
M E M O R A N D U M

DATE: December 5, 2003
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Ordinance: Amending Section 3.50.180 Special Event Permits
CC: Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Alison Weyher, Rick Graham, David Dobbins, Alison McFarlane, Janice Jardine, Shawn McDonough

This memorandum pertains to a proposed ordinance that would amend *City Code* Section 3.50.180 Special Event Permits. The item is listed under New Business on the City Council agenda.

Key Points

The proposed ordinance would amend *City Code* Section 3.50.180 Special Event Permits to change criteria in which special event permits are issued. In particular, the proposed ordinance would change Paragraph A.2 to reduce the length of historical usage criterion by a group receiving a special event permit from 15 years to three.

Potential Options

Adopt the proposed ordinance.
Do not adopt the proposed ordinance.

Potential Motions

I move that the City Council adopt the ordinance amending *City Code* Section 3.50.180 relating to conflicting applications for special event permits.

I move that the City Council not adopt the proposed ordinance.

Issues/Potential Questions for Consideration

Is it in the public interest for the City to give priority for locations for special events to groups that have organized and conducted those events for three or more years?

Discussion/Background

As indicated above, the proposed ordinance would amend *City Code* Section 3.50.180 relating to conflicting applications.

The pertinent section of the current ordinance reads:

A. Conflict Priority Evaluation. When one or more applications for a commercially related special event or advanced planned free expression activity are received for the same day and for locations or routes which are conflicting, the events coordinator shall issue a permit, subject to the other provisions of this chapter, based on the following order of priorities:

1. Events planned, organized or presented by state, federal or city governmental entities or their agents if the governmental request is made in good faith and not with the intent or purpose of improperly chilling constitutionally protected rights of competing petitioners;
2. Historic usage commercially related special events or advanced planned free expression activities where the same applicant or sponsor has been granted use of a particular city forum at a particular date, time and place for more than *fifteen* consecutive years;
3. If neither subsections A1 or A2 are applicable, priority shall be given to a first-in-time filing.

The major change in the proposed ordinance would be to amend Paragraph A.2 to read: “Historic usage commercially related special events or advanced planned free expression activities where the same applicant or sponsor has been granted use of a particular city forum at a particular date, time and place for more than *three* consecutive years.”

The Administration is proposing the amendment to recognize that since the original ordinance was adopted a number of special events such as First Night, the Farmers Market and the Salt Lake City Jazz Festival have been organized and held in various locations around the City. However, the events have not reached the 15-year threshold in the current ordinance to receive priority consideration that the current ordinance allows.

According to the Administration transmittal, “The Administration believes that the time period unfairly works against event planners who invest time, energy and resources into events that contribute to the community, add public value and which establish a base of support so that they occur on an annual basis.”

Perhaps the other significant under the proposed ordinance occurs in Paragraph A. Under the current ordinance, the paragraph reads: “When one or more applications for a commercially related special event or advanced planned free expression activity are received for the same day and for locations or routes which are conflicting, the events coordinator shall issue a permit, subject to the other provisions of this chapter base on the following order of priorities.”

Under the proposed ordinance, the paragraph would read: “When more than one application for a special event or advanced planned free expression activity is received for the same day and time and for conflicting locations or routes, the events administrator shall issue a permit, subject to other provisions of this chapter.”

The proposed ordinance appears to provide wider latitude for to groups to hold events the same day at the same location as long as they occur at different times.