

**NOTICE OF WORK MEETING OF THE CITY COUNCIL
OF THE CITY OF ST. GEORGE,
WASHINGTON COUNTY, UTAH**

Public Notice

Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a work meeting in the Administrative Conference Room, at the St. George City Offices located at 175 East 200 North, St. George, Utah, on Thursday, July 14, 2022 commencing at 4:00 p.m.

The agenda for the meeting is as follows:

- 1. Discussion regarding the process for special events and potential tiers for insurance certificates.**

**** MOVE TO THE CITY COUNCIL CHAMBERS FOR THE
CITY COUNCIL REGULAR MEETING****

**NOTICE OF REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF ST. GEORGE,
WASHINGTON COUNTY, UTAH**

Public Notice

Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a regular meeting in the City Council Chambers at the St. George City Offices located at 175 East 200 North, St. George, Utah, on Thursday, July 14, 2022, commencing at 5:00 p.m.

The agenda for the meeting is as follows:

Call to Order
Invocation
Flag Salute

- 1. Comments from the public.**

The Open Comment Period provides an opportunity to address the Mayor and City Council regarding concerns or ideas on any item not on the agenda or likely to be on a future agenda. To be considerate of everyone at this meeting, public comment will be limited to three minutes per person. Participants are to state their names for the record. Comments which cannot be made within these limits should be submitted in writing to the City Recorder at christina.fernandez@sgcity.org.

The Mayor and City Council encourage civil discourse for everyone who participates in the meeting.

Comments pertaining to an agenda item that includes a public hearing or public input should be given as that item is being discussed during the meeting.

2. **Consent Calendar.**

a. **Consider approval to purchase anti-virus protection software for City desktop and laptop computers.**

BACKGROUND and RECOMMENDATION: Currently, the City uses a product called "Comodo One" as the solution for anti-virus software on its computers. This product has served its purpose as technology has advanced since Comodo One was deployed. As the City continues to grow and mature, staff is looking to make the next step in security by implementing advanced anti-virus software technology on all of the City's computers. Staff recommends purchases the anti-virus protection software in the amount of \$267,334.86.

b. **Consider approval to purchase a cyber security product for the City's computer network from cyber attacks.**

BACKGROUND and RECOMMENDATION: The growing threat of ransomware remains a serious threat to the city. A single successful ransomware attack can bring down the entire city network for days, weeks, or even longer. City devices across the network could be encrypted and rendered useless. Such a catastrophic event would leave us with few choices; regain access by paying a ransom to the criminals behind the ransomware attack or restoring data the from backups. Or maybe worse, start again from scratch. The average ransom demand in the first half of 2021 amounted to \$5.3 million - not to include the costs of lost production and restoration efforts. This tool was selected by the security team as the best product to prevent ransomware and cyber-attacks and would like it to be considered by the counsel. The cost represents a three-year subscription. Staff recommends purchasing the cyber security product in the amount of \$422,014.

c. **Consider approval to purchase steel poles from McWane Poles for the Pine Valley Hydro Line Project.**

BACKGROUND and RECOMMENDATION: These poles are being purchased to upgrade substandard distribution line to the Pine Valley Hydro facility and Millcreek pumps. This includes replacing old wood poles with steel poles and installing new crossarms. Staff recommends awarding the bid to McWane Poles in the amount of \$217,427.07.

d. **Consider approval for the purchase of Okonite 1/0 Primary Wire for Downtown Reliability Improvement (Block 7) and Okonite 750 Primary Wire for Canyon View and Pine View Circuits.**

BACKGROUND and RECOMMENDATION: The Energy Services Department has been upgrading services in the downtown area as part of the revitalization process over several years. For FY23, staff has planned to upgrade block 7. For the Canyon View and Pine View Circuits and are installing new circuits to meet the demand based on the amount of load growth for this area. Staff recommends awarding the bid to Irby in the amount of \$162,250.

e. **Consider approval of a concessionaire agreement with Southgate Cafe, LLC at the Sunbrook Golf Club.**

BACKGROUND and RECOMMENDATION: Southgate Cafe, LLC is proposing to operate a food and beverage concession at the Sunbrook Golf Club for five, one-

year terms. The City reserves the right to extend, amend or renegotiate this agreement in order to facilitate any future construction and/or remodel of the clubhouse or other facilities. Per the agreement, concessionaire shall pay the city a monthly fee calculated as a percentage of gross sales as stated in exhibit "b." Staff recommends approval.

f. Consider approval of a Professional Services Agreement with Civil Science Infrastructure, Inc. for design and construction management of the Fields at Little Valley Artificial Fields project.

