

Ordinance 2015-24

SHORT TITLE:

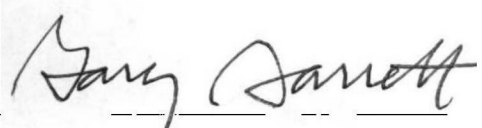
An ordinance amending Provo City Code Chapter 6.20 (Large Public Assemblies).

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL			√		
CW 2	GARY GARRETT					Excused
CD 1	GARY WINTERTON			√		
CD 2	KIM SANTIAGO			√		
CD 3	HAL MILLER			√		
CD 4	KAY VAN BUREN	√		√		
CD 5	CALLI HALES		√	√		
				TOTALS	6	0


This ordinance was passed by the Municipal Council of Provo City, on the 2<sup>nd</sup> day of June, 2015 on a roll call vote as described above. Signed this \_\_\_\_\_ June 16 \_\_\_\_\_, 2015.

  
\_\_\_\_\_  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this \_\_\_\_\_ July 7 \_\_\_\_\_ 2015.

  
\_\_\_\_\_  
Mayor

ORDINANCE 2015-24

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 7th day of July 2015, with a short summary being published on the 6<sup>th</sup> day of June, 2015, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2015-24.



Signed this 7th day of July 2015.

Janeen Steiss  
City Recorder

ORDINANCE 2015-24.

AN ORDINANCE AMENDING PROVO CITY CODE CHAPTER 6.20 (LARGE PUBLIC ASSEMBLIES). (15-081)

WHEREAS, Provo City desires to accommodate the lawful exercise of constitutional rights for public assemblies and special events; and

WHEREAS, the Provo City Municipal Council recognizes that there are competing interests when those seeking to use public property for public assemblies and special events intermingle with others desiring to use the same public property for their own public or private purposes including commuting, biking, jogging, recreation or other activities; and

WHEREAS, the Municipal Council finds that the tension between these competing interests escalates during heavily attended public assemblies and special events and when the owners of private property seek access to their property and seek to protect and preserve the quiet enjoyment of their private property from public encroachment; and

WHEREAS, the Municipal Council also finds that public assemblies and special events have in other cities attracted disorderly, tumultuous, and violent conduct, and even terrorist attacks; and

WHEREAS, Provo City desires to preserve public safety and order by creating a public atmosphere conducive to the cautious, efficient, and safe flow of both pedestrian and vehicular traffic on and near public sidewalks, streets and other public property; and

WHEREAS, Provo City also desires to preserve the quiet enjoyment of private property, free from unsolicited and excessive outside nuisances and desires to promote the public's health, safety and general welfare; and

WHEREAS, the Municipal Council finds the City has a compelling interest in protecting public safety and preserving constitutional rights and freedoms by enacting clear time, place and manner standards for public assemblies and other special events; and

WHEREAS, on June 2, 2015 the Municipal Council held a duly noticed public meeting to consider this matter and after considering the facts and comments presented to the Municipal Council, the Council finds: (i) the provisions establishing time, place and manner restrictions and a permit system for parades, public assemblies, and mass gatherings on and in City sidewalks, streets, and parks as set forth below should be adopted for the reasons set forth above, including preserving the constitutional rights of public assembly and free speech, the orderly and efficient flow of vehicular and pedestrian traffic, the quiet enjoyment of public property, and protection from violence and disorderly conduct; and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City;

NOW, THEREFORE, BE IT ORDAINED BY The Municipal Council of Provo City, Utah, as follows:

PART I:

Chapter 6.20 of the Provo City Code is hereby amended as follows:

**Chapter 6.20**

**Public Assemblies and Special Events.**

6.20.010.   Intent.

- 53           6.20.020. Definitions.  
54           6.20.030. Application and Permit Required.  
55           6.20.040. Conditions for Issuing Permit.  
56           6.20.050. Application; Fees; Cost Recovery.  
57           6.20.060. Issuance, Suspension or Revocation.  
58           6.20.070. Conflicting Applications.  
59           6.20.080    Enforcement.

60  
61 **6.20.010. Intent.**

62           (1) It is the intent of Provo City in this Chapter to regulate, consistent with the provisions of the  
63 Constitutions of the United States and the State of Utah, Public Assemblies and Special Events within  
64 Provo City in order to protect the health, safety and welfare of all persons within the City, residents and  
65 visitors alike. It is the policy of Provo City to accommodate public assemblies and special events subject  
66 to reasonable time, place and manner restrictions.

