

**VINEYARD
ORDINANCE 2023-19**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL AMENDING THE
VINEYARD MUNICIPAL CODE; REMOVING CHAPTER 6.16 USE OF CITY
ROADS AND CITY PROPERTY, AMENDING SECTION 13.12.120 AND ADDING
CHAPTER 13.14 SPECIAL EVENTS; AMENDING SECTION 13.12.120 (A)(4)
RESERVATION AND RENTAL OF CITY PARKS AND FACILITIES**

WHEREAS, the Vineyard City Council under the authority of Utah Code 10-3 desires to amend the Municipal Code; and

WHEREAS, the City Council has determined that it is in the best interest of the public to remove Chapter 6.16 Use of City Roads and City Property; amend Section 13.12.120 Reservations and Rental of City Parks and Facilities; add Title 12 Special Events.

NOW THEREFORE, be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “6.16 Use Of City Roads And City Property” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16 ~~Use Of City Roads And City Property~~Reserved

SECTION 2: **AMENDMENT** “6.16.010 Definitions” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16.010 Definitions

~~As used in this Chapter: "event" means: an organized competitive or recreational event in which a group of fifty or more people collectively and simultaneously engage in a sport or form of physical exercise, including but not limited to running, jogging, walking, bicycling swimming, skating, or equestrian activity; an organized event having as its primary purpose the entertainment or amusement of a group of fifty or more people, including but not limited to parades, carnivals, fairs, concerts, receptions, weddings, parties, or other gatherings; an organized activity in which a group of ten or more people engage in the production of photographic, video, or audio recordings, with the exception of news reporting and of small groups involved in the production of recordings for strictly personal use; the use of any City Road or City Property by reservation as required by the Vineyard City Facility Use Policy. "City Road" means all public roads and streets within the municipality not designated as State Highways which are situated outside of incorporated cities and towns and such roads and streets situated within incorporated cities and towns that have been designated as city roads and those public roads located within a national forest and constructed or maintained by the municipality under agreement with the appropriate federal agency. "City property" means all real property including improvements and facilities thereon, owned or maintained by Vineyard City, including, but not limited to, real property owned in fee simple, real property leased to the municipality, rights-of-way, and easements.~~

SECTION 3: AMENDMENT “6.16.020 Event Permits” of the Vineyard
Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16.020 Event Permits

~~No person, entity or organization shall permit, maintain, promote, conduct, advertise, sponsor, organize, manage, or operate any event as defined in VMC 6.16.010, which goes upon, over, or crosses any city road or city property unless an event permit has been obtained at least one week prior to the date of the event. An application for an event permit shall be made in writing to the Vineyard City Public Works Department at least thirty (30) days prior to such event. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making the application. The application shall contain and disclose such information as determined necessary by Vineyard City, and shall be on forms provided by the Vineyard City Public Works Department. Prior to issuance of the event permit, the application shall be approved by the Vineyard City Public Works Department, the Utah County Sheriffs Office, and the Vineyard City Attorney's Office as necessary. The terms and conditions of each event permit shall comply with all applicable requirements set forth in the "Vineyard City Facility Use Policy".~~

SECTION 4: **AMENDMENT** “6.16.030 Fees” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16.030 Fees

~~The fee to hold an event upon city roads or property shall be as set forth in the "Vineyard City Government Current Fee Schedule and Ordinance". Upon request of the applicant, the City Council may waive the fee in accordance with the "Vineyard City Facility Use Policy".~~

SECTION 5: **AMENDMENT** “6.16.040 Insurance” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16.040 Insurance

~~Prior to issuance of the event permit, the applicant shall obtain event insurance or liability insurance in a form and amounts acceptable to Vineyard City, and shall provide Vineyard City with a certificate of said insurance.~~

SECTION 6: **AMENDMENT** “6.16.050 Revocation” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16.050 Revocation

~~The event permit issued under the provisions of this Chapter may be revoked by the municipality at any time if any of the conditions necessary for the issuing of or contained in the event permit are not complied with, or if any condition previously met ceases to be complied with.~~