BACKGROUND and RECOMMENDATION: This is a PSA for the design and construction management of the Little Valley Fields Artificial Fields project. This project will consist of the removal of the turf grass on fields 1,2, and 3. The turf grass will be replaced with artificial turf. Staff recommends approval with Sunrise Engineering.

g. Consider approval of a Professional Services Agreement with Sunrise Engineering for the Little Valley Pickleball Expansion project.

BACKGROUND and RECOMMENDATION: This is a PSA for design services and construction management of the Little Valley Pickleball Expansion project. Staff recommends approval of the agreement with Sunrise Engineering.

h. Consider approval to continue sponsorship of the Downtown Farmers Market event taking place each Saturday at their new location on Tabernacle Street between Main Street and 100 West, for a six (6) month trial period from August 6, 2022-February 6, 2023.

BACKGROUND and RECOMMENDATION: In past years, the Downtown Farmers Market was held on private property at Ancestor Square. Due to the growth of the market, they want to move the weekly event to Tabernacle Street and also make it a year-round market occurring each Saturday, except for dates where the street is already in use by another event (i.e. IRONMAN, 4th of July Celebration, St. George Art Festival, St. George Marathon, etc). The new sponsorship request includes 1) Fee waiver for the Special Event Permit Fee (\$150/day), 2) Fee waiver for the Sub-License Fees (\$5 each vendor/day), 3) Fee waiver for the Encroachment Permit Fee (\$400/day), and 4) City to provide Traffic Control Plan and barricades. Staff recommends City sponsorship of the Farmer's Market and would prefer it be located in an area that does not require road closures such as Ancestor Square, Town Square or Worthen Park.

3. Public hearing and approval of the Program Year 2022 (Fiscal Year 2023) Annual Action Plan (AAP) for the Community Development Block Grant (CDBG) program.

BACKGROUND and RECOMMENDATION: The 2022 AAP outlines proposed projects to be funded by the City's CDBG program to address identified needs during PY2022 FY2023. This is the fourth year of the City's 2019-2023 Consolidated Plan.

4. Consider approval of the St. George Arts Commission's RAP Tax art grants distribution list.

BACKGROUND and RECOMMENDATION: Each year since the approval of RAP Tax, the St. George Arts Commission receives, and reviews grant applications from local cultural non-profits. The St. George Arts Commission met on Thursday, June 23rd,

2022 to discuss applications for RAP Tax Grants in the 2022-2023 fiscal year. The Commission received and reviewed 30 applications for funds this year, totaling \$547,138 in requests and has recommended allocations totaling \$250,000. Staff recommends approval of the recommendations from the Arts Commission.

5. **Consider approval of an ordinance amending various sections of Titles 8 and 10 of the St. George city code as it relates to water conservation.**

BACKGROUND and RECOMMENDATION: The proposed amendments to the Title 8 and Title 10 ordinances have been discussed with the City Council at three separate City Council Work Meetings. In addition, the amendments were discussed in a joint work meeting with the Planning Commission. A public hearing was held by the Planning Commission on June 14, 2022. The Planning Commission recommended approval of the amendments with some slight changes. During a City Council work meeting on June 23, 2022, the Planning Commission recommendation was discussed, as well as other slight changes proposed by the City Council. The recommendations of the Planning Commission and City Council have been included in the final draft ordinances. Staff recommends approval of the amended ordinances as they contain recommendations of Planning Commission and City Council.

6. **Consider approval of a Resolution in support of a funding application and implementation of Advanced Metering Infrastructure (AMI).**

BACKGROUND and RECOMMENDATION: The Water Services Department desires to submit a grant application to the Bureau of Reclamation for their WaterSMART: Water and Energy Efficiency Grant Program. The grant would provide matching funds for up to \$2M for the installation and implementation of an Advanced Metering Infrastructure (AMI) project. The AMI project would provide near real-time water use data to our customers and provide leak detection capabilities with the ability to alert the customer of any perceived leaks from their water service. Staff recommends approval of the resolution.

7. **Consider approval of a resolution designating and appointing Government Affairs Director, Shawn Guzman, as the City's representative to the Southwest Mosquito Abatement and Control Board for the calendar year 2022 or until such time that a successor has been designated and appointed.**

BACKGROUND and RECOMMENDATION: This resolution is to appoint Government Affairs Director Shawn Guzman to replace Bette Arial on the Southwest Mosquito Abatement and Control Board. On February 17, 2022, the Council appointed Bette Arial to replace Councilmember Michelle Tanner to represent the City on the Board. Due to other obligations, Ms. Arial is no longer able to attend the Board meetings. It is recommended that Government Affairs Director Shawn Guzman be appointed to replace Ms. Arial on the Southwest Mosquito Abatement and Control Board to represent the City.

