

**AN ORDINANCE ADDING ARTICLE VIII SPECIAL EVENTS TO CHAPTER 2 OF
THE CITY OF ODESSA CODE OF ORDINANCES**

WHEREAS, the Board of Aldermen desires to add a new Article VIII to Chapter 2, which would provide a requirement to obtain a permit for special events in Odessa.

WHEREAS, the Board of Aldermen is authorized by 79.110, RSMo. to enact any and all ordinances that are not repugnant to the Missouri Constitution and Missouri law and that are deemed expedient for the good government of the City, the preservation of peace and good order, the benefit of trade, commerce, and the health of the inhabitants of Odessa; and

WHEREAS, the Board of Aldermen believes the amendments and updates to Chapter 2 are in the best interest of the citizens of the City of Odessa.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ODESSA, MISSOURI, AS FOLLOWS, TO WIT:

Section 1: Article VIII shall be incorporated into Chapter 2 of the City Code and shall read as follows:

ARTICLE VIII. SPECIAL EVENTS

DIVISION 1. GENERALLY

Sec. 2-550. Policy.

It is the intent and purpose of this Article to establish regulatory requirements and procedures for purposes of protecting the health, safety and welfare of the public during the conduct of special events within the City of Odessa.

Sec. 2-551. Definitions.

For purposes of this Article, the following words shall have the definitions given to them in this section unless the context clearly indicates or requires a different meaning.

Special Event. The following constitute a special event:

- (1) Any outdoor gathering of more than 15 persons on public property assembled for a common purpose for a period of one hour or longer;**
- (2) Any event or gathering (whether on public or private property) which generates on-street parking needs for more than 20 vehicles at a time;**
- (3) Any event or gathering that impedes, obstructs, or blocks the free flow of pedestrian or vehicles traffic on public streets, sidewalks, or any other public way at the time of the event; or**

- (4) Any event or gathering on public property using (a) a tent or membrane structure having an area in excess of 400 square feet; or (b) a canopy covering an area in excess of 600 square feet; or (c) when heat sources, cooking equipment, spark/ember producing processes or open flame are used near or contained within a tent, a membrane structure or canopy of any size.

Examples of special events include, but are not limited to: block parties, fundraisers, estate sales, marathons, walkathons, runs/walks/races, bicycle rides or races, parades, circuses, arts or crafts fairs, flea markets, exhibits, carnivals, fishing contests, boot blocks, and any other gatherings or events of a similar nature.

Secs. 2-552 – 5-559. Reserved.

DIVISION 2. PERMIT; PENALTY; ENFORCEMENT

Sec. 2-560. Permit Required.

No person shall hold, host, conduct, present or participate in a special event within the City unless a permit has been issued for such event as provided in this Article.

Sec. 2-561. Exceptions.

Notwithstanding Sec. 2-551, the following events are not required to apply for permits under this division:

- (1) funeral processions;
- (2) occasional, private, social parties held in private residences or private lots which do not require public services (such as utility, police, fire or security services) that exceed the normal levels of services provided in the ordinary course of business and which do not require special services from any other city department or city staff;
- (3) occasional estate or garage sales held at a private residence which do not generate on-street parking needs for more than 20 vehicles at a time, do not require extra or special public services and which do not otherwise meet the definition of a special event pursuant to Sec. 2-551 Definitions;
- (4) events sponsored or managed by the City of Odessa;
- (5) events held in or on the grounds of any school, place or worship, athletic field, arena, auditorium, or other place of assembly used for regularly established assembly purposes.

Sec. 2-562. Application.

Written application for a special event permit on a form prescribed by the City of Odessa must be delivered to City Hall at least 10 business days in advance of the proposed date on which the event is to occur, unless the time requirement is reduced or waived by the City Administrator in their sole discretion. The application must include: the name and address of the person holding or sponsoring the event and, if

different, the name and address of the owner of the property where the event will be held; the event location or route; the time of commencement and termination of the event; a general description of the event; and a description of any extraordinary public services or special services requested or needed for the event. The application will be considered complete only when the form provides all required information and is signed by the applicant. The City Administrator reserves the right to request additional information they deem necessary to consider the special event permit.

Sec. 2-563. Investigation and Review.

Upon receipt of a complete application, the City Administrator will deliver a copy of the application to the Police Chief for investigation and review. Within 5 business days of receipt of the application, the Police Chief or his/her designee will deliver to the City Administrator a written recommendation for approval or disapproval of the permit based on findings regarding the effect of the proposed special event on public health, safety and welfare, including, but not limited to, the ability of the City to direct and control traffic and parking and the Event's compliance with the City Code. If the event involves the use of other jurisdiction entities the Police Chief will make those necessary contacts.

Sec. 2-564. City Administrator Action; Imposition of Conditions.

The City Administrator or his/her designee shall review all recommendations and take action to deny the permit, approve the permit, approve the permit subject to reasonable conditions deemed necessary to protect the health, safety and welfare of City residents and the public. Such conditions may relate to any of the following:

- (1) Location and hours of the event;
- (2) Sanitation and/or availability of potable water;
- (3) Security and/or crowd control;
- (4) Parking;
- (5) Traffic direction and control;
- (6) Clean-up and trash disposal;
- (7) Insurance;
- (8) Temporary barricades and/or fencing;
- (9) Noise levels and methods for compliance with City noise ordinances;
- (10) Notification of neighboring residents and businesses;
- (11) Any other conditions which the City Administrator deems reasonable or necessary to protect the health, safety and welfare of City residents and the public.

