

**CITY OF SCANDIA  
ORDINANCE NO.: 119**

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS  
FOR SPECIAL EVENTS**

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

**Section 1. PURPOSE.** The purpose of this ordinance is to protect the health, safety and welfare of the citizens of the City of Scandia by regulating the time, place and manner of special events and by establishing permit requirements for conducting such events.

**Section 2. DEFINITIONS.** For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*APPLICANT* shall mean any person or organization who seeks a permit to conduct or sponsor a special event within the City.

*AMPLIFIED EVENT* shall mean any special event that includes electronically amplified music and/or voices.

*NON-AMPLIFIED EVENT* shall mean any special event that does not include electronically amplified music and/or voices.

*SPECIAL EVENT* shall mean an outdoor gathering of at least 100 individuals whether on public or private property, assembled with a common purpose for a period of one hour or longer but may not exceed twelve hours in duration; except, that events held during the two-day Taco Daze community celebration shall be considered one event. Special Events include, but are not limited to concerts, theatrical productions, public dances, fairs, carnivals, circuses, parades, flea markets, auctions, marathons, walkathons, festivals, races, bicycle events, celebrations, or any other gathering or events of similar nature. Special Events do not include events that are not open to the public and held on private property such as graduation parties or social parties.

**Section 3. PERMIT REQUIRED.** No person shall hold, conduct or participate in a special event within the city unless a permit has been issued for such event upon timely written application made to the city.

**Subdivision 1. Application for Permit.** Each written application for a special event permit must be made at least 30 days in advance of the event's proposed date in a form prescribed by the City Clerk. This application period shall not begin to run until a complete application has been filed with the city. A fee, as established by City Council resolution from time to time, shall be paid to the city along with the completed application form. In addition to the fee, the applicant shall pay all additional costs incurred by the city as a direct result of the special event. Failure to provide a complete application or to pay the fee, as herein required, is sufficient reason to deny the special event permit.

**Subdivision 2. Issuance of Permit, Conditions.** Special event permits will be issued upon City Council approval. The Council may attach reasonable conditions to the permit as are deemed necessary to protect the health, safety and welfare of the community and of event participants. Such conditions may pertain to any of the following:

- a) Location and hours during which the event may be held;
- b) Sanitation/availability of potable water;
- c) Security/crowd management;
- d) Parking and traffic issues;
- e) Emergency and medical services;
- f) Clean-up of premises and surrounding area/trash disposal;
- g) Insurance;
- h) Lighting;
- i) Fire service/safety;
- j) Temporary construction, barricades/fencing;
- k) Removal of advertising/promotional materials;
- l) Noise levels;
- m) Alcohol consumption;
- n) Notification of residents or businesses;
- o) Any other conditions which the Council deems necessary.

**Subdivision 3. Exceptions to the Permit Requirement.** The permit requirement contained in this ordinance does not apply to the following:

- a) Special events sponsored and managed by the city;
- b) Funerals and funeral processions;
- c) Events on the grounds of any school, community center, museum, place of worship, conference center, stadium, athletic field, arena, auditorium or similar place of assembly when used for regularly established assembly purposes.
- d) Events for which the City has issued a Park User Permit as provided by city ordinance.
- e) Auctions ending before 8:00 p.m.

**Subdivision 4. Restriction on Number of Special Events.** No more than four amplified events shall be permitted at one location in any one calendar year. There shall be no limit on the number of non-amplified events.

**Subdivision 5. Noise Restrictions for Amplified Special Events.** Special events shall comply with all applicable noise ordinances, except that amplified sound audible at the property line may be permitted until 11:59 p.m. on Friday and Saturday nights

**Subdivision 6. Denial of Application.** A permit may be denied based upon a determination that:

- a) The event would endanger public health or safety;
- b) The event would unreasonably inconvenience the general public;
- c) The event would unreasonably infringe upon adjacent property owners' rights;
- d) The event would conflict with another proximate event or interfere with construction or maintenance work;
- e) There are not sufficient safety personnel or other necessary staff to accommodate the event;

- f) The applicant has violated a condition of this ordinance or a special event permit issued to the applicant within the last 12 months;
- g) The property on which the event is to take place or the owners of the property on which the event is to take place is delinquent in the payment of property taxes, assessments, employment taxes or other financial claims of the City and or other public agencies.
- h) The applicant has failed to present acceptable evidence of compliance with Workers' compensation insurance requirements, as applicable.
- i) Other issues in the public interest were identified by the city council.

**Subdivision 7. Indemnification and Insurance.**

- a) The permit holder shall agree to defend, indemnify and hold the City, its officers and employees harmless from any liability, claim, damages, costs, judgments, or expenses, including attorney's fees, resulting directly or indirectly from an act or omission including, without limitation, professional errors and omissions of event promoter, its agents, employees, arising out of or by any reason of the conduct of the activity authorized by such permit and against all loss caused in any way be reason of the failure of the event promoter to fully perform all obligations under this ordinance.
- b) As a condition of the granting of a permit for a special event conducted on public property or public streets or parking lots, the permit holder shall provide to the City a public liability insurance policy naming the City as an additional insured entity with limits of not less than one million dollars per occurrence.

**Section 4. PENALTY.** Any person who violates any condition of a special event permit or any provision of this chapter shall be guilty of a misdemeanor punishable as prescribed by Minnesota State Law. Enforcement of this ordinance may, at the Council's discretion, take any of the following forms:

- a) Citation/criminal prosecution;
- b) Injunctions, declaratory judgments or other civil remedies;
- c) Permit revocation; or
- d) Disbursement of persons gathered.

**Section 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this 1<sup>st</sup> day of September, 2009.

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Dennis D. Seefeldt, Mayor

ATTEST:

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Anne Hurlburt, Clerk/Administrator