8. **Consider approval of a resolution appointing Lynn Cresswell as an administrative hearing officer.**

BACKGROUND and RECOMMENDATION: Several ordinances require an administrative hearing officer to hear appeals from City staff decisions such as land use, animal control and employment issues. Staff recommends appointing Lynn Cresswell as an administrative hearing officer.

9. **Consider approval of an ordinance amending the Atkinville Interchange Area Planned Development Commercial (PD-C) zone to change the designation of a portion of Area 3.1 from Mixed Use to Community Commercial and to allow construction of a new Smith's Marketplace and Fuel Center on approximately 15.96 acres located at the southwest corner of Bluegrass Way and Pioneer Road for a project known as Smith's Marketplace.**

BACKGROUND and RECOMMENDATION: This zone change amendment has two parts: 1) To amend the Atkinville Interchange Area Plan; and 2) To approve the conceptual plan for a new Smith's Marketplace and Fuel Center. To amend the Atkinville Interchange Area Plan, the use will need to be changed for Area 3-1. Right now, it is designated Mixed Use. The applicants are requesting to change this designation to Community Commercial. The Community Commercial designation use list is any use permitted in the C-2 district. At their meeting held on June 14, 2022, the Planning Commission held a public hearing and recommended approval of this zone change amendment.

10. **Consider approval of an ordinance amending the Desert Color Planned Development zone for 44 multi-family units to be known as Water's Edge at Desert Color Shores on approximately 2.16 acres located generally west of the Desert Color lagoon, north of Akoya Pearl Road.**

BACKGROUND and RECOMMENDATION: The Desert Color development was approved in 2018. This phase is in the resort area. The idea of the resort area is to provide an area that will provide more density and where property owners may rent their homes on a short-term basis if desired. In this area, amenities are centered around the central amenities which in this case is the lagoon with its amenities, the club house, swimming pool, pickleball courts, etc. At their meeting held on June 14, 2022, the Planning Commission held a public hearing and recommended approval.

11. **Consider approval of the preliminary plat for Water's Edge at Desert Color, a 14-lot subdivision located in the Desert Color development at approximately Akoya Pearl Road and Alice Blue Lane.**

BACKGROUND and RECOMMENDATION: The general plan land use designation on this project is TC (Town Center), and the zoning is PD-R - TNZ-Resort (Planned Development Residential, Traditional Neighborhood Zone – Resort). The preliminary plat is consistent with the general plan land use designation and the current zoning. At their meeting held on June 14, 2022, the Planning Commission recommended approval.

12. **Consider approval of an ordinance amending the Southern Hills West Masterplan to remove 0.16 acres of Open Space (OS) to add the 0.16 acres to Lots 10 and 11 of the Sage Canyon Phase 1 final plat, and to rezone the 0.16 acres to Single Family Residential, minimum lot size 10,000 sf (R-1-10), located south of White Dome Drive and west of Sunshine Circle for a project to be known as Sage Canyon Phase 1 Lots 10 & 11.**

BACKGROUND and RECOMMENDATION: On March 4, 2021, the Southern Hills Masterplan was adopted. In the Masterplan there were areas that had a small natural hillside that were separated out and zoned OS. The purpose was to protect the undisturbed hillside and to use this OS as a natural buffer between the existing single-family homes and the Medium Density Residential land that makes up the Southern Hills development. This request is for a zone change amendment to remove 0.16 acres of Open Space (OS) from the Southern Hills West Masterplan and add the 0.16 acres

to Lots 10 and 11 of the Sage Canyon Phase 1 Final Plat. This request will also rezone the 0.16 acres to Single Family Residential, minimum lot size 10,000 sf (R-1-10). At their meeting held on June 14, 2022, the Planning Commission recommended approval.

13. **Consider approval of an ordinance amending the Hidden Valley Planned Development Residential zone for 30 townhome units to be known as Villa Highlands at Hidden Valley Ph.5 on approximately 5.20 acres located at London Lane in the Hidden Valley Development.**

BACKGROUND and RECOMMENDATION: Originally approved in 1999, the site was approved as a Master Planned Development with 1,510 units approved of various densities in designated areas. Villa Highlands Ph.5 is a townhome project located on London Lane and is part of the Hidden Valley development on 5.20 acres this is the next phase of the Villa Highlands Townhome development. At their meeting held on June 14, 2022, the Planning Commission held a public hearing and recommended approval.