67           (2) The issuance or non-issuance of a permit described in this Chapter is intended to be an action  
68 immune from suit as described in the Utah Governmental Immunity Act, Utah Code Section 63G-7-301  
69 (5)(c), as amended.

70  
71 **6.20.020. Definitions.**

72           As used in this Chapter, unless the context shall otherwise require, the following terms shall have the  
73 following meanings:

74           *Applicant* means the individual, group or organization sponsoring or organizing a special event and  
75 applying for a special event permit pursuant to this Chapter.

76           *Application* or *Permit Application* means the City’s written application for a permit to hold a special  
77 event.

78           *Business Days* means Mondays through Thursdays, and does not include Fridays, Saturdays, or legal  
79 Holidays as outlined in Utah Code §63G-1-301, plus Christmas Eve and excepting Columbus Day and  
80 Veteran’s Day,

81           *City* means the City of Provo, Utah.

82           *Chief Administrative Officer* or *CAO* means the Chief Administrative Officer of the City of Provo,  
83 Utah.

84           *Chief Building Official* means the Chief Building Official of the City of Provo, Utah.

85           *Fire Chief* means the Chief of the Fire Department of the City of Provo, Utah.

86           *Health Director* means the Executive Director of the Utah County Health Department, or other Utah  
87 government official with the authority to grant a Temporary Mass Gathering Permit.

88           *Parade* means any march, walk or run, procession, demonstration, motorcade, or other similar activity  
89 consisting of persons, animals, vehicles or any combination thereof, upon any public street, sidewalk, alley  
90 or other public right-of-way within the City, that interferes with the normal flow or regulation of traffic  
91 upon the streets, sidewalks, alley or other public right-of-way, within the City.

92           *Person* means any individual human being, firm, partnership, association, corporation, company or  
93 organization of any kind.

94           *Police Chief* means the Chief of the Police Department of the City of Provo, Utah.

95           *Public Assembly* means a gathering of persons on public property with the purpose of exercising free  
96 speech, association, assembly and similar rights protected by the United States and Utah Constitutions  
97 which interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or  
98 vehicular traffic upon any public way, or other public grounds within the City, or does not comply with  
99 normal or usual traffic regulation or controls; or which occupies any public area open to the general public  
100 to the exclusion of others.

101           *Public way* means any public highway, street, alley, sidewalk, or other public right-of-way with the  
102 City.

103           *Public Works Director* means the Director of the Public Works Department of the City of Provo,  
104 Utah.

105 *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic,  
106 whether or not it is paved.

107 *Special Event* means:

108 (a) any event, activity, or series of activities, including a planned public assembly, which: (i)  
109 occurs on public property and significantly restricts or otherwise impacts the normal access or use of the  
110 public property by the general public or adjacent property owners; or (ii) occurs on public or private  
111 property and is subject to the requirement of obtaining a Temporary Mass Gathering Permit.

112 (b) Special Events may include but are not limited to block parties, street parties, fundraisers,  
113 public assemblies, movie productions and other filming, protests and rallies, runs, races, walks, parades,  
114 and similar community events.

115 (c) The term “Special Event” does not include a gathering of persons at a location with  
116 permanent facilities designed for that specific assembly (unless the designed occupancy levels are  
117 exceeded), including : (i) privately sponsored events which rent space inside City facilities; (ii)  
118 programmed activities provided or managed by the City, i.e. recreational or senior center programs; (iii)  
119 any event that would otherwise fall within the definition of a special event held in a Provo City park but  
120 which involves fewer than twenty-five (25) people at the same time within a circumscribed one hundred  
121 foot (100’) radius and does not interfere with the regular use of the park by those who have reserved  
122 adjacent park facilities and/or the general public; (iv) an activity on, and the permitting of, sports fields,  
123 sports facilities, park pavilions, or other similar government facilities otherwise regulated by the Provo  
124 City Parks and Recreation Department.

125 (d) The term “Special Event” does not include an unplanned or spontaneous public assembly  
126 which due to nature and scope of the event does not result in the unreasonable obstruction of City streets  
127 or sidewalks, nor unreasonably compromise the City’s ability to respond timely to a fire, medical  
128 emergency, or other public safety emergency.

