

City of Florence, Kentucky Policy on Special Events

Purpose:

Given the close proximity of residential and commercial areas, the City of Florence must balance the quiet enjoyment of one's residence in relationship to the commercial purposes that sustain and promote economic activity. By regulating special events' frequency, duration, intensity, time, place, and manner, the city intends to provide a coordinated process that enhances the quality of life for residents and visitors and that encourages events that are complementary commercial and civic activities in the city.

Definitions:

"Special event" means any activity which occurs outside on public property, or which occurs on private property where the purpose is to attract the general public, within the City of Florence, that affects the ordinary use of parks, public streets, places of public assembly, right-of-ways, sidewalks, traffic, etc. and/or generates considerable public participation. Considerable public participation means that an event is reasonably expected to cause or result in the total attendance of more than 125 people (not all 125 people have to attend at the same time).

The application/permit process ensures that the special event meets applicable legal requirements, allows the city to schedule adequately needed city services and employees, alerts the affected neighborhoods and businesses, and allows for recovery of costs incurred by the city during the special event.

Special event, as used herein, shall include, but not be limited to the following activities:

- Fairs or festivals;
- Road races, foot runs, bicycle runs, walk-a-thons, bike-a-thons, or similar events;
- Merchants markets or similar activities;
- Business promotions or similar events.

Permit Required:

No person or organization shall conduct any special event as defined herein without having first obtained a permit from the City of Florence.

Exemptions to Permit Requirement:

The following activities are exempt from the special event permit requirement:

- Funeral services and processions;
- Lawful picketing on sidewalks;
- Activities solely conducted or co-sponsored by the City of Florence;
- Activities solely conducted or co-sponsored by the Boone County School District that occur on school district property;
- Activities of a business or organization that are permitted, accessory, or conditional uses of the property and proper zoning approvals have been obtained for said activities.

Application:

An application for a special event shall be submitted to the City of Florence at least 30 calendar days prior to the proposed event. The applicant shall provide the following information:

- Name, address, and telephone number of the sponsoring organization or individual;
- Name, address, and telephone number of contract person, if different from the sponsor;
- Purpose of the event or activity;
- Proposed date, location, and hours of operation;
- Schedule for the proposed event, if applicable;
- Such other information as the City of Florence deems reasonably necessary to determine that the permit meets the requirements of this policy.

The City Coordinator or his/her designee shall review all permit applications and shall be responsible to approve or deny such applications. If an application is not submitted at least 30 calendar days prior to the scheduled event, the City Coordinator or his/her designee may, in his/her sole discretion, decline to consider the application, and that decision shall have no basis for appeal.

Standards for Denial of Permit:

Reasons for denial of a special event permit shall include the following:

- The event or activity may create significant disruption of normal City of Florence operations;
- The event or activity will interfere with access to fire hydrants or will block one or more fire lanes;
- The location of the assembly or special event will disrupt adjacent residential

facilities;

The event will require the diversion of so many city employees that allowing the event would unreasonably deny public services to the remainder of the City of Florence;

The application contains incomplete or false information or the applicant has failed or refused to provide reasonably necessary information as requested by the City of Florence;

The applicant fails or refuses to comply with all the terms and conditions of this article;

The event violates existing city policy;

The applicant or sponsoring organization did not conduct a previous event in accordance with law or the terms of a permit, or both, in the City of Florence or any other jurisdiction.

Indemnity Agreement:

Every permittee under this article shall execute and file with the city an indemnity agreement in a form acceptable to the City of Florence. The indemnity agreement shall provide that the permittee agrees to indemnify and hold the City of Florence, and all of the City of Florence's officials, officers, agents, and employees harmless from any liability whatsoever from any and all claims, demands, actions or causes of action for personal injury, including death or property damage arising from or in any way connected to the assembly or special event, excepting only any claims arising solely from the negligent acts of the city or its officials, agents and employees.

Insurance Limits:

The event organizer/applicant is required to provide liability insurance with coverage limits that depend upon the size, scope, and location of the event. The insurance policy must include coverage for all event organizer/applicant approved event activities, including those activities being provided by third party vendors. The policy must be for the dates of the event, including set-up and takedown days. Liquor liability insurance must be provided if alcohol is to be present at the event.

