

ORDINANCE NO. 1046

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE SECTION 12.32, SPECIAL EVENTS, TO INCLUDE A FESTIVAL AREA SECTION; AMENDING PUBLIC NOTICING AND SUBMITTAL REQUIREMENTS FOR SPECIAL EVENTS LOCATED WITHIN A DESIGNATED FESTIVAL AREA; AMENDING NOTICING REQUIREMENTS FOR EVENTS OUTSIDE DESIGNATED OUTSIDE DESIGNATED FESTIVAL AREAS; AMENDING THE DEFINITIONS SECTION OF SECTION 12.32 SPECIAL EVENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CODIFYING CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum has experienced a high volume of special events in specific areas of town; and

WHEREAS, the City of Ketchum is a resort based economy; and

WHEREAS, the City of Ketchum recognizes the economic and social benefits of having large scale and small scale special events within the City of Ketchum; and

WHEREAS, the current Special Event Code is not designed for large multi-day events or smaller events such as a farmers market or neighborhood concert series; and

WHEREAS, the City of Ketchum has identified several areas in town that experience a high volume of special events and designated them as festival areas; and

WHEREAS, special events within festival areas will be subject to the specific rules and regulations set forth in the festival area section of the special event code; and

WHEREAS, the City has identified the need to provide improved noticing of special events in the festival areas; and

WHEREAS, the City has identified the need to provide more flexibility for small scale special events that have minimal impacts on adjacent properties and streets; and

WHEREAS, the City has identified the need to provide more flexibility for large scale special events that last for several days; and

WHEREAS, the festival area will designate specific areas within the City as appropriate for special events; and

WHEREAS, the Mayor and City Council for the City of Ketchum hereby adopt the above findings so as to further the Purpose and Intent of the Zoning District regulations in the City, consistent with the *Comprehensive Plan*.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho, Chapter 12.32, Title 12 of the Ketchum Municipal Code, SPECIAL EVENTS, is hereby amended as follows:

SECTION 1. That Section 12.32 of the Ketchum Municipal Code, Special Events, is hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

Amendments to Definitions Section

12.32.010 Definitions.

For the purpose of this chapter, the following terms shall have the meanings prescribed in this section:

"Festival Area" means an area designated within the City of Ketchum for a higher frequency of Special Events, and, is subject to the rules and regulations set forth specifically in section 12.32.130 "Festival Area" of Chapter 12.32 Special Event Permits.

"Weekly Event" means any event that takes place once per week for two or more consecutive weeks.

"Special events coordinator" means the ~~Planning and Zoning Administrator~~ Community and Economic Development Director of the city of Ketchum, Idaho, or his or her designee.

Amendments to Special Event Section 12.32

12.32.020 Special event license required.

Unless exempted by state or federal law, it is unlawful for any person to conduct a special event, with or without charge for admission, on public property without first applying for and being granted a special event license for the specific special event and its venue. All licenses issued pursuant to this chapter are nontransferable and expire at the completion of the given special event. All special events located within the City of Ketchum designated "Festival Areas" are subject only to the specific rules and regulations outlined in Section 12.32.130 of this chapter and as outlined in Section 12.32.010 Definitions.

12.32.040 Application procedure.

An application for special event license shall be made in writing to the special events coordinator on forms provided by the ~~Planning~~ Community and Economic Development Department.

A. Filing Period. Application materials must be completed and submitted to the special events coordinator not less than thirty (30) days prior to the scheduled first day of the special event, unless the coordinator makes written findings, based upon the showing of a good cause by the applicant, that the application material may be submitted no later than eight days prior to the scheduled first day of the special event. Incomplete applications will be returned to the applicant and noted accordingly.

B. Notice. Written notice of the application shall be mailed to those property owners adjoining the proposed venue of the special event within Five (5) days of receipt of

special event application. The notice shall state the date, time, venue and purpose of the special event, and that such adjoining property owners have seven days in which to submit comments regarding the proposed special event to the special events coordinator.

