

## Chapter 5.30 SPECIALLY PERMITTED EVENTS

### 5.30.010 Procedure for specially permitted temporary events.

Subject to the requirements set forth in this chapter, and upon completion and submission of the town of Saratoga special events application, the following temporary events may be conducted within the municipal limits of the town of Saratoga as a specially permitted temporary event. The intent of this chapter is to provide an expedient means to allow for specially permitted events in all areas of the town of Saratoga, while considering the health, safety and welfare of the residents of the town. The granting of a specially permitted event application is a privilege and nothing contained in this chapter shall be construed to confer a right upon any applicant under this chapter.

A. **Major special events.** Where the attendance at a specially permitted event is not limited to fifty persons or less, the application may only be approved by majority vote of the Saratoga town council, at any regularly scheduled or special meeting.

B. **Minor special events.** ~~However, should the anticipated~~ Where attendance at a specially permitted event will be limited by the applicant to less than fifty persons, the application for a permit may be submitted to the Saratoga town clerk who shall provide the application to a town of Saratoga employee or employees, who have been designated by the Saratoga town council, to review and consider approval of the same. If the employee or employees determine that the application for the specially permitted event may require the imposition of additional conditions, as set forth in Section 5.30.060(B), the application for permit shall be referred to the Saratoga town council for its consideration.

### 5.30.020 Specially permitted temporary events allowed.

The following specially permitted temporary events may be allowed provided they receive the approval of the Saratoga town council, or an employee or employees designated by the Saratoga town council.

- A. Outdoor music events, including street dances.
- B. Temporary seasonal and holiday sales (e.g., bazaars, Christmas tree lots, wreath sales, fruit and vegetable stands).
- C. Farmers market.
- D. Temporary recreational vehicle camping ~~not to exceed five days~~.
- E. Contractors office.
- F. Off-site auto sales.
- G. Temporary sales (parking lot, vacant lot, roadside).
- H. Seasonal outdoor garden nursery.
- I. Retail encroachments into required parking.
- J. **Placement or use of** storage/shipping containers.
- K. Auctions.
- L. Car wash, bake sales and other fundraising activities.
- M. Parades.

- N. Recreational activities and school events that are not regularly scheduled school events.
- O. Use of a public parking lot for a specially permitted event.
- P. Overnight camping. ~~related to bicycle tours, motorcycle or car rallies. (Overnight camping shall only be allowed on Carbon County School District #2 (CCSD #2) property at the sole discretion of the CCSD #2 School Board as evidenced in writing by a letter from the CCSD #2 School Board to the Saratoga town council.)~~
- Q. Motorcycle or car rallies, shows or expositions.
- R. Beer and wine festivals.
- S. Temporary building or yard for construction materials and/or equipment necessary for current construction in the immediate surrounding area. Each permit shall specify the location of the building or yard and its relationship to the construction activity. Each special permit for a temporary building or yard for construction materials and/or equipment shall be valid for a period of six calendar months and shall not be renewed for more than two consecutive periods.
- T. At the sole discretion of the mayor and town council, any other public gathering for a single purpose event, provided that each specially permitted event shall be valid for a period of not more than five days. (Ord. 848 § 1, 2018; Ord. 809, 2012)

### **5.30.030 Exemptions.**

The following activities shall not require a special events application:

- A. Funeral processions.
- B. Garage or estate sales.
- C. Regularly scheduled school events such as athletic events that use existing parking, traffic controls, and public safety support. School events that occur outside of existing facilities shall not be considered as regularly scheduled school events.
- D. Staging and assembly grounds for natural disasters and emergencies.
- E. A governmental agency acting within the scope of its statutory authority.
- F. Any section or part of any public park or public building declared closed to the public by the mayor or town council. Such use may be either temporary or at regular and stated intervals, daily or otherwise, and either entirely or merely applicable to certain uses, as the mayor or town council deems reasonable and necessary. (Ord. 809, 2012)
- G. ~~Temporary recreational vehicle and tent camping within permitted Recreational Vehicle Parks, within designated areas at the Saratoga Lake Campground, or as otherwise specifically permitted within the Town of Saratoga municipal code.~~
- H. ~~Overnight camping on Carbon County School District #2 (CCSD #2) property at the sole discretion of the CCSD #2 School Board as evidenced in writing by a letter from the CCSD #2 School Board to the Saratoga town council.~~
- I. ~~Overnight camping of less than eight (8) persons for a period not to exceed three (3) consecutive nights on any lot or parcel located in a residential zone district or at a residence within another zone district where permanent water supply and sanitation facilities exist and are available for drinking, cooking, and showering on the same lot or parcel.~~

### **5.30.040 Special events application required.**

Any applicant requesting permission to hold a specially permitted temporary event shall complete and submit to the town clerk, a town of Saratoga special events application. This application shall be submitted at least thirty days prior to any Saratoga town council meeting where the applicant is requesting approval from the Saratoga town council. Upon a showing of extenuating circumstances and at the sole discretion of the Saratoga town council, the thirty-day submission requirement may be waived by the Saratoga town council. (Ord. 809, 2012)

### **5.30.050 General requirements for all temporary uses and structures.**

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in the town of Saratoga municipal code:

- A. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- B. The temporary use shall comply with all applicable general and specific regulations of this section, other town ordinances, and state law unless otherwise expressly stated.
- C. Permanent alterations to the site are prohibited.
- D. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
- E. The temporary use or structure shall not violate any applicable conditions or approval that apply to a principal use on the site.
- F. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as alcohol, food service or building permits.
- G. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, one-hundred-year floodplains, and required landscaping. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- H. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- I. Tents or other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the building official, including fire rating.
- J. Off-street parking shall be adequate to accommodate the proposed temporary use.
- K. Any application for a temporary structures to be located in the one-hundred-year floodplain shall be required to submit a plan to the town council for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:
  - 1. The name, address, and phone number of the individual responsible for the removal of the temporary structures and the property owner;

2. The time frame prior to the event at which a structure will be removed; and
3. A plan to remove the temporary use earlier than the scheduled removal date, if required.

L. The conduct of the temporary use will not require the diversion of so great a number of police officers of the town ~~to restrict the ability to properly police the line of movement and the areas contiguous thereto~~ as to prevent normal police protection to the town.

M. The conduct of such temporary use will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of movement and the areas contiguous thereto.

N. The conduct of such temporary use will not interfere with the movement of firefighting equipment in route to a fire.

O. The size, nature, or location of the temporary use or structure is not reasonably likely to cause a clear and present danger or injury to persons and property.

P. Another temporary use permit application has not been received prior in time or has already been approved for the same time and place required by the applicant or so close in time and place to that required by the applicant that the issuance of both permits would cause undue traffic congestion, or cause the town police or fire departments to be unable to meet the needs for police or fire services for both events.

Q. The location of the temporary use or structure will not substantially interfere with any construction or maintenance work scheduled to take place upon town streets.

R. The applicant and authorized officer of the sponsoring organization, if any, sign an agreement for the permittee to reimburse the town for any costs incurred by it in repairing damage to town property occurring in connection with the permitted temporary use proximately cause by the actions of the permittee, his or her officers, employees, or agents, or any person who was under the permittee's control. Any such agreement may also provide that the permittee shall defend the town against, and indemnify and hold harmless, the town, its officers, employees, and agents from all causes of action, claims, or liabilities occurring in connection with the permitted use, except those which occur due to the town's sole negligence.

S. A signed acknowledgment that the applicant is financially responsible for its acts of negligence and may be financially responsible for the negligent acts of others involved in the specially permitted event. The applicant is encouraged by the town to obtain insurance for any specially permitted event. The acknowledgment shall include a recitation that the applicant and the participants of any specially permitted event are not insured by the town of Saratoga. (Ord. 809, 2012)

#### **5.30.060 Conditions of approval.**

A. General. When the grounds for denial of an application for a specially permitted temporary use permit may be corrected by altering a date, time, duration, or the location of the temporary use from that proposed by an applicant, ~~the town council may, instead of denying the application, conditionally approve the specially permitted temporary use permit if the applicant accepts the conditions—upon the applicant's acceptance of conditions for the specially permitted temporary use permit.~~ The conditions imposed shall be necessary to achieve compliance with the requirements set forth in Section 5.30.050. An applicant for a specially permitted temporary use permit, desiring to accept an alternate temporary use permit, shall, within three days after receiving notice of the action of the Saratoga town council, file a

written notice of acceptance with the town clerk. An alternate specially permitted temporary use permit shall conform to the requirements of, and shall have the effect of, a specially permitted temporary use permit under this section and the subsection pertaining to procedures for specially permitted temporary use permits.

B. Additional Conditions of Approval—Discretion of Town Council. In addition to the general conditions of approval that may be imposed pursuant to this chapter, the Saratoga town council may determine that an event requires additional conditions and may impose any of the following conditions to assure that such uses are not detrimental to the public health, safety, and welfare:

1. Alteration of the route of the event;
2. Requirements concerning the area of assembly;
3. Requirements concerning accommodation of pedestrian or vehicular traffic;
4. Requirements for the use of traffic cones, barricades, or other traffic-control devices to be provided, placed, and removed by the permittee at his or her expense;
5. Requirements for provision of first aid or sanitary facilities;
6. Requirements for arrangement of supplemental law enforcement and/or fire protection personnel to be present at the use or structure at the permittee's expense;
7. Requirements for use of monitors for the use or structure and providing notice of temporary use permit conditions to event participants;
8. Restrictions on the number and type of vehicles, animals, or structures relating to the temporary use and inspection and approval of the use or structure for fire safety by the town fire department;
9. Requirements for use of garbage containers, cleanup, and restoration of town property;
10. Restrictions on use of amplified sound; and
11. Compliance with any relevant law and obtaining any legally required permit or license, including, without limitation, alcohol permits or vendor licenses. (Ord. 809, 2012)

#### **5.30.070 Revocation of a specially permitted temporary use permit.**

The mayor shall have the authority at any time to revoke or terminate a specially permitted temporary use permit issued pursuant to this chapter upon violation of the standards for issuance as set forth in this section, or violation of the conditions placed on the issuance of the specially permitted temporary use permit. (Ord. 809, 2012)

#### **5.30.080 Penalty.**

Any person violating any provisions to this chapter shall be subject to the penalties imposed by the general penalty provisions provided for by the town of Saratoga municipal code. (Ord. 809, 2012)