

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
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Filed: 10-02-18

Sponsored by: Hosmer, Fisk, Prater,  
and Schilling

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL: 2018- 245

GENERAL ORDINANCE: \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, 'Administration,' Article VII,  
2 'Special Events,' Division 1, 'Generally,' Section 2-504, 'Application,' by  
3 adding an exception to insurance requirements for certain special  
4 events that do not involve closure of more than one City street or alley,  
5 or more than two City blocks; and clarifying that hold harmless  
6 agreements and insurance provided for special events shall not be  
7 deemed inadequate solely because the applicant is a voluntary  
8 association. (Recommended by the Plans and Policies Committee.)  
9

10  
11 WHEREAS, on October 2, 2017, General Ordinance 6398 ("G.O. 6398") was  
12 adopted to allow the waiver of insurance required for special events for neighborhood  
13 block parties provided certain conditions and requirements were met; and  
14

15 WHEREAS, G.O. 6398 expired on April 15, 2018, and City Council wishes to  
16 adopt a similar ordinance without a sunset provision; and  
17

18 WHEREAS, City Council wishes to clarify that hold harmless agreements and  
19 insurance shall not be deemed inadequate solely because provided by a voluntary  
20 association.  
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
23 SPRINGFIELD, MISSOURI, as follows, that:  
24

25 Section 1 – Springfield City Code, Chapter 2, Section 2-504, 'Application,' is  
26 hereby amended as follows:  
27

28 (Note: Language to be added is underlined and language being removed is ~~stricken~~.)  
29

30 Sec. 2-504. - Application.  
31

32 (a) The application form for a special event permit shall be available online or at  
33 the city offices. Applications requesting a special event permit shall be filed with

34 the city at least 30 business days prior to the proposed start date of the special  
35 event, except permits for parades and/or races shall be filed with the city at  
36 least 60 business days prior to the proposed start date of the parade and/or  
37 race. The city manager may waive the time requirement(s) for submitting  
38 special event permit applications established in this section for good cause.  
39

40 (b) The application for an event permit shall include:

- 41  
42 (1) Name, address, mobile telephone number, facsimile number, and email  
43 address of the applicant, and for any persons acting as sponsors of the  
44 special event who will be responsible for its conduct, staging, presentation  
45 or organization and who will be on site during the event.  
46
- 47 (2) The purpose or description of the special event, the estimated number of  
48 participants and those attending, and a plan or description for the use of  
49 any off-premises vendors for the event.  
50
- 51 (3) The date, or dates the special event is to be held, and the time it is to  
52 commence and terminate, including set-up and shut down.  
53
- 54 (4) The location of the special event, including the specific street or streets, or  
55 portions thereof, to be closed or otherwise impacted, if any, for the special  
56 event.  
57
- 58 (5) Whether alcoholic beverages will be allowed, provided or sold by vendors  
59 during the special event, and the plan or description for such allowance.  
60
- 61 (6) A plan or description for the use of lighting, music, loudspeakers, a live  
62 band, or sound system, if any, during the special event, and the type and  
63 location of speakers and other audio and lighting equipment.  
64
- 65 (7) The name, address, and mobile telephone number, of the security  
66 company, if any, engaged for the special event, and a description of the  
67 duties to be performed.  
68
- 69 (8) A plan or description for fire protection for the special event, including a  
70 map, specifying the location of 20-foot fire lanes, the water supply for fire  
71 control, and the use of any tents.  
72
- 73 (9) A plan or description for emergency medical services for the special event.  
74
- 75 (10) Whether food will be served during the special event and a plan or  
76 description for compliance with applicable health codes of the health  
77 department.  
78
- 79 (11) Whether animals will be used or allowed during or as part of the special

80 event and a plan or description for the use or allowance of animals during  
81 or as part of the special event.

82  
83 (12) A plan for the disposal of sanitary waste and sewage for the special event,  
84 including toilet facilities, and the disposal of garbage, trash, and refuse.  
85 When possible, the event organizer is encouraged to use appropriate  
86 recycling disposal bins.

87  
88 (13) Compliance with this Code relating to merchant licenses for the special  
89 event.

