



# STAFF REPORT

## Board of Aldermen

**A RESOLUTION APPROVING A SPECIAL EVENT PERMIT FOR THE 51ST AUTUMN DAZE ARTS, CRAFTS & MUSIC FESTIVAL.**

**DATE: AUGUST 27, 2024**

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**Initiated By:** Planning and Development

**Approved By:** *Cathy Stepp*

**Financial Impact:** No Impact/Not Applicable

**Community Plan 2030:** C-6: Arts & Culture

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### **FACTS:**

**File Number:** SE24-013

**File Name:** 51<sup>st</sup> Autumn Daze Arts, Crafts & Music Festival

**Applicant:** Jessica Luthardt on behalf of the Downtown Branson Betterment Association (DBBA)

**Event Location:** Awbery parking lot and portions of Commercial Street between Main Street and Oklahoma Street

**Event Date(s):** September 17, 2024 - September 21, 2024

### **REQUEST:**

The applicant is seeking approval of a Level 3 Special Event for the 51<sup>st</sup> Autumn Daze Arts, Crafts & Music Festival. Municipal Code established through Section 94-65 requires approval from the board in the form of a resolution, stating any specific requirements and/or restrictions to be followed.

### **FACTS:**

A Special Event Permit application was received from Jessica Luthardt, on behalf of the Downtown Branson Betterment Association (DBBA) on June 21, 2024 for the 51<sup>st</sup> Autumn Daze Festival. The applicant has proposed this year's event to be held Tuesday, September 19, 2024 through Saturday, September 21, 2024. Additionally, they have proposed for the setup to begin on Monday, September 16 at 10:00 pm and the event breakdown to be completed by Monday, September 23, 2024 at 8:00 a.m.

This proposed event has been classified as a Level Three Event as the request includes the temporary closure of the Awbery parking lot as well as N. Commercial Street from the Atlantic Street intersection to the alley between N. Commercial Street and the Awbery parking lot.

The event is proposed to include approximately 100-110 artisans and vendors, a music tent and food vendors, and is expected to attract approximately 10,000 attendees to Branson's Historic Downtown.

The applicant has proposed the temporary installation of four banner signs (15 square feet each) and six-yard signs (two square foot each) in various locations to advertise and direct the public to the event. Additionally, the applicant will be specifically notifying those potentially affected businesses and other stakeholders by email, phone, and leaving flyers at the affected businesses, so they are aware of the potential impact to them.

### **DETAILED ANALYSIS:**

#### **Sec. 94-65. Special events.**

- (a) *Permit required.* It shall be unlawful for any person to sponsor or knowingly participate in any special event without a special event permit issued by the planning and development director to the special event sponsor.
- (b) *Event levels.* Staff shall determine special event levels based on the degree of impacts to the city including, but not limited to, anticipated attendance as related to the venue being used, transportation, and public safety. A special event may be determined to be either a level one, level two, or level three event based on meeting at least one of the following criteria for each category:
  - (1) *Level one event.*
    - a. Attendance at any one time is estimated to be between one and 1,000 people, and will occur on a single day; or
    - b. Will create minor impacts to the surrounding areas and can be held within an existing venue or use area; or
    - c. Will require minor transportation needs including minimal removal of parking spaces or rolling street closures; or
    - d. Will not require public safety staffing beyond their normal operations.
  - (2) *Level two event.*
    - a. Attendance at any one time is estimated to be between 1,001 and 5,000 people, and will occur over multiple days; or
    - b. Will create moderate impacts to the surrounding areas and can be held within an existing venue or use area; or
    - c. Will require moderate transportation needs including removal of parking spaces or short-term street closures; or
    - d. May require public safety staffing beyond their normal operations.
  - (3) *Level three event.*
    - a. Attendance throughout the event is estimated to be above 5,000 people, and will occur over multiple and consecutive days; or
    - b. Will create significant impacts to the surrounding areas and cannot be held within an existing venue or use area; or
    - c. Will require significant transportation needs including removal of parking spaces, a transportation mitigation plan, an off-site parking plan, or long-term street closures; or
    - d. Will require public safety staffing beyond their normal operations.
- (c) *Application for permit.*
  - (1) The application for a special event permit shall be available in the planning and development department.
  - (2) The application for a special event permit shall be submitted to the planning and development director not more than 365 days, and not less than the following:
    - a. Level one events shall be submitted not less than 15 days prior to the event. Exceptions may be granted at the discretion of the planning and development director.

