

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. 2012-01**

**AN ORDINANCE REGULATING LARGE SPECIAL
EVENTS, OFFSITE VENDORS, AND FILMING ACTIVITIES**

The Board of Supervisors of the Town of Denmark ordains:

**ARTICLE I
GENERAL PROVISIONS**

Section 1. **Authority.** The Town Board adopts this ordinance pursuant to Minn. Stat. §§ 366.01, subd. 2; 366.19; 368.01; and such other law as may apply to authorize the Town to regulate certain events and activities, require licenses or permits, and to protect the public health, safety, and general welfare of the Town through the exercise of its police powers.

Section 2. **Definitions.** For purposes of this ordinance, the following terms shall have the meaning given them in this section. All terms not specifically defined in this section shall have the meaning commonly applied to the term in the same context as used in this ordinance.

Subdivision 1. **County.** “County” means Washington County, Minnesota.

Subd. 2. **Event Property.** “Event Property” means the parcel or parcels of property on which a Large Special Event is to occur.

Subd. 3. **Event Site.** “Event Site” means the specific area within the Event Property on which any of the activities associated with a Large Special Event are to occur.

Subd. 4. **Filming Activities.** “Filming Activities” mean the commercial filming of a feature film, television or internet show, documentary, music video, or television commercial, whether on film, video, or digital media, on any Town Property, or within a Town road right-of-way, involving the erection or placement of film sets, trailers, campers, lighting, or other filming related structures or equipment for a period of more than three hours in the same location on Town Property or that interferes with or obstructs a Town road right-of-way for more than one hour.

Subd. 5. **Filming Permit.** “Filming Permit” means a permit issued by the Town Designee or the Town Board to a Person to engage in Filming Activities on Town Property.

Subd. 6. **Large Special Event or Event.** “Large Special Event” or “Event” means an event involving the anticipated or actual gathering of a certain number individuals or more, as set out below, on Event Property during any single day of an event to attend or participate in the event. An anticipated or actual gathering of 7,500 or more individuals on Event Property

previously issued a conditional use permit, planned unit development, or similar type of permit by the Town and County that provides for the conducting or hosting of public events shall constitute a large special event requiring a license under this ordinance. An anticipated or actual gathering of 500 or more individuals on Event Property that has not been issued a conditional use permit, planned unit development, or similar type of permit by the Town and County providing for the conducting or hosting of public events shall constitute a large special event requiring a license under this ordinance. Events subject to this ordinance are those conducted primarily outdoors, or in a temporary structure, and include, but are not limited to, the following: musical concerts; performances; athletic events; races; competitions; festivals; rallies; parades or processions; social or commercial functions; carnivals; political events; or other similar types of activities. An activity will be considered to be related to an event if the activity is timed to occur over the same or similar period of time or advertisements for the activity are targeted to those attending the event.

Subd. 7. Large Special Event License. “Large Special Event License” means a license issued by the Town Board to a Person to conduct a Large Special Event on the identified Event Site, on the Event Property, within the Town.

Subd. 8. Offsite Vendor. “Offsite Vendor” means a Person that offers one or more for-fee services to those attending a Large Special Event off of, but in close proximity to, the Event Property or the primary routes leading to or from the Event Property. The term includes, but is not limited to, any Person who operates or hosts food or beverage stands, stands for the sale of products, paid parking, paid camping sites, or other paid services directed at those attending an Event.

Subd. 9. Offsite Vendor License. “Offsite Vendor License” means a license issued by the Town Designee or the Town Board to an Offsite Vendor to sell goods or services to those attending a Large Special Event.

Subd. 10. Person. “Person” means any natural individual, firm, trust, partnership, limited liability company, association, or corporation.

Subd. 11. Town. “Town” means Denmark Township, Washington County, Minnesota.

Subd. 12. Town Board. “Town Board” means the Board of Supervisors of Denmark Township.

Subd. 13. Town Designee. “Town Designee” means the Person or Persons the Town Board authorizes to issue a license or permit under this ordinance.

Subd. 14. Town Property. “Town Property” means any land in which the Town has a property interest, regardless of how the interest was acquired. The term includes, but is not limited to, the Town Hall property, O’Connor Park, Town parks, Town road right-of-ways, conservation easements conveyed to the Town, and all lands dedicated to the public or to the Town within a plat.

Section 3. **Provisions Separable.** This ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be separable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance which shall remain in effect.