14. **Consider approval of the preliminary plat for Villa Highlands Phase 5, a 30-lot residential subdivision located within the Hidden Valley development at the west end of London Lane.**

BACKGROUND and RECOMMENDATION: The general plan land use designation on this project is MDR, Medium Density Residential, and the current zoning is PD-R, Planned Development Residential. The preliminary plat meets the current land use designation and meets the requirements of the zone change application. At their meeting held on June 14, 2022, the Planning Commission recommended approval.

15. **Consider approval of the preliminary plat for Berry's Place, a 4-lot residential subdivision located at 443 North 300 West.**

BACKGROUND and RECOMMENDATION: The general plan land use designation on this property is MDR, Medium Density Residential, and the zoning is RCC, Residential Central City. The preliminary plat is consistent with the current general plan land use designation and the current zoning. At their meeting held on June 14, 2022, the Planning Commission recommended approval.

16. **Consider approval of the preliminary plat for Rilassante at Divario, a one lot, two parcel subdivision located at approximately Gap Canyon Parkway and Canyon View Drive.**

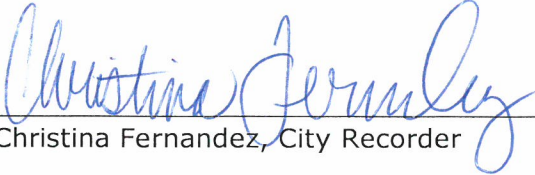
BACKGROUND and RECOMMENDATION: This project is part of the Divario development. The general plan land use designations on the property are MDR, Medium Density Residential, and OS (open space). The current zoning on the property is PD-R, Planned Development Residential and R-1-10. The preliminary plat is consistent with the current land use designations and zoning on the property. At their meeting held on June 14, 2022, the Planning Commission recommended approval.

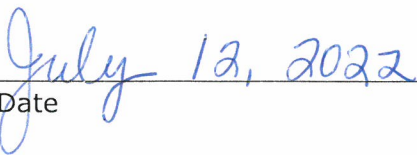
17. **Consider approval of an amended preliminary plat for Desert Canyons Town Center West, a 7-lot commercial subdivision located at the intersection of Desert Center Drive and Desert Canyon Parkway.**

BACKGROUND and RECOMMENDATION: The general plan land use designation on this project is TC, Town Center, and the current zoning is C-2. The proposed preliminary

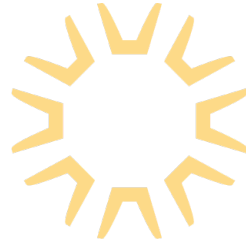
plat is consistent with the land use designation and the current zoning requirements. At their meeting held on June 14, 2022, the Planning Commission recommended approval.

18. **Appointments to Boards and Commissions of the City.**
19. **Reports from Mayor, Councilmembers, and City Manager.**
20. **Request a closed session to discuss litigation, property acquisition or sale or the character and professional competence or physical or mental health of an individual.**


Christina Fernandez, City Recorder


Date

REASONABLE ACCOMMODATION: The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resources Office, 627-4674, at least 24 hours in advance if you have special needs.



St. George

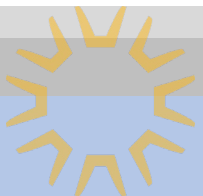
THE BRIGHTER SIDE

Special Event Ordinance Review

CHAPTER 10 SPECIAL EVENTS

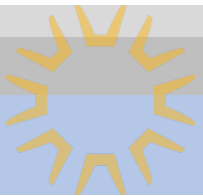


- 3-10-1: Purpose
- 3-10-2: Definitions
- 3-10-3: Permit Required
- 3-10-4: Application Requirements And Procedures
- 3-10-5: Insurance Requirement
- 3-10-6: Fees
- 3-10-7: Application Review, Approval And Issuance
- 3-10-8: Grounds For Denial
- 3-10-9: Appeal Procedures
- 3-10-10: Violation



Background

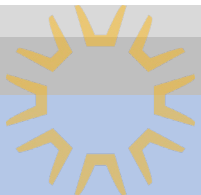
- Ordinance adopted by City Council in October 2015
- Due to increased number of special events on City Council meeting agendas
- City Council regarded special event process as an administrative function similar to business licensing and utilities
- Define a special event
- Add structure to the special event permit process
- Decrease the number of City-sponsored events
- Establish fees to pay for City services at privately organized events like police, fire, parks, etc.
- Ensure proper insurance coverage and reduce City liability
- Compliance with state statute and City code



Definition

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

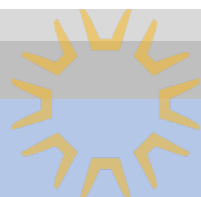
- A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.
- B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.
- C. Events held at the following are not special events under this chapter:
 - 1. A building that has a business located in it that has a current annual business license as an event business;
 - 2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required; and
 - 3. A government owned facility.



