

ORDINANCE 25-\_\_04\_\_

AN ORDINANCE TO ESTABLISH RULES AND PROCEDURES FOR SPECIAL  
EVENTS IN THE TOWN OF CASCADE

WHEREAS, the City Council declares that special events are important traditions that  
promote economic activity and help to foster community pride; and

WHEREAS, the City Council desires to establish rules and procedures for special events  
held within the City for the safety of event attendees and the citizens of the Town of Cascade,  
and to mitigate the impacts of such events on the Town's personnel and resources;

WHEREAS, a first reading of this Ordinance was held on \_\_\_\_\_, 2025, and a  
public meeting and second reading was held on \_\_\_\_\_, 2025, at which time public  
comment was taken.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE  
TOWN OF CASCADE:

SECTION 1. A new Chapter to be codified at Title 9 (Public Peace, Safety and Morals)

As follows:

Chapter 9.16 SPECIAL EVENTS

Sections:

9.16.010 Definitions.

9.16.020 Objective.

9.16.030 Scope.

9.16.040 Permit required.

9.16.050 Requirements for obtaining permits.

9.16.060 Permit application content and procedure.

9.16.070 Denial or revocation of permit.

9.16.080 Appeal of denial of application.

9.16.090 Exemptions.

9.16.100 Enforcement.

9.16.110 Preemption.

9.16.010 – Definitions.

For purposes of this Chapter, the following definitions apply:

A. "Actual attendance" shall be the peak attendance at any point in time during the event

B. "Anticipated attendance" is the applicant's estimate of the number of persons projected to attend the event. The estimate shall be determined by the number invited, presold tickets as well as passes given to staff, vendors, media, performers, and security personnel, or by knowledge obtained through past special events.

C. "Extraordinary costs" shall include all increases in actual cost of Town personnel, supplies, and material resulting from the operation of said event.

D. "Person" means any natural person, partnership, voluntary association, corporation, or political entity.

E. "Special event" means any event that makes use of public property within Town limits, including streets, parks, (when actual attendance or anticipated attendance event exceeds seventy-five (75) people) and other publicly owned venues or any event which closes public rights-of-way.

#### 9.16.020 Objective.

The objective of this chapter is to provide for the health, safety and welfare of participants and the general public during special events, as well as protection of real property, while at the same time promoting economic development and encouraging community pride and celebrations.

#### 9.16.030 Scope.

This Chapter pertains to all special events as defined in this Chapter that are held within the Town limits.

#### 9.16.040 Permit Required.

No person shall operate any special event or cause other persons to gather for the purpose of a special event without holding a permit for a special event issued by the Town of Cascade. The permit must be posted at the special event or otherwise readily available for inspection at the time of the event.

#### 9.16.050 Requirements for Obtaining Permits.

A. If required by the Mayor, applicants for a special event permit shall agree in writing to defend, hold the City and its employees and officials harmless, and indemnify the Town and its employees and officials for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event, whether or not due to the negligence of the Town, its employees, and/or officials or caused by the conduct of the applicants,

their employees or agents, or individuals attending the special event. If inflatable structures will be utilized at the event, an indemnity agreement is required.

B. Insurance:

1. Applicants must obtain, at their own expense, commercial general liability insurance covering all activities related to the special event, including but not limited to setup, the special event itself, and all cleanup and takedown activities. The insurance policy shall contain no exceptions or exclusions for activities conducted under or related to the permitted activities. All policies shall be issued by companies licensed to do business in the State of Montana and having at least an "A" rating in the current Best's Manual.

2. Liquor liability coverage is required if alcoholic beverages will be consumed, sold, or given away at the special event.

3. The liability insurance, including liquor liability if applicable, shall provide coverage for the applicant and name the Town as an additional insured on a primary non-contributory basis. The additional insured coverage shall be in a form acceptable to the Town.

4. Liability insurance coverage shall be in the minimum amounts of seven hundred fifty thousand dollars (\$750,000.00) per claimant and one million five hundred thousand dollars (\$1,500,000.00) per occurrence.

5. Conforming insurance certificates, including a copy of the Additional Insured Endorsement, must be provided to the Town at least five (5) days prior to the event. If the applicant fails to provide such certificate(s) or make other arrangements as required the Town may cancel the special events permit.

6. The Mayor may grant a waiver of these insurance requirements for Town sponsored events or when it is determined the special event will not present a substantial or significant public liability. In making this determination, the Mayor shall consider the applicants proven financial inability to obtain the insurance. If a waiver is being sought, the applicant must present factual information on why the waiver is requested at the time of application.

C. Applicants for special events held in Town parks must clean up the park to a state at least as clean as when they arrived and permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permit is issued within the park.

#### 9.16.060 Permit Application Content and Procedure.

A. To secure a special events permit:

1. Application: An application must be completed and submitted to the Town Clerk for processing. The application must be submitted at least forty-five (45) days prior to the scheduled date of the special event.

2. Review/Recommendations: A copy of the permit application will be provided to the Mayor who shall review the application, as well as all submitted attachments and decide whether to approve, approve with conditions, or deny the application.

3. If the application is determined to be complete and the provisions required in this section are satisfactory, the Mayor shall approve a permit for the special event. The permit shall be approved not less than seven (7) days preceding the date of the special event.