Section 4. **Town Expenses.** The application fee required from Persons submitting an application under this ordinance is intended to offset the Town's administrative expenses to process an application. An applicant is also required to reimburse the Town for any additional costs it incurs related to the application and the licensed or permitted activity including, but not limited to, any consulting fees or enforcement costs it may incur as well as costs to provide any requested services. An applicant may be required to escrow funds with the Town to cover those anticipated costs, but an applicant is required to fully reimburse the Town its actual costs even if an escrow is not required or if the costs exceed the amount escrowed. The Town will bill a licensee or permittee for any amounts that are not reimbursed with escrowed funds and all such amounts shall be paid within 30 days. Any amounts not paid within 30 days shall constitute a service charge under Minnesota Statutes, section 366.012 collectable on the taxes of any real property the licensee or permittee may own in the state. The Town may also institute such legal action as it determines is appropriate to recover any unreimbursed costs. The Town shall return any unused escrowed amounts, without interest, to the licensee or permittee.

ARTICLE II LARGE SPECIAL EVENTS

Section 1. **Purpose.** The purpose of this article is to regulate Large Special Events by requiring the Person conducting the Event to obtain a license from the Town and to comply with this ordinance as well as the conditions and restrictions imposed on the Large Special Event License in order to protect the health, safety, and welfare of residents, property owners, and visitors to the Town who may partake in, or be affected by, such Events. Large Special Events can place a significant burden on public infrastructure and public services, create negative impacts on those living nearby, and can result in concerns over the health, safety, and welfare of those who attend the Event as well as for the public generally.

Section 2. License Required.

Subdivision 1. **Unlawful to Conduct a Special Event without a License.** It is unlawful for any Person to sponsor or conduct a Large Special Event requiring a license pursuant to this ordinance in the Town unless a valid Large Special Event License has first been issued for the Event by the Town. A separate license is required for each separate Event regardless of whether an Event is repeated on the same or different property, or different Events occur at different times on the same property.

Subd. 2. **Event Limited to License.** The Large Special Event License authorizes the Event licensee or sponsor to conduct only such Event as is described in the license, and only in accordance with the terms and conditions of the Large Special Event License.

Section 3. **License Not Required.** A Large Special Events License is not required for any of the following:

Subdivision 1. **Events Within Permanent Structures.** Events occurring entirely within a permanent structure for worship or any stadium, arena, auditorium, coliseum, or other similar permanently constructed facility for assembly;

Subd. 2. **Public Forums.** The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public; or

Subd. 3. **Town Activities.** Activities conducted or cosponsored by the Town.

Section 4. **License Application.**

Subdivision 1. **Form.** Application for a license to hold a Large Special Event must be made in writing on the Town's form, must contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant, and must be signed and sworn to or affirmed by the individual authorized to make application in the case of a corporation, a limited liability company, firm, or trust, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group. An application that does not contain all of the required information, or that is not accompanied by the required license fee or escrow, will not be processed. The Town understands that all of the plans related to the Event may not be completed at the time of application, but an applicant must identify as part of its application which plans it intends to prepare for the Event. All such plans must be submitted to the Town at least 30 days before the Event, or earlier if required by the Town as a condition of the license. The application must contain and disclose, at a minimum, the following:

- a. Applicant name, address, phone number, and e-mail address;
- b. Date of the Event;
- c. Address of the Event Property;
- d. Description of the Event Site;
- e. Name of property owner, if different from applicant;
- f. Type and description of the Event and a list of all activities to take place at the Event, including a description of any onsite vendors, and their general location within the Event Site;
- g. Estimated number of persons to attend (participants and any spectators);
- h. Duration of the Event, including beginning and ending times on each day and a description of any set up and tear down/clean up periods;
- i. Any public health plans, including supplying water to the Event Site, solid waste collection and provision of toilet facilities, if applicable;
- j. Any fire prevention plans;
- k. Any emergency medical services plans;