129 *Special event location* means the geographic area authorized by the City where a special event is to  
130 take place.

131 *Special event permit or permit* means the permit issued by the City for a special event.

132 *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic,  
133 including any berm or shoulder parkway, right-of-way, or median strip thereof.

134 *Support services* means those police, fire, inspection, sanitation and other special services, other than  
135 basic routine everyday services, that are provided by the City for a fee, and that are necessary for the safe  
136 and successful execution of the special event.

137 *Support services fees* means those fees set forth on the City’s Consolidated Fee Schedule that are  
138 charged by the City for providing support services for a special event, including a temporary mass  
139 gathering.

140 *Temporary mass gathering permit* means the permit defined in, and issued pursuant to, Utah  
141 Administrative Rule 392-400.

142

### 143 **6.20.030. Permit Required.**

144 (1) All persons sponsoring, maintaining, promoting, or conducting a special event shall pay the  
145 application processing fee, complete a permit application, and obtain a special event permit prior to,  
146 conducting the special event. A valid permit to hold a special event shall authorize any person expressly  
147 named in the permit to engage in any lawful activity described in the permit.

148 (2) A special event permit shall normally be granted upon: (i) proper completion of the application for  
149 the permit; (ii) the availability of the special event location for reservation; (iii) the payment of all required  
150 fees; (iv) the presentation of evidence that the applicant has complied with the conditions set forth in  
151 Section 6.20.040, and has secured all necessary inspections and permits, including a temporary mass  
152 gathering permit, if required; and (v) the applicant’s certification that the conduct of the event will be in  
153 compliance with all applicable laws and regulations. Notwithstanding the foregoing, the Mayor may deny  
154 the issuance of a permit if after a careful and thorough review of the application, the Mayor makes written  
155 findings that: (a) there are compelling grounds to believe that the special event would either endanger the  
156 public’s health, safety or welfare or interfere with another previously approved public assembly or special

157 event; and (b) the Mayor cannot through reasonable governmental action address the concerns raised in  
158 subsection (a) of this subsection. In taking reasonable government action to facilitate and protect the  
159 orderly conduct of public assemblies and special events, the Mayor is authorized to create buffer zones  
160 between groups by executive order where there is a history of violence between groups. The Mayor is  
161 also authorized to take such other actions consistent with free exercise of constitutional rights to prevent  
162 conflicting special events from interfering with each other or otherwise endangering the public's health,  
163 safety or welfare.

164 (3) A separate event permit shall be required for each location for which a temporary mass gathering  
165 permit is required. The permit shall identify the maximum number of people, vehicles, and/or animals  
166 permitted to assemble at the special event location. The specific activities to take place shall also be  
167 expressly stated in the permit. The permit holder shall not sell tickets to, nor allow to assemble at the  
168 special event location, more people, vehicles, and animals than the maximum permissible number  
169 specified in the permit.

170 (4) The permit requirements of this Chapter shall apply to government-sponsored fairs and other  
171 special events held on regularly established fairgrounds or other government property, and to public  
172 assemblies and special events sponsored by Provo City or expressly authorized by the Provo City Code,  
173 City ordinances, the Mayor's administrative directives, executive orders, or other City regulations.

174

#### 175 **6.20.040. Conditions for Issuing Permit.**

176 (1) In addition to identifying the maximum number of people, vehicles, and/or animals that will gather  
177 at the special event location as a condition for receiving the permit, applicants for permits shall certify that  
178 the maximum number of persons at the special event location shall not exceed the number which can  
179 reasonably safely gather at the special event location given the nature of the event, provided that if the  
180 special event is to continue overnight, the maximum number shall not be more than are allowed to sleep  
181 within the boundaries of the special event location by the Provo City Code, City and County zoning or  
182 health ordinances, or other applicable health, safety or public welfare laws, ordinances, and regulations.