4. As a condition of approving any permit, if the Mayor feels additional special conditions and/or modifications are necessary to properly address the health, safety, welfare of the citizens of Cascade, and/or as necessary to mitigate the impact of such special event on the Town's personnel and resources, the Mayor may include such special conditions and/or modification in the permit. Any such special conditions and/or modification shall be noted on the permit.

a. Special conditions and/or modifications, may include, but are not limited to requiring the applicant to:

i. Pay any extraordinary costs incurred by the Town in connection with the event;

ii. Provide private security and/or law enforcement if deemed necessary or required by the law enforcement official; or

iii. Modify the proposed area and/or hours during which public drinking and/or the public display of alcoholic beverages will be permitted.

B. The application shall contain information addressing the following:

1. The name, address and phone number of the person or entity organizing the event; if an entity is the applicant, the names of all board members or responsible officers must be included on the application;
2. The purpose of the proposed special event and the date(s) and hours of the operation;
3. The exact location(s) of the proposed special event and the means of ingress and egress thereto;
4. The estimated total attendance of the special event;
5. Whether alcoholic beverages will be served and/or consumed, and if so, the specific area within which alcoholic beverages will be served and/or consumed;
6. An acknowledgement that the applicant is responsible for the following:
  - a. Garbage cans and frequent disposal of trash and other nonhuman waste;
  - b. Sanitary disposal of human waste;
  - c. Emergency services and first aid;
  - d. If deemed necessary by the Mayor, private security and security plan;
  - e. Law enforcement as required by the law enforcement official;
  - f. Proof of special events liquor license secured with the Montana Department of Revenue, adequate liquor liability insurance, and proof that persons serving alcohol have undergone state approved "responsible beverage services and sales" training, if alcohol will be served;
  - g. Proof of event liability insurance in the amounts of seven hundred fifty thousand dollars (\$750,000) per claim and one million five hundred thousand dollars (\$1,500,000) per occurrence which limits

are set for the in the Montana Tort Claims Act, M.C.A. § 2-9-108, with said insurance policy naming the Town of Cascade, as an additional insured during the term of the special event including setup and tear down;

h. To pay extraordinary costs incurred by the Town if required by the Mayor in the permit; and

i. To pay any unforeseen costs, such as in the circumstance that Town property is damaged during the special event or the location is not cleaned up after the special event.

C. An application fee of fifty dollars (\$50) shall be submitted with the application.

This fee shall be nonrefundable unless the applicant voluntarily withdraws their application, no more than ten (10) days after submittal. This fee is not required for 501(c)3 organizations that provide their identifying EIN along with their application.

9.16.070 Denial or Revocation of Permit.

A. A permit may be denied or revoked by the Mayor for any of the following reasons:

1. The proposed special event is determined to potentially cause a danger to the public health, welfare, or safety;
2. The applicant has failed to provide complete and/or accurate information on the application or fails to agree to comply with any of the provisions required in 9.16.060 of this Chapter; or
3. The applicant has failed to comply with provisions of a previously granted permit.

B. The permit shall be revoked by delivering a written notice of revocation to the contact person identified on the special event application, or by mailing such notice to the person at the address as shown on the application. Service of the notice of revocation shall be complete on delivery or mailing.

9.16.080 Appeal of Denial of Application or Special Conditions.

A. If an applicant is denied a special event permit under 9.16.070, or the applicant disputes any special conditions and/or modifications placed on the permit, the applicant may appeal the decision to the full Town Council who shall review the application in a public meeting

and may direct the Mayor to issue said permit based upon their review.

#### 9.16.090 Exemptions.

A. Applicants may provide a written request, combined with facts and documentation, asking for an exemption from one or more of the permit requirements. The Clerk will review the request and submit it to the Mayor who will then decide whether to grant the exemption

B. The request for an exemption must be submitted with the application.

C. Political events, sporting events, school events, and events on private property not affecting traffic, public ways, or the public are exempt from securing this permit.

#### 9.16.100 Enforcement.

A. Violators of this Chapter will receive notification of the violation with the event subject to being stopped immediately.

B. Violators who fail to obtain a permit or violate the terms and conditions of an approved permit will be subject to a penalty not to exceed five hundred dollars (\$500.00) for each violation.

C. Jurisdiction shall be in the City Court of the Town of Cascade.

D. In case of inclement weather or a catastrophic unforeseen event, the following individuals are authorized to immediately close a special event:

1. A representative of the Cascade County Sheriff's Department.

3. A representative of the Cascade Volunteer Fire Department.

E. The Cascade County Sheriff's Department may close a special event if those in attendance become unruly, property is damaged or for other reasons that adversely affect the public health, safety and welfare of those attending the event and the citizens of Cascade.

#### 9.16.110 Preemption.

Nothing in this ordinance shall be construed to preempt a person's constitutional rights, including the right of free assembly.

SECTION 2. Effective date. [This Ordinance] is effective on passage and approval.

First Reading: \_\_\_\_\_, 2025

Second Reading: \_\_\_\_\_, 2025

PASSED AND ADOPTED by the Town Council of the Town of Cascade, Montana, and approved by the Mayor of said Town this \_\_\_\_\_ day of \_\_\_\_\_, 2025.