- l. Any security plans;
- m. Any traffic and pedestrian walkway plans;
- n. The admission fee, donation or other consideration to be charged or requested for admission, if applicable;
- o. Whether food or alcohol will be served or sold at the Event;
- p. A detailed description of any public right-of-ways, or portions thereof, the applicant will request the road authority to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, involve the alteration or closing of any approaches, the nature of such restrictions or alterations, and the basis;
- q. Whether the applicant is requesting permission to conduct any part of the Event on public property;
- r. A description of any public services the applicant is requesting be provided by the Town or County, including the applicant's estimate of the level of services requested and the basis on which the estimate is made;
- s. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
- t. A statement signed by the applicant agreeing to pay all fees and costs as required by this ordinance and represent to the Town that the applicant is duly authorized to make such agreement on behalf of the Person or organization holding or sponsoring the Event;
- u. Include a copy of any licenses or permits issued, or copy of the application if not yet issued, by other governmental entities for the Event;
- v. Applicant signature and property owner's signature, if different from applicant;
- w. All other plans and information required by this ordinance to be submitted with the application; and
- x. Any other information requested by the Town, acting through the Town Designee, that it deems reasonably necessary in order to determine the nature of the Event and the extent of potential impacts on the public, public infrastructure, public services and public safety.

Subd. 2. Time for Filing. A Large Special Event License application must be filed with the Town at least 60 days in advance of the first day on which the Event is to occur.

Subd. 3. Number of Copies. An applicant is required to submit nine copies of its application packet to the Town Clerk/Treasurer before the application will be considered complete.

Subd. 4. License Fee. An applicant for a Large Special Event License must pay a nonrefundable license fee in the amount established from time to time by the Town Board.

Subd. 5. Escrow. A Person issued a Large Special Event License is required to reimburse the Town for all professional, inspection, and enforcement costs its incurs related to processing the application, the Event, and enforcing the conditions placed on the Large Special Event License, as well as the Town's costs to provide any requested services. In order to ensure the payment of such costs and to protect the Town and its taxpayers, an applicant shall be

required to place cash in escrow with the Town in such an amount as determined by the Town sufficient to pay such anticipated costs. If the initial amount escrowed with the Town is not sufficient to fully reimburse the Town for its actual costs, the applicant shall be required to provide such additional escrow amounts as needed to ensure the Town is fully reimbursed. The applicant shall provide the additional escrow amount, or pay the actual amounts billed in excess of the escrowed funds, within 30 days. Any portion of the escrowed funds not needed to reimburse the Town for its costs shall be returned to the applicant without interest after all such bills have been processed and paid.

Section 5. License Application Review and Issuance.

Subdivision 1. Review. The Town Clerk/Treasurer shall provide a copy of complete license application to each Town supervisor, the Town Attorney, and to the County prior to the Town Board meeting at which the application will be considered. The Town Board shall only act on complete license applications. The Town may require review of the Event and its plans by the Town’s consultants or other professionals as it determines is appropriate.

Subd. 2. Review Factors. The Town Board will not approve a Large Special Event License unless it finds that the character of the proposed Event is compatible with the character of the area and can reasonably be accommodated given the size of the Event, the Event Site, the Event Property, and the potential impacts on public health, safety, or welfare, those living or owning property in the area, public infrastructure, and public services considering possible problems generated by the Event such as noise, lighting, traffic, parking, sanitation, congestion, and other factors, and compliance with all applicable laws, rules, regulations, and ordinances. The Town Board may also consider past experiences, its own or of other communities, with the same or similar types of Events, whether conducted by the applicant or not, in deciding whether to issue a Large Special Event License. The Town may inspect the Event Site prior to the acting on the application to determine eligibility for a Large Special Event License and during the Event to ensure compliance with the Town’s Large Special Event License and its conditions. The conditions the Town Board may place on the Large Special Event Licenses it issues include, but are not limited to, the following:

- a. Limitation or alteration of the date(s), time(s), route(s) or location of the Event proposed;
- b. Elimination of an activity at the Event which cannot be mitigated to a point as to ensure public safety and welfare, or which causes liability to the Town;
- c. Requirements concerning the area of assembly and disbanding of a parade or other activities occurring along a route or related to set up and clean up of the Event;
- d. Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the Event to only a portion of the street or right-of-way;
- e. Requirements for the use of public services;
- f. Requirements for the use of traffic cones or barricades;
- g. Requirements for the provision of first aid and ambulance services;
- h. Requirements for the provisions of sanitary facilities;

- i. Requirements for the use of Event monitors and providing notice of the Large Special Event License conditions to the Event's participants;
- j. Requirements on the number and type of vehicles, animals or structures to be allowed at the Event and the inspection and approval of proposed structures by the Town for safety purposes;
- k. Compliance with animal protection ordinances and laws;
- l. Requirements for the use of garbage containers and the cleanup and restoration of any public property;
- m. Restrictions on the use of amplified sound, public address systems and the playing of music and musical instruments and compliance with noise ordinances, regulations and laws;
- n. Limitations on the maximum attendance;
- o. Requiring notice of the Event to be provided to surrounding property owners;
- p. Restrictions on the sale or consumption of food or alcohol; and
- q. Such other conditions as the Town determines are reasonably necessary to protect public or private property, the quiet enjoyment of property, or the health, safety, or welfare of those attending the Event or of the public.

Subd. 3. Waiver. An applicant may request in writing, at the time of application, a waiver from any specific requirement of this ordinance. The Town Board will consider the waiver request during its review of the license application. The Town Board may grant a waiver to modify or waive any of the requirements of this ordinance after finding that the modification or waiver of the specific requirement, including the required fee, will not endanger the public health, safety or welfare of the community and that enforcement of the requirement would impose a unique hardship upon the applicant.

Subd. 4. License Issuance. The Town Board will make the final decision on the issuance of a license for an Event based on its consideration of the factors contained in this ordinance and such other factors as the Town Board determine are relevant to the proposed Event. All Large Special Event Licenses issued by the Town shall be subject to those conditions placed on them, this ordinance, and all applicable federal, state, and local laws, rules, regulations, codes, and ordinances.

Section 6. **Additional Requirements.**

Subdivision 1. Mandatory. Unless expressly waived or modified in the Large Special Event License issued by the Town, all Large Special Event Licenses shall be subject to the conditions and requirements contained in this section.

Subd. 2. Liability Insurance. The applicant or sponsor of an Event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the Special Event. A certificate of insurance must be filed with the Town prior to issuance of the Large Special Event License. The certificate of insurance must name the Town, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Event. Insurance coverage must be a commercial general liability policy and be sufficient to support the Person's

indemnification obligation under this ordinance. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed at the Event, the policy must also include an endorsement for liquor liability or separate liquor liability coverage. The Town may require additional endorsements depending upon the type of Event and the proposed activities. The Town may waive or reduce 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 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 officer of the sponsoring organization signs a verified statement that the insurance coverage required by this section is impossible to obtain; or
- (c) The Town determines that the insurance requirements are in excess of the reasonable risk presented by the proposed Event.

Subd. 3. Indemnification. A condition of every Large Special Event License issued, regardless of whether it is stated in the Large Special Event License, for which insurance is required is that the applicant agree to indemnify, defend, and hold the Town, its officers, employees, and agents harmless, including defense costs and reasonable attorneys fees, from any claim arising in whole or in part from the Large Special Event, except claims arising solely from the negligent acts or omissions of the Town, its officers, employees, or agents. The Town may require the applicant to sign an indemnification agreement, but the lack of a separate agreement does not waive the indemnification requirement from being a condition of the Large Special Event License.

Subd. 4. Event Security. Prior to submitting an application for a Large Special Event License, the applicant shall contact the County Sheriff's Department to determine the level of security needed for the Event. The proposed security plan shall be submitted with the license application and shall indicate whether the Sheriff's Department has approved the plan. If the plan is not completed by the time of application, its completion and submission shall be a condition of the Large Special Event License.

Subd. 5. Fire and Ambulance. Prior to submitting an application for a Large Special Event License, the applicant shall contact the fire chief and administrator of the ambulance service provider to determine if any fire or ambulance personnel or equipment are needed at the Event Site during the Event. The proposed plans for addressing fire and ambulance response needs, including any first aid stations proposed to be located on the Event Site, shall be submitted with the license application and shall indicate whether the fire chief and the ambulance administrator have approved the plans. If the plan is not completed by the time of application, its completion and submission shall be a condition of the Large Special Event License.

Subd. 6. Food or Beverage Stands. An applicant shall indicate as part of its license application whether it proposes to have any food or beverage stands or services available on the

Event Site. An applicant is responsible for obtaining all permits required for any food or beverage service either through the County Department of Public Health and Environment or the Minnesota Department of Health. Copies of all such permits shall be submitted to the Town at the time of application or at least ten days before the date of the Event.

Subd. 7. Sanitation and Garbage. An applicant shall include its proposed plans for handling sanitation and garbage as part of its Large Special Event License application. The applicant is responsible for obtaining any required sanitation permits.

Subd. 8. Building Permits and Inspections. An applicant is required to obtain from the Town any building permits, and to allow inspections, as may be required by law or required as a condition of the Large Special Event License. A licensee shall allow the Town, its officers, employees, and agents to access to the Event Property and the Event Site before, during, and after the Event as needed to conduct inspections to confirm compliance with this ordinance and the conditions of the Large Special Event License.

Subd. 9. Vendors. An applicant shall incorporate into its plans for the Event all onsite vendors to be located on the Event Property. An applicant shall also be required to work in good faith with all Offsite Vendors licensed by the Town to account for and coordinate the activities of the Offsite Vendors in the plans for the Event.

Subd. 10. Plan Modifications. An applicant issued a Large Special Event License is required to implement all plans approved for the Event. No modification to the approved plans shall occur unless first approved by the Town or the Town’s Designee.

**ARTICLE III
OFFSITE VENDORS**

Section 1. **Purpose**. A Large Special Event may result in a significant increase in traffic and the congregation of a large number of people in a relatively small area of the Town. The licensing requirements associated with conducting an Event may include establishing detailed plans related to vehicular traffic, parking, pedestrian traffic, security, emergency medical services, sanitation, and addressing other issues in order to protect the health, safety, and welfare of the public. Those Persons desiring to offer goods or services as an Offsite Vendor to those attending an Event may result in public safety concerns if the Offsite Vendor activities are conducted in a way that disrupts the plans developed for the safety and security of those attending the Event or that effectively results in the expansion of the Event into other areas or properties. In order to avoid such disruptions and possible public safety risks, the purpose of this Article is to require an Offsite Vendor to obtain an Offsite Vendor License from the Town that will require the Offsite Vendor to either be integrated into the plans of the licensee of the Event or to develop its own plans that do not interfere with the Event plans or the health, safety or welfare of the public.

Section 2. **Offsite Vendor License Required**. It is unlawful for any Person to sponsor or conduct activities as an Offsite Vendor related to a Large Special Event without first obtaining an Offsite Vendor License from the Town. An Offsite Vendor License is required for any Person qualifying as an Offsite Vendor, regardless of whether the property on which the vending

services will be offered is licensed as a commercial property, if the vending services offered are reasonably related to a Large Special Event and include vending services that are not routinely offered on the property. A separate license is required for each property on which the vending services are to be provided, even if they are sponsored, or being conducted, by the same Person. The license required for an Offsite Vendor by this ordinance does not replace or exempt a licensee from having to obtain any other licenses or permits that may be required by any federal, state, or local law, rule, regulation, or ordinance. An Offsite Vendor License authorizes the Offsite Vendor licensee or sponsor to provide only such services as are described in the license, and only in accordance with the terms and conditions of the license.

Section 3. **Offsite Vendor License Not Required.** An Offsite Vendor License shall not be required for the following, except that an Offsite Vendor License shall still be required if any of the services offered by the Persons on the property are not exempt under this Section. An Offsite Vendor exempt under this Section may still be required to obtain other licenses, permits, or permissions.

Subdivision 1. **Agricultural Stands.** An Offsite Vendor selling farm or garden products produced by the vendor on land owned or occupied by the vendor to the extent such activities are exempt from licensure by Article XIII, Section 7 of the Minnesota Constitution;

Subd. 2. **Incidental Offsite Vending.** An Offsite Vendor that does not reasonably anticipate to provide, or that does not actually provide, goods or services to 50 or fewer individuals during any of the days of the Event; or

Subd. 3. **Usual Course of Business.** If all of the goods or services offered on the property is part of the usual course of business already existing on the property. The goods or services must be offered or utilized continually on the property as part of an existing business for at least five weeks prior to and after the Event in order for them to be considered to be part of the usual course of the business occurring on the property. An established business that seasonally or on some other regular, but periodic, basis offers goods or services for less than a ten-week period can be considered to be offering such goods or services in the usual course of the business provided the business has offered such goods or services on a regular basis in the past over approximately the same period of time each year that was not related to the Event or not specifically marketed to or directed at those attending an Event.

Section 4. **License Application.**

Subdivision 1. **Application.** An application for an Offsite Vendor License must be submitted on the Town's approved form, be accompanied by the license fee established by the Town, and contain the following information together with all other information required by the application form:

- a. Applicant name, address, phone number, and e-mail address;
- b. Date of the proposed Offsite Vendor services and any hours of service;
- c. Address of the property on which the proposed Offsite Vendor services will be offered;

- d. Name of property owner, if different from the applicant;
- e. Type and description of the Offsite Vendor services to be provided;
- f. The number of Persons anticipated to participate in the services being offered on each day of the Event;
- g. Any public health, safety, or emergency plans prepared for those individuals participating in the services while they are on the property. At a minimum, an applicant must describe how the vehicular and pedestrian traffic accessing the services are incorporated into the Event plans or set out its own plan for handling such traffic in a way that does not interfere with the Event plans or create a safety hazard. An applicant must contact the County Sheriff's Department prior to application to identify any safety or security concerns the County Sheriff's Department may have regarding the Offsite Vendor activities and whether those activities will interfere with any safety plans developed for the Event;
- h. Whether food or alcohol will be served or sold as part of the services offered;
- i. A detailed description of any public right-of-ways, or portions thereof, the applicant will request the road authority to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, the nature of such restrictions or alterations, and the basis;
- j. Whether the applicant is requesting permission to conduct any of its business on public property;
- k. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
- l. Include a copy of any permits or licenses applied for or issued by other governmental entities for the services offered;
- m. Applicant signature and property owner's signature, if different from applicant; and
- n. Any other information requested by the Town Designee deemed reasonably necessary in order to determine the nature of the services being offered and the extent of potential impacts on the health, safety, or welfare of the public, public infrastructure, or public services.

Subd. 2. Number of Copies. An applicant is required to submit nine copies of its application packet to the Town Clerk/Treasurer before the application will be considered complete.

Subd. 3. Time for Filing. An Offsite Vendor License application must be filed with the Town at least 45 days in advance of the starting date of the Event to which the services are related.

Subd. 4. License Fee and Escrow. An applicant for an Offsite Vendor License must pay a nonrefundable license fee in the amount established from time to time by the Town Board. If the Town Designee determines that review of the application by the Town's consultant, or inspections of the services may be required, within three days the Town Designee shall inform the applicant of the need to escrow funds with the Town, and the amount that must be deposited with the Town to reimburse it for the costs it incurs for such reviews and inspections. If the initial amount escrowed with the Town is not sufficient to fully reimburse the Town for its actual costs, the applicant shall be required to provide such additional escrow amounts as needed to ensure the Town is fully reimbursed. The applicant shall provide the additional escrow amount,

or pay the actual amounts billed in excess of the escrowed funds, within 30 days. Any portion of the escrowed funds not needed to reimburse the Town for its costs shall be returned to the applicant without interest after all such bills have been processed and paid.

Section 5. License Application Review and Issuance.

Subdivision 1. Review. The Town Clerk/Treasurer shall provide a copy of the complete license application to each Town supervisor, the Town Attorney, and to the County. Incomplete applications, including those submitted without the application fee or escrow (if required) will be returned to the applicant without being processed. The Town Designee is authorized to review and act on an Offsite Vendor License application unless a Town Supervisor provides written notice to the Town Designee within five days of its distribution requesting the application be reviewed at a Town Board meeting. Upon a timely request, the application will be scheduled for review and action by the Town Board at its next regular meeting. The Town Designee may also, on his or her own initiative, forward an application to the Town Board for review and action.

Subd. 2. Waiver. An applicant may request in writing, at the time of application, a waiver from any specific requirement of this ordinance. The Town Board will consider the waiver request during its review of the license application. The Town Board may grant a waiver to modify or waive any of the requirements of this ordinance after finding that the modification or waiver of the specific requirement, including the required fee, will not endanger the public health, safety or welfare of the community and that enforcement of the requirement would impose a unique hardship upon the applicant.

Subd. 3. Issuance. In deciding whether to issue an Offsite Vendor License, the Town Designee shall evaluate the application to determine if the proposed activities of the applicant will create a public safety concern and whether the anticipated impacts of the activities can be adequately addressed by conditions placed on the Offsite Vendor License. The Town may place conditions on the Offsite Vendor Licenses it issues as it determines is reasonably necessary to address the anticipated impacts generated by the Offsite Vendor's activities, including, but not limited to, specific insurance requirements, requirement to develop and implement specific types of plans or to be incorporated into the plans for the Event, or require such other actions as the Town determines are reasonably necessary to protect public health, safety or welfare. The Town may deny an application if it determines the proposed activities would create an unreasonable risk to the public health, safety, or welfare that could not be adequately addressed by the imposition of conditions. Offsite Vendors are required to work closely with the Event licensee to coordinate activities and plans to the greatest extent possible to avoid inconsistencies among the plans and to promote a unified approach to the steps taken to protect public health, safety, and welfare.