3-10-3: PERMIT REQUIRED:



It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit. (Ord. 2015-10-003, 10-1-2015)



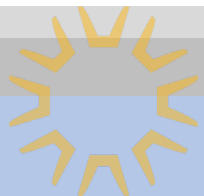
3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:



A. *Submission:* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

B. *Advertising:* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued.

C. *Inspections:* Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection. (Ord. 2015-10-003, 10-1-2015)

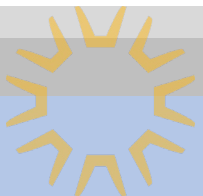


45-day requirement

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:



A. *Submission.* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

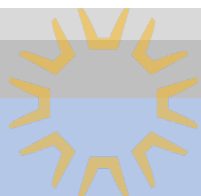


Special Event Permit Data

	App Notice 45+ Days	App Notice Under 45	Recurring Annually	Issued	Denied	Canceled / Withdrawn	Total Apps Rec'd	Percentages		
								45+	45-	Recur
2018	60	58	77	115	1	2	118	51%	49%	65%
2019	111	84	113	173	4	17	194	57%	43%	69%
2021	123	53	121	163	8	5	176	70%	30%	69%
2022*	66	20	64	68	1	4	86**	77%	23%	74%

*2022 Data is from 1/1/22 - 7/8/22.

**13 Apps are in-process

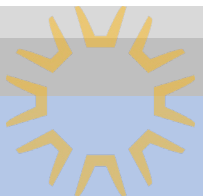


Reoccurring event without changes

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:

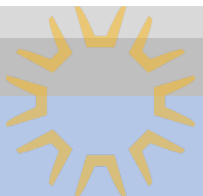


A. *Submission:* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.



Event Advertising

B. *Advertising.* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued.

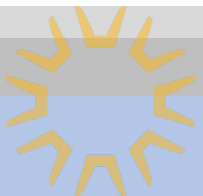


Administrative Review

3-10-7: APPLICATION REVIEW, APPROVAL AND
ISSUANCE:

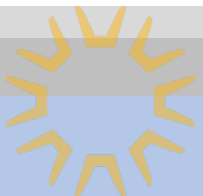


The city manager, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The city manager may refer the request for a special event permit to city council for approval. (Ord. 2015-10-003, 10-1-2015)



City Council Action on Special Events

- Event organizer is asking for a fee waiver
- Special event denial appeal
- Event organizer requests alcohol on City property

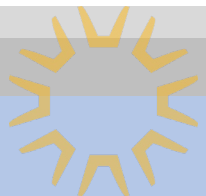


Insurance

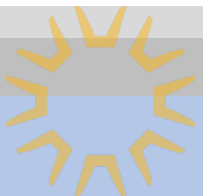
3-10-5: INSURANCE REQUIREMENT:



A. *Insurance:* The applicant, vendors, exhibitors, and concessionaires of a special event held on city property shall procure and maintain commercial general liability insurance in the amount required by the city to protect the city against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the city on an insurance certificate which shall include the following:



Liability Limits



CHAPTER 10

SPECIAL EVENTS

3-10-1:	Purpose
3-10-2:	Definitions
3-10-3:	Permit Required
3-10-4:	Application Requirements And Procedures
3-10-5:	Insurance Requirement
3-10-6:	Fees
3-10-7:	Application Review, Approval And Issuance
3-10-8:	Grounds For Denial
3-10-9:	Appeal Procedures
3-10-10:	Violation

3-10-1: PURPOSE:

The purpose of this chapter is to provide for and encourage temporary events to occur in the city in order to create a sense of community and enhance the quality of life for city residents. It is also the city's intent to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues which may occur as a result of the special event. This chapter is adopted to ensure that the special events do not create disturbances, become a nuisance, threaten life, health, and property, disrupt traffic, or threaten or damage private or public property. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for time, place and manner regulations. (Ord. 2015-10-003, 10-1-2015)

3-10-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall be defined as set forth in this section:

APPLICANT: The individual event organizer and the organization responsible for the event and the payment of fees.

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, held on any public or private property.

CITY EVENT: A special event that is organized and operated by the city, whether directly or by contract with a third party operator.

FILMING EVENT: Filming of a media broadcast (other than for news purposes), filming of a motion picture, television broadcast and digital media production.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of product including, but not limited to, displays and exhibitions, farmers' markets, craft fairs, outdoor sales, tent sales and other similar activities.

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

- A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.
- B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.
- C. Events held at the following are not special events under this chapter:
 - 1. A building that has a business located in it that has a current annual business license as an event business;
 - 2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required; and
 - 3. A government owned facility.
- D. For purposes of this chapter, city events are not special events, however events sponsored by the city are special events.