12.32.060 Posting of security.

Prior to the issuance of a special event license, the applicant shall submit to the planning Community and Economic Development Department an amount not to exceed one thousand dollars (\$1,000.00) in the form of cash, certificate of deposit, letter of credit or comparable security instrument from a sound financial institution, as a guarantee against nonpayment of city sales tax, damages, cleanup or loss of public property. Such security may be waived by the special events coordinator upon demonstration by the applicant that adequate steps are provided for protection of public property, payment of city sales tax and venue cleanup. Any cash amount received by the city shall be placed in an interest-bearing account, whereupon, conditioned upon faithful performance of the requirements of this chapter, the principal and interest shall be delivered to the licensee upon the termination of the special event and cleanup of the venue or the fulfillment of city sales tax obligations as a result of the special event, if applicable, whichever occurs later. (Ord. 669 § 6, 1995)

Festival Area Section

12.32.130 Festival Area

All Special Events located within the Festival Area of the City of Ketchum are subject only to the rules and regulations of Section 12.32.130 Festival Area, Section 12.32.010 Definitions and Section 12.32.020 Special event license required. Any event not located entirely within a designated Festival Area shall be subject to the rules and regulations of Chapter 12.32.010 through 12.32.120 and not subject to the rules and regulations of Section 12.32.130.

A. Purpose

The festival Area provides a flexible and more public friendly special event process for areas of the City that experience a high frequency of special events. This section will require increased public notice for larger events and streamline the permitting process for smaller events.

B. Boundaries of the Festival Area

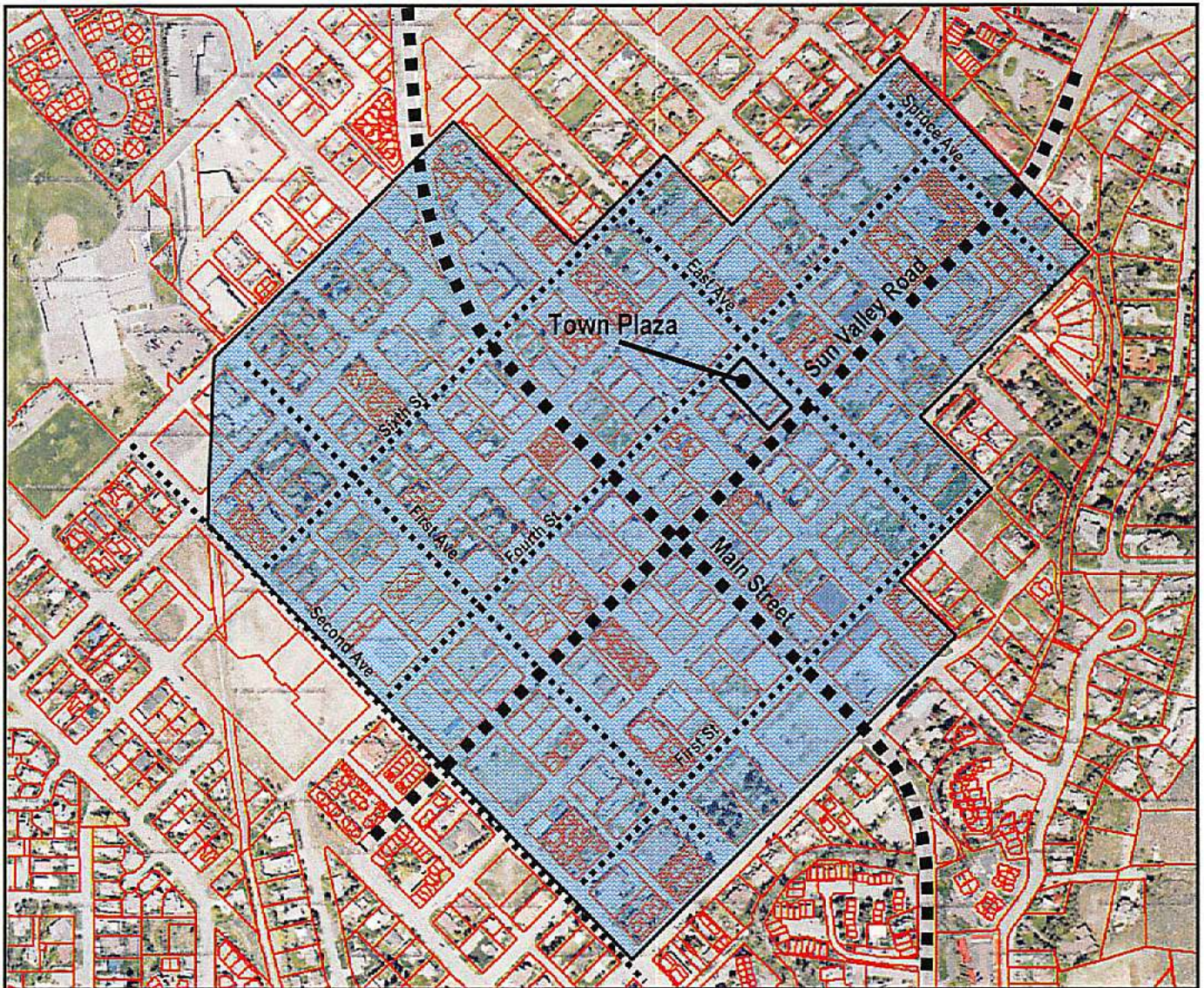
The boundaries of the Festival Area reflect areas of the City that experience a high frequency of special events and areas that the City has determined to be appropriate for public events. The following are maps and lists outlining the boundaries of the Festival Areas within the City of Ketchum.

12.32.130.B Boundaries of the Festival Area

-Ketchum Community Core

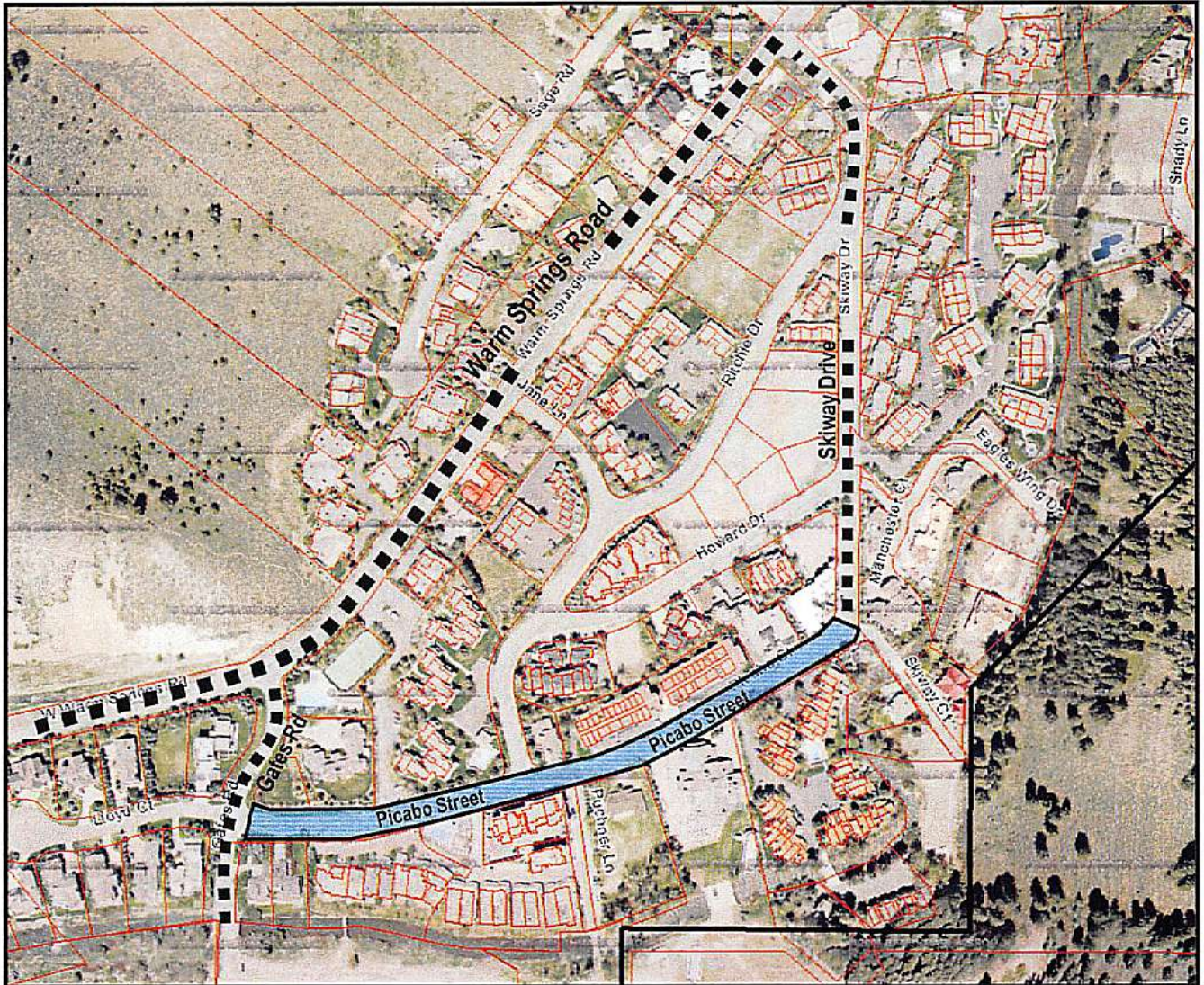


- Designated Festival Area



12.32.130.B Boundaries of the Festival Area

-Picabo Street from Gates Road to Skiway Drive



- Designated Festival Area

C. Event Categories

Special events in the festival area shall be evaluated based on the category in which they are designated. The following three (3) categories are the basis for which all special events in the festival area will be evaluated.

1. (Category A) - Special Events that do not require a street closure and have an anticipated attendance under 300 people.
2. (Category B) - Special Events that require a street closure of one (1) day or less; or have an anticipated attendance of 300 or more people; or a weekly event that takes place up to but not more than 4 consecutive weeks.
3. (Category C) - Special Events requiring a street closure of more than one day; or a weekly event that takes place more than 4 consecutive weeks.

D. Limitation of licenses.

1. The following limitations apply to all special events within the designated festival areas.
 - a. A special event in the Festival Area shall be limited to no more than ten (10) consecutive days in duration.
 - b. A formal City Council approval is required for events lasting more than four (4) consecutive days. The City Council shall use the evaluation standards listed under Section 12.32.130.F in their review of such an event.
 - c. No more than ten (10) special event licenses shall be issued to any one applicant during a single calendar year.
 - d. For events lasting five (5) days or more, only two licenses shall be issued to one applicant per calendar year.
 - e. Events that take place on consecutive weeks, or weekly events, are required to apply for one special event license. A weekly event shall be limited to one event per week, and limited to a total of twenty two (22) weeks out of the calendar year.

E. Application procedure.

An application for special event license shall be made in writing to the city staff on forms provided by the Planning Community and Economic Development Department. Filing requirements are based on the category of the event.

1. Filing Period.
 - a. (Category A)– Application shall be filed a minimum of fourteen (14) days prior to the Special Event.
 - b. (Category B)– Application shall be filed forty five (45) days prior to the date of the Special Event.
 - c. (Category C) – Application shall be filed not less than sixty (60) days prior to the date of the special event.

d. In all circumstances incomplete applications will be returned to the applicant and noted accordingly.

2. Recurring Events.

a. Recurring events within Festival Areas shall be defined as events that have occurred during the previous two years, during the same time period and at the same venue. In the case that a new special event application conflicts with the venue and time of a recurring event, the recurring event shall be given preference for use of that venue.

3. Notice. All noticing requirements will be based on the category of the event. Each category outlines the noticing procedure for that type of event.

a. (Categories A and B) – Event shall be placed on the Official City of Ketchum Special Events Calendar upon receipt of the Special Event Application.. Written notice of receipt of the Application shall be emailed to those individuals that have voluntarily joined the City of Ketchum Special Event Email List. The notice shall state the proposed date, time and venue for the event. No further noticing is required.

b. (Category C) –

i. Event shall be placed on the Official City of Ketchum Special Events Calendar upon receipt of Special Event Application.

ii. Written notice of receipt of the Application shall be emailed to those individuals that have voluntarily joined the City of Ketchum Special Event Email List. The notice shall state the approximate dates and proposed street closures for the event, and that notice recipients have fourteen (14) days in which to submit comments regarding the proposed special event to city staff.

iii. Additional written notice shall be emailed to those individuals that have voluntarily joined the City of Ketchum Special Event Email List ten (10) days prior to the Special Event. The notice shall state the specific dates, times and proposed street closures of the event.

c. The official City of Ketchum Email List shall be maintained and updated by City Staff and shall be used only for the purposes of distributing information regarding City of Ketchum special events. This email list shall be open to any and all groups or individuals interested.

d. The official City of Ketchum Special Events Calendar shall be posted on the City of Ketchum website as well as each designated festival area location, to be posted in a visible spot for inspection by the public. The calendar shall be updated concurrently with the receipt and/or approval of special event applications. Events shall be labeled as either pending or approved/denied.

e. Changes to an approved Special Event may be made up to and during the event. Said changes shall include and be limited to the time, festivities and facilities so long as said change does not have the potential to cause significant negative impacts upon neighboring properties or businesses.

f. For all events, City Staff may elect to provide additional noticing based on the size, location and scope of the event. Additional noticing may

include but is not limited to newspaper advertisements and physical mailing to adjacent property owners or business owners.

4. Decision.

- a. (Category A)– The application materials shall be reviewed by City staff in light of the standards provided in Section 12.32.130.E. A decision (i.e., approval, approval with changes, or cause(s) for denial) shall be rendered a minimum of 12 days after complete application submittal.
- b. (Category B) - The application materials shall be reviewed by city staff in light of the standards provided in Section 12.32.130.E. A decision (i.e., approval, approval with changes, or cause(s) for denial) shall be rendered a minimum of 28 days (4 weeks) after complete application submittal.
- c. (Category C) – The application materials shall be reviewed by city staff in light of the standards provided in Section 12.32.130.E. A decision (i.e., approval, approval with changes, or cause(s) for denial) shall be rendered a minimum of 35 days (5 weeks) after complete application submittal.
- d. For Category A, B and C events, staff comments shall be forwarded to the applicant in a timely manner.

5. License Issuance. An applicant shall be issued a special event license for the given special event upon the approval and signature of city staff, and upon the fulfillment of the fee, security, insurance and indemnity requirements.

6. Fees. Except as provided in subsection 12.32.130.E.6.d. of this section, all fees due the city as a result of a special event must be paid in full no later than five days prior to the first day of the special event.

- a. Application Fee. All application fees for events within the designated festival areas shall be approved and adopted by resolution.
- b. Notice Fee. The applicant shall be responsible for a fee equal to the expense of giving notice as required by Section 12.32.130.E.2.
- c. City Equipment/Services Fee. If the applicant requests city equipment and/or services in conjunction with the special event or if city equipment and/or services is deemed necessary by the special events coordinator to protect the public's health, safety and welfare during the special event, the applicant shall be responsible for a fee equal to the expense of such city equipment and/or services. City staff shall provide the applicant with an estimate of equipment/service fees based on city salaries and equipment rental charges.
- d. Waiver of Fees. City staff may waive all or a portion of the fees disclosed in Section 12.32.130.E.5.a of this section in the case of a nonprofit organization or other governmental agency applicant, when city staff determines it is in the city's interest to waive such fees.

F. Standards for issuance.

The special events coordinator shall issue a license as provided for under this chapter when, from consideration of the application, comments received from adjoining property owners and from such other information as may otherwise be deemed necessary, he or she finds that:

1. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic contiguous to its venue;
2. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the venue and the contiguous area as to prevent normal police protection to the city;
3. The conduct of the special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed special event and the contiguous areas;
4. The concentration of persons and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
5. The conduct of the special event will not interfere with the movement of firefighting equipment enroute to a fire;
6. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and
7. The special event is not for an unlawful purpose. (Ord. 669 § 5, 1995)

G. Posting of security.

Refer to Section 12.32.060 for all "Posting of Security" requirements.

H. Insurance requirements.

Refer to Section 12.32.070 for all Insurance requirements.

I. Indemnity.

Refer to Section 12.32.080 for all Indemnity requirements.

J. Exemptions.

When the city is the applicant for a special event within a festival area, the city shall be exempt from all fee requirements and posting of security requirements as outlined in this section.

K. Applicable law.

Refer to Section 12.32.100 regarding applicable law.

L. Appeals.

A. Appeals from Special Event Coordinator. An appeal from any decision of the special events coordinator made in the administration or enforcement of this chapter may be made to the Ketchum City Administrator. All appeals shall be

made only by an affected party. Upon reviewing the appeal, the Ketchum City Administrator shall consider the record, the decision of the special events coordinator and the notice of appeal together with presentation by the appellant, the special events coordinator and the applicant. The City Administrator may affirm, reverse or modify, in whole or in part, the decision of the special events coordinator. The planning Community and Economic Development Department shall transmit a copy of the City Administrator's decision to the appellant, the applicant and any person who has requested a copy in writing.

B. The City Administrator shall have the sole discretion to defer review and decision on an appeal to the Ketchum City Council.

C. Time for Filing Appeals. Notice of appeal shall be filed before five p.m. of the fifth calendar day after the decision of the special events coordinator has been rendered. The failure to physically file a notice of appeal with the Community and Economic Development Department within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.

D. Fee for Appeals. A fee in the amount of seventy-five dollars (\$75.00) shall be paid upon filing the appeal. In the event the fee is not paid as required, the appeal shall not be considered filed.