183 (2) An application that otherwise satisfies the requirements and conditions of this Chapter shall  
184 normally be approved if:

185 (a) The Fire Chief or the Fire Chief's designee finds: (i) the special event complies with all  
186 applicable fire code rules and regulations; (ii) if the special event location is to be enclosed, the plans  
187 therefore include a reasonable means of ingress and egress under normal and emergency conditions for all  
188 persons attending the special event; and (iii) the plans include reasonable provisions for a first aid station  
189 which shall be sufficient to handle minor medical complaints;

190 (b) The Chief Building Official or the Chief Building Official's designee finds: if bleachers, a  
191 stage, or other similar structure(s) are to be used as part of the special event, the structures meet the  
192 minimum requirements of all applicable building codes;

193 (c) A valid temporary mass gathering permit has been issued by the appropriate health official, if  
194 such a permit is required under Utah Administrative Code Rule R392-400, as amended;

195 (d) The Director of the Department of Public Works or the Director's designee finds that the  
196 application for the special event include plans for a reasonable method of collecting and disposing of all  
197 solid waste generated by the special event;

198 (e) The Chief of Police or the Chief of Police's designee finds that the application for the special  
199 event includes adequate provisions for rerouting pedestrian and vehicular traffic and public safety for the  
200 special event, including, in the Chief's or the Chief's designee's discretion, that not less than one (1)  
201 security guard, licensed under the Utah Security Personnel Licensing Act, Utah Code 58-63-101, as  
202 amended, is provided by the applicant for every seven hundred and fifty (750) people expected to attend;  
203 and

204 (f) The applicant has complied with the insurance and fee requirements contained in this Section  
205 and Section 6.20.050.

206 (3) The plans, specifications, prerequisites, and preconditions set forth in this subsection that are  
207 incorporated into the application form the basis for the approval of the permit issued by the City and shall  
208 be performed by the applicant. Failure to perform the plans, specifications, prerequisites and

209 preconditions incorporated into the application shall be grounds for the suspension or revocation of the  
210 permit. The intentional or negligent noncompliance with said plans, specifications, prerequisites and  
211 preconditions shall be unlawful.

212 (4) Insurance is required for special events unless the event is a public assembly that qualifies for an  
213 exemption pursuant to subsection (5), below. Depending on the type of event, number of participants and  
214 other risk factors, Applicants may be required to submit a risk mitigation plan even for events in which  
215 insurance is not required. Applicants required to provide insurance may choose one of the following  
216 options: (a) Applicants may provide a certificate of insurance with coverage of at least \$1 million per  
217 occurrence with a \$ 2 million aggregate limit naming Provo City, its officers, employees and volunteers as  
218 additional insureds. Required coverage limits will be determined based on the type of event, number of  
219 participants and other relevant risk factors. The certificate shall also state that coverage will not be  
220 canceled without ten days prior written notice to the City; or (b) Applicants may choose special event  
221 insurance coverage through the City's insurance carrier by paying the Tenant User Liability  
222 InsuranceProgram (TULIP) policy premium. Applicants required to provide insurance, shall provide such  
223 evidence of insurance prior to the issuance of a permit. Applicants shall also execute a standard City  
224 indemnification agreement if required to provide insurance.

225 (5) The applicant for a permit for a planned public assembly who is indigent shall not be required to  
226 provide insurance. To evidence indigency, the applicant shall submit a notarized affidavit certifying that:  
227 (i) the costs for insurance to be imposed exceed the available resources of the applicant and the applicant  
228 does not reasonably foresee such funds becoming available before, during, or within a reasonable period  
229 after the planned public assembly and (ii) the applicant is not charging participation fees or other  
230 admittance fees to the general public for the planned public assembly; and (iii) no other person is  
231 underwriting the cost of the planned public assembly.

232 (6) Permits for a special event that is a planned public assembly shall:

233 (a) Contain only such restrictions on time, place, and manner as are reasonably related to Provo  
234 City's significant interests in furthering the public's health, safety and welfare;

235 (b) Be issued upon applicant's agreement to pay for support services fees that reflect the City's  
236 cost of providing support services for the planned public assembly, unless the applicant is indigent. In the  
237 event that the applicant for the planned public assembly permit can evidence indigency, the support  
238 services fee shall be a nominal fee reasonably related to the services requested by the applicant, based on  
239 the financial resources of the applicant. To evidence indigency, the applicant for a planned public  
240 assembly permit shall submit a notarized affidavit disclosing the resources available to the applicant and  
241 certifying that: (i) the full cost for support services to be imposed exceeds the available resources of the  
242 applicant and the applicant does not reasonably foresee such funds becoming available within a reasonable  
243 period before, during, or within a reasonable period after the public assembly; (ii) the applicant is not  
244 charging participation fees or other admittance fees to the general public for the public assembly; and (iii)  
245 no other person is underwriting the cost of the planned public assembly.

246 (7) By signing the application, the applicant:

247 (a) Agrees to abide by all federal, state and local laws, ordinances, rules, regulations, and  
248 administrative directives pertaining to the event, including all provisions of the Provo City Code,  
249 including, but not limited to: (a) the noise provisions of Provo City Code § 9.06; (b) the "commercial  
250 entertainment" provisions of Provo City Code Chapter 6.15; and (c) if the event is a parade, Provo City  
251 Code § 6.23 and Provo City Code § 9.14.220, as amended, regulating parades.

252 (b) Acknowledges that, unless expressly authorized in the special event permit, no special event  
253 shall take place between the hours of 12:00 am and 6:00am and that no person associated with the special  
254 event shall place, construct, erect, use, or employ any tent or other enclosed shelter, vehicle, or trailer.  
255 Further, applicant agrees to return the special event location to public use promptly upon the expiration of  
256 the special event permit without damage, to remove all personal property, equipment, vehicles, other  
257 property, and trash from the special event location, and to be responsible for leaving the special event  
258 location in a clean and orderly condition.

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**6.20.050. Application; Fees; Cost Recovery**

(1) Application for a permit to hold an actual or anticipated special event shall be made in writing to the Provo City Customer Service Division (“Customer Service Division”).

(2) The application shall contain a certification 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 person making the application, or the person’s duly authorized agent. A false statement shall be unlawful.

(3) The application shall contain and disclose:

(a) The name, age, residence and mailing address of the individual signing the application and the names and addresses of the person(s) applying for the special event permit; and, in the case of a person not a natural person, a certified copy of the legal document(s) creating said entity;

(b) The address and legal description of all property upon which the assembly is to be held together with the name, residence and address of the record owner(s) of such property or a map providing such information;

(c) If the property is not owned or controlled by Provo City, proof of ownership, lease, license or right to use all property upon which the special event is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for the special event;

(d) The nature or purpose of the special event;

(e) The total number of days and/or hours during which the special event will be held;

(f) The maximum number of persons, vehicles, and animals which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the special event as provided by this Chapter;

(g) The maximum number of tickets to be sold, if any;

(h) A complete description of all plans and arrangements made to comply with Provo City Code Section 6.20.040, including the following information:

(i) If the event is or includes a parade:

(1) The proposed route to be traveled, including the starting point and the termination point;

(2) The approximate number of persons who, and number and type of animals and vehicles which, will constitute the parade;

(3) The proposed time when the parade will start and terminate;

(4) A statement as to whether the parade is intended to occupy all or only a portion of the width of the streets proposed to be traversed;

(5) The proposed location of any assembly and disbanding areas for such parade;

(6) The proposed time at which units of the parade will begin to assemble at the assembly area and will be finished disbanding at the disbanding area;

(7) Minimum and maximum speed of parade units;

(8) Maximum interval of space to be maintained between parade units;

(9) The maximum length of the parade in miles or fractions thereof;

(j) The portions of the streets or sidewalks that may be occupied by the special event;

(k) The number and location of tents, booths, bleachers or other temporary structures to be used;

(l) The timing, location, and use of fireworks, smoke, or special effects or activities that may create a risk of fire or injury;

(m) A description of any sound amplification equipment, including the number and the proposed amplifying range and decibel level;

(n) A description of any banners, signs, or other attention getting devices proposed to be used in connection with the event;

(o) A description of the types of animals; the types of vehicles to be used; the number of bands and other musical units and sound trucks to be used;

(p) The number of persons who will be designated to monitor the event and the name of the person in charge; and



311 (q) Such other information as the Fire Chief and/or Police Chief, or the Police Chief and/or Fire  
312 Chief's designee(s) shall find necessary for the proper enforcement of this Chapter and the  
313 preservation of public safety.

314 (4) An application review fee shall be collected at the time an application is submitted to the City's  
315 Licensing Division. The application review fee for special events shall be the amount set forth in the City  
316 Consolidated Fee Schedule. This fee is intended to cover the City's cost of reviewing the application and  
317 therefore is not refundable even if the permit is denied.

318 (5) If the application requires or requests the use of any City services, the applicant shall reimburse the  
319 City for all charges applicable for any such services agreed to be provided by the City. Unless rates for  
320 City services have been established by ordinance of the Municipal Council, standardized rates for City  
321 services may be established by Administrative Directive of the Mayor, which rates may not exceed the  
322 reasonable costs of providing such service. Rates established by Administrative Directive of the Mayor  
323 shall be reviewed annually and are subject to revision or updating, as needed, as a result of such review.