TEMPORARY EVENT: Any event which occurs on a temporary basis of less than one (1) year at a location where the applicant does not have an annual business license for the specific activities being held. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2017-04-002, 4-6-2017)

3-10-3: PERMIT REQUIRED:

It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit. (Ord. 2015-10-003, 10-1-2015)

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:

A. *Submission:* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

B. *Advertising:* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued.

C. *Inspections:* Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection. (Ord. 2015-10-003, 10-1-2015)

3-10-5: INSURANCE REQUIREMENT:

A. *Insurance:* The applicant, vendors, exhibitors, and concessionaires of a special event held on city property shall procure and maintain commercial general liability insurance in the amount required by the city to protect the city against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the city on an insurance certificate which shall include the following:

1. The name and address of the insured.
2. City shall be named as an additional primary insured and noncontributory on the general liability certificate.
3. The location of the operations to which the insurance applies.
4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.
5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.
6. A statement that all coverage is on an occurrence basis rather than a claims basis.
7. A provision that the policy or policies will not be canceled, denied renewal, or reduced in coverage until at least thirty (30) days after written notice has been received by city.
8. Name, address, and telephone number of the insurance company's agent.

B. *Workers' Compensation Insurance:* Applicant shall procure and maintain workers' compensation insurance as required by Utah law.

C. *Certificate Of Insurance:* No special event permit shall be issued until the applicant and all vendors, exhibitors, or concessionaires participating in the event submit to the city a certificate of insurance as required in this chapter. (Ord. 2015-10-003, 10-1-2015)

3-10-6: FEES:

A. *Application And Cost Recovery Fees:* Along with the application for a special event permit, the applicant shall pay any applicable special event application fees and city cost recovery fees.

B. *City Cost Recovery Fees:* Extra city services will be provided for special events as determined by the city to be needed to protect the health, safety and welfare of the public and shall be paid by the applicant.

1. City costs include, but are not limited to, police, fire, park maintenance, power, water, road closures, and cleanup of city facilities before, during, or after the event, and other costs to city directly attributable to the special event.

2. Before city approval is granted to hold the event, the applicant shall pay the deposit and estimated city fees as determined by the city based on the application, the applicant's past event history with the city, and experience with similar events.

C. *Invoice:* The city may mail or deliver to the permit holder an invoice for the cost of city services provided and any costs incurred by the city in restoring the site. If the amount exceeds the city cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice was mailed or delivered. If the amount is less than the city cost recovery fees paid prior to issuance of the permit, then the remaining amount shall be returned to the applicant. (Ord. 2015-10-003, 10-1-2015)

3-10-7: APPLICATION REVIEW, APPROVAL AND ISSUANCE:

The city manager, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The city manager may refer the request for a special event permit to city council for approval. (Ord. 2015-10-003, 10-1-2015)

3-10-8: GROUNDS FOR DENIAL:

A. *Grounds For Denial:* The special event application may be denied by the city if:

1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public;

2. The proposed special event is not consistent with the intended nature and use of the requested city property;
3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the city, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
5. The permit application contains a material falsehood or misrepresentation;
6. The applicant has failed to pay a debt to the city including costs incurred during a prior special event;
7. Incomplete permit applications; and
8. The applicant or any person on whose behalf the application for a permit was made has on prior occasions:
 - a. Damaged city property, if the applicant is for an event on city property; or
 - b. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
 - c. Has violated the terms of prior permits issued to or on behalf of the applicant.

B. *Notice:* If a special event permit application is denied, the city shall notify the applicant in writing of the reason or reasons for the denial. (Ord. 2015-10-003, 10-1-2015)

3-10-9: APPEAL PROCEDURES:

Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the city council if the decision was made by the city manager. Any decision made by the city council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the city recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the city council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the city council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal. (Ord. 2015-10-003, 10-1-2015)

3-10-10: VIOLATION:

A violation of this chapter shall be a class B misdemeanor. (Ord. 2015-10-003, 10-1-2015)

The St. George City Code is current through Ordinance 2022-05-009, passed May 19, 2022.

