

CITY OF BELLEVUE

ORDINANCE 2021-07-02

AN ORDINANCE ESTABLISHING GUIDELINES FOR SPECIAL EVENTS WITHIN THE CITY OF BELLEVUE.

WHEREAS, there are numerous special events in Bellevue each year involving the use of public space such as parks, streets, sidewalks and alleys; and

WHEREAS, it is in the best interest of the City of Bellevue to provide guidelines for special events so that safe and orderly measures are undertaken to plan for special events.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF BELLEVUE, KENTUCKY, AS FOLLOWS:

Section 1

An ordinance to be codified Section 42 Special Events is hereby created as follows:

CHAPTER 42: SPECIAL EVENTS

Section

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GENERAL PROVISIONS

§ 42.01 Purpose.

It is the purpose of this ordinance to provide guidelines for the issuance of special event permits to regulate events on or impacting the public right-of-way including, but not limited to streets, sidewalks, alleys or parks in the City of Bellevue in the interest of public health, safety and welfare.

§ 42.02 Definitions.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

“Applicant.” A person who has filed a written application for a special event permit.

“City.” The City of Bellevue, Kentucky.

“Special Event.” Any festival, ceremony, sale, show, demonstration, concert, race, exhibition, outdoor temporary gathering or similar event, in or on or having substantial impact on any public street, public park, or other public place in the city.

SPECIAL EVENT PERMITTING

§ 42.03 Permit Required.

It shall be unlawful for any person to hold a special event, sponsor a special event or cause a special event to be held without obtaining a special event permit from the City of Bellevue.

A special event involves a gathering or organized activity, including but not limited to, parades, bike races, marathons, walkathons, running events, firework displays, concerts, carnivals, other types of races and festivals, first amendment events, or any other events that involves one or more of the following activities:

- (A) Closing a public street.
- (B) Blocking or restricted City-owned property.
- (C) Blocking or restricting usual and customary use of/or access to City streets, sidewalks, parks or rights-of-way.
- (D) Blocking or restricting access to or limiting the use of City parks.
- (E) Sale of merchandise, food or beverages on City-owned property.
- (F) Erection of a tent on City-owned property.
- (G) Installation of a stage, band-shell, trailer, van, portable building, grand stand or bleachers on City-owned property or exclusive owned use of existing facilities.
- (H) Placement of temporary parking signs on City-owned property.
- (I) Placement of pedestrian boundary markers on City-owned property.
- (J) Hosting a special event on private property that has a substantial impact on any public street, public park, or other public place in the City.

§ 42.04 Standards for Issuants of a Special Events Permit.

A special event permit may be issued by the City Administrator, or his designee, if the following standards are met:

- (A) The special event will not substantially interrupt the safe and orderly movement of traffic or pedestrians near its location or route.
- (B) The special event will not require the use of public safety officials as to prevent adequate public safety requirements for the remainder of the City.
- (C) The concentration of people, objects, animals, and vehicles at assembly areas will not unduly interfere with proper fire and police protection or ambulance service.
- (D) Other licenses and permits, restrictions, regulations, fees for City services, safeguards or other conditions deemed necessary by individual City departments or other government offices for the safe and orderly conduct of a special event are requested, submitted and approved (i.e., health permits).

§ 42.05 Special Event Application Procedure.

Any person or entity desiring to host a special event shall obtain a special event permit from the City. The following procedures shall be followed:

- (A) A special event application shall be submitted to the City Clerk's office.
- (B) A special event permit application shall be completed and submitted to the City administrator not later than 30 days prior to the proposed event.
- (C) The following information shall be provided by the applicant:
 - 1. A general description of the event.
 - 2. Proposed date of the event.
 - 3. Location.
 - 4. Route, if applicable.
 - 5. Hours of operation.
 - 6. Schedule of events.
 - 7. Estimated attendants.
 - 8. Special facility requirements.
 - 9. Whether food, alcoholic beverages will be served.
 - 10. Other information as the City deems reasonably appropriate to determine that the permit meets the requirements of this ordinance.
- (D) An issued special event permit may include, among other provisions, reasonable terms and conditions as to the time, place and manner of the event; compliance of health and safety regulations, emergency services and security.

§ 42.06 Permit Required; Exceptions.

- (A) A special event permit allows a person or organization to host the special event. Additional permits, licenses, taxes, and costs may be applicable to the special event.
- (B) It shall be unlawful for any person to aid, stage, present, or conduct any special event without first obtaining a special event permit from the City.

- (C) It shall be unlawful for any person responsible for conducting a special event to knowingly fail to comply with any condition of the special event permit.
- (D) No person shall engage in, participate in, aid, form or start any special event unless a special event permit has been obtained from the City.
- (E) This chapter shall not apply to the following:
1. Funeral processions.
 2. A governmental agency acting within the scope of its functions.
 3. Routine display of sale items adjacent to a business.

§ 42.07 Insurance Requirements.

The applicant may be required to provide proof of general liability insurance naming the City as an additional name insured.

§ 42.08 Indemnification.

As a condition of the issuance of a permit, the applicant shall agree to defend, indemnify and hold harmless the City, its elected officials, officers, employees and agents against any and all suits, claims of liabilities for damages or injuries caused by, or arising out of, any special event regulated by this ordinance.

§ 42.09 Revocation of Permit.

All permits issued pursuant to this subchapter shall be temporary and do not vest any permanent rights. Reasons for revocation of a special event permit include, but are not limited to:

1. Incomplete or false information in an application.
2. Failure of the applicant to comply with all terms and conditions of the permit.
3. Failure of the applicant to arrange for or adequately remit all fees, deposits, or other necessary permits.
4. Disaster.
5. Public calamity or any other emergency.
6. The special event will conflict in time or location with another special event or event.
7. The applicant fails to provide proof of insurance.
8. The special event would severely hinder the delivery of normal or emergency public services or constitutes a public health or safety threat.
9. Failure to adhere to laws and regulations.

§ 42.10 Appeal.

If the City Administrator, or designee, denies the issuance of a special event permit or if the city revokes a special event permit, the applicant or permittee may appeal the denial or revocation to the Board of Council within 30 days of the denial or revocation.

§ 42.99 Penalty.

Whoever violates any provisions of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

This Ordinance shall become effective upon passage, approval and publication according to law.

Adopted this 14th day of July, 2021

ATTEST:

Charlie Cleves, Mayor

Mary H. Scott, City Clerk

1st Reading:

2nd Reading:

Publication: