

Falcon Heights Planning Commission Workshop

**City Hall
2077 W Larpenteur Ave.
7:00 p.m.**

**AGENDA
January 22, 2013**

**Due to postponement of formal action items,
this meeting is canceled.**

**WORKSHOP AGENDA
7:00 p.m.**

This workshop is open to the public.

1. **Workshop: Special Event Ordinance**

The Commission will review the draft ordinance provided by the City Attorney to determine readiness for a public hearing.

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	January 22, 2013
Agenda Item	Workshop
Title	Special Event Ordinance (Continued)
Submitted By	Deborah Jones, Staff Liaison

Description	The Commission will review the draft of a special event ordinance provided by the city attorney.
Background	<p>In 2012, at the request of the City Council, the Planning Commission studied the possibility of creating an ordinance to allow certain events by special permit. Stout's Pub, Dino's and the Coffee Grounds were represented at a September 25 workshop, when they outlined their event ideas and proposals in detail for the Commission. Based on this input, the Commission's study of other city ordinances and discussion over multiple workshops, the Commission requested a draft for an ordinance from the City Attorney.</p> <p>If substantial revision is not required, the Commission's plan is take input from the public at a hearing on this ordinance in February. This should allow time for the Commission and Council action and implementation of a permitting process before the summer season.</p>
Budget Impact	None at this time
Attachment(s)	<ul style="list-style-type: none"> • Draft special event ordinance • Staff recommends that Commissioners bring for reference the materials that have been distributed in 2012 workshop packets on this topic for reference, especially the preliminary draft from November and model ordinances provided earlier for study. Please let staff know if new paper copies are needed.
Action(s) Requested	Review the draft ordinance for errors and omissions. Confirm plan for February hearing.

ORDINANCE NO. ____

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113 OF THE
CITY CODE CONCERNING SPECIAL EVENTS**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Section 113-3 of the Falcon Heights City Code is amended by adding the following definitions:

APPLICANT means any individual, partnership, corporation, association, society or group seeking and/or receiving a special event permit from the City.

OUTDOOR means activity conducted outside of a permanent structure or building.

PERSON means any person, association, partnership, firm, business trust, corporation or company.

SPECIAL EVENT means any temporary, outdoor privately-sponsored event open to the general public and held on privately owned property except:

- (1) Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium;
- (2) Any event conducted on the campus of the University of Minnesota or the grounds of the Minnesota State Fair;
- (3) Special events or activities sponsored by the City;
- (4) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, wedding receptions, funerals and funeral processions;
- (5) Garage sales and residential boutique sales as regulated in Section 113-174;
- (6) Block parties and neighborhood meetings;
- (7) Any event attended by fewer than 200 persons at one time which does not require any Special Services and does not involve the sale of alcohol;

- (8) Any event that is otherwise regulated by the City through the use of another regulatory manner, such as an interim use permit or conditional use permit; and
- (9) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

SPECIAL SERVICES means the exclusive allocation of City resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by City staff in order to maintain public safety. Special Services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection; stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of City streets as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any City building, equipment or other property for any purpose other than the normal daily operations of the City; or the City otherwise providing exclusive services.

SECTION 2. Chapter 113 of the Falcon Heights City Code is amended by adding Article VI, Division 4 to provide as follows:

DIVISION 4 SPECIAL EVENTS

113-400 PURPOSE AND INTENT.

The purpose of this Division is to promote the orderly, compatible and safe use of property for special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, peace and tranquility of residential neighborhoods and safety services.

113-401 PERMIT REQUIRED.

No person on or after the effective date of this Division shall conduct or allow to be conducted any special event as defined in this Division without first obtaining a special event permit. No special event may be scheduled during the Minnesota State Fair or for one week prior and one week following the Minnesota State Fair.

113-402 PERMIT STANDARDS.