90  
91 (14) Events located upon or requiring the closing or blocking of any street,  
92 alley, or road, or the use of any city-owned property or right-of-way areas  
93 ("City Property" hereinafter), shall submit a liability insurance policy in the  
94 following amount:

95  
96 a. \$1,000,000.00 for any injury to any person, including death, arising  
97 out of one incident; \$1,000,000.00 for any damage to property; and  
98 \$1,000,000.00 automobile liability insurance for any injury to any  
99 person, including death, arising out of one incident.

100  
101 i. Exception. Notwithstanding (14)(a) in this section, if a proposed  
102 special event does not allow any of the events and/or activities  
103 described in subparts 1-11 of this sub section (i) on City  
104 Property, then the proposed special event shall be permitted  
105 without the requirement of the liability coverages described in  
106 (14)(a) so long as all other applicable laws, codes, regulations,  
107 permitting requirements, policies and rules are complied with  
108 and the special event does not involve closure of more than one  
109 (1) City roadway, street or alley or more than two (2) City  
110 blocks. This exception shall not apply if any of the foregoing will  
111 occur in connection with a proposed special event:

112  
113 1. Alcohol is present, provided or sold;

114  
115 2. The below animal activities are allowed:

116  
117 (i.) Animal Acts and Shows,

118 (ii.) Exotic Animal Shows and Events, or

119 (iii.) Saddle Animals or Rides;

120  
121 3. Attractions are allowed, including, but not limited to:

122  
123 (i.) Boat Shows,

124 (ii.) Carnivals,

125 (iii.) Circuses,

- 126 (iv.) DJ / Raves,  
127 (v.) Dunking Booths,  
128 (vi.) Fireworks,  
129 (vii.) Gun Shows,  
130 (viii.) Hot Air Balloon Rides or Shows,  
131 (ix.) Inflatables,  
132 (x.) Knife Shows,  
133 (xi.) Pyrotechnics, or  
134 (xii.) War Games / Reenactments;  
135  
136 4. Concerts of any kind occur;  
137  
138 5. Loud Music is permitted;  
139  
140 6. Fairs are conducted, including, but not limited to:  
141  
142 (i.) Health Fairs, or  
143 (ii.) Renaissance Fairs/Festivals;  
144  
145 7. Instructional Classes are held, including, but not limited to:  
146  
147 (i.) CPR, or  
148 (ii.) Drivers Education;  
149  
150 8. Mechanical Events are involved, including, but not limited  
151 to:  
152  
153 (i.) Mechanical Amusement Devices,  
154 (ii.) Mechanical Bulls,  
155 (iii.) Motorized Sporting Events, or  
156 (iv.) Roller Coasters/Sky Coasters;  
157  
158 9. Sales are conducted, including, but not limited to:  
159  
160 (i.) Flea Markets,  
161 (ii.) Rummage Sales,  
162 (iii.) Sidewalk Sales, or  
163 (iv.) Swap Meets;  
164  
165 10. Sports or Physical Activities are allowed, including, but not  
166 limited to:  
167  
168 (i.) Bungee Jumping,  
169 (ii.) Hang Gliding,  
170 (iii.) Laser Tag,  
171 (iv.) Luge,

- 172 (v.) Marathons, or other distance races,
- 173 (vi.) Motorized Sporting Events,
- 174 (vii.) Paint Ball,
- 175 (viii.) Parachuting,
- 176 (ix.) Parasailing,
- 177 (x.) Professional Sports,
- 178 (xi.) Rodeo/Roping Events – Professional,
- 179 (xii.) Ski Events,
- 180 (xiii.) Sky Diving,
- 181 (xiv.) Slam Dancing,
- 182 (xv.) Swimming and Pool Facilities,
- 183 (xvi.) Tobogganing,
- 184 (xvii.) Trampolines,
- 185 (xviii.) Wall Climbing, or
- 186 (xix.) Water Slides;

187

188 11. Certain miscellaneous activities occur, including, but not

189 limited to:

- 190
- 191 (i.) Mosh Pits,
- 192 (ii.) Open Fires or Fire-pits,
- 193 (iii.) Overnight Camping,
- 194 (iv.) Overnight Retreats,
- 195 (v.) Photography, or
- 196 (vi.) Tractor Pulls.