Subd. 4. Indemnification. A condition of every Offsite Vendor License issued, regardless of whether it is stated in the Offsite Vendor License, for which insurance is required is that the applicant agree to indemnify, defend, and hold the Town, its officers, employees, and agents harmless, including defense costs and reasonable attorneys fees, from any claim arising in whole or in part from the Offsite Vendor services, except claims arising solely from the negligent acts or omissions of the Town, its officers, employees, or agents. The Town may require the

applicant to sign an indemnification agreement, but the lack of a separate agreement does not waive the indemnification requirement from being a condition of the Offsite Vendor License.

ARTICLE IV FILMING ACTIVITIES

Section 1. **Purpose.** While the Town Board does not expect a great deal of Filming Activities to occur within the Town, it did experience Filming Activities associated with a motion picture that resulted in the blocking of a portion of a Town road for an extended period without prior notice or permission from the Town Board, created public safety concerns, and resulted in the Town incurring expenses to respond to the situation that were not reimbursed. To help ensure the negative impacts of any future Filming Activities that may occur in the Town are identified and addressed before they occur, it is the purpose of this Article to require any Person wishing to engage in activities meeting the definition of Filming Activities on a Town road right-of-way or on Town Property to obtain a Filming Permit from the Town prior to engaging in such Filming Activities.

Section 2. **Filming Permit Required.** It is unlawful for a Person to conduct, establish, or engage in Filming Activities within a Town road right-of-way or on Town Property without first obtaining a Filming Permit from the Town.

Section 3. **Application.** An application for a Filming Permit must be made in writing on the Town's form and provide all of the information required on the form including, but not limited to, a description of the proposed Filming Activities, their locations on Town Property, and their duration. The permit fee established by the Town Board must be submitted with the application in order for the application to be considered complete. An application must submit nine copies of its application packet and the application must be filed with the Town Clerk/Treasurer at least 45 days in advance of the date of the Filming Activities proposed to occur on Town Property. Within three business days of the submission of a complete permit application, the Town Designee shall notify the applicant of whether the applicant must escrow funds with the Town and the amount of the required escrow. The Town Designee shall require an escrow if the Filming Activities are reasonably anticipated to require the Town to incur expenses to conduct inspections or to obtain assistance from the Town's consultants. The applicant shall be required to reimburse the Town for all such inspection or consultation costs and the Town shall deduct its costs from the applicant's escrow. If the amount escrowed is not sufficient to fully reimburse the Town for its costs, the Town will bill the applicant and the applicant shall be required to pay such bill within 30 days. The Town will return to the applicant any unpaid portion of the escrow without interest.

Section 4. **Permitting Process.**

Subdivision 1. **Application Review and Issuance.** The Town Clerk/Treasurer shall provide each Town Supervisor, the Town Attorney, and County a copy of the application. The Town Designee may issue a permit to an applicant if a supervisor does not make a request within five days of the distribution of the application to have the application reviewed by the Town Board at its next meeting. If a timely request is received, a Filming Permit may not be issued

until it is reviewed and approved by the Town Board at its meeting. The Town Designee may also, on his or her own initiative, forward an application to the Town Board for review and action. A Filming Permit will not be issued if the Town determines the potential negative impacts of such activities cannot be adequately addressed by conditions imposed on the Filming Permit.

Subd. 2. Permit Conditions. The Town Board or Town Designee may impose such conditions on the Filming Permits it issues as are deemed appropriate to protect the public health, safety, or welfare or to protect the Town's Property. The conditions imposed on a Filming Permit may include, but are not limited to, requiring proof of insurance and naming the Town as an additional insured, entering into an escrow agreement to reimburse the Town its costs, placing and maintaining barricades and warning devices, contacting the County Sheriff's Department and employing such security personnel as may be recommended, or restoring the property to at least the same condition as existed prior to the Filming Activities. A condition of every Filming Permit issued is that the permittee agrees to indemnify, defend, and hold the Town, its officers, employees, and agents harmless, including defense costs and reasonable attorneys fees, from any claim arising in whole or in part from the Filming Activities, except claims arising solely from the negligent acts or omissions of the Town, its officers, employees, or agents. The Town may require the permittee to sign an indemnification agreement, but the lack of a separate agreement does not waive the indemnification requirement being a condition of the Filming Permit.

Subd. 3. Limitations. Issuance of a Filming Activities Permit does not authorize the permittee to in any way alter or cause damage to Town Property. No alteration or obstruction of Town Property may occur unless expressly allowed in the Filming Permit.

