

ORDINANCE 1003

AN ORDINANCE ADDING TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON, CHAPTER 12.28 REGARDING SPECIAL EVENTS, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

There is hereby added to the Municipal Code of the Town of Jackson, Wyoming, Chapter 12.28 Special Events, which is to read as follows:

Sections:

- 12.28.010 Purpose**
- 12.28.020 Findings and Intent**
- 12.28.030 Definitions**
- 12.28.040 Special Event Permit—When Required, Exceptions**
- 12.28.050 Permit—Application Procedure—Filing Period**
- 12.28.060 Parking Restrictions or Road Closures for Special Event—Signs**
- 12.28.070 Permit—Conditions of Issuance—Grounds for Denial of Application**
- 12.28.080 Permit—Notice of Rejection**
- 12.28.090 Duties of Permittee**
- 12.28.100 Permit—Revocation Conditions**
- 12.28.110 Penalty**

12.28.010 Purpose

The purpose of this chapter is to provide a process for the issuance of a Special Event Permit from the Town in order to regulate Special Events in or upon public property including streets, alleys, public parks, George Washington Memorial Park, the Town Square, public buildings and sidewalks in the interest of public health, safety and welfare.

12.28.020 Findings and Intent

- A. This chapter is enacted to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.
- B. It is expressly the purpose of this chapter and any procedures adopted hereunder to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be specially protected or benefited by the terms of this chapter or any procedures adopted hereunder.
- C. It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the permittee, and no provision is intended to impose any duty upon the Town, or any of its officers, employees or agents. Nothing contained in this chapter or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the Town, its officers, employees or agents, for any injury or damage resulting from the failure of permittee to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or any procedures adopted hereunder by the Town, its officers, employees or agents.

12.28.030 Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “Alcoholic Beverage” means alcoholic liquor or malt beverage as defined in W.S. § 12-1-101(a)(i), (vii) and (x), or as amended.
- B. “Applicant” means any person or organization seeking a permit from the Town to conduct or sponsor a Special Event governed by this chapter. An applicant must be eighteen (18) years of age or older.
- C. “Catering Permit” for a Special Event means the permit authorizing the sale of alcoholic and malt beverages at a Special Event pursuant to Wyoming State Statutes.

- D. “Expressive activity” shall mean a parade, assembly, meeting or similar gathering conducted for the purpose of exercising free speech activity protected by either the First Amendment to the United States Constitution or the Wyoming Constitution.
- E. “George Washington Memorial Park” means the actual park area within the Town Square.
- F. “Malt Beverage Permit” for a Special Event means the permit authorizing the sale of malt beverages only pursuant to Wyoming State Statutes.
- G. “Permittee” means any person or organization to whom or which has been issued by the Town a Special Event Permit.
- H. “Public Building” is property owned fully or jointly by the Town for a public purpose and is held out to the public and not leased to a third party.
- I. “Public Parks” shall mean a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the Town, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.
- J. “Special Event” means a preplanned single gathering, event or series of related gatherings or events of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature including, but not limited to, any parade, march, protest, demonstration, public ceremony, street fair, art and craft show, carnival, block party, soap box derby, farmer’s market or jubilee day, athletic event, show, exhibition, pageant or procession of any kind, or any similar display, in the Town, including the Town Square.
- K. “Special Event Permit” means a permit as required by this chapter for Special Events in or upon a publicly owned street, alley sidewalk, public building, the Town Square or public park, or that enlists the services of Town personnel.
- L. “Town Square,” is defined to include George Washington Memorial Park and the boardwalk, sidewalk, and streets surrounding the park area.

12.28.040 Special Event Permit—When Required, Exceptions

A Special Event Permit shall be obtained for the following:

- A. Any Special Event in or upon a street, alley, sidewalk, public building or public park.
- B. An event in the Town Square for the purpose of informing, engaging or inviting the public.
- C. To request or enlist the services of Town personnel for a Special Event.
- D. This chapter shall not apply to:
 - 1. Funeral processions or oversize load escorts;
 - 2. Regularly scheduled school events, such as athletic events, which use existing parking, traffic controls and public safety support;
 - 3. The Town of Jackson acting within the scope of its functions, or an event sponsored in whole or in part by the Town;
 - 4. Any section or part of any public park or public building declared closed to the public by the director of the Parks and Recreation Department or designee or the Town Manager or designee and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses, as the Town Manager or designee or the director of the Parks and Recreation Department or designee finds reasonably necessary;
 - 5. Events in public parks managed by the Parks and Recreation Department, with the exception of George Washington Memorial Park, when no services of Town personnel are requested or enlisted or when no exemptions from Town of Jackson Municipal Code are requested, and when the proper applications have been approved by the Parks and Recreation Director or designee;
 - 6. When police services are enlisted or requested for private events when a Special Event Permit is not otherwise required and when the proper applications have been approved by the Chief of Police or designee;
 - 7. When START services are enlisted or requested for events when a Special Event Permit is not otherwise required and when no other services of Town personnel are enlisted or requested, when no exemptions from Town of Jackson Municipal Code are requested, and when the proper applications have been approved by the START Board or designee; or
 - 8. Events held at the Fair Grounds and approved by the Fair Board, when no services of Town personnel are requested or enlisted or when no exemptions from Town of Jackson Municipal Code are requested.

12.28.050 Permit—Application Procedure—Filing Period

- A. A person or organization seeking a Special Event Permit in or upon a street, alley, sidewalk, public building or a public park shall file an application with the Town Clerk on forms prepared by the Town Manager or designee. The forms provided by the Town Clerk shall require information reasonably necessary to make a fair determination as to whether a Special Event Permit should be issued.

- B. Special Event applications shall be filed with the Town Clerk at least twenty-one (21) days prior to the date that a Special Event is proposed to be conducted. The Town Clerk shall determine if the application is complete or requires Town Council approval.
 - 1. Applications requesting Town Council exemption from Town of Jackson Municipal Code 6.40.050 prohibiting the consumption of alcoholic beverages in George Washington Memorial Park shall not be accepted or processed by the Town Clerk.
 - 2. Any application filed less than twenty one (21) days before the date such Special Event is proposed to be conducted shall be subject to any conditions or restrictions deemed necessary by Town Council, or the Town Manager or designee. Such conditions or restrictions may be placed on the application prior to or after Town Council approval until such time the application and any other application associated with the Special Event may be fully reviewed by all Town Departments, Teton County Fire Department, Parks and Recreation Department and Pathways Department and/ other agencies.
- C. The Town Council shall approve or deny all Special Event applications and related additional permits or applications, which are filed less than twenty one (21) days before the date such Special Event permit is proposed to be conducted.
- D. If the applicant's event constitutes expressive activity within the meaning of this chapter, or the applicant asserts that the proposed event constitutes expressive activity within the meaning of this chapter, application shall be subject to the review of the Town Attorney.
- E. Once a Special Event application is complete, the Town Clerk shall circulate and refer the application to all Town departments, Teton County Fire Department, Parks and Recreation Department and Pathways Department for their comments, suggestions for conditions of approval and estimate of fees for services of Town personnel as a condition of approval for the Special Event.
- F. There shall be no fee for the issuance of a Special Event Permit, although a fee may be required for any additional permit or use of Town services or personnel in association with a Special Event as set forth herein.
- G. Additional permits or applications may be required for submission with a Special Event Application, including but not limited to:
 - 1. A Malt Beverage or Catering Permit pursuant to Wyoming State Statutes if seeking to sell alcoholic beverages at a Special Events. All sales of alcoholic beverages shall be in compliance with Title 6 of Town of Jackson Municipal Code and Chapter 12 of Wyoming State Statute.
 - 2. A Sign Permit if temporary signs will be utilized. All signs shall be in accordance with Division 4600 of the Land Development Regulations.
 - 3. A Temporary or Transient Merchant and Exposition License applications if goods will be sold at the Special Event. All sales of goods shall be in compliance with Title 5 of this Municipal Code with the exception of Sponsorship listed in 12.28.050(K) of this section:
 - 4. A Noise Permit application if excessive noise as defined in Chapter 9.44 of the Town of Jackson Municipal Code will occur at the Special Event.
- H. Permission and/or permits may also be required from other State or local organizations, including but not limited to the following:
 - 1. Wyoming Department of Transportation permit (e.g. to close any state highway);
 - 2. Teton County Fire Department (e.g. fireworks permit; tents);
 - 3. Teton County Parks and Recreation Department (e.g. use of equipment);
 - 4. Teton County Health Department (e.g., temporary food service permit);
 - 5. Teton County Pathways Department;
 - 6. Teton County Fair board (e.g. Special Events during fair);
 - 7. Town Public Works/Engineering Department (if event will substantially interfere with any construction or maintenance work scheduled to take place upon, on in, through or under Town streets, alleys, parks, right-of-way, etc.)
 - 8. START Bus (e.g. if request requires public transportation service to Special Event or will interfere with a START Bus route).
- I. Insurance: An insurance certificate naming the Town of Jackson as an additional insured including its Officers, Officials, Employees, and Volunteers and stating that coverage is primary and non-contributory is required for every Special Event. Insurance limits must be at least \$1,000,000/occurrence and \$1,000,000 aggregate. The additional insured language on the certificate may not include any limitations or exclusions. The policy shall include general liability insurance protecting against liability for bodily injury, death, and property damage in an amount not less than \$1,000,000 each occurrence. The Town Manager, or designee, or Town Attorney, may require additional insurance requirements to be met by the applicant when deemed necessary. Associated Catering and/or Malt Beverage permits for Special Events are required to include liquor liability insurance.

- J. Sponsorship. The Town Council may approve the sale of goods, products and/or services, food or alcohol by for-profit vendors or applicants during a Special Event that is on public property or in a public park provided that Special Event is sponsored by a non-profit organization. The applicant shall submit to the Town Clerk with the Special Event Application a letter from the non-profit sponsor which describes in detail the direct benefit the non-profit sponsor will receive as a result of the Special Event, financial or otherwise.

12.28.060 Parking Restrictions or Road Closures for Special Event—Signs

A Special Event application shall include requests for special parking restrictions or road closures in connection with a Special Event. Town Council, the Town Manager or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, highway or an alley, or any part thereof constituting a part of the Special Event, unless such is in the WYDOT right-of-way in which case a WYDOT permit will be required. The Town Manager or designee shall have signs posted regarding the prohibition or restrictions approved. All roads closed for and during a Special Event shall maintain a clear and unobstructed width of twenty (20) feet to allow for emergency vehicle traffic.

12.28.070 Permit—Conditions of Issuance—Grounds for Denial of Application

- A. The Town Council may approve or deny a Special Event application partially or in its entirety for events as provided for under this chapter unless the Town Council finds, from a consideration of the application and from such other information and recommendations and/or conditions obtained from the Town police department, Town fire department, planning department, Town Attorney, Town administration and Town public works, that:
1. The conduct of the Special Event Permit will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 2. The conduct of the Special Event will require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town;
 3. The conduct of such Special Event will require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of movement and the areas contiguous thereto;
 4. The concentration of persons, animals and vehicles at assembly points of the Special Event in or upon a street, alley, sidewalk, public building or public park will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
 5. The conduct of such Special Event will interfere with the movement of firefighting equipment in route to a fire;
 6. The size, nature or location of the Special Event is reasonably likely to cause a clear and present danger of injury to persons and property;
 7. Information contained in the application for a Special Event Permit or any other permit associated with the Special Event or supplemental information requested from the applicant, is found to be false in a material detail;
 8. The applicant fails to complete the application form or fails to submit insurance that meets the requirements of 12.28.050(I) of this chapter after having been notified of the additional information or documents required;
 9. Another Special Event Permit has been received prior in time or has already been approved for the same time and place requested by the applicant or so close in time and place to that requested by the applicant that the issuance of both permits would cause undue traffic or parking congestion or cause the police or fire departments to be unable to meet the needs for police or fire services for both events;
 10. The location of the Special Event will substantially interfere with Town operations, or any construction or maintenance work scheduled to take place upon Town streets, right-of-way, alleys, parks or Town property;
 11. The Special Event will violate a Town ordinance or Wyoming state statute; or
- B. An applicant for a Special Event Permit and any other permit application associated with a Special Event desiring to accept the modified Special Event Permit or any other permit associated with a Special Event shall, after receiving notice of the action of the Town Council, file a written notice of acceptance with the Town Clerk or designee prior to the event. The modified Special Event Permit shall conform to the requirements of, and shall have the effect of, a Special Event Permit and any other permit associated with the Special Event Permit under this chapter.
- C. The Town Council may condition or restrict the issuance of a Special Event Permit or any other permit associated with a Special Event by imposing reasonable requirements

concerning the time, place and route of the event and such requirements as are necessary to protect the health, safety or welfare of persons and property and control of traffic.

- D. The applicant will be notified upon approval of the Special Event including any conditions or restrictions to the application.

12.28.080 Permit—Notice of Rejection

If the Town Council disapproves the application for failure to meet the conditions as outlined in Section 12.28.060 of this chapter, the Town Clerk shall state in writing the reason for the recommendation of denial or stipulate additional conditions.

12.28.090 Duties of Permittee

- A. A permittee under this chapter shall comply with all terms, directions and conditions of the Special Event Permit or any other permits in association with the Special Event and with all applicable laws and ordinances.
- B. The permittee shall ensure that the person in charge of the Special Event is familiar with all the provisions of the Special Event Permit and carries the Special Event Permit and any applicable permits in association with the event upon his or her person during the duration of the Special Event.
- C. The permittee may be required to have sufficient volunteers to assist with requests such as traffic control posts, information officers, or other responsibilities in connection with a Special Event.

12.28.100 Permit—Revocation Conditions

The Town Manager or designee shall have the authority at any time to, in writing, revoke or terminate a Special Event Permit or any other permit(s) associated with a Special Event issued under this chapter upon violation of the standards for issuance as set forth in this chapter and/or conditions placed on the issuance of the Special Event Permit or any other permit(s) in association with the Special Event, or any chapter of the Town of Jackson Municipal Code or Land Development Regulations, or if the continuation of the Special Event presents a clear and present danger to the participants or the public.

12.28.110 Penalty

Any individual violating any of the provisions of this ordinance shall, upon conviction thereof, be punishable as provided in Section 1.12.010 of the Jackson Municipal Code.

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clauses, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinances.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE 2ND DAY OF APRIL, 2012

PASSED 2ND READING THE 16TH DAY OF APRIL, 2012

PASSED AND APPROVED THIS 18TH DAY OF APRIL, 2012