- 197
- 198 b. Events where alcohol will be provided or sold shall also be required
- 199 to provide a liquor liability insurance policy in the amount of
- 200 \$1,000,000.00 for any injury to any person, including death, arising
- 201 out of one incident; and \$1,000,000.00 for any damage to property.
- 202
- 203 c. The city shall be an additional insured on a primary basis for each of
- 204 the above-referenced policies, and the special event sponsor shall
- 205 execute a hold harmless agreement indemnifying the city, including a
- 206 waiver of subrogation.

207

208 (15) Any additional information which the city manager shall find reasonably

209 necessary for a fair determination as to whether a permit should be

210 issued.

211

212 (16) A hold harmless agreement and insurance certificate submitted pursuant

213 to this section shall not be deemed inadequate solely because the

214 applicant is a voluntary association.

215

216 Section 2 – Severability Clause. If any section, subsection, sentence, clause or

217 phrase of this Ordinance is for any reason held to be invalid, such decision shall not

218 affect the validity of the remaining portions of this Ordinance. City Council hereby

219 declares that it would have adopted the Ordinance and each section, subsection,  
220 sentence, clause or phrase thereof, irrespective of the fact that any one or more  
221 sections, sentences, clauses, or phrases be declared invalid.  
222

223 Section 3 – Savings Clause. Nothing in the Ordinance shall be construed to  
224 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
225 incurred, nor any cause of action occurred or existing, under any act or ordinance  
226 repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or  
227 affected by this Ordinance.  
228

229 Section 4 – This Ordinance shall be in full force and effect from and after  
230 passage.  
231

232 Passed at meeting: \_\_\_\_\_  
233

234 \_\_\_\_\_  
235 Mayor  
236

237 Attest: \_\_\_\_\_, City Clerk  
238

239 Filed as Ordinance: \_\_\_\_\_  
240

241 Approved as to form: Rhonda Lewaden, Deputy City Attorney  
242

243 Approved for Council action: Jason A. Hays, City Manager

## EXPLANATION TO COUNCIL BILL 2018- 245

FILED: 10-02-18

ORIGINATING DEPARTMENT: Law


**PURPOSE:** To amend the Springfield City Code, Chapter 2, 'Administration,' Article VII, 'Special Events,' Division 1, 'Generally,' Section 2-504, 'Application,' by adding an exception to insurance requirements for certain special events that do not involve closure of more than one City street or alley or more than two City blocks; and clarifying that hold harmless agreements and insurance provided for special events shall not be deemed inadequate solely because the applicant is a voluntary association. (Recommended by the Plans and Policies Committee.)

**BACKGROUND INFORMATION:** General Ordinance 6398 ("G.O. 6398") was adopted on October 2, 2017, and expired on April 15, 2018. The purpose of G.O. 6398 was to grant the City Manager discretion to waive insurance required for special events for small neighborhood block parties provided certain conditions and requirements were met. City Council referred whether to readopt G.O. 6398 to the Plans and Policies Committee for consideration.

The Plans and Policies Committee voted to recommend that City Council adopt an ordinance including the provisions of G.O. 6398 but without a sunset clause. The Committee further recommended adopting the ordinance without the language granting the City Manager discretion to waive the insurance requirement. In practice, the insurance requirement was waived by the City Manager for every qualifying event while G.O. 6398 was in effect, and no issues resulting from the waivers were noted by City staff. Removing the City Manager's discretion furthers the goal of simplifying the special event permitting process. This Ordinance as drafted waives the insurance requirement for every qualifying special event.

City Council also referred the consideration of applications for special events by voluntary associations to the Plans and Policies Committee. A voluntary association is not a legal entity under Missouri law; therefore, staff sought clarification from City Council whether City Council would approve entering into contracts with and accepting proof of insurance from voluntary associations. The Plans and Policies Committee voted to recommend that voluntary associations should receive special event permits if otherwise qualified, despite not being a legal entity. This Ordinance clarifies that a hold harmless agreement and insurance provided for a special event will not be deemed inadequate solely because the applicant is a voluntary association.

Submitted by:

  
Rhonda Lewsader, Deputy City Attorney

Approved by:

  
Jason Gage, City Manager