



**RETAIL SALES SPECIAL EVENT
PERMIT APPLICATION**

Application must be made at least 60 days in advance.
Incomplete applications will not be processed.

Application Fee - \$75.00 / Escrow - \$750.00

All questions must be answered or application will be considered incomplete.

Applicant

Sponsoring entity: _____

Contact person: _____

Address: _____

Daytime phone: _____ Alternate phone: _____

Event Information

Date(s) of sales event: _____ Event times (for each day): _____

Name of Event: _____

Description of Event (include a list of all activities to take place at the event): _____

Map

Attach a map of proposed area to be used which shows the location of merchandise displays, tents and/or other event-related activities.

Insurance

In certain circumstances a Certificate of Insurance may be required to be filed with the City prior to the issuance of the Special Event permit.

If required, the Certificate of Liability must name the City, its officials, employees, and agents, as additional insured. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed, the policy must also include an endorsement for liquor liability.

The City may require additional endorsements depending upon the type of Special Event and the proposed activities.

OFFICE USE ONLY

Insurance Required _____ Yes _____ No

The Minnesota Data Practices Act requires that we inform you of your rights about the private data we are requesting on this form. Private data is available to you, but not to the public. We are requesting this data to determine your eligibility for a Special Event license from the City of Rogers. You are not legally required to provide this data, however, refusing to supply the data may cause your license to not be processed. This data can be shared by City of Rogers staff and the City Council. Your signature on this application indicates you understand these rights.

INDEMNIFICATION: The undersigned agrees 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 or employees, arising out of the conduct of the activity authorized by such permit and against all loss caused in any way by reason of the failure of the event promoter to fully perform all obligations under this section.

Signature: _____ Date: _____



City of Rogers
Office of the Finance Director
22350 South Diamond Lake Road
Rogers, Minnesota 55374
Ph: 763.428.2253
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Website: www.ci.rogers.mn.us
Email: LWieland@ci.rogers.mn.us

SPECIAL EVENT
ESCROW RECEIPT FORM (attach supporting documentation)

\$ _____ Amount
_____ Date Received
_____ Check Number

Received from (check- name, address phone#)

On behalf of (project name/description) _____
Project Address or PID# _____

Any shortage of funds contact/or overage in escrow funds to be returned to:

Name

Street Address

City, State, Zip

Phone# (for questions)

Signature

Escrow Funds will be reviewed and closed out no sooner than 6 months after the completion of the project.

For Internal Accounting Purposes Only:

G.L. Acct#

100-000-0000-22004

Amount:

\$

Purpose:

Escrow

FOR OFFICE USE ONLY

Police Department <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Comments:
Fire Department <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Comments:
Planning Department <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Comments
Finance Department <input type="checkbox"/> Deposit Required <input type="checkbox"/> No Deposit <input type="checkbox"/> N/A	Amount/Comments:
Parks & Recreation <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Comments:
Public Works Department <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Comments:
Administration Department <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Comments:
City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Comments:

**CITY OF ROGERS
ORDINANCE 2012 - 11**

**AN ORDINANCE DEFINING AND
REGULATING SPECIAL EVENTS**

The City Council of the City of Rogers does hereby ordain as follows:

Section 1. Purpose and Findings

The purpose of this chapter is to protect the health, safety and welfare of the citizens of this City by regulating the time, place and manner of Special Events as defined herein, and by establishing permit requirements and other regulations for conducting special events. The City Council finds that special events often exceed the City's capacity to provide usual City services. These City services include, but are not limited to, sanitary facilities, fire, police and utility services. The City Council also finds this ordinance necessary to ensure that such events are conducted with sufficient consideration given to public safety issues including, among other things, the impact of these events on parking and traffic management within the City.

Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Person: A natural person, association, organization, club or group formed for a common purpose, a partnership of any kind, limited liability company, corporation or any other legal entity.

Retail Sales Event

An outdoor retail sale or display on private commercial property including, but not limited to, events such as "tent sales," "sidewalk sales," "truck sales," and other similar events. Retail sales events do not include traditional residential garage/yard sales.