Minimum limits for event liability insurance are \$1,000,000 per occurrence and in the aggregate. The minimum limit for liquor liability insurance, if applicable, is \$1,000,000 each common cause and in the aggregate.

The City of Florence must be listed as an additional insured on all insurance coverage. Other additional insured entities may be required, depending on the scope or location of the event.

A Certificate of Insurance evidencing the required insurance should be submitted with the special event application. The special event application may not be approved until the insurance coverage information is received. The certificate holder should read:

City of Florence
8100 Ewing Boulevard
Florence, KY 41042

Limitation of Liability:

This article shall not be construed as imposing upon the city or any of its officers, agents or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which any permit has been issued. The city and its officers, agents and employees shall not be deemed to have assumed any liability or responsibility by reason of inspections permitted the issuance of any permit, or the approval of the use of any city.

Waiver of Insurance Requirements:

The insurance requirements of this policy may be waived by the City Coordinator for extraordinary reasons. In making the determination of whether to waive insurance, the City Coordinator may consider various factors, including but not limited to whether the applicant has determined the cost of obtaining insurance is financially burdensome to the sponsoring organization.

Even though insurance requirements may be waived, no permit may be issued without the organizer of a special event agreeing to defend, indemnify, and hold harmless the city from any claim or liability arising from the event.

Public Notice Required:

Permittee may also be required to specifically inform adjacent property users who might be inconvenienced during the event.

Obligation of City Services:

Issuance of a special event permit does not obligate or require the City of Florence to provide any city services, equipment, or personnel in support of any event. Subject to approval of the City Coordinator, city services, equipment, or personnel for special events may be provided, based upon consideration of cost recovery.

Cost Recovery:

For any special event requiring expenditure of public resources, the City Coordinator may charge for the actual cost of:

- The salaries of city personnel involved in event traffic control, fire safety, or other event support; and
- The use of city equipment and other non-personnel expenses.

If, in the sole judgment of the City Coordinator, the event organizer fails to adequately and expeditiously clean the event site, the event organizer will be billed for actual city costs for clean-up and repair of the area occasioned by the event. Cost recovery provisions shall have no basis for appeal.

If the event organizer failed to clean adequately and expeditiously the event site under a previously issued special event permit, the event organizer may be required to deposit adequate surety in the form of cash or bond.

Sanitation and Cleanup:

A permit may be issued only after adequate waste disposal facilities have been identified and obtained by permittee. Permittee will develop an agreement with the City of Florence designating a time period to clean the right-of-way of rubbish and debris, returning it to its pre-event condition. If the permittee fails to clean up such refuse, the city shall arrange such clean up and the costs charged to the permittee, as discussed under cost recovery.

Use of City Seal or Name:

The use of the City of Florence seal or the words "City of Florence" or any similar combination or facsimile that would reasonably imply an official endorsement of the special event by the city is prohibited, absent specific authorization from the City Coordinator. The issuance of a special event permit shall not be considered an endorsement by the city.

Other Permits Required:

Permittee shall obtain any other permits that may be required by the City of Florence, or any other governmental entity, for the assembly or special event.

Revocation of Permit:

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. A permit may be revoked for cause including any of the following reasons:

- If it is determined that the applicant provided false information;
- If the applicant fails to comply with all the terms and conditions of this policy and the permit;
- Conditions of public emergency such as natural disaster, public calamity, riot, or similar emergencies, which necessitate suspension of a permit.

Revocation of a permit may be appealed by the same process as an appeal, which results from denial of a permit.

Appeal Procedure:

Any applicant whose permit application has been denied or any permittee whose permit has been revoked may request a review of such decision by the City Coordinator. This request must be writing and received by the City Coordinator within five (5) calendar days of the notice of permit denial or revocation. Applicant may appeal the decision of the City Coordinator to the Florence City Council by filing written notice of such appeal to the City Clerk within five (5) calendar days of notice of denial of the appeal. The Florence City Council shall determine whether the denial or revocation of the permit is justified.

(Ord. O-6-05, passed 5-10-05; Am. Ord. O-18-13, passed 12-10-13)