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CHAPTER 10

SPECIAL EVENTS

- 3-10-1: Purpose**
- 3-10-2: Definitions**
- 3-10-3: Permit Required**
- 3-10-4: Application Requirements And Procedures**
- 3-10-5: Insurance Requirement**
- 3-10-6: Fees**
- 3-10-7: Application Review, Approval And Issuance**
- 3-10-8: Grounds For Denial**
- 3-10-9: Appeal Procedures**
- 3-10-10: Violation**

3-10-1: PURPOSE:

The purpose of this chapter is to provide for and encourage temporary events to occur in the city in order to create a sense of community and enhance the quality of life for city residents. It is also the city's intent to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues which may occur as a result of the special event. This chapter is adopted to ensure that the special events do not create disturbances, become a nuisance, threaten life, health, and property, disrupt traffic, or threaten or damage private or public property. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for time, place and manner regulations. (Ord. 2015-10-003, 10-1-2015)

3-10-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall be defined as set forth in this section:

APPLICANT: The individual event organizer and the organization responsible for the event and the payment of fees.

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, held on any public or private property.

CITY EVENT: A special event that is organized and operated by the city, whether directly or by contract with a third party operator.

FILMING EVENT: Filming of a media broadcast (other than for news purposes), filming of a motion picture, television broadcast and digital media production.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of product including, but not limited to, displays and exhibitions, farmers' markets, craft fairs, outdoor sales, tent sales and other similar activities.

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

- A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.
- B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.
- C. Events held at the following are not special events under this chapter:
 - 1. A building that has a business located in it that has a current annual business license as an event business;
 - 2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required; and
 - 3. A government owned facility.
- D. For purposes of this chapter, city events are not special events, however events sponsored by the city are special events.

TEMPORARY EVENT: Any event which occurs on a temporary basis of less than one (1) year at a location where the applicant does not have an annual business license for the specific activities being held. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2017-04-002, 4-6-2017)

3-10-3: PERMIT REQUIRED:

It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit. (Ord. 2015-10-003, 10-1-2015)

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:

A. *Submission:* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

B. *Advertising:* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued.

C. *Inspections:* Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection. (Ord. 2015-10-003, 10-1-2015)

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3. The location of the operations to which the insurance applies.
4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.
5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.
6. A statement that all coverage is on an occurrence basis rather than a claims basis.
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3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the city, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
5. The permit application contains a material falsehood or misrepresentation;
6. The applicant has failed to pay a debt to the city including costs incurred during a prior special event;
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SPECIAL EVENTS SPECTATORS LIABILITY INSURANCE REQUIREMENTS – No Alcohol (Draft Proposal 7.13.22)

Utah Governmental Immunity Liability Limits as of 7/1/22

\$827,000 per Person \$3,329,100 per Occurrence

Vendor must provide a Certificate of Insurance for the amount listed below naming the City of St. George as an Additional Insured

CLASS I EVENTS – General Liability: \$1,000,000 per Occurrence, \$2,000,000 General Aggregate

- Ceremonies – Graduation, Funeral, Wedding (no alcohol)
- Concerts – Band rehearsals, Choirs, Christian, Classical Music, Cover/Tribute Bands, Doo-Wop, Folk, Jam & Jazz Concerts, Spiritual, Symphony
- Dance – Ballets, Classic Dance Shows, Dance Recitals and Competitions, Modern Dance, Hula (without Fire)
- Exhibitions – Drill Team, Educational, Job Fairs
- Festivals/Cultural/Amusement – Art Festival, Bazaar, Harvest Festival (no farm implements or equipment)
- Fundraisers – Carwash, Charity Benefits Fundraiser, Fundraising Dinner, Telethons
- Lectures – Lectures, Seminars, Speaking engagements
- Meetings – Amateur Association, Book or Record Signings, Business, Church, Civic, Conferences, Non-profit gathering (under 150 people, without food/activities)
- Parties – Anniversary, Baby or Bridal Shower, Banquets, Baptism, Bar/Bat Mitzvah, Birthday, Business, Debutante Balls, Holiday Events & Parties/Gift Exchanges, Karaoke, Movie Release, Neighborhood, Old Timer Events, Reunions, Seances, Socials, Wedding Receptions
- Political – Chamber of Commerce Events, Voter Registration
- Sales – Auctions, Individual booths or sellers of small non-food items at Rummage, Sidewalk, Swap Meets, Tunk Shows/Trunk Sales, Farmers Market, Miscellaneous Markets
- Shows – Antique, Art, Auto, Award Presentations, Beauty Pageants, Business, Camera, Card, Casino, Comedy, Computer, Consumer, Debuts, Fashion, Flower, Garden, Home, Hypnotist, Magic, Mobile Home Show, Motorcycle, Pageants, RV Shows, Store Openings, Vacation
- Sporting Events – Body Building, Fishing, Scouting Jamborees (no overnight camping)
- Theatre – Film Screenings, Play Readings, Poetry Readings

CLASS II EVENTS – General Liability \$1,000,000 per Occurrence, \$3,000,000 General Aggregate

- Concerts – 00's Pop, Soul, 70's Disco, Classical Rock, 80's Glam Rock, 80's Pop Electronic Rock, 90's Music, Foreign Music, R&B (50's & 60's Bands/music only), Salsa, School Band Competitions or Events
- Dance – Salsa Dances/Performances, Tap Dancing
- Exhibitions – Trade Shows, Other
- Festivals/Cultural/Amusement – Cultural (Music or No Music), Gay Pride, Mariachi Band, Powwows
- Fundraisers – Walk-A-Thon (under 500 spectators)
- Games – Bingo, Card (Blackjack or Poker), Casino Night, Chess Tournament, Math Tournament, Pool &/or Billiard Tournaments, Video Game Contests
- Lectures – Instructional Classes
- Meetings – Evangelistic, Union, Non-profit gathering (over 150 people without food/activity)
- Parties – Christmas Tree Lighting, Easter Egg Hunt, Menorah Lighting, New Year's Eve Party (private/by invite only), Picnics (held at grounds without pools or lakes), Proms
- Sales – Individual booths/kiosks/trucks selling food at, or an Umbrella for Event Organizer to cover all vendors at, Rummage, Sidewalk, Swap Meets, Trunk Show/Trunk Sales, Farmers Market, Miscellaneous Markets
- Shows – Animal Exhibitions, Boat/RV/Vehicle, Film Showings, Halloween or other Costume Contests, Lounge-type Shows

- Sporting Events (Non-Contact) – Aerobic Classes or Events, Golf (nonprofessional), Junior Athletic Games, Marathons (walking/running), Soap Box Derbies, Volleyball Events, Horseshoes, Cornhole, Lawn bowling
- Theatre – Plays, Talent Show (no rap, hip-hop, heavy metal shows), Theatrical Stage Performances

CLASS III EVENTS – General Liability \$1,000,000 per Occurrence, \$4,000,000 General Aggregate

- Concerts – Country Music, Heavy Metal, Pop Music Concert, R&B (other than rap/hip -hop), Reggae
- Dance – Adult, Jazzercise Classes or Events, High School Dance
- Festivals – County Festivals and Fairs (with music/no rides), Country Western Events (no rodeos or rides), Festival (Music or No Music)
- Fundraisers – Walk-A-Thons (over 500 spectators)
- Games – Over-night camping
- Meetings – Company or Corporate Retreats
- Parties – Block Parties (under 100 attendees)
- Political – Heads of State (public events), Political Rallies
- Shows – Dog Shows, Ice Skating Shows, Livestock Shows, Lounge or Night Club-type Shows
- Sporting Events (Contact) – Basketball (non-professional), Karate Meets, Kick Boxing Tournaments, Sporting Events in Buildings (non-professional), Tae Kwon Do Tournaments
- Sporting Events (Non-Contact) – Baseball, Bicycle Rallies (No Racing), Bowling, Cornfield Mazes, Cross Country Running, Gymnastics Competitions, Handball, Jr. Athletic Games, Softball Events, Swimming/Water Activities, Tennis, Triathlons, Volleyball, Pickleball

CLASS IV EVENTS – General Liability \$1,000,000 per Occurrence, \$5,000,000 General Aggregate

- Concerts – Rap, Metal, Hip-Hop and those not otherwise classified
- Festivals/Cultural/Amusement – Bike Rallies (outdoor only), Carnivals (with/without mechanical amusement devices), Circus, Haunted Houses, Hayrides, Parades, Poker Runs (outdoor only), Street Fairs, Mechanical Bull, Other Mechanical Amusement Devices, Bounce Houses, Ax Throwing, Roller Derby, Hula (with Fire), Climbing Wall
- Film Production
- Fireworks, Pyrotechnics
- Fundraisers – Fraternity/Sorority Events (no rush events or parties) Lectures – Drivers Training
- Parties – Neighborhood/Block Parties (over 100 attendees), New Year's Party (Open to the Public) Shows – Gun and Knife Shows
- Sporting Events (Contact) – Adult Martial Arts, Boxing, Flag Football, Football, Hockey, In-Line Hockey, Soccer Tournaments, Wrestling (professional or amateur), Paint Ball
- Sporting Events (Non-Contact) – Aircraft Events, Archery, Hot Air Balloon Events, Helicopter Landing/Ride, Bicycling Events with Racing, Cross Country Skiing, Golf Events (professional), Motorized Sporting Events, Professional Sporting Activities, Racquetball, Rodeos and Roping Events, Skateboard, Tractor Pulls
- Theatre Events – Acrobatic Theatre

Host Liquor Liability – Separate \$1,000,000 Per Occurrence Policy for Event

For Future Consideration: Contracts for Professional Services, Construction Projects (small versus large or dollar amount)