified sound; or
- An entrance fee or ticket charge for the event.

Level II Event. Events expected to be attended by more than two hundred people per day and which may include one or more of the following:
- Full public street closure of City right-of-ways;
- Vendor sales or concessions;
- Amplified sound; or
- An entrance fee or ticket charge for the event.

“Special Events Review Committee (SERC)” means a committee made up of representatives from City departments including, but not limited to, police, parks, public works, and representatives from the Southeastern Utah Health Department, Moab Valley Fire Protection District, and a County special events representative. The special events coordinator or his/her designee shall be the chair of this committee.

“Special events coordinator” means the City employee who administers the provisions of this chapter.

“Speech event” means an activity conducted primarily for the expression of political, social, religious, cultural or other constitutionally protected speech. Speech events may include rallies, picketing, protesting, marching, demonstrating, or debating matters of public concern on any City street or other property. Speech events do not include events held in furtherance of a business or commercial purpose.

“Street closure” means the deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles.
“Street performer” shall be defined as an individual or group who performs in a public area or a private outdoor area adjacent to a public street or sidewalk, for the purpose of providing public entertainment.

“Substantial change” means changes to an existing special event that cause the need for a different review level or cause the need for review by the City Council. These changes include, but are not limited to: increased need for street closures; increased need for police support; a change in duration; an increase in anticipated attendance; or the addition of vendor sales or concessions.

“Vendor” means a person selling food, beverages, souvenirs, or other merchandise at a special event. The term “vendor” does not include the sale of memberships in an organization which is the special event applicant.

“Venue” means the location or locations where a special event is held, including all ingress/egress routes, parking, and necessary facilities for the event.
Chapter 4.03
SPECIAL EVENT PERMITS REQUIRED--APPLICATION AND REVIEW
PROCEDURE

Sections:

4.03.010 Permits required.
4.03.020 Permit exceptions.
4.03.030 Application and review procedure.

4.03.010 Permits required.

Any person wishing to hold a special event shall first obtain a permit under this chapter. It is unlawful for any person to hold a special event without obtaining a special event permit. All permits issued pursuant to this chapter are non-transferable and expire on the date specified.

4.03.020 Permit exceptions.

A. The following activities are exempt from this chapter:

1. Funeral processions by a licensed mortuary;
2. Activities lawfully conducted by a governmental agency;
3. Filming activities authorized by another type of permit;
4. Private events as defined in Section 4.09.010(G); or
5. Speech events that do not meet the definitions of a Level I or Level II event.

4.03.030 Application and review procedure.

A. All requests for special event permit(s) shall be made on a special event application prescribed by the City. The applicant shall submit the permit fee with the completed application. Application materials are available at City Hall and online at the City of Moab website, and must be completed and submitted to the special event coordinator according to the guidelines below unless otherwise approved by the special event coordinator upon a showing of good cause:

1. Not less than ninety days prior to the scheduled opening of any Level I or Level II event; or
2. Not less than seven days prior to a speech event.
3. Level II events may apply no earlier than one year prior to the requested date of the event.

B. All event applications will be reviewed to determine if the applicant has provided sufficient plans (including proof of financial responsibility and other licenses), equipment, personnel, and facilities to provide for the safe and orderly conduct of the event without imposing an unreasonable burden on public services, other businesses, or adjacent residents. Depending on the type and size of the event, the special event coordinator may require the applicant to submit additional documentation prior to review by SERC, which may include:

1. Proof of financial responsibility, which may include damage deposit(s), a performance bond, and/or liability insurance sufficient to cover anticipated risks;
2. A transportation and traffic control plan showing parking, ingress/egress routes, pedestrian access, and emergency access;
3. A staffing and security plan, which shall identify and describe numbers and types of security personnel, emergency medical services (EMS) and/or fire personnel, other staff, support facilities, and the like;
4. A facilities plan showing power, lighting, public address, stage, restrooms, waste disposal, water facilities, vending, and other facilities needed for the event;
5. Proof that the applicant has obtained (or will obtain by the date of the event) any other applicable governmental permits or licenses needed for the event, including, but not limited to: sales tax licenses, alcohol licenses, access permits, and/or food service permits from the Southeastern Utah Health Department; and
6. If applicable, a statement of authorization from the special event sponsor identifying all vendors intending to conduct business on the premises of the special event.
7. Any other information deemed necessary by staff for review of the event.

C. Upon receipt of a complete special event permit application and the permit fee, the special events coordinator shall schedule the application for review by the SERC. The SERC shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

1. Level I applications and renewals; and
2. Level II applications for renewals with no substantial changes from the previous year’s event.

D. Where an application is not subject to approval by the SERC, it shall review the matter and provide an advisory recommendation to the City Council.

E. The City Council shall review and approve, approve with conditions, or deny the following applications:
1. Applications for new Level II events; as used herein, a “new Level II event” shall mean any Level II event being proposed for the first time;

2. An event renewal of a Level I event that now qualifies as a Level II event;

3. Level II event permit renewals where material elements of the event have substantially changed from the previous application; and

4. A Level II event which was not renewed for a period exceeding one year.

F. The special events coordinator shall promptly notify the applicant of the SERC recommendation to council and of the date the application will be scheduled before the City Council. The application shall be heard at a duly noticed public meeting. The City Council shall review the application for compliance with the standards set forth in this chapter.

G. Conditions which may be required as part of the approval of an event permit may include, but are not limited to: (1) restrictions on duration or hours of operation; (2) restrictions on total attendance; (3) limitations on vending or alcohol sales; (4) limitations on parking, participant transportation, ingress/egress; (5) limitations as to noise, dust, glare, or sound amplification; (6) security, EMS, or other public safety measures; (7) insurance, damage deposits, or other financial guarantees; (8) other measures which may reasonably provide for public health, safety, and welfare in connection with an event.

H. For purposes of this chapter, a special event permit is not deemed granted until the special event coordinator certifies in writing that all conditions of approval required prior to the event date have been satisfied.

I. A special event permit issued under this chapter is specific to the permittee, and may not be assigned. Any purported assignment shall result in the permit being deemed void.