ARTICLE V PROHIBITIONS, ENFORCEMENT AND PENALTIES

Section 1. Prohibitions

Subdivision 1. Structures in Public Right-of-Ways. No Person may erect any sign, stand, barricade, trailer, camper, tent, building, traffic control device or other structure within any public right-of-way related to an Event, Offsite Vendor services, or Filming Activities subject to this ordinance unless such structure is allowed by the applicable road authority and approved as part of the license or permit issued by the Town under this ordinance. This prohibition does not apply to structures placed by the road authority. Any Person obtaining permission from a road authority to close or obstruct a highway or road shall be responsible for notifying emergency service providers (law enforcement, fire, ambulance) in the area of the closure or obstruction and shall be responsible for ensuring adjacent property owners are not precluded from gaining access to their properties.

Subd. 2. Overnight Camping. No Person holding a license for a Large Special Event shall allow overnight camping on the Event Property unless the Large Special Event License issued by the Town expressly allows such overnight camping. An Offsite Vendor shall not allow overnight camping on its property related to an Event unless the Offsite Vendor License issued by the Town expressly allows such overnight camping.

Subd. 3. Noise. Any activities occurring on the Event Property or the property of an Offsite Vendor that exceed any applicable noise standards established by ordinance or under Minnesota Rules, Chapter 7030 shall constitute a violation of this ordinance and the license issued to the Event or Offsite Vendor.

Subd. 4. Exceeding Scope of License or Permit. The activities allowed by a license or permit issued under this ordinance are limited to the specific activities and locations identified in the license or permit and must be conducted in accordance with all of the conditions and restrictions imposed on such license or permit. It is unlawful to exceed the scope of a license or permit issued under this ordinance. A licensee or permittee may apply to the Town for an amendment to its license or permit to modify its scope by submitting an application for an amendment to the Town. The Town Designee is authorized to review and approve a request for an amendment to a license or permit issued under this ordinance, unless the Town Designee determines the requested amendment constitutes a substantial deviation from the original request requiring the amendment to be reviewed and issued pursuant to procedure applicable to the original application. A substantial deviation includes, but is not limited to, expanding the time or days of an Event or increasing the number of anticipated participants by 10% or more.

Subd. 5. Compliance with Other Laws. Failing to comply with any applicable federal, state, or local law, rule, regulation, or ordinance, or failing to obtain any required licenses, permits, or permissions, shall constitute a violation of this ordinance.

Section 2. **Revocation**. The Town, or the Town Designee, may revoke a license or permit issued under this ordinance at any time for failure to comply with any provision of this ordinance, any of the conditions imposed on the license or permit, or a violation of any law. The Town, or the Town Designee, may conditionally revoke a license or permit by identifying in writing what corrective actions are required and indicating that if the corrective actions are not completed by the timeline set out in the notice the license or permit shall be deemed revoked. Upon revocation, all activities associated with the licensed or permitted activity must immediately cease, all temporary structures and other items related to the activity must be removed, and the property promptly restored.

Section 3. **Enforcement**.

Subdivision 1. Injunction. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

Subd. 2. Public nuisance. The holding of a Large Special Event, undertaking activities as an Offsite Vendor, or engaging in Filming Activities in violation of any provision or condition contained in this ordinance will be deemed a public nuisance and may be abated as such including, but not limited to, requiring the immediate cessation of any or all activities related to the Event, the Offsite Vendor's services, or Filming Activities, and removal of all temporary structures and restoration of the property. Issuance of a Large Special Event License, Offsite Vendor License, or Filming Permit by the Town does not preclude the right of an individual to pursue a private nuisance action against the applicant.

Subd. 3. Towing authorized. If an Event is held on private property and those attending the Event have parked automobiles in violation of any provision or condition contained in this ordinance or law, violators' automobiles may be tagged and towed at violators' expense.

Section 4. **Penalty**. Any violation of any provision of this ordinance is a misdemeanor. Violators shall be subject to a fine or imprisonment as specified by state statute and shall be required to pay all costs of prosecution as provided in Minnesota Statutes, Section 366.01, subdivision 10. The Town may deduct its enforcement costs from the escrow submitted by the applicant, if one was required, to which the enforcement action relates. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this ordinance shall also be grounds for revocation of a license or permit issued pursuant to its provisions and may be considered sufficient grounds for refusing to issue the Person a license or permit in the future.

This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the 5th day of March, 2012.

BY THE TOWN BOARD


Kathleen A. Higgins, Chairperson

Attest: 
Becky Herman, Clerk-Treasurer