

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

City of Bellbrook

Ordinance No. 2019-16

An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of Bellbrook, Ohio.

WHEREAS, the City of Bellbrook has conducted an assessment of its downtown area and within that assessment outlined the importance of special events as they can help to cultivate a stronger identity; and

WHEREAS, the City of Bellbrook wishes to collaborate in establishing more frequent special events in order to continue to build a stronger community; and

WHEREAS, the City of Bellbrook wishes to establish general procedures for the regulation of said current and future special events within the City.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following addition of Section 412.07 “Special Events” of the Codified Ordinances of the City of Bellbrook be approved:

SECTION 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 held on City-owned property within the Municipality 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:

- 1) “Temporary Special Event” shall mean 1) 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 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 characteristics: 1) Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity such as a festival, carnival/circus, sports event, trade show, craft show, car show, public dance, concert or performance; 2) Any activity that may substantially increase or disrupt the normal flow of traffic on any street or highway; 3) Any activity which involves the use of City facilities; 4) Any activity which involves the use of City services that would not be necessary in the absence of such an event; or 5) Any activity which includes mobile food vehicles as part of the event.

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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.

- 2) "City Facilities" shall mean City-owned parking lots and City-owned buildings.
- 3) "City Manager" shall mean the City Manager or the Manager's designee.

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 wanting to hold a Temporary Special Event shall submit a Special Event Application with the requisite fee and proof of insurance required by this Section to the City Manager no later than thirty (30) days prior to the date of the requested event.
 - a. Within fourteen (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 \$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 temporary structures must be included.
- 5) Each application shall set forth any potential parking problems and the proposed resolution of the same.
- 6) Any activity not expressly stated in an approved application shall be prohibited.

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, 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 shall provide proof of general liability insurance, in an amount not less than one million dollars (\$1,000,000), 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 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 Special Event Permit per calendar year.

H. SIDEWALK OBSTRUCTIONS.

Any proposed sidewalk obstructions for a Temporary Special Event shall not be permitted without expressed permission from the City.

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 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.

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L. SIGNAGE.

Special events are eligible to post event-related signage in the 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 4 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 where the signs are proposed to go. Each off-site sign shall not exceed 32 square feet in overall sign area and 6 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 4 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 requirements of 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 private property.
- 2) **TIMEFRAME OF SIGNAGE** – Signs approved with this application, are permitted to be placed up to 14 days before the proposed event and must be taken down no later than 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) **SIGNS WITHOUT PERMIT** – All signage erected without first obtaining the Special Event Permit 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 abide by the regulations set forth in this Chapter or 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 one hundred dollars (\$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. Failure to clean up following the event will result in a \$500 clean-up fee being sent to the person and/or organization responsible for the event.

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Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 14 day of October, 2019.



Michael W. Schweller, Mayor



Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney



CITY OF BELLBROOK

SPECIAL EVENT PERMIT

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

APPLICANT INFORMATION

NAME OF APPLICANT _____ CONTACT PERSON _____

NAME OF ORGANIZATION _____ PHONE NUMBER _____

NAME OF EVENT _____ EMAIL _____

EVENT INFORMATION

TYPE OF EVENT BLOCK PARTY PARADE BIKE/WALK/RUN OTHER ALCOHOL SERVED: YES NO

IF EVENT IS "OTHER" STATE THE TYPE OF EVENT _____

BRIEF DESCRIPTION OF THE EVENT AND ANY SPECIAL PUBLIC SAFETY OR CITY SERVICES NEEDED _____

DATE(S) OF THE EVENT _____ TIME OF THE EVENT _____

STREETS OR PUBLIC AREAS REQUESTING TO CLOSE: _____

PLEASE HIGHLIGHT/MARK THE EVENT AREA OR EVENT ROUTE ON A MAP

WILL SIGNS BE PLACED IN THE RIGHT-OF-WAY? YES _____ NO _____

IF YES, PROVIDE A MAP DETAILING WHERE THE SIGNS WILL BE PLACED AND THE SIZE OF THE SIGNS.

ADDITIONAL INFORMATION

HOLD HARMLESS: THE PERMITTEE WILL HOLD HARMLESS AND INDEMNIFY THE CITY OF BELLBROOK, ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS FROM ANY DAMAGES WHICH MAY ARISE AS A RESULT OF THE CONDUCT OF THE PARADE OR ASSEMBLY FOR WHICH THE PERMIT IS SOUGHT BY PERSONS WHO WERE OR REASONABLY SHOULD HAVE BEEN UNDER THE CONTROL OF THE PERMITTEE.

PRIOR TO THE BEGINNING OF THE EVENT, IT IS IMPORTANT THAT ALL PARTICIPANTS BE ADVISED TO OBEY PEDESTRIAN REGULATIONS AND CROSS ONLY AT INTERSECTIONS OR AS DIRECTED BY THE POLICE.

YOUR ORGANIZATION WILL HAVE TO ARRANGE FOR PAYMENT FOR THE USE OF SERVICES (WATER, ELECTRIC, TRASH PICK-UP) WHETHER PROVIDED BY A PRIVATE OWNER OR PUBLIC ENTITY. EXTRAORDINARY PUBLIC SAFETY SERVICES (EXCESSIVE OVERTIME) MAY ALSO NEED TO BE PAID FOR AT THE DETERMINATION OF THE CITY MANAGER.

IT IS THE EVENT ORGANIZATION'S RESPONSIBILITY TO CLEAN UP DEBRIS LEFT OVER FROM THE EVENT. FAILURE TO CLEAN UP FOLLOWING THE EVENT WILL REST IN A \$500 CLEAN-UP FEE BEING SENT TO THE PERSON AND/OR ORGANIZATION RESPONSIBLE FOR THE EVENT.

APPLICANT SIGNATURE _____ DATE ____/____/____

FAILURE TO PROVIDE A CERTIFICATE OF INSURANCE VOIDS AN OTHERWISE APPROVED EVENT PERMIT.

DATE CERTIFICATE OF INSURANCE RECEIVED BY THE CITY: _____

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	PERMIT NUMBER
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	_____
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	