SECTION 7: **AMENDMENT** “6.16.060 Penalties” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

6.16.060 Penalties

~~Any person who knowingly permits, maintains, promotes, conducts, advertises, sponsors, organizes, manages, or operates any event as defined in VMC 6.16.010, without obtaining the event permit required by VMC 6.16.020, shall be guilty of a misdemeanor and shall be punished as provided in VMC 1.08.020.~~

SECTION 8: AMENDMENT “13.12.120 Reservation And Rental Of City Parks And Facilities” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

13.12.120 Reservation And Rental Of City Parks And Facilities

- A. The following regulation shall govern the reservation and rental of City facilities including City buildings, pavilions, and fields.
1. Acceptance of Reservations. Reservations from residents and businesses within the city will be accepted January 1st of each year for the entire year, prior to the proposed date of use. Reservations from non-resident users will be accepted not more than 90 days prior to the proposed date of use. Overnight camping in the Park is prohibited. Official City use of City facilities shall take precedence over all other reservations.
 2. Sundays and Holidays. Because the city facilities' were primarily designed for use by city residents, and to limit hours for paid employees to a normal work week, reservations for Holidays and Sundays will be accepted from residents only, as long as the facilities are scheduled at least seven (7) days in advance.
 3. The resident reserving the facilities assumes the full responsibility to clean the facilities per the cleaning form given at the time of reservation.
 4. Large Group Reservations. Groups who would like to reserve a City facility but will exceed a group size of ~~50~~100 people may require a special event permit issued by the city.
 5. Long-term Reservations. Groups desiring to use city facilities on a long-term basis, will only be allowed to reserve the facilities on a month by month basis, in order to allow others a fair opportunity to use the facilities; and will be subject to the same restrictions and fees as mentioned above.
 6. Fees Charged for Park and City Facilities Use. Fees and refundable deposits charged for use of city facilities are established by the Consolidated Fee Schedule. Deposits charged will be returned based on compliance to the conditions for which the deposit is received. (See Reservation Forms)
 7. Renters Subject to Other terms as Specified on the Reservation Forms. Those wishing to rent or reserve City facilities are subject to agree, by their signature, to the terms and conditions as specified on the applicable Reservation Forms.
 8. Non-Reserved Use. Organized groups found to be using City facilities

without having made a reservation may be asked to refrain from use until the proper reservations are made.

SECTION 9: **ADOPTION** “13.14 Special Events” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

13.14 Special Events(*Added*)

SECTION 10: **ADOPTION** “13.14.010 Definitions” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

13.14.010 Definitions(*Added*)

For the purpose of Chapter 13, Section 14 of this Title, the following definitions shall apply:

ADULT PERFORMANCE. Any music, show, exhibition, or other presentation that is performed or displayed in a public location and depicts or simulates, in whole or in part, nudity, sexual conduct, sexual excitement, specific sexual activities, lewd conduct, or the lewd exposure of prosthetic or imitation genitals or breasts.

APPLICANT. The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the Special Event application and all other documents relevant to the event. If the Applicant is a corporation, corporate sponsor, or business, or any other entity, which is not a natural person, the co-applicant or responsible party must be a natural person or persons.

AMPLIFIED EVENT OR MUSIC. An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

CONCESSION. A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a permitted event.

DISRUPTIVE TECHNOLOGY. An innovation that displaces an established technology and creates a new market and value network that eventually disrupts an existing market and value network, displacing established market-leading firms, products and alliances.

FEE(S). Charges assessed by Vineyard City for permitting, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to a Special Event and established within the event permitting process according to the Vineyard City Fee Schedule.

FIRST AMENDMENT EVENT. An expressive and associative activity that is protected by the United States and Utah Constitutions, including speech, press, assembly, and the right to petition, but not including commercial advertising, revenue-generating events, or fundraising.

MINOR. Any person under the age of eighteen (18).

PERMITTEE. The Applicant, as defined above, becomes the "Permittee" when the Special Event Permit is approved and signed by the City Manager upon meeting all the criteria in this Title. As the permit holder, the Permittee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses and permits, Fee assessments, and insurance liabilities connected with the permitted event.

PUBLIC EVENT. Any event or gathering held in a public location, including but not limited to festivals, concerts, parades, and fairs.

SPECIAL EVENT. A sporting, cultural, entertainment, or other types of unique activity, whether held for-profit, not for profit, or for charitable purposes, occurring for a limited or fixed duration that impacts the City by involving the use of, or having an impact on City property, or requiring City licensing or services beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:

- A. Interruption of the safe and efficient flow of transportation in Vineyard, including streets or public rights of way, which may include full, partial, or temporary closures or impacts on streets or sidewalks necessary for the safe and efficient flow of transportation and pedestrian movement in Vineyard;
- B. Use of public property, facilities, trails, or parks;
- C. Use of City parking facilities;
- D. Impacts Public Utilities above typical public use.
- E. Except for Independence Day, New Year's Eve, or any other day designated by the City, use of amplified sound above that which is allowed by Section 8.08 of this Code;
- F. Need for Public Safety beyond their normal scope of operations;
- G. Requires licensing or services beyond the normal scope of business;
- H. Outdoor or temporary events that do not normally occur with the permitted venue use;
- or
- I. An organized gathering of 100 or more individuals.

SPECIAL EVENTS COORDINATOR. The City employee designated by the City Manager, that administers the provisions in the Special Events Chapter of this Code.

SPECIAL EVENT PERMIT. A permit sought by an Applicant for an event as defined in this Chapter, granted through the Special Events Department.

SPONSOR. A person, group, or business which has contracted to provide financial or logistical support to any Special Event. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

STAGE(S). The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by Special Events staff.

VENUE. The location or locations upon which a Special Event is held, which may include the ingress and egress route as approved in the conditions of the Special Event Permit.

SECTION 11: **ADOPTION** “13.14.020 Unlawful To Operate Without A Permit; Exceptions” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.020 Unlawful To Operate Without A Permit; Exceptions(*Added*)

- A. It is unlawful for any person to conduct a Special Event with or without charge for admission, without first applying for and being granted a Special Event Permit for the specific event and its Venue(s). All permits issued pursuant to this chapter are non-transferable and expire at the completion of the given event, or upon revocation, whichever is earlier.
- B. The following are exempt from Special Event permitting:
 - 1. Funeral processions by a licensed mortuary;
 - 2. Activities lawfully conducted by a governmental entity within the scope of the governmental entity’s authority;
 - 3. Filming activities if a permit for such activities has been issued by the City;
 - 4. Activities within private property if conducted in compliance with all other codes and ordinances, including but not limited to noise and parking restrictions;
 - 5. Activities that do not meet the special event definition as outlined in this code;

SECTION 12: **ADOPTION** “13.14.030 Special Event Permit Application Procedure” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.030 Special Event Permit Application Procedure(Added)

A.

APPLICATION SUBMITTAL. All applications for a Special Event Permit shall be made on a Special Event Application prescribed by the City and submitted to the Special Events Coordinator. Incomplete applications will be returned to the Applicant and noted accordingly. The City shall make Special Event Applications available at the City's administrative office and online at the City's website. The City shall not issue a Special Event Permit for untimely applications unless the Applicant receives a written waiver from the Special Events Coordinator upon a showing of good cause for one-time events that uniquely benefit Vineyard's community, cultural, or economic values. The Event Review Committee shall review complete applications for compliance with the Special Event Code. Following review by the Event Review Committee, the Special Events Coordinator shall subsequently return a copy of the Application to the Applicant and provide a copy to the City Manager with comments and a recommendation (approve as is, approve with changes or conditions, or denied). Within fourteen (14) days of receiving a recommendation from the Event Review Committee, the City Manager shall approve or deny the request.

B. APPLICATION SUBMISSION DEADLINES. Special Event Applications may be submitted no earlier than twelve (12) months in advance of the proposed start date of the event. All applications must be submitted no later than sixty (60) days prior to the event.

C. PEAK TIME PERIODS. The City shall not consider applications for events occurring during the following peak time periods unless the City Council approves the peak-time event by resolution:

1. Vineyard Summer Celebration (First weekend in June)
2. Boo-A-Palooza (Dates vary annually, normally held in October)
3. Winter Holiday (December 23-26)
4. Winter Holiday 2 (December 30,31 and January 1)
5. Large races or events hosted by the city government (see Published peak time calendar) Applicants that appeal to hold a special event during a peak-time period shall submit an application for a waiver to be approved by the City Council in an open public meeting after a public hearing

D. ADDITIONAL REQUIREMENTS. Prior to issuance of a Special Event Permit and no later than fourteen (14) days before the date of the event, the Applicant shall provide as necessary:

1. Proof of insurance in a form and amount acceptable to the City;
2. A signed waiver, release, and indemnification agreement in a form acceptable to the City;
3. Supplemental information, including but not limited to a transportation, parking, and traffic control plan, weather/emergency plan, waste plan, staff and volunteer plan, community impact outreach and notification plan, vendor or concession plan, noise exemption request, and site map(s) in a form acceptable to the City;
4. Proof that the Applicant has obtained all applicable approval, permits, or

licenses required by a city, county, state, or federal governmental entity.

5. Agreements or letters of permission from all affected property owners, and/or letters of recommendation or support from all affected businesses, local

organizations, or residents.

E. CITY REVIEW. The Special Events Coordinator shall review Applications for completeness and present complete Applications to the Event Review Committee along with a city recommendation of approval, denial, or conditions. The Event Review Committee shall review the Application and issue a written recommendation to the City Manager. The City Manager shall review the recommendation of the Event Review Committee and either approve, approve with conditions, or deny all applications.

F. DECISION. Upon deciding whether to approve, approve with conditions, or deny an Application, the City Manager shall deliver written notice of such decision to the Applicant.

SECTION 13: **ADOPTION** “13.14.040 Standards For Permit Approval” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.040 Standards For Permit Approval(*Added*)

A. STANDARDS. The City shall consider the following standards when reviewing special event permit applications:

1. COMPLIANCE WITH FEDERAL, STATE, COUNTY, AND CITY LAWS. The event organizer must demonstrate compliance with all applicable federal, state, county, and city laws, including but not limited to noise regulations, health and safety laws, environmental standards, and other relevant ordinances or permits required for the event.
2. PUBLIC SAFETY. The event organizer must provide a comprehensive plan detailing the public safety measures it will follow to ensure the well-being of event attendees, staff, and the general public. This plan should include provisions for crowd control, emergency services, medical facilities, security personnel, traffic management, and any other necessary safety considerations.
3. IMPACTS TO PUBLIC SPACES. The event organizer must demonstrate measures to minimize the impact on public spaces, such as the time and location of events relative to usage of certain public spaces or amenities, minimizing damage to park grounds, providing appropriate waste management systems, and ensuring the timely cleanup of the event area once the event concludes.

4. INFRASTRUCTURE AND FACILITIES. The event organizer must ensure that the chosen location has adequate infrastructure and facilities to support the event, including but not limited to electricity, water, restroom facilities, and parking.
5. COMMUNICATION. The event organizer must establish a plan for notifying and communicating with affected residents and businesses in the vicinity of the event site. This plan should include timely and clear communication regarding the event's schedule, potential impacts, and contact information for addressing any concerns or inquiries.
6. TRAFFIC AND TRANSPORTATION. The event organizer must provide a comprehensive traffic and transportation management plan to minimize disruptions to the surrounding area. This plan should address parking arrangements, traffic flow, alternative transportation options, and any required road closures or detours.
7. ENVIRONMENTAL CONSIDERATIONS. The event organizer must demonstrate efforts to minimize environmental impacts, such as implementing waste reduction and recycling initiatives, utilizing eco-friendly materials, and considering energy-efficient practices during the event.
8. FINANCIAL RESPONSIBILITY. In addition to the insurance and liability requirements required by this chapter, the event organizer shall provide evidence of adequate financial resources or insurance coverage to address any potential public liabilities arising from the event, including property damage, personal injury claims, and other related expenses.
9. PRIOR TRACK RECORD. The event organizer's past experience in successfully organizing similar events may be considered as a factor in evaluating the permit application.
10. COMMUNITY SUPPORT AND ENGAGEMENT. The event organizer should demonstrate efforts to engage and secure community support for the event, including obtaining letters of support from local organizations, collaborating with neighborhood associations, and addressing any concerns raised by residents or stakeholders.
11. ALIGNMENT WITH CITY AND NEIGHBORHOOD OBJECTIVES. The event organizer must explain how the special event aligns with the city's and neighborhood's objectives, goals, and priorities. This includes promoting community cohesion, enhancing the city's cultural or recreational offerings, and contributing to the overall well-being of the community.
12. ECONOMIC BENEFIT. The event organizer must outline how the special event will generate economic benefits for the city, such as increased tourism, local business revenue, job creation, or showcasing local artisans and vendors. This should include a plan for attracting visitors, promoting local businesses, and maximizing positive economic impacts.
13. DIVERSITY OF EVENTS AND COMMUNITIES SERVED. The event organizer should strive to provide a diverse range of special events that cater to various interests, cultures, and communities within the city. The selection of events should aim to be inclusive and representative of the city's diverse

- population.
14. PRESERVATION OF ACCESS TO SHARED SPACES. The special event should not unduly restrict or hinder public access to shared spaces, such as parks or public facilities, during or after the event. The event organizer must demonstrate a commitment to maintaining public access to these spaces, ensuring that they remain available for use by residents and visitors.
 15. NON-RELIANCE ON PRIMARILY RETAIL-FOCUSED EVENTS. The special event should not primarily focus on retail activities, but instead offer a broader range of experiences, such as arts and cultural exhibitions, performances, food festivals, educational programs, or recreational activities. The event organizer should encourage a diverse array of event types that cater to different interests and foster community engagement.
 16. NEGATIVE IMPACTS. Negative traffic, public health, or public safety impacts of the special event cannot be eliminated or sufficiently mitigated by Conditions of Approval or to conform to the requirements of the Vineyard City General Plan.
 17. VIOLENCE. The event creates the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
 18. DISRUPTIVE TECHNOLOGY. Whether the event organizer proposes to use Disruptive Technology and has mitigated potential impacts to businesses or the community that would result from such use.
 19. AGE RESTRICTIONS. Whether the event is appropriate for participants of all ages or abilities.

SECTION 14: **ADOPTION** “13.14.045 Prohibition Of Special Events In Certain Locations” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.045 Prohibition Of Special Events In Certain Locations(*Added*)

- A. PUBLIC PARKS. No person, group, or organization shall hold a special event in any public park within the City unless the event is held in an area designated by the City for such purposes.
- B. DESIGNATED AREAS. The City may designate certain areas of public parks for use as special event sites. These areas shall be clearly marked and identified as such on maps created by the Special Event Coordinator. The City shall have the discretion to determine the number of special events that may be held in each designated area and the frequency of such events.
- C. PROXIMITY TO PRIVATE RESIDENCES. No special event shall occur within twenty (20) feet of any private residence abutting a public park. As may be necessary

to minimize the impact of noise and other disturbances on nearby residents, the City may increase this distance on an event-by-event basis based on the nature and size of the event, the location of the nearest residences, and the type of noise and other disturbances that the event is likely to generate.

SECTION 15: **ADOPTION** “13.14.050 Conflicting Permit Applications” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.050 Conflicting Permit Applications(*Added*)

- A. No more than one (1) Special Event shall be approved for the same week(s) unless the City Manager finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the City Manager will apply the following criteria:
1. Geographic separation of the events;
 2. Proposed time and duration of the events;
 3. Anticipated attendance volumes;
 4. Necessity for public personnel, equipment, and/or transportation services at the events; and
 5. Anticipated traffic and parking impacts.
 6. Wear and tear on city facilities
- B. In cases where an event double booking conflict arises, the Event Review Committee will encourage any secondary, or subsequent, Applicant to review the feasibility of collocating with the original Applicant. If collocating proves impractical, the Event Review Committee will encourage any secondary, or subsequent, Applicant to offer a viable alternative strategy that meets the needs of all Applicants, while also ensuring adequate public safety measures remain intact.
- C. If no voluntary agreement is reached, then the City Manager shall resolve the issue based on the following order of priorities:
1. The Special Event that provides the greatest overall value to the City based on economic and community impacts, which for recurring events may be based on an annual event debrief.
 2. Special Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:
 - a. The application is timely filed and processed by the City;
 - b. Said governmental application is made in good faith and not with the effect or purpose of improperly chilling the constitutional rights of conflicting Applicants.
 3. Special events that are planned and organized by Vineyard City shall have

priority over all conflicting applications

- D. If no voluntary agreement is reached, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

SECTION 16: **ADOPTION** “13.14.060 Fees; Exceptions” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.060 Fees; Exceptions(*Added*)

- A. APPLICATION FEE. Special Event Application Fees shall be assessed according to the City's Fee schedule. All application fees are due and payable upon receipt of an invoice from Vineyard City and prior to permit being issued.
- B. CITY SERVICE FEES. Upon receipt of a completed Special Event Application, the Special Events Coordinator will provide the Applicant with an estimate of City Service Fees based on the fee schedule and will provide estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, Utah County Sheriffs Vineyard office services (see Utah County Sheriffs Vineyard office,) venues or facilities, Building inspections, and User Fees. A final assessment of City costs will occur upon completion of the Special Event. All-City service Fees will be adjudged to reflect actual costs. Unless reduced pursuant to Section 13.14.070, all additional City service Fees must be paid in full within thirty (30) days of the final assessment and receipt of invoice of City costs for the Special Event.
- C. FINANCIAL SECURITY. The City Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Finance Department for all estimated contingent costs prior to the issuance of a Special Event Permit, as a guarantee against Fees, damages, clean up, or loss of public property.
- D. EXCEPTIONS. Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

SECTION 17: **ADOPTION** “13.14.070 Fee Reductions” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.070 Fee Reductions(*Added*)

- A. Annually, the City may allocate funds to reduce City Service Fees required for Special Events. Allocation of reduced Fees will be determined by the City Council. Deposits may not be waived.
- B. The City Council may reduce the following Special Event City Service Fees after reviewing a recommendation from the Parks and Recreation Department and Budget Manager upon a finding of eligibility pursuant to the criteria provided. Fees that may be reduced are as follows:
 - 1. Special Event Application;
 - 2. Building permit;
 - 3. Facility and/or equipment rentals;
 - 4. Field and/or park rentals;
- C. Fee reduction requests will be reviewed during review of the Special Event Application. Fee reduction requests must be submitted to the Special Events Coordinator on a Special Event Fee Reduction Application.
- D. Eligibility for a full or partial Fee reduction shall be determined by the City pursuant to the following criteria, none of which shall be individually controlling:
 - 1. Reason for choosing Vineyard City and specific Venue for the event;
 - 2. Charges event admission or Fees for participation and policy for attendees or participants unable to pay such Fees;
 - 3. Event organizers provide free programs to the community, or raises funds for organizations that provide free or low-cost programs benefiting local youth, seniors, or under-served constituents, and/or is aligned with City Council's critical goals;
 - 4. Provides a community or cultural event; and
 - 5. Demonstrates extraordinary efforts to reduce and mitigate environmental, transportation, and residential impacts associated with the event consistent with adopted City Council priority/policy goals and the General Plan.

SECTION 18: **ADOPTION** “13.14.080 Insurance Requirements” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.080 Insurance Requirements(*Added*)

Upon receipt and review of a Special Event Permit application, the Parks and Recreation Department will submit the application with a recommendation for final authority by the City Attorney and Finance Director for the amount of liability insurance or other security. The Parks and Recreation Department will deliver written notice of such determination to the Applicant. Applicant shall provide proof of liability insurance in the determined amount no later than fourteen days (14) prior to the first set-up day of a Special Event. The Applicant shall name Vineyard City Municipal Corporation as an additional insured. All Applicants shall further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or its employees. Any reduction of these requirements must be approved by the City Attorney prior to permit approval. The City may revoke a Special Event Permit if the Applicant does not timely submit the required security and waiver of liability.

SECTION 19: ADOPTION “13.14.090 Supplemental Documents” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.090 Supplemental Documents(*Added*)

A. Transportation and traffic control requirements and considerations:

1. All traffic and transportation control are the responsibility of the Applicant. A traffic and transportation control plan shall be provided to, and approved by, the Event Review Committee upon recommendation by the Engineering Department prior to the City Manager’s approval. Plans are determined through collaboration with the Special Events Coordinator, and shall include determinations on transit impacts and traffic control, including pedestrian, bicycle, motorized and other methods of transport required for the event. In addition to parking coordination;
2. Road closures will require appropriate traffic control. Appropriate traffic control may include by uniformed state, county, or local police officers, or a private company, identified event staff, or physical devices, as determined by the Event Review Committee;
3. The Event Review Committee may require an alternate route, or alternative time, if the proposed Event occurs when traffic volumes are high, active road

construction is present, an alternative event is already occupying the road, a safer route to accommodate the event, or the event poses a significant inconvenience to the traveling public;

4. The Applicant shall restore the road or trail segment, or impacted area to its original condition, free from litter and other material charges;

5. The Parks and Recreation Department may monitor and ensure compliance with the terms and conditions of any Special Event Permit.

B. Contingency Plan Requirements:

1. Considering the nature of the planned Special Event, the Applicant shall develop:

a. Contingency or emergency plans, including Emergency Medical Service, fire, and police;

b. Operations plan and timeline;

c. Weather date and/or weather conditions plan;

d. Residential notification and mitigation plan;

e. Planned rest areas, water and toilet facilities, and trash cleanup based on the City requirements and The Utah County Health Code;

f. Plans to ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights, and signs;

g. The City Manager may require that the Applicant provide notice to participants, bystanders, or the public of all plans enumerated in Subsection (B)(1). The amount of and method of notice shall be dependent on the circumstances of the Special Event Permit.

C. Special Event Site Identification and Private Property Use Requirements.

D. Parking plan showing location, number of stalls, and approval from property owners as needed. Parking plans need to show a ratio of 1 parking stall to each 3 anticipated participants.

E. The Applicant shall provide a detailed map showing the proposed course and direction of the event. Locations of parking areas, signs and banners, water stations, power sources, toilet facilities and other appropriate information shall also be included on this map. The Applicant is responsible for obtaining appropriate permission to locate these facilities on private property.

SECTION 20: ADOPTION “13.14.100 Waiver” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.100 Waiver(*Added*)

The City Council may, in its sole discretion, waive any requirement of this chapter if it finds

that strict compliance with such requirement is impractical, unnecessary, or contrary to the public interest. A waiver may be granted upon written application to the City Manager or designee. The application shall state the specific requirement for which a waiver is sought, the reasons why the waiver is necessary, and any alternative measures proposed to mitigate any adverse impacts resulting from the waiver. The City Manager or designee may grant the waiver, subject to such conditions and safeguards as deemed appropriate to protect the public health, safety, and welfare.

SECTION 21: **ADOPTION** “13.14.110 Appeal” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

13.14.110 Appeal(*Added*)

Any Applicant that has been denied a special event permit, or has been granted a permit with unwanted conditions, may appeal the decision to the City Council within ten 10 days of the City Manager’s decision. The appeal must be in writing and must include the reasons why the decision should be reversed or modified. The City Council shall consider the appeal at its next regularly scheduled meeting and may affirm, modify, or reverse the decision of the City Manager. The decision of the City Council shall be administratively final.

SECTION 22: **ADOPTION** “13.14.120 Prohibition Of Adult Performances” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

13.14.120 Prohibition Of Adult Performances(*Added*)

- A. It shall be unlawful to organize, promote, or produce any event that includes an Adult Performance on public property.
- B. No person under the age of eighteen (18) shall be allowed to attend any event featuring an Adult Performance.
- C. Any violation of this provision shall result in the immediate revocation of the special event permit, and the organizers shall be subject to a penalty.

SECTION 23: **ADOPTION** “13.14.130 Penalty” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.130 Penalty(*Added*)

The City may enforce violations of this chapter through all available criminal or civil means. Any person who willfully violates any provision of this Title shall be guilty of a Class B misdemeanor. Persons conducting Special Events without having first obtained a Special Event Permit are subject to arrest and the Special Event is subject to closure.

SECTION 24: **ADOPTION** “13.14.140 Revocation For Cause; Notice To Cure” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

13.14.140 Revocation For Cause; Notice To Cure(*Added*)

- A. NOTICE TO CURE. If the Special Events Coordinator or any sworn law enforcement officer determines that the conditions of any permit issued pursuant to this chapter have been or are being violated, then notice shall be given to the Permittee, or designated organizer’s representative of the Special Event to cure the violation.
- B. FAILURE TO CURE. It is unlawful for the Permittee, Sponsor, or on-site organizer’s representative of an authorized Special Event to fail to take reasonable steps to promptly cure any notice of violation of this chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Permittee, Sponsor, or on-site organizer’s representative to cure their violation of this chapter.
- C. CLEAR AND PRESENT DANGER. If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police’s designee, that any failure to cure a violation of this chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event, the Permittee, Sponsor, or on-site organizer’s representative of the Special Event shall be promptly notified that the permit is revoked and that the Special Event must immediately cease and desist
- D. VIOLATION OF CEASE-AND-DESIST ORDER. If a Special Event Permit is revoked as specified in Subsection (C) above, then it shall be unlawful for any person

to fail to obey the order to cease and desist from illegal activities.

SECTION 25: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 26: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

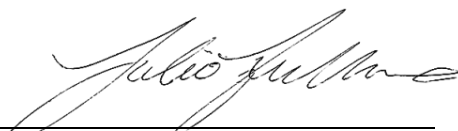
SECTION 27: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from May 24, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL MAY 24, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Tyce Flake	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Amber Rasmussen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mardi Sifuentes	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Cristy Welsh	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Julie Fullmer, Mayor, Vineyard



Pamela Spencer, City Recorder,
Vineyard



CERTIFICATE OF POSTING

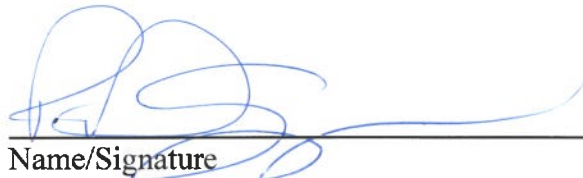
I, THE DULY APPOINTED AND ACTING CITY RECORDER FOR VINEYARD, UTAH, HEREBY CERTIFY THAT COPIES OF THE FOREGOING **ORDINANCE SUMMARY** FOR ORDINANCE 2023-19 WERE POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE MUNICIPALITY ON THE 25th DAY OF MAY 2023. WHICH PUBLIC PLACES ARE:

POSTED:

1. VINEYARD CITY OFFICES; 125 SOUTH MAIN
2. VINEYARD CITY WEBSITE; www.vineyard.utah.gov
3. UTAH PUBLIC NOTICE WEBSITE

AND THAT SAID NOTICE REMAINED SO POSTED AND AVAILABLE UNTIL THE 26th DAY OF JUNE 2023.




Name/Signature

City Recorder
Title