

RECORD OF ORDINANCES

Ordinance No. 2021-7

June 14, 2021

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2021-7

AN ORDINANCE REPEALING OLD SECTION 412.07, “SPECIAL EVENTS” OF THE BELLBROOK MUNICIPAL CODE AND ENACTING A NEW SECTION 412.07 “SPECIAL EVENTS” OF THE BELLBROOK MUNICIPAL CODE.

WHEREAS, the Bellbrook Municipal Code includes Section 412.07 “Special Events,” which establishes procedures and outlines regulations for special events of a temporary nature in the City of Bellbrook; and

WHEREAS, the old Section 412.07 “Special Events” addressed special events held on public property and special events held on private property open to the public; and

WHEREAS, City Staff recommends revisions to Section 412.07 to remove provisions related to special events conducted on private property and to provide revised regulations concerning special events held on public property.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The old Section 412.07 “Special Events” of the Bellbrook Municipal Code is hereby repealed.

Section 2. A new Section 412.07 “Special Events” of the Bellbrook Municipal Code is hereby enacted as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~strike through~~ and additions by *italics* and underlined.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2021.

Michael W. Schweller, Mayor

ATTEST:

Pamela Timmons, Clerk of Council

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APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

EXHIBIT A

Sec. 412.07. - Special events.

(a) *Purpose of chapter.* The purpose of this chapter is to make provision for special events of a temporary nature which ~~may be~~ are held on ~~City-owned~~ public property within the Municipality and open to the general public, regardless of the zoning provisions generally applicable to such property. Any such special events shall be subject to the requirements of this chapter.

(b) *Definitions.* As used in this chapter:

~~City facilities~~ shall mean ~~City-owned parking lots, and City-owned buildings.~~

City Manager shall mean the City Manager or the Manager's designee.

~~City facilities~~ Public property shall mean City-owned parking lots, ~~and~~ City-owned buildings, parks, public school property, and any public right-of-way including but not limited to streets, sidewalks, and waterways.

Temporary special event shall mean any outdoor activity or series of outdoor activities open to the public specific to an identifiable time and place. ~~that are most often produced in conjunction with community organizations.~~ Temporary special events may be held on City-owned property; or events on public-private property ~~open to the public~~ regardless of zoning restrictions applicable to the property. Temporary special events include, but are not limited to, one or more of the following activities characteristics:

1) Any activity ~~involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity~~ such as a festival, fair, carnival/circus, ~~sports event, hobby/trade show, art/craft show, car show, public dance, parade, convention, concert or performance;~~

2) Any activity that may substantially increase or disrupt the normal flow of traffic on any sidewalk, street, or highway;

3) Any activity which involves the use of ~~City facilities~~ any public property situated in the City;

4) Any activity which ~~involves~~ requires the use of City services that would not otherwise be necessary in the absence of such an event; or

5) Any activity which includes ~~mobile food vehicles as part of the event.~~ For the purposes of this Code, a garage sale or other similar function that is contained solely on private property, shall not be considered a special event.

Temporary structures shall mean structures that include, but are not limited to, stages, tents, food trucks, booths, seating areas and portable restrooms.

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(c) *Permit required.* No person or entity shall hold a temporary special event within the City of Bellbrook without a permit issued by the City Manager as required by this chapter.

(d) *Applications.*

(1) Any person, entity, or organization wanting to hold a temporary special event shall submit an application for a Special Event application Permit with the requisite application fee, and proof of insurance, and all other application materials required by this section to the City Manager no later than 30 days prior to the date of the requested event.

(a) Within 14 days of receiving a completed application with all required supporting documents and fees as outlined in this section, the City Manager shall either approve or deny the application. If the application is denied, the City Manager shall, in writing, state why the application was denied.

(2) A twenty-five dollar (\$25.00) non-refundable application fee is due at the time of application.

(3) Each application shall describe the type of event, the location, the proposed activity and the number of days on which it is to be held. ~~Each applicant shall provide a letter of permission from the owner of the property on which the temporary special event is to be held.~~

(4) ~~Each application shall contain a description of the number and types of display units and/or temporary structures proposed in connection with the temporary special event.~~ A site plan showing the proposed layout and number of any temporary structures must be included.

(5) Each application shall set forth any potential parking or traffic flow problems and the proposed resolution of the same.

(6) If the event is to include the sale of alcohol, the requisite Temporary Permit must be obtained from the Ohio Department of Commerce, Division of Liquor Control in advance of the Special Event. When the Temporary Permit is received by the event organizer, a copy of the Temporary Permit must be delivered to the City of Bellbrook. It is the organizer's responsibility to ensure that alcoholic beverages will not be carried into public areas where underage citizens are present and to ensure that the event is in full compliance with all state and local laws and regulations concerning the sale and use of alcoholic beverages.

(7) Any activity not expressly stated in an approved application shall be prohibited.

(8) All application fees and materials required by this section must be submitted contemporaneously to the City Manager. The City Manager will not consider any incomplete applications for a Special Event Permit.

(e) *Conflicts with previously scheduled events.* Each temporary special event date will be considered for approval on a first-come, first served basis, based on the date the application was submitted to the City Manager. No temporary special event will be permitted which would conflict with other civic or special events located in the same area, whether previously authorized by the City Manager or by other appropriate authorities. The application must include all required supporting materials, fees and insurance requirements before the City Manager will approve the requested event.