Special Event: An outdoor gathering, whether on public or private property, open to the public where at least 50 individuals are expected to, or do, assemble with a common purpose for a period of one hour or longer. *Special Events* include, but are not limited to, concerts, fairs, carnivals, circuses, parades, flea markets, marathons, walkathons, festivals, races, bicycle events, celebrations, or any other gathering or events of similar nature. *Special Events* do not include private, noncommercial events such as graduation parties or social parties.

Permit Required

No person shall hold, conduct, or participate in a Special Event within the City unless a permit has been issued for such Special Event upon timely application as required by this ordinance.

Application

Application must be made at least 60 days in advance of the proposed date of the Special Event. This application period shall not begin to run until a complete application has been filed with the City. The application for the required permit shall be made to the City Clerk by filing the permit fee, any deposit required to cover estimated costs to be incurred by the City for the Special Event, and by completing an application form provided by the City Clerk. In addition to such additional information as the City Clerk may require, the application shall include:

- a) Type and description of the Special Event and a list of all activities to take place at the Special Event.

- b) Name of the sponsoring entity, contact person, address, and phone number.
- c) Proposed date(s) of the Special Event, together with the beginning and ending times for each date.
- d) Proposed location of the Special Event, including a map of the proposed area to be used which shows any barricades, street route plans or perimeter/security fencing. Map must be to scale.
- e) Estimated number of Special Event staff, participants, and spectators.
- f) Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities.
- g) Any fire prevention and emergency medical service plans.
- h) Any security plans.
- i) The admission fee, donation or other consideration to be charged or requested for admission to the Special Event, if any.
- j) Whether food or alcohol is to be served or sold at the Special Event.
- k) Signature of the applicant.
- l) If the Special Event will be in a residential area and one or more streets are proposed to be closed, the applicant must collect and submit with the application signatures of or on behalf of the owners or occupants of all properties whose vehicular access to their properties will be blocked, consenting to the street closure.
- m) Tents, Canopies & other Membrane Structures shall be installed and maintained in accordance with the Minnesota State Fire Code.
- n) If cooking or serving food at the event, attach a copy of the permit from the Hennepin County Health Department.

Issuance of Permit, Conditions

Special Event permits will be issued upon City Council approval. Reasonable conditions may be attached to the permit as are deemed necessary to protect the health, safety and public welfare, provided that such conditions shall not restrict the right of free speech. Such conditions may include, but are not limited to:

- (a) Alteration of the date(s), time(s), route, or location of the proposed Special Event.
- (b) Elimination of an activity at the Special Event which threatens the public safety and welfare, or which causes undue liability to the City.
- (c) Requirements for the use of garbage containers and the cleanup and restoration of any public property.
- (d) Requirements for appropriate sanitation facilities and the availability of potable water.
- (e) Requirements for appropriate traffic control measures including barricades, fencing, traffic cones, etc.
- (f) Requirements for appropriate security and crowd management.
- (g) Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way.
- (h) Provision of adequate emergency and medical services.
- (i) Compliance with all requirements of the most currently adopted State Fire Code, including an onsite fire inspection if required by the State Fire Code.
- (j) Anyone operating amusement rides must comply with the requirements of MN Statute 184B regarding carnivals.
- (k) Carnivals are allowed 7 days to store and set up equipment prior to their Special Event and 7 days to clean up the site after the conclusion of the special Event.
- (l) Candy may be handed out at parades but is not allowed to be thrown from moving objects.
- (m) Requirements concerning the area of assembly and disbanding of a parade or other events occurring along a route.
- (n) Removal of advertising/promotional materials.

- (o) Requirements for appropriate lighting.
- (p) Requirements for the use of City personnel and equipment.
- (q) Compliance with animal protection ordinances and laws.
- (r) Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws.
- (s) Requirements to provide notice of the Special Event to surrounding property owners.
- (t) Restrictions on the sale or consumption of alcohol and compliance with all applicable liquor license laws.
- (u) Applicant must secure all necessary permits from outside agencies such as Mn/DOT or Hennepin County for road closures.

Retail Sales Event Permit Required

No person or commercial business shall hold, conduct, or participate in a Retail Sales Event within the City unless a permit has been issued for such Retail Sales Event upon timely application as required by this ordinance.

Application must be made at least 30 days in advance of the proposed date of the Special Event. This application period shall not begin to run until a complete application has been filed with the City. The application for the required permit shall be made to the City Clerk by filing the permit fee, and by completing an application form provided by the City Clerk. In addition to such additional information as the City Clerk may require, the application shall include:

- a) Type and description of the Retail Sales Event and a list of all activities to take place at the Retail Sales Event.
- b) Name of business/businesses holding the event, contact person, address, and phone number.
- c) Proposed date(s) of the Retail Sales Event, together with the beginning and ending times for each date.
- d) Proposed location of the Retail Sales Event upon the retail business property, including a map of the proposed area to be used showing the location of merchandise displays, tents or other event-related activities.
- e) Signature of the applicant.

Issuance of Retail Sales Event Permit, Conditions

Retail Sales Event permits will be issued upon staff approval. Reasonable conditions may be attached to the permit as are deemed necessary to protect the health, safety and public welfare, provided that such conditions shall not restrict the right of free speech. Such conditions may include, but are not limited to:

- a) Reasonable limitations on the percentage of the property area/parking lot that can be used for the event.
- b) Elimination of an activity at the Retail Sales Event which threatens the public safety and welfare, or which causes undue liability to the City.
- c) Requirements for appropriate parking and traffic control measures including barricades, fencing, traffic cones, etc., as appropriate.
- d) Event parking to be limited to on-site parking lot for events in the B2 and B3 zoning districts, with no event-related on-street parking unless otherwise approved by the City.
- e) Requirements for appropriate security and crowd management, as appropriate.
- f) Compliance with all requirements of the most currently adopted State Fire Code, including an onsite fire inspection/tent inspection if required by the State Fire Code.
- g) Removal of advertising/promotional materials from public property.
Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws.

- h) Restrictions on the sale or consumption of alcohol and compliance with all applicable liquor license laws.
- i) Applicant must secure all other necessary permits from the City and/or outside County, State or Federal agencies.

Limitations of Retail Sales Event

Retail Sales Events are limited to a total of 30 days per calendar year, per retail business unless otherwise approved by the City. Retail Sales Events must be held entirely upon the private, commercial property where the retail business is legally. Retail Sales Events shall not be located and cannot be held on public property/public right of way unless otherwise approved by the City. All temporary signage must comply with City Sign Ordinance, including restrictions on signage, banners, pennants, streamers, strings of lights, flags, searchlights/skytrackers/, and inflatables, unless otherwise approved by the City.

Exceptions

- (a) The requirement for a Special Event Permit does not apply to the following:
 - 1. Special events sponsored and managed by the City.
 - 2. Neighborhood block parties held in connection with Night to Unite.
 - 3. Neighborhood block parties where no streets are proposed to be closed.
 - 4. Funerals and funeral processions.
 - 5. Regularly established assembly events on the grounds of any school, playground, City or county park, place of worship, hotel conference center, stadium, athletic field, arena, auditorium or similar place of assembly.
- (b) Neighborhood block parties which are not exempted by (a) above shall require the issuance of a Special Event Permit, subject to the following:
 - 1. Permits for block parties where only one block is proposed to be closed may be issued by City staff unless staff refers the application to the City Council.
 - 2. No indemnification or insurance shall be required for neighborhood block parties, unless staff or City Council determines that unique circumstances require that indemnification or insurance should be required.

Grounds for Denial or Revocation

All permit applications under this division shall be made to the City Clerk and referred to the Chief of Police and such other municipal departments or offices as the City Clerk deems necessary for verification and investigation of the facts set forth in the application. The Chief of Police and other department heads or officers consulted shall submit their reports and recommendations to the City Clerk.

The staff and/or council shall have the discretion to consider, in granting, denying or revoking a permit, any reasonable facts or circumstances relating to public health, safety and welfare including, but not limited to, the following:

- (a) The location of the Special Event would cause undue hardship for adjacent businesses or residents.
- (b) Special Event permit application has already been approved to hold another Special Event at the same time requested by the applicant or so close in time as to cause undue traffic congestion, or to create a situation where the City is unable to meet the needs to provide for law enforcement and other City services for both Special Events.
- (c) The Special Event is of a size or nature that requires the diversion of too many law enforcement officers to properly police the event site and contiguous areas, and/or that allowing the Special Event would unreasonably deny law enforcement protection to the remainder of the City and its residents.

