

## Chapter 53 -- Outdoor Shows

### 53.010. Licenses required.

1. No person, persons, partnership, corporation, entity, or party shall permit, operate, advertise, promote, work at, be employed by, or in any way assist in the conduct of any outdoor show, concert, festival, dance, performance, exhibition, or other gatherings of 4,000 or more persons for the purposes of amusement which activity is conducted out of doors on any property within the incorporated limits of the City of Holts Summit, Missouri, without first obtaining a license from the City of Holts Summit, Missouri, in accordance with the provisions of this Chapter.

### 53.020. Application for license.

1. An application for a license to conduct any such outdoor show, concert, festival, dance, performance, exhibition, or other gathering for the purpose of amusement to be conducted within the incorporated limits of the City of Holts Summit, Missouri, shall be filed with the city clerk not less than 90 days prior to the date on which any such outdoor activity is proposed to take place. An application fee of \$100 shall be paid to the City concurrently with the filing of any such application.

2. The required application shall set forth the following information:

a. The names and addresses of the person or persons, or in the case of a corporation, the names and addresses of the officers of the corporation, who propose to conduct any such outdoor activity described in Subsection 1 above.

b. The type of performance or activity desired to be conducted.

c. A legal description of the lands and premises on which such an activity is proposed to be conducted together with a sketch, drawn to scale, showing the property described on which any such activity is proposed to be conducted and showing

thereon that portion thereof to be used for the parking of automobiles and showing all driveways and other means of access to and from said premises.

d. A statement as to whether the applicant owns the property to be licensed. In the event that the applicant is not the owner, the consent of the owner must be annexed to the application together with a copy of the lease or other agreement between the applicant and the owner of the property whereunder the applicant is given permission to utilize the premises for the outdoor activity proposed by the applicant to be conducted.

e. The names and addresses of all persons and entities owning property located within five hundred feet of the boundaries of the property on which the proposed outdoor activity is to be conducted.

f. A statement showing the hours and the date on and during which any such outdoor activity will be conducted.

3. Said application shall be accompanied by certified mail receipts issued by the United States Post Office evidencing that notice of the filing of the application was mailed to all of those persons referred to in Section 2(e) above, no less than ten days prior to the filing of the application and copies of all advertisements to be utilized by the applicant in connection with the conduct of any such activity.

53.030. Public hearing required.

1. The Board of Aldermen of the City of Holts Summit, Missouri, shall conduct a public hearing regarding the application for a license to conduct an outdoor activity described in Section 53.010 no less than 30 days and no more than 45 days after the filing of an application in accordance with Section 53.020 hereof. The Board of Aldermen shall cause a notice of any such public hearing to be published in a newspaper of general circulation within the City of Holts Summit, Missouri, to be published no less than two times during the one week period immediately preceding the date of any such public hearing. The applicant shall be notified of the date and time of the public hearing no less than 10 days prior to the date said hearing is to be conducted.

2. At the public hearing the proponents and opponents and other members of the general public will be allowed to comment or present evidence regarding the desirability of granting a license to the applicant to conduct the proposed outdoor activity.

3. Said public hearing may be conducted immediately prior to any regularly scheduled monthly meeting of the Board of Aldermen or on some other date as the Board of Aldermen may determine, provided, however, that said application shall either be granted or denied by the Board of Aldermen no later than the date of the next regularly scheduled monthly meeting of the Board of Aldermen following the public hearing.

53.040. Factors considered in acting on application. In acting upon an application for a license hereunder, the Board of Aldermen may, in addition to such other matters as the Board of Aldermen may deem relevant, consider the following factors:

1. The number of persons expected to attend such an event and the location thereof;
2. The date or dates thereof and the hours during which any such activity is to be conducted;
3. The availability or provisions made for toilet and other sanitary facilities;
4. The availability of medical and hospital care, including first aid and ambulance service;
5. The availability and location of parking areas and the adequacy of means of ingress and egress from the property on which any such activity is to be conducted.
6. The adequacy of existing streets and highways to handle the projected flow of traffic relating to any such activity;
7. Public safety, including the need for guards or special police, in assisting in crowd and traffic control and supervision of those persons attending such an activity.
8. Any disruptions which may result from the conduct of any such activity to surrounding areas and neighborhoods near or adjacent to the property on which any such activity is to be conducted.
9. The desirability of conducting any such activity within the City of Holts Summit insofar as the economic consequences or benefits relating thereto.
10. What conditions may be placed on a license to ensure public health, safety and welfare, if any.

53.050. Conditions on issue of license. Should the Board of Aldermen determine that the application for a license should be approved, the Board of Aldermen shall direct the city clerk to issue a license to the applicant, provided, however, before any such license shall be issued, the applicant shall satisfy the following conditions:

1. The applicant shall submit to the city clerk a certificate of insurance issued by an insurance company licensed to do business in the State of Missouri and approved by the city clerk, showing that the applicant has obtained public liability insurance naming the applicant, the owner, lessee or other person entitled to possession of the property, and the City of Holts Summit, Missouri, as co-insureds, and providing liability coverage in the amount of \$100,000.00 per person for personal injuries, \$1,000,000.00 per occurrence and \$100,000.00 in property damage.

2. A license fee equal to \$100 for each 1,000 persons or fraction thereof as may reasonably be projected by the Board of Aldermen to attend any such activity is paid to the City.

3. Evidence satisfactory to the city clerk that any conditions set on the issuance of the license as have been set by the Board of Aldermen have been or will be met.

53.060. Revocation of license.

1. The Board of Aldermen shall have the power to revoke any license issued in accordance with the provisions of this Chapter no less than forty-eight (48) hours prior to the date the licensed activity is to begin where it appears that:

a. The application submitted is materially false or purposefully misleading and such fact was not discovered prior to the issuance of the license; or

b. The number of persons reasonably expected to attend is greater, by 50%, than the number initially projected to attend at the time of the issuance of the license and the licensee is unable or unwilling to provide greater sanitary, water, food and other health facilities proportionate to any unexpected increase in attendance projections; or

c. It reasonably appears that the licensee has failed to comply or will be unable to comply with any condition established by the Board of Aldermen on the issuance of the license. If a license is revoked under the provisions of this Section, the license fee paid pursuant to Section 53.050(2) shall be refunded no more than ten (10) days after any such revocation.

2. The Board of Aldermen shall have the power to revoke any license issued pursuant to the provisions of this Chapter after forty-eight (48) hours prior to the date the licensed activity is scheduled to begin and at any time during the conduct of any such activity where it appears that the public health, morals, safety or welfare are being endangered or where it appears that numerous acts of criminality, disorderly conduct or juvenile delinquency are occurring or where any nuisances, substantially impairing the comfort or welfare of the community, are occurring.

3. Where such circumstances under Subsections 1 or 2 above appear, a license may be revoked by a majority of a quorum of the Board of Aldermen of the City taken at an emergency meeting of the Board of Aldermen called by the Mayor or any member of the Board of Aldermen. Notwithstanding any other ordinance of the City of Holts Summit, Missouri, any such emergency meeting may be called and held with only such notice to the general public and to the licensee as may be reasonably practicable in view of the degree of urgency of the circumstances under which any such emergency meeting shall be held.

4. In the event of a revocation of a license under this Chapter, any notice by the Mayor or his designee to the licensee shall be deemed sufficient notice to the licensee and his agents, servants, employees, and contractees that the permit has been revoked.