

**APPLE VALLEY  
ORDINANCE O-2022-53**

**NOW THEREFORE**, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

**SECTION 1:**        **ADOPTION** “5.09 Special Events” of the Apple Valley Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

5.09 Special Events (Non-existent)

**AFTER ADOPTION**

5.09 Special Events(*Added*)

**SECTION 2:**        **ADOPTION** “5.09.010 Purpose” of the Apple Valley Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

5.09.010 Purpose (Non-existent)

**AFTER ADOPTION**

5.09.010 Purpose(*Added*)

The purpose of this chapter is to provide for and encourage temporary events to occur in the Town in order to create a sense of community and enhance the quality of life for Town residents. It is also the Town's intent to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues which may occur as a result of the special event. This chapter is adopted to ensure that the special events do not create disturbance, become a nuisance, threaten life, health, and property, disrupt traffic, or threaten or damage private or public property. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for time, place and manner regulations.

**SECTION 3:            ADOPTION** “5.09.020 Definitions” of the Apple Valley  
Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

5.09.020 Definitions (Non-existent)

**AFTER ADOPTION**

5.09.020 Definitions(*Added*)

For the purpose of this chapter, the following words and phrases shall be defined as set forth in this section:

APPLICANT: The individual event organizer and the organization responsible for the event and the payment of fees.

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, held on any public or private property.

TOWN EVENT: A special event that is organized and operated by the Town, whether directly or by contract with a third party operator.

FILMING EVENT: Filming of media broadcast (other than for news purposes), filming of a motion picture, television broadcast and digital media production.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of product including, but not limited to, displays and exhibitions, farmers' markets, craft fairs, outdoor sales, tent sales and other similar activities.

SPECIAL EVENT: A temporary event of any of the following or combination of the following acts:

A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the Town.

B. Any organized assemblage at any public park, public square or other Town property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the Town or a third party, than normally provided to groups which reserve park facilities or other Town-owned facilities.

C. Events held at the following are not special events under this chapter:

1. A building that has a business located in it that has a current annual business license as an event business;
2. A building with an assembly group classification under the International Building Code, as adopted by the Town, so long as the event does not exceed the posted occupant load as approved by the Town and has a current annual business license, if required; and
3. A government owned facility.

D. For purposes of this chapter, Town events are not special events, however events sponsored by the Town are special events.

TEMPORARY EVENT: Any event which occurs on a temporary basis of less than six (6) months at a location where the applicant does not have an annual business license for the specific activities being held.

**SECTION 4:**        **ADOPTION** “5.09.030 Permit Required” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.030 Permit Required (Non-existent)

AFTER ADOPTION

5.09.030 Permit Required(*Added*)

It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit.

**SECTION 5:**        **ADOPTION** “5.09.040 Application Requirements And Procedures” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.040 Application Requirements And Procedures (Non-existent)

AFTER ADOPTION

5.09.040 Application Requirements And Procedures(*Added*)

A. Submission: A completed application on Town forms shall be submitted to the Town at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the Town council in the event the application is denied. Applications for new events or recurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted, unless the Town personnel determine the application could be processed timely. Applications are not considered complete until all required information has been submitted to the Town.

B. Advertising: No advertising of a special event shall be permitted until Town approval of the special event is granted and a special event permit is issued.

C. Inspections: Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all Town, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection.

**SECTION 6:**        **ADOPTION** “5.09.050 Insurance Requirement” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.050 Insurance Requirement (Non-existent)

AFTER ADOPTION

5.09.050 Insurance Requirement(*Added*)

A. Insurance: The applicant, vendors, exhibitors, and concessionaires of a special event held on Town property shall procure and maintain commercial general liability insurance in the amount required by the Town to protect the Town against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the Town on an insurance certificate which shall include the following:

1. The name and address of the insured.
2. Town shall be named as an additional primary insured and noncontributory on the general liability certificate.
3. The location of the operations to which the insurance applies.

4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.

5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.

6. A statement that all coverage is on an occurrence basis rather than a claims basis.

7. A provision that the policy or policies will not be canceled, denied renewal, or reduced in coverage until at least thirty (30) days after written notice has been received by Town.

8. Name, address, and telephone number of the insurance company's agent.

B. Workers' Compensation: Applicant shall procure and maintain workers' compensation insurance as required by Utah law.

C. Certificate of Insurance: No special event permit shall be issued until the applicant and all vendors, exhibitors, or concessionaires participating in the event submit to the Town a certificate of insurance as required in this chapter.

**SECTION 7:**        **ADOPTION** “5.09.060 Fees” of the Apple Valley Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

5.09.060 Fees (Non-existent)

#### AFTER ADOPTION

5.09.060 Fees(*Added*)

A. Application and Cost Recovery Fees: Along with the application for a special event permit, the applicant shall pay any applicable special event application fees and Town cost recovery fees.

B. Town Cost Recovery Fees: Extra Town services will be provided for special events as determined by the Town to be needed to protect the health, safety and welfare of the public and shall be paid by the applicant.

1. Town costs may include, but are not limited to, police, fire, park maintenance, power, water, road closures, and cleanup of Town facilities before, during, or after the event, and other costs to Town directly attributable to the special event.

2. Before Town approval is granted to hold the event, the applicant shall pay the deposit and estimated Town fees as determined by the Town based on the application, the applicant's past event history with the Town, and experience with similar events.

C. Invoice: The Town may mail or deliver to the permit holder an invoice for the cost of Town services provided and any costs incurred by the Town in restoring the site. If the amount exceeds the Town cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice was mailed or delivered. If the amount is less than the Town cost recovery fees paid prior to issuance of the permit, then the remaining amount shall be returned to the applicant.

**SECTION 8:**        **ADOPTION** “5.09.070 Application Review, Approval And Issuance” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.070 Application Review, Approval And Issuance (Non-existent)

AFTER ADOPTION

5.09.070 Application Review, Approval And Issuance(*Added*)

The Town Administrator, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The Town Administrator may refer the request for a special event permit to Town Council for approval.

**SECTION 9:**        **ADOPTION** “5.09.080 Grounds For Denial” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.080 Grounds For Denial (Non-existent)

AFTER ADOPTION

5.09.080 Grounds For Denial(*Added*)

A. Grounds for Denial: The special event application may be denied by the Town if:

1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public;
2. The proposed special event is not consistent with the intended nature and use of the requested Town property;
3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the Town, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
5. The permit application contains a material falsehood or misrepresentation;
6. The applicant has failed to pay a debt to the Town including costs incurred during a prior special event;
7. Incomplete permit applications; and
8. The applicant or any person on whose behalf the application for a permit was made has on prior occasions:
  - a. Damaged Town property, if the applicant is for an event on Town property; or
  - b. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
  - c. Has violated the terms of prior permits issued to or on behalf of the applicant.

B. Notice: If a special event permit application is denied, the Town shall notify the applicant in writing of the reason or reasons for the denial.

**SECTION 10:**            **ADOPTION** “5.09.090 Appeal Procedures” of the Apple Valley Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

5.09.090 Appeal Procedures (Non-existent)

## AFTER ADOPTION

### 5.09.090 Appeal Procedures(*Added*)

Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the Town Council if the decision was made by the Town Administrator. Any decision made by the Town Council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the Town recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the Town Council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the Town Council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal.

**SECTION 11:**        **ADOPTION** “5.09.100 Violation” of the Apple Valley Municipal Code is hereby *added* as follows:

## BEFORE ADOPTION

### 5.09.100 Violation (Non-existent)

## AFTER ADOPTION

### 5.09.100 Violation(*Added*)

A violation of this chapter shall be a class B misdemeanor.

**SECTION 12:**        **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 13:**        **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 14:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 19, 2022.



PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor   Frank Lindhardt	_____	_____	_____	_____
Council Member   Andy McGinnis	_____	_____	_____	_____
Council Member   Barratt Nielson	_____	_____	_____	_____
Council Member   Kevin Sair	_____	_____	_____	_____
Council Member   Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

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Frank Lindhardt, Mayor,, Apple Valley