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(f) *Liability insurance.*

- (1) Each applicant for a temporary Special Event Permit shall provide proof of general liability insurance, in an amount not less than one million dollars (\$1,000,000.00), which shall indemnify and save harmless the City from any and all judgments, costs or expenses which the City may incur or suffer by permitting the temporary special event. The Certificate of General Liability Insurance must establish that the City is an additional insured. Additional insurance is required for fireworks and pyrotechnics.
- (2) The applicant also agrees and promises to defend, indemnify, and hold harmless the City of Bellbrook, Ohio, its officers, agents, employees, and volunteers from and against any liability for any equipment or supplies lost, stolen, or damaged that are stored or otherwise as a result of or in connection to this event.
- (3) The following language must be on the Certificate of General Liability insurance:

The following are additional insureds: the City of Bellbrook, Ohio and its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members, including employees, agents and volunteers thereof. Coverage shall be primary to the additional insureds and not contributing with any other insurance or similar protection available to the additional insureds whether other available coverage be primary, contributing or excess.

(g) *Regularly occurring events.* Special events that will be occurring regularly, such as seasonal fairs or farmers markets, shall only be required to submit one application for a Special Event Permit per calendar year. Any Special Event Permit granted for any regularly occurring event is only applicable to the specific type of regularly occurring event described in the application.

(h) *Sidewalk obstructions.* Any proposed sidewalk obstructions for a temporary special event shall ~~not be permitted without expressed permission from the City~~ be specifically outlined in the application with an alternate route for pedestrians of all abilities. The City Manager may deny any application for a Special Event Permit that unreasonably restricts or interferes with pedestrian traffic flow.

(i) *City services.* The City shall invoice the applicant for City services provided to temporary special events at rates set by the City Manager. The City Manager or the Manager's designee reserves the right to determine the services and levels of services provided to any event.

(j) *Permits, licenses, inspections.* The applicant is responsible for obtaining all permits, licenses and/or inspections required by local, county and/or state laws and regulations ~~outside agencies and organizations.~~

(k) *Mobile food vehicles.* An applicant that plans to use mobile food vehicles must have all applicable permits/licenses as required by the Greene County Health Department.

(l) *Signage.* Special events are eligible to post event-related signage in the public right-of-way. To apply, the event sponsor must provide the desired sign placement locations via a map, number of signs desired and the sign's size to the City Manager or his or her designee. The City reserves the right to further limit the number of special event signs based on other event signage requests or other extenuating circumstances.

- (1) *Placement and size.* A maximum of four off-site signs are permitted to be installed for the approved event in the public right-of-way. Off-site signage requires a site plan showing

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where the signs are proposed to go. Each off-site sign shall not exceed 32 square feet in overall sign area and six feet in overall height. In situations where the timing of approved special events overlap, the City reserves the right, at its sole discretion, to reduce the number of off-site signs allocated to each event in order to accommodate the signage needs of multiple events to the extent practical. Regardless of any limitation or reallocation of signage, the total number of sign positions will not exceed the maximum of four as outlined above. Only City Staff are permitted to install approved off-site signage in the City's right-of-way. Off-site signage, as approved via the Special Event Permit, shall be exempt from all signage requirements of set forth in the Bellbrook Zoning Code. All signage must be kept in good repair. Signage may not be installed by the event sponsor within the public right-of-way, on lampposts, utility poles, traffic signage, any location where the view of vehicle traffic would be obstructed, or on any private property without the private property owner's express, written consent.

- (2) Timeframe of signage. Temporary special event signage approved by the City Manager consistent with this section with this application, are permitted to may be placed up to 14 days before the proposed single occurrence event and must be taken down no later than ~~three~~ 3 days after the event's end. Signage for regular occurring events shall be approved by the City Manager on a case-by-case basis.
- (3) Signage without permit. All signage erected without first obtaining the Special Event Permit and approval of the City Manager are illegal and subject to removal.

(m) Additional conditions or requirements. The City Manager reserves the right with respect to all temporary special events to establish such additional conditions or requirements as the Manager, in his/her discretion, deems advisable. Any temporary special event or private event that does not comply with ~~abide by~~ the regulations set forth in this chapter or any other requirements established by the City Manager is subject to immediate cancellation by the City Manager.

(n) Penalty.

- (1) Whoever violates any of the provisions of this chapter shall be fined not more than two hundred fifty one hundred dollars (\$~~250~~100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (2) It is the event organization's responsibility to clean up debris left over from the event and to leave the public property in the same manner and condition in which it was found prior to the special event. Failure to clean up following the event will result in a five hundred dollar (\$500.00) clean-up fee being ~~sent to~~ assessed against the person and/or organization responsible for the event or the actual cost of any necessary repairs and clean up, whichever is higher.
- (3) Organizers who have committed violations of this ordinance may not be eligible for approval of future Special Event Permits.

(o) Exceptions. The following shall be considered exempt from the requirements of this section:

- (1) Events held on public property and sponsored by the City of Bellbrook
- (2) Events held on public property and sponsored by the Bellbrook Sugarcreek Parks District
- (3) Events held on public property and sponsored by the Bellbrook Sugarcreek School District

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(4) Sidewalk sales related to the abutting permitted principal business so long as the sales do not obstruct the flow of pedestrian traffic and are otherwise in compliance with all state and local laws.