- (d) The time, route, hours, location or size of the Special Event could cause a threat to public safety, interference with normal traffic flow, congestion, or inconvenience to the public.
- (e) The location of the Special Event will interfere with a construction or maintenance work scheduled to take place upon or along public property or right-of-way.
- (f) Failure to provide a completed application, any fees, or providing false or misleading information.
- (g) The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled.
- (h) The applicant fails to agree to abide or comply with all of the conditions and terms of the Special Event permit.
- (i) The Special Event would seriously inconvenience the general public's use of public property, services, or facilities.
- (j) The Special Event would create or constitute a public nuisance.
- (k) The Special Event could cause significant damage to public property or facilities.
- (l) The Special Event would engage in or encourage participants to engage in illegal acts.
- (m) The applicant is a minor at the time of the event.

Process for Denial or Revocation

Failure of any person to comply with any of the ordinances of the City or the laws of the state shall be grounds for denying or revoking a permit granted under this division. If a permit is denied or revoked by the City Council, the City must notify the applicant with the reason(s).

Any permit issued may be summarily revoked by the City's chief law enforcement officer or Fire Chief at any time when, by reason of disaster, public calamity, riot or other emergency, the law enforcement officer or Fire Chief determines that the safety of the public or property requires such revocation.

Fees and Expenses

The application fee for a Special Event permit shall be established by the annual fee ordinance by the City council and the current application fee shall be paid at the time of application for a permit. In addition, the applicant for a Special Event permit must pay all expenses incurred by the City with respect to the Special Event including, without limitation, all expenses related to the provision of police, fire or traffic management services required for the event and the enforcement of the permit, including any permit conditions. The City may, as a condition of permit approval, require the applicant to deposit with the City an amount up to 115% of the estimated City expenses as determined by the Finance Department provided, however, the applicant's obligation to pay all expenses as provided in this section is not limited to the amount of the deposit. In the event that the actual expenses of the City related to the event are less than the amount of the deposit, the City will refund the excess funds to the applicant.

Indemnification

All Special Event permits shall include a provision by which the permit holder agrees 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 or employees, arising out of the conduct of the activity authorized by such permit and against all loss caused in any way by reason of the failure of the event promoter to fully perform all obligations under this section.

Insurance Requirements

Subdivision 1. Liability Insurance Required. The applicant or sponsor of a Special Event must possess or obtain liability insurance to protect against loss from liability for damages on account of bodily injury or property damage arising from the special event. A certificate of insurance must be filed with the City prior

to issuance of any Special Event permit. The certificate of insurance must name the City, its officials, employees and agents, as additional insureds. Insurance coverage must be maintained for the duration of the Special Event.

Subd. 2. Minimum Limits. Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed at the special event, the policy must also include an endorsement for liquor liability per Chapter 6 of the City Code. The City Council may require additional endorsements depending upon the type of special event and proposed activities.

Subd. 3. Waiver or Reduction of Required Limits. The City may waive or reduce the insurance requirements of this Section under the following circumstances:

- a) The applicant or officer of the sponsoring organization signs a verified statement that it believes that the special event's purpose is First Amendment expression and that the cost of obtaining the insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression;
- b) The applicant or an officer of the sponsoring organization signs a verified statement that the insurance coverage required by this Section is impossible to obtain; or
- c) The City Council determines that the insurance requirements are in excess of the reasonable risk presented by the proposed special event.

Applicability

The provisions of this chapter and of all regulations made thereunder and all permits issued thereunder shall be subject to all applicable and controlling provisions of federal, state and City laws, and of all regulations and orders issued thereunder.

Penalty

Violation of any provision of this chapter shall be a misdemeanor and subject to all penalties provided for under state law.

Section 2. That this ordinance shall take effect upon publication as provided by law.

Passed and adopted by the City Council of the City of Rogers this 9th day of October, 2012

Mayor

ATTEST:

City Clerk