

ORDINANCE NO. 09-224

SUMMARY: An Ordinance renaming Chapter 8.28 from Outdoor Festivals to Special Events and adding to and changing portions thereto.

**TITLE: AN ORDINANCE AMENDING THE STOREY COUNTY CODE BY RENAMING THE TITLE OF CHAPTER 8.28 AND ADDING TO AND CHANGING PORTIONS THERETO.**

**THE COUNTY COMMISSIONERS OF STOREY COUNTY DO ORDAIN:**

**SECTION 1:**

The Storey County Code is hereby amended by adding to and changing portions of Chapter 8.28 which shall read as follows:

Chapter 8.28

SPECIAL EVENTS

Sections:

- 8.28.005 Scope and Operation of Chapters 8.28 and 9.35.
- 8.28.010 Definitions.
- 8.28.020 Permit—Required.
- 8.28.025 Alcoholic Beverages.
- 8.28.030 Permit—Application.
- 8.28.040 Permit—Fees.
- 8.28.050 Permit—Term.
- 8.28.060 Permit—Denial or revocation.
- 8.28.070 Insurance
- 8.28.080 Departmental services charges.
- 8.28.090 Refunds.
- 8.28.100 Interfering with activity prohibited
- 8.28.105 Vendors for Special Events
- 8.28.106 Exhibitors
- 8.28.110 Animals prohibited.
- 8.28.120 Unlawful Acts--Remedies
- 8.28.130 Fee (s) by Resolution

Section 8.28.005 Scope and Operation. This chapter 8.28 of the Storey County Codes governs the regulation of general gatherings of people in parades and special events concerning promotional, athletic, musical, historical or other celebrations, observances and

activities that do not constitute expressive speech under the First Amendment to the Constitution of the United States.

Chapter 8.28 of the Storey County Codes governs the regulation of organized gatherings of people in parades and special event. The objectives of this chapter should: stress equitable treatment of parades and special events in Storey County; codify and give examples of treatment to reduce the likelihood of any arbitrary treatment; and strive for simplicity and clarification.

8.28.010 Definitions. As used in this chapter, unless the context requires otherwise, the words and terms defined in this section shall have the meaning ascribed to them herein.

A. "Departmental service charge" means the actual costs which a department of the county incurs in connection with activities for which a permit is required under this chapter, including, but not limited to, the costs of administration or coordination services, support personnel, equipment, materials and supplies, and related items such as fringe benefits and overhead burden.

B. "Facility use fee" means a fee or fee formula as payment for the use or rental of a county facility or real property.

C. "Filming activity" means the taking or making of any motion picture or still photograph; however, said term does not mean and does not include filming or photography for news media purposes or filming or photography which is not for distribution or sale for commercial purposes.

D. "Parade" means and includes a parade, procession, march, pageant, review, ceremony or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk or other property owned or controlled by the county, so as to impede, obstruct, impair or interfere with the free use of such public street, sidewalk or other public property of the county; except, however, the provisions of this chapter shall not apply to funeral processions.

E. "Permit " Every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonable anticipated assembly of individuals shall obtain a permit from the county or its designee.

F. "Person" means and includes any individual, firm, organization, club, partnership, corporation, municipality or governmental entity.

G. "Special event" means any planned activity not part of a normal routine business license that would require county services and resources and that will impact the county and its citizens. Special event includes, but is not limited to, promotional or fund-raising activities, athletic or sporting events, live musical events, community celebrations and observances.

8.28.020 Permit Required. Except as otherwise provided by this code or other applicable law, rule or regulation or any permit or license issued hereunder or pursuant to the terms of a permit, lease or contract which has been specifically authorized by the County Commissioners, no person shall conduct or cause to be conducted, participate or engage in,

hold, manage, employ, permit or allow another to conduct a parade, special event or filming activity in, on or upon any county street, sidewalk, alley, park, way, public place or public property which is owned or controlled by the county, or private property without first having obtained a written permit from the county manager or his designee.

Every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes manages, sells or gives away ticket to an actual or reasonable anticipated assembly shall obtain a permit from the county manager or his designee.

#### Section 8.28.025 Alcoholic Beverages.

A. The County Sheriff may permit the sale of alcoholic beverages in public areas in conjunction with a special event permit provided any procedures or criteria adopted by ordinance or resolution of the County Board Commissioners are adhered to. An application for the sale of alcoholic beverages in public areas must be filed with an application for a special event permit and follow all procedures therefor.

B. A special events liquor license may be issued subject to the following conditions:

1. Regular Storey County liquor license required;
2. To be issued for the purpose of a portable bar for customers and/or employee service for holidays and special occasions only, within the same building or in another location;
3. Valid for a period of five (5) days only;
4. Any license fee applicable to the sale of alcoholic beverages as set forth in Chapter 5.12.110 of this code must be paid in addition to any special event permit fees.
5. Must adhere to the State of Nevada laws and Storey County Codes pertaining to the sale and consumption of alcoholic beverages

C. An application for the sale of alcoholic beverages in public areas must provide the following information:

1. Whether alcoholic beverages will be sold or dispensed free of charge;
2. Is entry to the event restricted to invited guests or open to the public;
3. What types of alcoholic beverages will be sold or consumed;
4. What containers will be used; unlawful to use glass or metal containers
5. Who will be the on-site supervisor of alcoholic beverage service;
6. Such other information as the County Sheriff deems appropriate.

#### 8.28.030 Permit Application

A. The application for a permit under this chapter to conduct or engage in any parade, special event or filming activity which involves the use of county streets, alleys, sidewalks, parks, ways or other public property owned or controlled by the county, or other private property shall be filed with the county manager or his designee. Such applications shall be filed at least sixty (60) days prior to the date that the permit is to become effective and applications for filming activity permits shall be filed at least fifteen (15) days prior to the date the permit is to become effective. Each application shall be accompanied by a

nonrefundable permit application fee payable to the County or its designee. The County Manager or his designee shall have the authority, in his discretion, to consider any application for a permit which is filed later than the time prescribed in this section.

B. Applications shall be upon a form which is furnished by or acceptable to the County Manager and the VCCTA. Each application shall contain full, complete and detailed information including, but not limited to, the following:

1. A description of the proposed use, event or activity;
2. The street or other public property and the specific area or areas thereof which will be utilized in connection with the proposed use, event or activity;
3. The manner in which the property or area will be utilized;
4. The date or dates and the specific times thereof that the property is to be utilized for the described use, event or activity;
5. The name, address, telephone number and E-Mail of the person, entity or organization sponsoring or conducting the proposed use, event or activity;
6. Contact information: the name, address, telephone number, cell phone number and e-mail of the person or persons responsible for coordinating or conducting the event;
7. The estimated number of persons, vehicles, animals and other equipment, together with a description of each, which will participate in the parade, special event or filming activity; and
8. Any additional information which is deemed reasonably necessary to a fair determination of the application.

C. When a nonprofit organization is listed as a sponsor, coordinator or conducting an event, written acknowledgment by the president or secretary of such organization that such organization is an official sponsor of the event maybe required

D. The County Manager or their designee may issue a permit under this chapter if it is determined that the following criteria have been met:

1. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this code or other applicable laws, rules or regulations;
2. The preparation for or the conduct of the proposed use, event or activity will not unduly impede, obstruct, impair or interfere with the public's use of the street or other public property;
3. The preparation for or the conduct of the proposed use, event or activity will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the particular permit area, or adversely affect the county's ability to perform municipal functions or furnish county services throughout the county;
4. The proposed use, event or activity does not present a substantial or unwarranted safety or traffic hazard;
5. The proposed use, event or activity will not have a significant adverse environmental impact.

E. In addition to the requirements of this code or other applicable laws or rules or regulations each permit shall contain such terms and conditions regarding the time, place and manner of utilizing the county streets or other public property which are necessary and appropriate under the circumstances.

8.28.040 Except as otherwise provided by this code or other applicable law, rule or regulation, or by the terms of a permit, license, lease or contract which has been specifically authorized by the County Manager or designee, the permittee shall be required to pay application fees, facility use fees and county departmental service charges for the use of county streets or other county-owned or county-controlled property pursuant to a permit issued in accordance with this chapter. The total amount of fees due for the entire permit period must be paid at least fifteen (15) days prior to the date on which the permit becomes effective or the permit may not be issued.

8.28.050 Permit—Term Any permit issued under this chapter shall not be for a period of more than five (5) consecutive days except as otherwise provided in this code; however, the County Manager, in his discretion, may extend the duration of any permit, except as otherwise provided in this code, from day to day.

8.28.060 Permit—Denial or revocation.

A. The County Manager or their designee may deny any application for a permit or revoke any permit if they determine that the applicant therefor or holder thereof or any agent, employee or associate of any such applicant or permittee has made any false or misleading statement in an application, has not fully complied with the requirements of this chapter, cannot meet the criteria listed in subsection D of Section 8.28.030 or has violated any of the provisions of this chapter or the provisions of any other applicable law, rule or regulation. Any permit issued under this chapter may be summarily revoked to protect the safety of persons or property. If a parade, special event or filming activity is in progress when any such revocation occurs, the County Manager or their designee shall have the authority to disassemble such parade, special event or filming activity.

B. An aggrieved applicant or permittee may appeal a decision or order of the County Manager or designee to the County Board of Commissioners by filing a notice of appeal with the County Clerk within ten days of issuance of such decision or order with a non-refundable administrative fee. The petition shall be scheduled for a public hearing before the County Board of Commissioners which may affirm, modify or overrule such decision or order. Notice of hearing shall be provided to a petitioner not less than five days prior to the hearing.

C. The decision of the Board of County Commissioners shall not become final and effective until seven (7) days after the decision is entered in the minutes of the Board of County Commissioners. No permit shall be issued concerning the event in question until the decision becomes final.

8.28.070 Insurance.

A. Each permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the County, its officers, employees, agents, VCCTA board,

officers and employees free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of or resulting from, the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the county, its officers, agents, employees, VCCTA board, officers and employees, and that permittee shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the County, its officers, agents, employees, VCCTA board, officers and employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

B. Concurrent with the issuance of a permit under this chapter, and as a condition precedent to the effectiveness of the permit, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state, which policy includes the County, its boards, officers, agents, employees as named insured's or additional named insured's and which provides the coverage that the County Manager or his designee determines to be necessary and adequate under the circumstances, and proof of insurance shall be submitted to the County Manager or his/her designee at least fifteen (15) days prior to the event. Said insurance policy must provide liability coverage for the activities of vendors and entertainers participating in the special event. In the event coverage is excluded for any vendor or entertainer, proof of adequate insurance for said vendor or entertainer must be provided through additional insurance policies.

C. If the County Manager determines that a particular use, event or activity does not present a substantial or significant public liability or property damage exposure for the county or its officers, agents and employees, the County Manager may give a written waiver of the insurance requirements of this section.

#### 8.28.080 Departmental service charges

A. In addition to the payment of the nonrefundable permit application fee and any facility use fee, a permittee shall pay the County for all department service charges incurred in connection with or due to the permittee's activities under the permit. If County property is destroyed or damaged by reason of permittee's use, event or activity, the permittee shall reimburse the County for the actual replacement or repair cost of the destroyed or damaged property.

B. County departments shall submit the final invoices and billings for departmental charges to the permittee no later than ten (10) working days after the expiration date of the permit.

C. At least three (3) days prior to the date that any permit under this chapter is to become effective, the applicant shall pay to the county a cash deposit in an amount sufficient to cover the total county departmental charges which the county estimates will be incurred in connection with the permit.

D. An additional bond may be required to cover expense by county departments that are unable to provide accurate estimates.

E. An applicant may petition the county manager for waiver of all or part of the county departmental service charges. Such petition must include a written financial statement. The decision to waive any or all of the County departmental service charges shall include, but is not limited to, consideration of the following factors:

1. Hardship to the applicant;
2. Charitable status of the applicant;
3. Cost to the county;
4. Benefit to the community, i.e., educational, charitable or cultural advantages, promotion of community health, civic and welfare interests.

8.28.090 Refunds. If a permittee is unable to hold or conduct a event or activity because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits a written request for the refund of such fees to the County Manager within ten (10) days after the date that the use, event or activity was to have been held or conducted, the County Manager may authorize the refund of the fees or a prorated portion thereof, except the nonrefundable application fees, which have been paid by the permittee to the County in connection with a permit issued under this chapter.

8.28.100 Interfering with activity prohibited. No person shall knowingly join or participate in any parade, special event or filming activity conducted under permit from the County in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade, special event or filming activity without the consent and over the objection of the permittee, nor in any manner interfere with the progress or orderly conduct of any such parade, special event or filming activity.

Any violation of the provisions of this chapter constitutes a misdemeanor.

#### 8.28.105 Vendors for Special Events.

- A. Off-premises Vendor Permit: Businesses that have a current valid Storey County business license may request a special event vendor permit from the County Manager or his designee, upon the following conditions:
  - 1. Vendor is only allowed to sell items that fall under his/her regular \_\_\_\_\_ business license.
  - 2. Must have the event organizer permission.
  - 3. Only valid in the designated special event area.
  - 4. Permit is only valid for the special event dates.
- B. Temporary Vendor Permit: A business or person who does not have a current Storey County business license may apply for a temporary special event vendor permit.
  - 1. Must have event organizer permission.
  - 2. Make application, and pay Temporary Vendor Permit Fee, with the County Manager, or designee, at least fifteen (15) days prior to the event.
  - 3. List the name of the company, business, and or agent responsible the day of the event.
  - 4. Vendors must list goods and services to be sold.
  - 5. Permit is only valid for special event days
- C. Each vendor must post the permit in a conspicuous place upon the premises where the event is conducted.
- D. Special Event Liquor Permit see section ( 8.34.25)
- E. Permittees shall adhere to State and Local Laws pertaining to the sale or advertisement of goods

#### 8.28.106 Exhibitors

- A. A person, group, or agency, which shows, displays, produces, presents, or competes strictly for non profit or for an informational basis only shall be considered an exhibitor.
  - 1. Must have event organizer permission.
  - 2. Make application, and pay Exhibitors Permit Fee, with the County Manager, or designee, at least fifteen (15) days prior to the event.
  - 3. List the name of the company, business, and or agent responsible the day of the event.
  - 4. Exhibitors must give a description of material to be presented.
  - 5. Permit is only valid for special event days



8.28.110 Animals prohibited.

A. Except as otherwise provided herein, it shall be unlawful for any person to bring an animal into the area designated for a special event.

B. This section shall not apply to animals authorized by the permittee or to guide dogs, hearing dogs and helping dogs assisting a handicapped person as provided in NRS chapter 426. The permittee must notify the county of such authorization for animals in writing at the time of application.

8.28.120 Unlawful Acts—Remedies.

A. If an owner of any interest in real property:

1. Holds or conducts a commercial entertainment event or special event on this property without first obtaining a permit for the holding or conducting of the event; or

2. Knowing that a permit is required, agrees to let the property to another person for the purpose of holding or conducting a commercial entertainment or special event prior to the other person obtaining a permit, and the other person thereafter holds or conducts an event without having obtained a permit.

B. No liability under this section shall attach to any public entity.

C. The liability imposed by this section is in addition to any other liability imposed by statute, ordinance or judicial decision on any person.

D. It is unlawful for any permittee, employee, agent or person associated with the permittee, to do any of the following:

1. Conduct or operate a special event or outdoor entertainment event without first procuring a permit to do so

2. Sell tickets to a special event without a license first having been obtained;

3. Operate, conduct or carry on any special event or outdoor entertainment in a manner to create a public or private nuisance;

4. Exhibit, show or conduct within the place of special event or outdoor entertainment any obscene, indecent, vulgar or lewd exhibition, show play, entertainment or exhibit no matter by what name designated;

5. Allow any person on the premises of the permitted event to cause or create a disturbance in, around or near any place of the special event, by offensive or disorderly conduct;

- 6. Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in a place of the event except where the consumption or possession is expressly authorized under the laws of the state;
- 7. Knowingly allow any person at the permitted event to use, sell or be in possession of any narcotic or dangerous drug while in, around or near a place of the event.

Any of the above enumerated violations shall constitute a criminal act and shall be punishable pursuant to ordinances of the county and the laws of the state. It is provided, however, that the County retains any and all civil remedies, including the right of civil injunction for the prevention of these violations and for the recovery of money damages therefore.

E. In addition to any other remedy, the County may enforce its permit requirements by bringing an action to enjoin any or all of the following:

- 1. The holding of or performance at a commercial entertainment event or special event, without a permit;
- 2. Ticket sales for, or advertising or promotion of a commercial entertainment event prior to the time a permit has been obtained;
- 3. The threatened violation of a permit requirement limiting the number of persons in attendance at a commercial entertainment event or special event.

#### 8.28.130 Fee(s) by Resolution

A. All fees established hereinafter in this chapter may be established, increased, or decreased from time to time by resolution of the Board of County Commissioners.

