

ORDINANCE No. 2022-_____

**AN ORDINANCE OF THE BOARD OF SAN JUAN COUNTY COMMISSIONERS
ESTABLISHING RULES AND REGULATIONS FOR SPECIAL EVENTS WITHIN SAN
JUAN COUNTY**

WHEREAS San Juan County has an interest in establishing rules and regulations for special events held within and throughout San Juan County; and

WHEREAS the following ordinance, which shall be effective as provided herein. shall govern the time, place, and manner of holding certain special events on county roads, on county property, and on public and private property in the unincorporated area of San Juan County when an event's impact upon health, fire, police, transportation, and other services exceeds those regularly provided in the unincorporated area of the County; and

WHEREAS the regulations provided herein are enacted to promote and protect the health, safety, and welfare of all the persons in the County, including residents and visitors, by ensuring that special events do not create disturbances; become nuisances; menace or threaten life, health, and property; disrupt traffic, or threaten or damage private or public property; and

WHEREAS it is not the intent of this ordinance to regulate in any manner the content of speech or infringe upon the right to assemble, except for the time, place, and manner of speech and assembly, and this Ordinance shall not be interpreted nor construed otherwise; and

WHEREAS as provided in Utah Code §17-53-223, the County may adopt ordinances which are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the County and its inhabitants and for the protection of property in the County;

**BE IT HEREBY ORDAINED BY THE BOARD OF SAN JUAN COUNTY
COMMISSIONERS that:**

SECTIONS:

- I. APPLICATION**
- II. DEFINITIONS**
- III. PERMIT APPLICATION PROCESS**
- IV. APPLICATION REVIEW**
- V. APPLICATION FEES**
- VI. CLEANUP FEES ASSESSED**
- VII. SPECIAL EVENT PERMIT ISSUANCE OR DENIAL**
- VIII. VIOLATION AND PENALTY**
- IX. EVENT LEVELS AND FEES**
- X. SPECIAL EVENTS COMMITTEE**
- XI. EFFECTIVE DATE**

SECTION I. Application:

- A. Application for a permit to hold an actual or anticipated assembly of 100 or more persons shall be made in writing to the Director of San Juan County's Economic Development and Visitor Services within a minimum of ninety (90) calendar days in advance of such assembly or event.
- B. The special event application form, including information required. and fee schedule shall be approved by the County Commission and updated annually if necessary.
- C. Exemptions from obtaining a special event permit:
 - a. Events not utilizing a public road that is organized by a political party or political organization, an established religious organization, a family for the purposes of a family reunion, and school-sponsored activities, Non-Profit Organizations shall not be required to obtain a permit under this Ordinance. In the instance where the event utilizes a public road, the organizing group shall comply with the approval process set forth in this Ordinance.
 - b. Events held in existing and established recreational facilities, sporting arenas, stadiums, or other similar facilities that have been inspected and approved for the use and safety by San Juan County or any other political subdivision of the State of Utah.
 - c. Events held in incorporated City or Town areas within the County.
 - d. Events where the anticipated assembly of persons, including spectators and participants, are less than one hundred (100). This does not apply to commercial events, filming or other assemblies used to make a profit or anticipated profit utilizing scenery whether indoor or outdoor within the County.

SECTION II. Definitions:

Definitions for the purpose of this Ordinance, the following words shall have the following meanings:

- A. "Athletic event" means 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, on any County road in unincorporated San Juan County or upon public or private property in the unincorporated area of San Juan County.
- B. "Entertainment event" means an organized event having as its primary purpose the entertainment or amusement of a group of people, including but not limited to parades, carnivals, fairs, concerts, block parties, or neighborhood gatherings on public or private property within the unincorporated San Juan County.

- C. “Political event” means an organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech-making, picketing, protesting, marching, demonstrating, or debating public issues, on any County street in unincorporated San Juan County or upon property owned by San Juan County or private property in the unincorporated area of San Juan County.
- D. “Special event” means any athletic event, entertainment event, or political event, whether held for-profit, non-profit or charitable purposes.
- E. “Utilizing a public road” means using any portion of a public road or the public right-of-way for an athletic event, entertainment event, political event, or special event. Any other group activity that impedes, blocks, or otherwise interferes with the normal traffic flow is also considered to be utilizing a public road for purposes of this Ordinance.

SECTION III. Permit Application Process:

Special Event Permit application forms may be obtained from the San Juan County Economic Development and Visitor Services Department, 117 South Main, P.O. 490, Monticello, Utah 84535.