- b. Level two events shall be submitted not less than 30 days prior to the event. Exceptions may be granted at the discretion of the planning and development director.
  - c. Level three events shall be submitted not less than 90 days prior to the event. Exceptions may be granted at the discretion of the city administrator. Once staff has completed the review of the application, it shall be submitted to the board. Approval given by the board shall be in the form of a resolution, stating any specific requirements or restrictions to be followed.
- (3) The application for a special event permit shall include:
- a. The name and contact information of the applicant, and for any persons acting as sponsors of the special event who will be responsible for its conduct, staging, presentation or organizing. If the applicant is a company, corporation or civic organization, then the name of the company, corporation or civic organization, and the names of its directors and officers and their contact information shall be included.
  - b. The purpose or description of the event, and the estimated number of participants or those attending.
  - c. The dates the event is to be held, and the time it is to commence and terminate, including setup and shutdown times.
  - d. The location of the event, including a drawing or plan showing the entire location to be utilized by the event in relation to existing buildings, location within the parcel, drive areas, layout of parking areas, and the amount of space available for off-street parking.
  - e. The specific streets, or portions thereof, to be closed, if any, for the event.
  - f. A plan for, and description of the use of temporary signage.
  - g. A public notification plan which shall notify members of the public who might reasonably be affected by the special event. The plan may consist of notification by postcard, signage, e-mail notification, published notification or a combination thereof.
  - h. Whether alcoholic beverages will be allowed, provided or sold by vendors during the event, and the plan or description for such allowance or provision for the purpose of assessing city police, finance department, and county health department responses.
  - i. A plan or description for the use of lighting, music, loudspeakers, a live band, or sound system, if any, during the event, and the type and location of speakers and other audio, and lighting equipment.
  - j. The name and address of the security company, if any, engaged for the event, and a description of the duties to be performed.
  - k. A plan or description for fire protection for the event, including a map specifying the location of 18-foot fire lanes, water supply for fire control and the use of tents.
  - l. A plan or description for emergency medical services for the special event.
  - m. A plan or description for the handling of food.
  - n. A plan or description for the compliance with the city's fats, oils and grease management program, including the location where the fats, oils and grease will be disposed of per this chapter.
  - o. A plan for the disposal of sanitary waste and sewage for the event, including toilet facilities, and the disposal of garbage, trash and refuse.
  - p. A plan or description for the use or allowance of animals during, or as a part of the event.
  - q. A plan or description for compliance with the city's horse-drawn carriages for hire requirements per this chapter, including the proposed route.

- r. Compliance with this chapter relating to business licenses for the event.
  - s. For events to be located upon, or require the closing or blocking of any street, alley, or road, or the use of any city-owned property or right-of-way areas, submission of an insurance policy in accordance with this chapter. The policy shall not be canceled without 30 days' written notice to the city. The city shall be the named additional insured, and the event sponsor shall execute a hold harmless agreement indemnifying the city.
  - t. Any additional information which the planning and development director shall find reasonably necessary to make a fair determination as to whether a permit should be issued.
- (d) *Issuance of permit; conditions; transfer; expiration.*
- (1) Special event permits shall be granted or denied by the planning and development director, unless approval is required from the board under this section, and shall contain terms and conditions as may be deemed necessary to ensure a neat, safe and orderly event in accordance with the terms of this section. Such terms may include specific locations in which possession and consumption of alcoholic beverages will be confined, and regulations concerning prohibited noises.
  - (2) Special event permits are not transferable, and shall expire at the close of the last date of the event for which the permit has been issued. Failure of the sponsors of the event to comply with the terms and conditions of a special event permit and the applicable ordinances and laws of the state shall immediately void the permit.
  - (3) The planning and development director shall issue a special event permit as provided for in this section when, from a consideration of the application, upon the approval of the applicable city departments, including, without limitation, fire, police, and finance, and approval of the county health department, and from such other information as may otherwise be obtained, he finds that:
    - a. The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location unless approved by the police chief;
    - b. The conduct of the event will not require the diversion of so great a number of police officers of the city to properly police the event and the areas contiguous thereto as to prevent police protection to the city unless approved by the police chief;
    - c. The conduct of such event will not require the diversion of so great a number of ambulances or emergency medical services not otherwise provided for by the event sponsor as to prevent normal ambulance and emergency medical service to portions of the city other than that to be occupied by the proposed event and areas contiguous thereto;
    - d. The concentration of persons, animals and vehicles at the location of the event will not unduly interfere with proper fire and police protection or ambulance and emergency medical services to the area of the event and the areas contiguous thereto unless approved by the fire chief and police chief;
    - e. The conduct of such event will not interfere with the movement of firefighting equipment en route to a fire unless approved by the fire chief;
    - f. The conduct of the event, as provided for by the submitted application and plans, is not reasonably likely to cause or create any significant public health risks unless approved by the county health department;
    - g. The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance beyond the capacity of the police department to protect the general public or those participating in the event; and