Sec. 2-565. Board of Alderman Action; Imposition of Conditions.

The Board of Aldermen shall review all special event permits involving the consumption of intoxicating liquors. See Code of Ordinance Sec. 6-56. – Intoxicating liquor on city property

Sec. 2-566. Denial of Permit Application; Appeal.

- A. The City Administrator may deny a special event permit application based upon a finding or determination that:
- (1) The event would endanger public health, safety or welfare;
 - (2) The event would unreasonably inconvenience City residents or the general public;
 - (3) The event would conflict with a previously-scheduled event or interfere with construction or maintenance work;
 - (4) There are not sufficient public safety personnel or event staff available to safely and successfully operate the event; or
 - (5) The event would violate any law, rule, regulation or ordinance of the City of Odessa, or any agency or other governmental body having jurisdiction.
- B. If a special event permit application is denied, or modified or rescinded after issuance of the permit, the applicant may appeal the denial, modification, or rescission of the special event permit to the Board of Aldermen. The appeal shall be made in writing and filed with the City Clerk no later than 30 days after the date of the notification of denial, modification, or rescission of the special event permit. The Board of Aldermen shall hear the appeal of the applicant at the next available Board of Aldermen meeting, unless an alternative date is agreed to.

Sec. 2-567. Issuance of Permit.

- A. The City Administrator or their designee shall approve or deny a special event permit within 5 business days of receipt of the application. Upon approval or denial, the City Administrator or his/her designee will e-mail/mail notification of such action to the applicant. The applicant will be required to notify businesses and residents within 185ft. of the boundaries of the event. A copy of the approved permit must be on site at the event.
- B. If the special event permit application is denied, the notification shall state the reason the application was denied.
- C. Special event permits are non-transferable and expire at the close of the last date or time of the event for which the permit has been issued.
- D. If a special event permit is modified or rescinded after initial approval by the City Administrator, the City Administrator shall notify the permit holder according to Section 2-566(A). Special event permits may be modified or rescinded by the City Administrator upon the City Administrator's determination that:
- (1) Representations or statements by the permit holder in the event permit application are false or misleading in any material detail;

- (2) The event is not in compliance with any terms or conditions of the permit; or
- (3) The event as applied for and described upon the permit and permit application may pose an immediate threat to public health, welfare, or safety, due to reasons that include but are not limited to weather conditions, overcrowding, traffic considerations, or violations of City Code or State law by the permit holder.

Sec. 2-568. Indemnification.

The permit holder must agree to defend, indemnify, and hold harmless the City, its Board members, employees, officers, contractors and agents from and against any and all liability, claims, damages, costs, judgments or expenses, including attorney's fees, resulting directly or indirectly from any act or omission arising out of, caused by, or related to the conduct of the activities authorized by the permit and such agreement will be part of the permit.

Sec. 2-569. Penalty; Enforcement.

- A. Failure of the holders of the special event permit to comply with the terms and conditions of the special event permit or any ordinances of the City or laws of the State shall immediately void a special event permit.
- B. The City may enforce this Article by revoking or suspending the special event permit, which may be done by the City Administrator or their designee, or the Chief of Police or their designee. Revocation or suspension of the special event permit may include immediate termination of the event and/or disbursement of persons gathered at the special event location.

Section 2: Chapter 34, Article I, Section 34-1 is hereby amended to read as follows:

No person shall be permitted in the city park of the city between the hours of 12:00 midnight and 6:00 a.m. except by special event permission by the City Administrator pursuant to Chapter 2, Article VIII, ~~board of aldermen~~. Any person found in violation of this section shall be subject to penalties as provided in section 1-12.

Section 3: Chapter 46, Article VIII, Division 3, Section 46-580(c) is hereby amended to read as follows:

(c) Type of use restricted. The following is the only uses authorized by special permit:

- (1) Use in conjunction with special events as approved and authorized by the City Administrator pursuant to Chapter 2, Article VIII ~~board of aldermen~~, such as Puddle Jumper Days;
- (2) Snow removal during periods where snow is present on driveways, sidewalks or streets; or
- (3) Property or lawn care maintenance purposes.

Section 4: Chapter 6, Article III, Division 3, Section 6-56 is hereby amended to read as follows:

It is unlawful for any person to possess or consume intoxicating liquors at or upon any property belonging to the city; provided, however, that the ~~city administrator~~ Board of

Alderman may waive this requirement for special events.

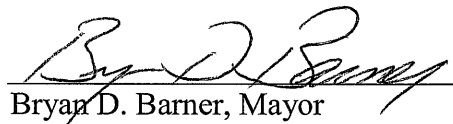
Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: This ordinance shall be in full force and effect upon passage.

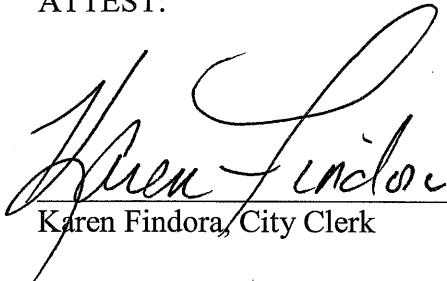
Section 7: The codifier is hereby authorized to make edits to formatting to conform with formatting of the City Code.

READ TWICE and passed by the Board of Aldermen of the City of Odessa, Missouri, and approved by the Mayor of Odessa this 26th day of August, 2024.




Bryan D. Barner, Mayor

ATTEST:


Karen Findora, City Clerk