- A. All applications for special event permits shall be made on a special event permit application form and shall include the following information:
 - a. Type and description of event;
 - b. Name of the sponsoring entity, contact person, address, and telephone number;
 - c. Name of the promoting entity, contact person, address, and telephone number;
 - d. Proposed date(s) of the event, together with beginning and ending times for each date;
 - e. Proposed location, including a plat or map of the proposed area to be used, including any barricade, street route plans, or perimeter/security fencing;
 - f. Estimated numbers of event staff, participants, and spectators;
 - g. Public health plans, including plans for culinary water supplies, solid waste collections, and disposal and wastewater (toilet facilities);
 - h. Fire prevention and emergency medical services plans;
 - i. Security plans and law enforcement response;
 - j. Admission fee, donation, or other consideration to be charged or requested;
 - k. Plans for parking; and
 - l. Signature of the applicant.
- B. Copies of the application shall be circulated to the following San Juan County Departments to obtain their approval or disapproval of the proposed special event.
- C. The applicant may contact any of the following agencies to coordinate details of the items listed in Section III of this Ordinance:
 - a. San Juan County Public Health Department;

- b. San Juan County Sheriff's Office;
- c. San Juan County Fire;
- d. San Juan County Emergency Medical Services;
- e. San Juan County Road Department, if the special event may create traffic impacts by its location, number of attendees or participants;
- f. San Juan County Building Inspector if any temporary facilities are to be constructed or special electrical supplies are considered or warranted;
- g. San Juan County Planning and Zoning, if signs advertising the event are to be placed in the unincorporated area of the County. The applicant shall submit plans drawn to scale, for any signage, noting the location of each sign for which application is made. Signs for temporary special events shall not be subject to the approval process of other County ordinances governing sign display or placement;
- h. Any other County agency which is to provide a service in connection with the special event;

SECTION IV. Application Review

- A. The Economic Development and Visitor Services Director shall review all special event permit applications for completeness. If an application is incomplete, it shall be returned to the applicant with an explanation for why the application is incomplete within seven (7) calendar days. A \$50 non-refundable processing fee is required with the application for processing, along with the designated Event Level Permit Fee. All Fees are due with the application to begin the processing of the permit.
- B. The Director shall require the review of other County offices, State agencies, Federal agencies, and Municipalities/Chapters as deemed necessary, including but not limited to:
 - a. San Juan County Sheriff's Office
 - b. San Juan County Treasurer's Office
 - c. San Juan County Attorney's Office
 - d. San Juan County Public Health Department
 - e. San Juan County Fire
 - f. San Juan County Planning and Zoning
 - g. San Juan County Building Department
 - h. San Juan County Road Department
 - i. San Juan County Emergency Medical Services
- C. In reviewing an application, the agencies or departments involved shall consider the following:
 - a. The impact of the special event on the traffic, security, health, and safety of the public, public facilities, surrounding property owners, and the plans of the applicant to address such impacts;

- b. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health, and welfare of the public and the history of the applicant in complying with such requirements;
 - c. The location and duration of the special event and the County's ability to accommodate the event with the necessary resources and the cost of those resources; and,
 - d. Other previously approved special events could cause scheduling conflicts during the same period and cause overextension of the County's resources.
- D. The agencies involved in reviewing an application may impose additional requirements or conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public.
- E. Notification to Municipalities/Chapters.
 - a. Upon receiving an application for a special event, the Director shall identify municipalities that may be impacted by the event and notify such municipalities of the application.
 - b. A municipality given notification under this chapter has two (2) weeks from the date the notification was sent by the county to respond. Responses should include comments regarding the impact of the special event on the traffic, security, health, and safety of the public, public facilities, surrounding property owners and should set forth any recommendations to the county for ameliorating the impact upon the municipality.
- F. Insurance required.
 - a. No special event permit shall be issued unless and until the applicant has submitted to the County Chief Administrative Officer a certificate of insurance, listing San Juan County and other municipalities, which the event shall pass through as additional insured parties, on an occurrence policy issued by an insurance company authorized to do business in the State of Utah, showing comprehensive general liability and property damage coverage for the event with minimum limits of One Million Dollars (\$1,000,000) for injury or death for one person in any one occurrence; Two million dollars (\$2,000,000) for injury or death for two or more persons in any one occurrence; and one hundred thousand dollars (\$100,000) for property damage in any one occurrence.
 - b. The following special events shall be exempt from the insurance requirements set forth in this section:
 - i. Political Events;
 - ii. Events sponsored by a religious organization on private property;
 - iii. School events on school property;
 - iv. Events sponsored in whole by the county or a municipality;
 - v. Block parties and family reunions;
 - vi. Events where the County or a Municipality is the primary sponsor.

