

ORDINANCE 2007

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF ANKENY, IOWA, 2008, BY REPEALING AND REPLACING CHAPTER 11, "SPECIAL EVENTS"

BE IT ENACTED by the City Council of the City of Ankeny, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 11 "Special Events" of the Code of Ordinances of the City of Ankeny, Iowa, is repealed and the following adopted in lieu thereof:

11.01 PURPOSE AND INTENT:

These regulations prescribe the conditions through which special events of limited duration may be permitted to occur within the City that involve a request from an individual or organization creating an anticipated significant impact to City property or right-of-way, such as increased vehicle or pedestrian traffic or the closure of a public street, and it is advisable or necessary to include City staff in the preparation, planning, coordination, and approval of the requested special event to promote the health, safety, and welfare of the general public and of the event participants or attendees.

11.02 APPLICATION AND PERMIT REQUIRED:

A special event permit shall be required for all events that relate to the stated purpose and intent of this Ordinance including the following:

1. Private events with 500 or more persons at any one time, events being held on public property, block parties, running and/or bicycling events, events requiring police/fire escort services, parades and that also have one or more of the following:
 - a. Partial or full closure of a public street;
 - b. Blocking or restricting access to private property of others or blocking or restricting access to a public property;
 - c. Use of pyrotechnics or special effects;
 - d. Use of open flame or other potentially dangerous displays;
 - e. Sale or distribution of merchandise, food or beverages including alcoholic beverages;
 - f. Erection of a tent or canopy requiring a permit;
 - g. Installation of a stage, band shell, truck, trailer, van, portable building, booth, grandstand or bleachers;
 - h. Placement of portable toilets;
 - i. Placement of temporary signs or banners;
 - j. Amplified sound.

Special Event Permit may be waived by the City Council under circumstances deemed to be in the best interest of the City.

A special event permit must be timely applied for and issued by the City prior to the commencement of the event. It shall be unlawful for any person or organization to engage, sponsor, or participate in any event described herein without having first applied for and obtained a permit in accordance with this Ordinance. Receiving approval of a special event permit from the City shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations. The City reserves the right to impose special guidelines and restrictions for any special event based upon the nature of the proposed event, the proposed location of the event, and the anticipated attendance of the event. The City also reserves the right to temporarily suspend other City Code requirements for any special event based upon the particular event details. City staff shall be responsible for the issuance of special event permits that only involve local public streets or do not involve lane closure(s) of arterial or collector streets within the City. The City Council shall decide whether to issue special event permits that do involve lane closure(s) of arterial streets within the City, following receipt of a recommendation from City staff.

11.03 EXEMPTIONS.

The following events are exempt from obtaining a Special Event Permit:

1. Private property that has designated facilities for hosting events (hotel, ballrooms, venue halls);
2. Annual community designated celebrations as designated by resolution of the City Council;
3. Sports facilities located on City property;
4. Police or fire escorts for dignitaries, military, fallen police or fire members.

11.04 APPLICATION REQUIREMENTS.

For any special event defined or described within this Ordinance, the following information, at a minimum, shall be submitted with the application to the City:

1. A written application for a special event permit shall be submitted to the City on a form provided by the City. The application must set forth the following information regarding the proposed special event:
 - a. The name, address, telephone number, and e-mail address of the applicant(s) and sponsor(s) of the event and contact person(s).
 - b. If the proposed special event would 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 authorizing responsible heads of such organization.
 - c. The date(s) and duration of time for the proposed special event.
 - d. An accurate description of that portion of the property or right-of-way proposed to be used, including a detailed map. The detailed map should depict the requested location of any activities, structures, tents, barricades, parking, traffic control devices and personnel, signage, trash collection, and portable restroom facilities necessary for

- the proposed event.
- e. The estimated number of participants or attendees in total and during peak hours.
 - f. The proposed type of special event, described in detail, including a description of the planned activities and the proposed location.
 - g. Whether the applicant has obtained or will obtain required permits for any of the following: The sale of alcoholic beverages, tents, amplified sound, fireworks, temporary signs, and any applicable building permits.
 - h. Addendum forms when applicable.
2. After the initial filing of the application, City staff may request additional information from the applicant to determine whether a special event permit should be issued.
 3. Applications that impact or include a commercially zoned district must be submitted not less than ninety (90) calendar days prior to the proposed start date of the special event, unless the City decides to waive the deadline. The City reserves the right to reject any applications that have not been timely submitted to the City.
 4. All other applications must be submitted not less than thirty (30) calendar days prior to the proposed start date of the special event, unless the City decides to waive the deadline. The City reserves the right to reject any applications that have not been timely submitted to the City.
 5. Before the City can approve the special event permit, the applicant is required to provide proof that notice of the proposed event was sent to all affected neighboring property owners and known tenants including listing agents. The City may also require the applicant to petition or canvass affected neighboring property owners and known tenants to ascertain whether there is sufficient support for the proposed event.

11.05 PERMIT REVIEW PROCESS.

1. City staff shall review applications, identify potential issues and concerns, and work with the applicant to propose possible solutions to resolve those identified issues and concerns. The City staff review shall include the City Clerk or designee, and representatives of the Police, Fire, Emergency Medical Services, Public Works, Parks and Recreation, and Community Development Departments. Additional City staff from other departments may assist with the review depending upon the details of the proposed event.
2. The Parks and Recreation Department shall review special event permit applications for events held exclusively within a City park or greenway in accordance with City park policies, rules, and regulations that do not require City staff from multiple departments as part of the planning or execution of the event and do not cause anticipated significant impact to nearby public streets or other City property.
3. City staff shall consider, at a minimum, the following criteria in reviewing the special event permit application. City staff reserves the right to consider additional criteria in its review as deemed necessary.
 - a. Whether the applicant has supplied all of the requested information to City staff.
 - b. Whether the applicant has obtained necessary permits involving the sale of alcoholic beverages, tents or inflatables, amplified sound, fireworks, temporary signs, and any applicable building permits.
 - c. Whether the applicant has previously held events of similar size and scope within the

City.

- d. Whether the date, time, size, or location of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location.
- e. Whether the concentration of persons or the closure of a public street at the event would unduly interfere with proper fire and police protection of, or other emergency service through, the event or to areas adjacent to the event's location.
- f. Whether the estimated number of participants or attendees or the size or type of event equipment is sufficient to close a public street, or if there is an alternative available to closing a public street.
- g. Whether another special event permit has already been granted for substantially the same date, time, or location within the City.
- h. Whether the size or time of the event would require so great a diversion of the City police department as to prevent normal police protection at another previously scheduled event in the City.
- i. Whether City personnel necessary to regulate and monitor the event can reasonably be made available.
- j. Whether the event is reasonably likely to cause injury to persons or property and if there is adequate planning for crowd control of participants or attendees.
- k. Whether adequate sanitation or other health facilities will be available at the event.
- l. Whether there is a sufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected.
- m. Whether the time, size, or nature of the event is compatible with the normal activity at that location.
- n. Whether the proposed use or event will likely have a significant adverse environmental impact.
- o. Whether negative police or other reports of past activities held or sponsored by the applicant or in the same location merit a recommendation of denial.
- p. Whether the applicant, including its employees, agents, and volunteers, have violated City Code provisions or City policies at past events.
- q. Whether the applicant has timely paid the City all fees due and owing under any City Code provision or City policy.

11.06 FEES REQUIRED.

1. The applicant for a special event permit shall pay the applicable non-refundable application fee in the amount set in the schedule of fees the City Council has adopted by resolution. The application fee must be paid at the time of submittal of the application.
2. If the permitted event will require the use of any City equipment, facilities, or services, the applicant shall pay the estimated costs for the use of the City equipment, facilities, or services in advance of the event if the City requests such advanced payment be made, or the City may direct the applicant to pay the actual costs for the use of the City equipment or services following the event within thirty (30) calendar days of billing by the City.

11.07 INSURANCE REQUIRED.

1. Proof of general liability insurance in the amount of at least \$500,000 per occurrence /\$1M aggregate and \$500,000 for property damage. A certificate of insurance naming the City of Ankeny as a "Certificate Holder" shall be delivered to the City Clerk's Office prior to the issuance of a special events permit.
2. The applicant must also sign a hold harmless and indemnification agreement with the City in which the applicant holds the City harmless and indemnifies the City for any negligent, reckless, or intentional act attributable to the applicant or the applicant's officials, employees, agents, or volunteers.

11.08 AUTHORITY OF CITY MANAGER.

The City Manager or City Manager designee has the authority to accept or reject events and to terminate or suspend an event which is in violation of this chapter and/or the rules and regulations for Special Events as adopted from time to time by resolution of the City Council. In addition, the City Manager or City Manager's designee has the right to deny or delay a Special Event Permit if sufficient time has not been allowed for the approval process. The City shall have the authority to revoke a Special Event Permit by reason of disaster, public riot or other public safety emergency, or violations to local, State and Federal requirements.

11.09 APPEAL PROCEDURE.

1. City staff's decision to approve or deny a special event permit may be appealed to the City Council by making a written request to the City Clerk. The appeal will be placed on the agenda for the next available City Council meeting.
2. After receiving the appeal and considering any submitted comments, the City Council shall affirm, reverse, or modify the decision of City staff. The decision of the City Council shall be the final determination as to whether or not the City approves the special event permit.

11.10 PERMIT REVOCATION.

A special event permit for any event in progress may be revoked and the event terminated by the Chief of Police or the Fire Chief, or their respective designees, if the safety of the public is imminently endangered by activities generated during the event, the participants or attendees engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a major violation of the conditions of the permit such that the standards of issuance have not been satisfied.

11.11 VIOLATIONS.

No person shall violate any of the provisions of this Ordinance, and specifically shall not commit any of the following unlawful acts:

1. No person shall hold, sponsor, or be in charge of any activity for which a special event permit is required without possessing a valid special event permit.
2. No person shall violate any condition placed upon a special event permit.
3. No person shall provide false or inaccurate information on a written application for a special event permit.

11.12 PENALTIES.

Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this Code. Police officers, code enforcement officers or the Police Chief's designees shall have the authority to issue citations for violations of this chapter and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED at Ankeny, Iowa, this 23 day of March, 2020.

Gary Lorenz, Mayor

ATTEST:

Denise L. Hoy, City Clerk

**PUBLISHED IN THE
DES MOINES REGISTER
ON THE 27 DAY OF March, 2020**

**1st Con 3/2/20
2nd Con 3/16/20
3rd Con 3/23/20**