E. Notice of Appeal--Form and Contents. The notice of appeal shall be in writing and in such form as shall be available from the Community and Economic Development Department, which shall require to be set forth with specificity all basis for appeal, including the particulars regarding any claimed error or abuse of discretion.

M. Penalties.

Refer to Section 12.32.120 regarding penalties.

N. Waivers.

Waivers to the requirements of sections 12.32.130.D Limitation of Licenses and 12.32.130.E.6 Fees may be granted by the City Council. Applicants shall apply for waivers in writing and state the reasons for said waiver request. Waivers shall be evaluated based on the Standards of Issuance listed in Section 12.32.130.F.

SECTION 2: SAVINGS AND SEVERABILITY. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 3. CODIFICATION. The City Clerk is instructed pursuant to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.


SECTION 4. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect on October 1, 2008.

SECTION 6. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect on October 1, 2008.

PASSED by the City Council and APPROVED by the Mayor this 2nd day of September, 2008.

CITY OF KETCHUM, IDAHO



Larry Helzel,
Acting Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk



EXHIBIT A



EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1046
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE SECTION 12.32, SPECIAL EVENTS, TO INCLUDE A FESTIVAL AREA SECTION; AMENDING PUBLIC NOTICING AND SUBMITTAL REQUIREMENTS FOR SPECIAL EVENTS LOCATED WITHIN THE A DESIGNATED FESTIVAL AREA; AMENDING THE DEFINITIONS SECTION OF SECTION 12.32 SPECIAL EVENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CODIFYING CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1046 of the City of Ketchum, Blaine County, Idaho, adopted on September 2, 2008, is as follows:

Section 1: Changes to Section 12.32.010 Definitions provides new definitions for Festival Area Section. Amendments to Section 12.32.020 include requiring special event licenses for events within Festival Areas. Amendments to chapter 12.32 include the replacement of Planning Department with Community and Economic Development Department. Amendments to Section 12.32.040.B require mailing notices to be sent 5 days after receipt of application. Establishes Section 12.32.130 Festival Area within Chapter 12.32 Special Events. 12.32.130 establishes boundaries for festival areas within the City of Ketchum. Special events located within Festival Areas are subject only to the rules and regulations of Section 12.32.130. Section 12.32.130.D Limitation of Licenses permits weekly events and places limits on the duration of events and number of applicant submittals. Events within festival areas are separated into three categories: (Category A) - Special Events that do not require a street closure and have an attendance under 300 people; (Category B) - Special Events that require a street closure of one (1) day or less or have an attendance of 300 or more people or take place weekly or a weekly event that takes four or less consecutive weeks; (Category C) - Special Events requiring a street closure of more than one day take place weekly for more than four consecutive weeks. Regulations regarding filing requirements, noticing requirements and City decision will depend on the category of the event. Section 12.32.130.E.1 Filing Period will require Category A events to submit 14 days prior to an event; Category B Events – 45 days prior; Category C – 60 days prior. Section 12.32.130.E.2 Recurring events – recurring events shall be given priority for venues. Section 12.32.130.E.3 Notice shall require Category A and B events to be placed on an official City of Ketchum calendar and notice to be sent via email to special event email list; and Category C events shall require notice of receipt and decision to be sent via email to special event list, placement of event on official City of Ketchum calendar and public comment to be taken for fourteen days after receipt of notice. Section 12.32.130.E.4 Decision – Staff shall provide decision on approval or denial for events in a designated timeline. Category A events – 12 days after application submittal; Category B events - 28 days after application submittal; Category C events - 35 days after application submittal. Section 12.32.130.E.6

Fees required that all special event fees within a Festival Area be adopted by resolution. Section 12.32.130.L Appeals, requires that all appeals of the Special Events Coordinator be heard and decided upon by the Ketchum City Administrator. 12.32.130.N Waivers allows for the City Council to permit waivers for limitations of licenses and fees.

Section 2: Provides a saving and severability clause.

Section 3: Provides a codification clause.

Section 4: Provides a repealer clause.

Section 5: Provides an effective date of October 1, 2008.

Section 6: Provides a publication summary of the Ordinance.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Ave. North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO



Larry Helzel, Acting Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as special counsel to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1046 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated the 2nd day of September, 2008.



Stephanie Bonney,
Moore, Smith, Buxton & Turcke,
Chtd.

Publish: Idaho Mountain Express

Date: October 1, 2008