- c. In consideration for the issuing of a special event permit, the applicant shall agree to indemnify, save harmless and defend the County, its officers, and employees, against any claim for loss, damage, or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the special event.
- d. By issuing a special event permit, San Juan County makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

SECTION V. Application Fees:

- A. Each initial application for a special event permit shall be accompanied by a \$50 non-refundable fee as established by the San Juan County Commission to defray the administrative costs of processing the application. The following special events shall be exempt from the application fee set forth in this section but shall be subject to fees of other agencies or departments:
 - a. Political events;
 - b. School events on school property;
 - c. Events sponsored by a religious organization on private property;
 - d. Non-Profit Political or Governmental Organizations
 - e. Events sponsored in whole by the County or a municipality;
 - f. Block parties and family reunions;
 - g. Revenue-raising events where the revenue flows to the direct benefit of San Juan County government; and
 - h. Events where the County or a Municipality/Chapter is the primary sponsor.
- B. In order to promote, protect and assure the safety and convenience of the people in their use of public roads, public places, and/or private property, the Sheriff's Office shall coordinate the use of professional County Deputies if the special event requires traffic control or Sheriff protection. An additional fee may be charged by the Sheriff's Office to cover the costs incurred. The Sheriff's Office shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as the date and time of the event; the event location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format, and configuration of the event; and the estimated time for the event. The fee charged for traffic control or Sheriff protection shall be paid prior to the issuing of the special event permit.
- C. Additional fees may be charged by the San Juan County Health Department, the San Juan County Fire, licensed EMS providers, or other County agencies for special services, equipment, or facilities provided by these agencies. Such additional fees shall be specified at the time the agency approves the special event permit application and shall be paid directly to the agency prior to the issuing of the special event permit.

SECTION VI. Clean Up Fee Assessed:

- A. To ensure that the properties utilized in the County and Municipalities are restored to their proper order after the event, a fee may be assessed to the event organizer. If upon inspection of the properties after the event, it is the County's determination that additional cleanup is required, the County shall assess a fee for the actual cost of cleanup incurred by the County and municipalities.

SECTION VII. Special Event Permit Issuance or Denial

- A. San Juan County reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, safety, or welfare, or which may result in unreasonable inconvenience or cost to the public.
- B. If an applicant does not comply with the requirements placed upon them through the permitting process, the County reserves the right to deny or revoke any application or permit granted. The County additionally reserves the right to deny any future applications for non-compliance with the terms and conditions of granting a prior special event permit.
- C. A denial of the application for a special event permit may be appealed to the San Juan County Chief Administrative Officer.
- D. Once the Event Holder Application is approved and any concerns addressed, the approved permit will be provided at least five (5) days in advance of the event.

SECTION VIII. Violation and Penalty:

A violation of this ordinance shall be a Class B misdemeanor. The San Juan County Sheriff's Office, in its discretion, may stop an event that has been issued a permit and/or may issue citations where event staff or participants violate other State statutes or County Ordinances, terms or conditions specified in the application, including but not limited to traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.

SECTION IX. Event Levels and Fees:

Event levels are determined based on the degree of County impacts including but not limited to: anticipated attendance, use of amplified sound, transportation and parking, use of public or private property, and admission. Any event may be defined as the following if they meet one or more of the listed criteria in a given category:

- A. Level One Event - \$100.00 Event Fee
 - a. An assembly of fewer than 200 persons; or
 - b. The necessity for rolling road closure.
- B. Level Two Event - \$200.00 Event Fee
 - a. An assembly of between 200 persons and 499 persons; or
 - b. The necessity for rolling a road closure or partial closure.

- C. Level Three Event - \$500.00 Application Fee
 - a. An assembly of more than 500 persons; or
 - b. An assembly occurring on roadways of more than one hundred (100) people for an event that reasonably can be expected to continue for two or more hours; or
 - c. Necessity for full road/street closure.
- D. First Amendment Event – No Application Fee.
 - a. An activity conducted for the purpose of persons expressing their political, social, religious, or other views protected by the First Amendment to the United States Constitution and Article 1, Section 15 of the Utah Constitution, including but not limited to speechmaking, picketing, protesting, marching, demonstrating, or debating public issues on any County Road or other property during the event. 'First Amendment Events' shall not include (a) Solicitations or events that primarily propose a commercial transaction; (b) Rallies, races, parades, or events conducted with motor vehicles or bicycles; (c) Footraces.

SECTION X. Special Events Committee:

- A. Economic Development and Visitor Services Director
- B. Public Health Director
- C. Planning and Zoning Director
- D. Road Department Superintendent
- E. County Sheriff
- F. County Chief Administrative Officer
- G. County Emergency Medical Services

SECTION XI. Effective Date:

This ordinance shall take effect, fifteen (15) days after enactment, and after depositing of a copy in the Clerk/Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

PASSED AND APPROVED on this _____ day of _____ 2022.

Willie Grayeyes, Chair
Board of San Juan County Commissioners

Attest:

Lyman Duncan, County Clerk