The following standards shall apply to all special events:

- (1) Maximum Number of People. The permittee shall not sell tickets to nor permit attendance at the permit location of more than the maximum number of people stated in the special event permit.
- (2) Sound Equipment. Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of the citizens of Falcon Heights
- (3) Sanitary Facilities. In accordance with Minnesota State Board of Health regulations and standards, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of person expected to attend the event.
- (4) Security. The permittee shall employ at his or her own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless the City's Police Chief is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.
- (5) Food Service. If food service is available on the premises, it shall be offered only by a holder of a retail food handler's license issued by Ramsey County Health Department.
- (6) Fire Protection. The permittee shall, at his or her own expense, take adequate steps to insure fire protection as determined by the City Fire Chief.
- (7) Duration of Special Event. Special events are allowed only on the days and hours specified on the permit. Special events must end by 9:00 p.m. and may not commence before 7 a.m. All structures, equipment, displays and refuse must be removed within twenty-four (24) hours of the end time and date specified on the permit. An event may not exceed two (2) consecutive calendar days and not more than one (1) special event is allowed on a property at a time. There shall be no more than three (3) special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one (1) special event per year. Multi-tenant buildings with less than five (5) lease-spaces shall be considered as a single property for purposes of this provision. Setting up for the event may commence not more than twenty-four (24) hours before the time and date specified on the permit.

- (8) Cleanup Plan. The special event applicant is responsible for clean up. Any clean up required by the City may be charged to the applicant. Any City service that requires overtime will be at the expense of the applicant.
- (9) Accessory use. The special event must be accessory to or promoting the established permitted or conditional use of the site.
- (10) Structures. Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the City Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- (11) Parking. The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the City Administrator, who shall consider the nature of the event and the applicable parking requirements of Article VI, Division 2 of this Chapter. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Police Chief, at the petitioner's expense. If off-street parking on private property not owned by the applicant is to be used for the event, written approval from that property's owner must be submitted with the permit application.
- (12) Signage. Signage related to the special event shall be in compliance with the temporary sign standards of Article VII of this Chapter and shall be allowed for the duration of the event. The City Administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.
- (13) Display of Permit. The approved permit shall be displayed on the premises for the duration of the event.
- (14) Waiver. The City Administrator may grant a waiver from the requirements of this Division in any particular case where the applicant can show that strict compliance with this Division would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this Division unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.
- (15) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance and property damage insurance with limits determined by the

City Administrator. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the City Clerk in writing at least ten (10) days before the expiration or cancellation of the insurance.

- (16) Miscellaneous. Prior to the issuance of a permit, the City Administrator may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons attendant or of the citizens of the City of Falcon Heights.

113-403 APPLICATION PROCEDURES.

A written application for a special event permit shall be filed on forms provided by the City with the City Clerk not less than thirty (30) days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or parties conducting the event and shall be accompanied by the fee payable hereunder. Upon submission of an application for a special event permit, City Staff will review the request and advise the applicant of the need for additional information, if any.

113-404 FEES.

The fee for a special event license shall be as established by the City Council.

113-405 GRANTING A PERMIT.

Permits shall be issued by the City Administrator if the Administrator determines the requirements of this Division have been met. If the City Administrator determines the activity does not meet these criteria, such application shall be denied.

113-406 DENIAL OF PERMIT.

If the City Administrator denies the permit, the permit applicant may appeal the decision to the City Council by filing a notice of appeal with the City Clerk within ten (10) days.

113-407 TRANSFERABILITY.

No permit granted under this Division shall be transferred to any other person or place without consent of the City Administrator, upon written application made therefore.

113-408 ENFORCEMENT AND PENALTIES.

- (a) The Police Department and other such officers, employees, or agents as the City Council or City Administrator may designate, shall enforce the provisions of this Division.

(b) The holding of a special event in violation of any provision of this Division shall be deemed a public nuisance and may be abated as such.

(c) Any person violating any provision of this Division is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

113-409 REVOCATION OF PERMIT.

The permit for a special event may be revoked by the City Administrator for failure to comply with the provisions of this Division and conditions of the permit. The revocation may be appealed to the City Council by filing a written notice of appeal within ten (10) days of the revocation with the City Clerk.

ADOPTED this _____ day of _____, 2013, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk