

Bill No. 2009-6

ORDINANCE #167

An ordinance setting forth the policies and procedures concerning Special Events within the boundaries of the City of Caliente:

Sponsored by: Councilman Acklin

Summary: Introduces the following Ordinance to better protect the City of Caliente and its citizens, as well as to provide better use of and access to the property, assets and amenities owned by the City of Caliente and designed to be used by or for the benefit of the public. This Ordinance sets forth the following: the purpose; the definition of a "Special event"; which Events require a special use permit; which events do not require a special use permit; which events shall be identified as potentially hazardous or dangerous; statements and recommendations regarding separate liability coverage; reoccurring events; conduct which violates this Ordinance, and the penalty for engaging in such conduct; a severability clause; and the procedure for enactment.

THE CITY COUNCIL OF THE CITY OF CALIENTE DOES ORDAIN AS FOLLOWS:

Section 1 – Purpose: The City of Caliente desires to better protect the City of Caliente and its citizens, as well as to provide better use of and access to the property, assets and amenities owned by the City of Caliente and designed to be used by or for the benefit of the public. In order to accomplish this purpose, the City will require that any person, corporation, partnership, or other organization desiring to advertise, sell or furnish tickets for, conduct, or maintain a Special Event within the City of Caliente, shall abide by the following policies concerning such Special Events, and by making such statements and recommendations concerning insurance coverage as are included in these policies.

Section 2 – Definition: A Special Event is defined as any organized public or private activity held or conducted on a temporary basis which is apart from, or in addition to activities and uses normally associated with or permitted on or at property that is owned and/ or operated by the City of Caliente. This definition does not include functions specifically sponsored by the City of Caliente on or at its own property. Activities or events that involve street closures, exclusive use of an entire park, or that involve 150 persons or more are specifically declared to be Special Events.

Section 3 – Events Requiring a Special Use Permit: Any Special Event in the City of Caliente involving 150 persons or more, street closures, exclusive use of an entire park, or any event that makes exclusive use of city property for financial gain, even if such gain is designed to benefit a charity or is calculated only to pay for the event itself obtain a Special Use Permit from the City of Caliente to conduct such an event. A

Special Use Permit must be obtained from the City of Caliente for a temporary and specific period of time for such events as follows:

- a. Art Shows;
- b. Athletic tournaments;
- c. Running or walking events;
- d. Carnivals;
- e. Concerts;
- f. Festivals;
- g. Fireworks;
- h. Fundraisers;
- i. Musical presentations;
- j. Parades;
- k. Street dances or park dances;
- l. Other similar events or activities requiring off-site parking, street closures, sound amplification devices or equipment, the use of city personnel or the exclusive use of city property;
- m. Any endeavor that makes exclusive use of city property for financial gain, even if such gain is designed to benefit a charity or is calculated only to pay for the event itself. For example, reserving an area of the park or other city buildings for a commercial photo shoot, to conduct a church raffle or put on a community fundraiser would require a Special Use Permit.

Section 4 – Events not Requiring a Special Use Permit: A Person or entity that wishes to advertise, furnish tickets for, conduct, or maintain a Special Event in the City of Caliente, which event does not require the person or entity to obtain a Special Use Permit, must still obtain the specific permission of City Council or the permission of an authorized City official in order to engage in said activity.

Events that are defined as Special Events, pursuant to this policy, but that do not require the person or the entity to obtain a Special Use Permit, shall include such events as are conducted on a temporary basis and which are activities that are apart from, or in addition to activities and uses that are normally associated with or permitted on or at a specific property owned and/ or operated by the City of Caliente. This could include a religious meeting, a wedding reception or a political rally – as long as it did not exceed the involvement and attendance of 150 persons. The key factors to consider are as follows: whether the planned event seeks to utilize the specific property in a way that is outside the normal use associated with the property; whether the planned event seeks to conduct activities that would not otherwise be permitted on or at said property; whether the planned event seeks to make exclusive use of an entire park or a significant area of a park, to the exclusion of the public-at-large.

The City Council, at its sole discretion, reserves the right to ultimately decide what events do and do not require a Special Use Permit.

Section 5 – Potentially Dangerous or Hazardous Activities: The City of Caliente declares that any event involving the activities, items or things identified in this section of the policy is potentially dangerous. Accordingly, any person or entity that wishes to advertise, furnish tickets for, conduct, or maintain a Special Event in the City of

Caliente that involves the following activities, items or things must specifically address the City Council and explain how the activities, items or things are to be controlled so that potential hazard to the participants as well as the citizens and property of the City of Caliente may be mitigated. Such activities shall include, but may not be limited to the following:

- a. Alcohol served – It is the responsibility of the event organizers to obtain the proper permits and licenses, if any;
- b. Animals performing or on display;
- c. Temporary buildings or structures – It is the responsibility of the event organizers to obtain the proper permits and licenses, if any;
- d. Firearms or weapons – An exception will exist for activities held at the firing range;
- e. Fireworks, pyrotechnics, or similar displays;
- f. Bonfire or open pit fire;
- g. Inflatable structures and waterslides;
- h. Mechanically operated amusement devices;

Section 6 – Statements and Recommendations for Separate Liability

Coverage: In order to better protect itself and its Citizens, and in order to provide better use of and access to its property, assets and amenities, the City of Caliente makes the following statements and recommendations regarding separate liability insurance coverage. For any Special Event discussed in Section 2 of these policies the City of Caliente will require the event organizers to provide proof of insurance amounting to, at least, \$500,000.00. For any Special Event discussed in Section 3 of these policies the City of Caliente will recommend that the event organizers provide proof of insurance amounting to, at least, \$100,000.00. However, for all Special Events discussed in Section 3 of these policies, which also involve potentially dangerous activities as discussed in Section 4 of these policies, the City of Caliente will require the event organizers to provide proof of insurance amounting to, at least, \$100,000.00.

In any case, the Caliente City Council, at its sole discretion, may choose to exempt an event from the requirements of this section.

Section 7 – Reoccurring Events: From time to time, the City Council of the City of Caliente may choose to permit activities that would otherwise be considered Special Events, except that such events would not be held or conducted on a temporary basis, but would rather be reoccurring, or otherwise regularly held on a semi-permanent or permanent basis. In all such cases, regardless of the nature of the activity, the organizers of the reoccurring event must receive specific permission from the City of Caliente in order to access and utilize city property in this way.

Moreover, the same standards related to liability insurance coverage and discussed in Section 5 of these policies, shall apply to these reoccurring events. Specifically, if the reoccurring event is one that would be a Special Event under Section 2 of these policies if it were temporary, the City of Caliente will require the event organizers to provide proof of insurance amounting to, at least, \$500,000.00. If the reoccurring event is one that would be a Special Event under Section 3 of these policies the City of Caliente will recommend that the event organizers provide proof of insurance

amounting to, at least, \$100,000.00. For events under Section 3 of these policies, which also involve potentially dangerous activities as discussed in Section 4 of these policies, the City of Caliente will require the event organizers to provide proof of insurance amounting to, at least, \$100,000.00. As above, in any case, the Caliente City Council, at its sole discretion, may choose to exempt an event from the requirements of this section.

Section 8 – Violation; Penalty for Violation. It shall be a violation of this Ordinance for any person, firm, organization, corporation or other entity to advertise, furnish tickets for, conduct, or maintain a Special Event requiring a Special Use Permit, under the terms of this ordinance.

Any person or entity violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by county ordinance or state law for the same offense.

Additionally, the City may assess a Civil Fine against any person or entity violating any of the provisions or terms of this Ordinance, not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

Each and every day a violation of this Ordinance is continued shall be deemed to constitute a separate offense.

Section 9 – Severability. If any paragraph, sentence, phrase or other portion of this Ordinance should be deemed illegal, inapplicable, unconstitutional or otherwise invalid, by a court of competent jurisdiction, such a holding shall not affect the remainder of this Ordinance and all portions of the Ordinance not held to be invalid shall continue and remain in full force and effect.

Section 10 – Enactment Procedure. The following procedure for enactment of a City ordinance shall be followed, pursuant to the Caliente City Charter:

- (1) This Ordinance shall be read to the City Council by title and summary;
- (2) This Ordinance shall be referred to a committee for consideration, including the City Attorney, the City Clerk and the sponsoring City Councilman.
- (3) The City Clerk is directed to prepare an adequate number of copies of this Ordinance for public distribution. The City Clerk is further directed to publish notice of this Ordinance, at least once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, in the City at least 10 days before its adoption.
- (4) The City Council shall then adopt or reject this Ordinance, within 30 days after the date of last publication.

Passed, Adopted and Approved this 3rd day of December, 2009.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of November, 2009. City of Caliente Bill 2009-6, Ordinance 167 was published in the Lincoln County Record on November 19th and 26th, 2009. At the

regular Meeting of the City Council on December 3rd, 2009, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

Councilmen Voting “Aye”

Mayor Keith Larson, Councilman Ahsley Moore, Councilman Evan Schimbeck,
Councilman Victor Jones.

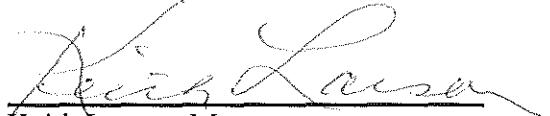
Councilmen Voting “Nay”

None

Councilmen Absent:

Councilmen Acklin

Approved:



Keith Larson, Mayor



Patrice Lytle, City Clerk