324 (6) Immediately after the special event, the permit holder shall be responsible for cleaning the special  
325 event area of litter and debris, and disposing of all waste in accordance with City rules and regulations  
326 unless the City has agreed to provide such services. The permit holder shall also be responsible for  
327 immediately restoring property damaged, disturbed, or defaced in connection with the special event to the  
328 same condition existing before the event.

329 (7) Prior to the issuance of a special event permit, the applicant shall provide a deposit, in an amount  
330 equal to an estimate of:

- 331 a. All City services agreed to be provided by the City; and
- 332 b. The City's cost of cleaning the special event area of litter and debris and restoring any City property  
333 damaged in connection with the special event, if not adequately performed by the applicant.

334 Such deposit shall be in the form of a cash deposit, or a bond issued by surety acceptable to the City or an  
335 irrevocable letter of credit issued by a federally insured bank or savings institution licensed by the State of  
336 Utah, which bond or letter of credit shall be in a form approved by the City Attorney or the City  
337 Attorney's designee. Such deposit may be reduced for good performance by the applicant for three (3)  
338 consecutive years at previous special events as evidenced by prior events or other documentation and no  
339 outstanding amount owed to the City.

340 (8) Within a reasonable time after the conclusion of the event, the City shall mail or deliver to the  
341 permit holder an invoice for the cost of City services provided by the City and any costs incurred by the  
342 City in restoring the site. If the amount exceeds any cash deposit, the permit holder shall pay the unpaid  
343 portion of the invoice amount within thirty (30) days of the date that the invoice was mailed or delivered.  
344 If the amount is less than any cash deposit, the City shall return the excess to the permit holder within  
345 thirty (30) days.

346 (9) Provision of City services is based on availability. If such services are not available from the City,  
347 it shall be the applicant's responsibility to procure the services, either desired by the applicant or  
348 determined to be necessary by the City, at the sole expense of the applicant. Notwithstanding anything to  
349 the contrary in this Chapter, the City shall not be required to provide any service beyond basic public  
350 safety services and those services that are necessary to keep the peace and maintain order.

351 (10) Indigent applicants for planned public assembly permits may be exempted from certain fees upon  
352 compliance with subsections 6.20.040(5) and 6.20.040(6).

353 (11) The City shall also be entitled to recover from the special event applicant any costs incurred by  
354 the City that are attributable to the unlawful conduct of the applicant and any fees originally waived by the  
355 City for the applicant for a planned public assembly permit who claimed indigency on the application, but  
356 who is found not to be indigent.

357 (~~5~~12) Applications for special event permits shall be submitted at least ninety (90) days prior to the  
358 date of the desired special event. Applications submitted after ninety (90) days may be denied if the City  
359 in the ordinary course of business is unable to arrange the necessary support services for the special event.  
360 Applications for a special event shall not be accepted sooner than October 1 of the prior calendar year.

361 (~~6~~13) Applications for a special event shall:

- 362 (a) Be evaluated on a content-neutral basis to the extent required by law;

363 (b) Be evaluated and responded to by the City within forty-five (45) days from the receipt of the  
364 application, or within five (5) business days from the receipt of a completed permit application for a  
365 planned public assembly (i) that is intended to respond to current events, and (ii) which depends for its  
366 value on a timely response.

367 (714) Special event applications that require support services shall be referred to and reviewed by a  
368 City Special Events Review Committee established by the Mayor and comprised of representatives from  
369 various City departments who are routinely involved with the review of special event applications and  
370 providing support services for special events. Given the City's limited resources and the impact to the  
371 community, the Mayor shall have authority to limit the number of special event permits ~~for races~~ in any  
372 one calendar year and may establish courses for parades and races to minimize disruption to the public or  
373 prevent conflict among groups seeking to use the same route, time, location, or resources.

374

#### 375 **6.20.060. Issuance, Suspension, Revocation; Cure; Appeal.**

376 (1) Issuance. The Licensing Division shall issue a permit only after receipt of an application together  
377 with evidence that all terms, conditions, and provisions of this Chapter have been met.