- h. Verification that the information contained in the permit application by the event sponsor is true and does not omit any material detail for the consideration of the factors listed in this section.
- (e) *Notice of denial of permit; appeal procedure.*
  - (1) The planning and development director shall act upon the application for a special event permit within ten business days after the date filed. If the planning and development director disapproves the application, the denial shall be mailed to the applicant, within ten business days after the date upon which the application was filed, a notice of the action, stating the reasons for the denial of the permit.
  - (2) Any disapproval of a special event permit application must first be reviewed by the city administrator.
  - (3) Any person aggrieved by the decision of the planning and development director shall have the right to appeal the denial of a special event permit to the board. The appeal shall be filed with the city clerk no later than 30 days after the date of the notice issued by the planning and development director. The board shall hear the appeal of the applicant as an agenda item at a board meeting, not to exceed 30 days after its receipt by the city clerk.
- (f) *Alternative permit.* The planning and development director, in denying an application for a special event permit, may issue an alternative event permit for the conduct of the event on a date, at a time, at a place or in a manner different from that named by the applicant. Any applicant desiring to accept an alternate permit shall, within five business days after notice of the action of the planning and development director, file a written notice of acceptance with the planning and development director. An alternative special event permit shall conform to the requirements of, and shall have the effect of, a special event permit under this chapter.
- (g) *Modification or rescission of permit.*
  - (1) The planning and development director may modify or rescind any special event permit for good cause, including, but not limited to:
    - a. A determination that any representation or statements by the event sponsor contained in the event permit application are false or misleading in any material detail.
    - b. A determination of noncompliance by the event sponsor of any terms or conditions of the permit.
    - c. A determination that the event as applied for and described upon the submitted plans may pose an immediate threat to public health, welfare or safety due to reasons including, but not limited to, weather conditions, overcrowding, traffic considerations, or violations of this Code or the laws of the state by the event sponsor.
    - d. A determination that the event sponsor is in violation of any ordinance.
  - (2) The appeal from the decision to modify or rescind a special event permit by the planning and development director shall proceed in accordance with this section, relating to the issuance of notifications, times and procedures to be followed.
- (h) *Responsibility for expenses incurred by city.* The special event sponsors, and any other individuals or organizations named in the permit, may be responsible for any expenses incurred by the city as a result of their event. The city may require a deposit or bond prior to the issuance of a special event permit.
- (i) *Period of operation; duration.*
  - (1) Events shall take place only between the hours of 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and 7:00 a.m. and 11:59 p.m., Friday through Saturday. Exceptions may be granted at the discretion of the director of planning and development or board.

- (2) Permits shall be valid for a maximum of five days within a consecutive 14-day period. A repeat special event shall not occur more frequently than once every 60 days. Exceptions may be granted at the discretion of the planning and development director or the board.
- (j) *Duty to restore event location.*
  - (1) Special event sponsors shall be responsible for the cleaning and restoration of the location the event occupies, or causes debris or litter upon, within 48 hours of the conclusion of the event, or at such other time as may be set forth in the permit, to the condition which existed prior to the event, and shall provide waste disposal receptacles and toilet facilities for use of those attending the event.
  - (2) Special event sponsors may be required to submit to the planning and development director a deposit for the cleaning and restoration of areas adjacent to the special event location by the public works department.
- (k) *Exempt events.* Any event sponsored by the city, as well as any emergency services program, military exercise simulation, funeral process, picketing, training drill, activities held inside a building or facility intended for such activities, or any governmental agency acting within the scope of its functions, shall be exempt from complying with the requirements of this chapter.
- (l) *Temporary events.* Any activity or event defined as a temporary event, or regulated in this chapter, shall not be considered a special event.
- (m) *Event advertising.*
  - (1) Event signage shall comply with this chapter.
  - (2) Temporary signage shall be installed for a maximum of seven days prior to the special event, in addition to the days of the special event, and a maximum of two days after the special event. Each special event may have a maximum of 20 off-premises yard signs and ten off-premises banner signs.

**BACKUP DOCUMENTATION:**

Staff Report Exhibit 1- Aerial