378 (2) Suspension or Revocation. A special event permit may be suspended or revoked by the Mayor or  
379 the Mayor's designee, or by the Chief of Police or Fire Chief, or their respective designees, if it is  
380 determined that any required information submitted by the applicant was materially incorrect or  
381 fraudulently provided, or that the permittee has violated any of the terms, conditions or provisions of the  
382 permit, any of the provisions of this Chapter, or other federal, state, or City law, ordinance, regulation or  
383 administrative directive.

384 (3) Service of Notice. Where reasonably possible, a copy of the notice of revocation and notice to cure  
385 shall be provided to the holder of the permit. At the applicant's request, a copy of the notice may be sent  
386 by mail, fax, or e-mail

387 (4) Cure. If the person responsible for the revocation or suspension under subsection (2) or the Mayor  
388 determines that any permit that has been suspended or revoked pursuant to this Chapter is subject to  
389 reinstatement if certain conditions are met, notice to cure may be provided and the permit holder may be  
390 provided a reasonable opportunity to cure the unfulfilled condition, deficiency, or violation within a  
391 reasonable time frame.

392 (5) Failure to Cure. Failure to cure within the time frame designated in the notice shall result in the  
393 permit's permanent suspension or revocation.

394 (6) Appeal. If for any reason, an opportunity to cure is denied, an application is denied or not issued,  
395 or a permit is suspended or revoked, the applicant or the permit holder may appeal that decision to the  
396 Mayor by following the administrative hearing process set forth in Provo City Code 3.06.

397

#### 398 **6.20.070. Conflicting Applications.**

399 (1) Conflict Priority Evaluation: When more than one application for a special event or public  
400 assembly, each of which is compliant with this Chapter, is received for the same day and time and for the  
401 same or conflicting locations or routes, the Licensing Division shall issue a permit, subject to the other  
402 provisions of this Chapter, based on the following order of priorities:

403 (a) Events planned, organized or presented by state, federal, or City governmental entities or their  
404 agents, if the governmental request is made in good faith and not with the intent or purpose of improperly  
405 chilling constitutionally protected rights of competing applicants;

406 (b) Historic usage by commercially related special events or advance planned free expression  
407 activities where the same applicant has been granted use of a particular City forum at a particular date,  
408 time, and place for more than three (3) consecutive years;

409 (c) If neither subsection (a) nor (b) of this section are applicable, priority shall be given to a first in  
410 time filing; and

411 (d) Notwithstanding anything in this subsection to the contrary, exceptions may occur when the  
412 Mayor, or the Mayor's designee, finds that one event provides greater benefit to the public than the  
413 competing event.

414 (2) Consideration for Unsuccessful Applicant: After granting the successful applicant's request for the  
415 time, place, manner and date, the Licensing Division shall authorize the unsuccessful applicant to use an  
416 appropriate public forum at another suitable time, place, date and manner.  
417

418 **6.20.080. Enforcement.**

419 (1) The provisions of this Chapter may be enforced by any remedy available in law or equity.

420 (2) The holding of a special event in violation of any of the provisions or conditions contained in this  
421 Chapter shall be unlawful and shall be deemed a public nuisance, which may be abated as such.

422 (3) If a sworn law enforcement officer or fire official determines that any failure to cure a violation of  
423 this Chapter creates the clear and present danger of immediate significant harm to life, public safety, or  
424 property; such danger cannot be reasonably mitigated by increased public safety enforcement; and such  
425 danger, on balance, outweighs the constitutionally protected rights of the organizers or participants in the  
426 special event or public assembly, then the applicant, or the applicant's on-site representative, shall be  
427 notified that the permit is revoked and that the special event or public assembly must immediately cease  
428 and desist. Such a determination may only be made after consultation with the Police Chief or Fire Chief,  
429 or their respective designee.

430 (4) Any person who violates a cease and desist order issued pursuant to subsection (3), or who fails or  
431 refuses to comply with, do, undertake, or perform any representation in their special event application or  
432 the plans thereto, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a  
433 separate violation.  
434

435 PART II:

436  
437 A. If a provision of this ordinance conflicts with provision of a previously adopted ordinance, this  
438 ordinance shall prevail and preempt the other provision.  
439

440 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable.  
441 If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder  
442 of the ordinance shall not be affected thereby.  
443

444 C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to  
445 reflect the provisions enacted by this ordinance.  
446

447 D. This ordinance shall take effect immediately after being posted or published as required by law.  
448

449 END OF ORDINANCE.