

ORDINANCE NO. 394, 2nd Series

**AN ORDINANCE OF THE CITY OF ELY, MINNESOTA,
ADDING CHAPTER 6, SECTION 6.43 SPECIAL EVENTS**

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 6, Section 6.43, of the City Code of the City of Ely, Minnesota is added to read as follows:

Subd 1. Purpose and Intent. The purpose of this section is to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, sanitary facilities, utilities, and safety services. Special events are further defined and regulated in accordance with this Code provision.

Subd 2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- A. Applicant.** Any individual or organization who seeks a special events permit from the city to conduct or sponsor a special event.
- B. Outdoors.** Activity conducted outside of a permanent, enclosed structure or building.
- C. Special Event.**

- (1) Any temporary event 4 consecutive days or less, sponsored by or organized by one or more organizations, entities, or individuals, with the event held or to be held in full or in part:
 - a. Outdoors on City-owned land, or a public right-of-way intended for the gathering or movement of people or vehicles, and the event is open to the general public; or
 - b. Outdoors on City-owned land, a public right-of-way intended for the gathering or movement of people or vehicles, or privately-owned land, and the event is likely to impact vehicular or pedestrian traffic on a public right-of-way by increasing its hourly flow by at least 50 percent or otherwise impede the orderly, unobstructed, or free flow of vehicular or pedestrian traffic on any such right-of-way.
- (2) This section shall not apply to the following:
 - a. Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, school-sanctioned events on school property, or fairs conducted pursuant to Minn. Stats. ch. 38
 - b. Special events or activities permitted or licensed by State law or ordinances of the City, other than this section, including publicly-sponsored activities in the local or regional park system
 - c. Events in the nature of a family gatherings
 - d. Non-City-wide garage sales

- e. Non-recurring auctions or estate sales
- f. National Night to Unite events established through the City Police Department
- g. Funeral processions
- h. Activities conducted by a governmental agency acting within the scope of its authority; and

D. Special Event Permit. A permit issued by the City after the applicant has met all applicable requirements and reviews set forth in this section.

Subd 3. Permit Required. No person shall conduct or allow to be conducted any special event as defined in this section without first obtaining a special events permit.

Subd. 4. Requirements for Issuance of a Permit.

(1) The following standards shall apply to all special events:

- a. **Maximum Number of People.** The applicant shall not sell tickets to more than the maximum number of people stated in the special event permit.
- b. **Sound Equipment.** Sound-producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments, and other recording devices, shall not be operated at the permit location so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of City residents. Application of an amplification permit may be required by rules set forth under city code, section 10.29.
- c. **Sanitary Facilities.** In accordance with State Department of Health regulations and standards and local specifications, adequate sanitary facilities shall be provided that are sufficient to accommodate the projected number of persons expected to attend the event.
- d. **Security.** The applicant shall employ at its own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless the City Chief of Police is satisfied that such necessary and sufficient security personnel will be provided by the applicant for the duration of the event.
- e. **Solid Waste Disposal.** A sanitary method of disposing of solid wastes, in compliance with State and local laws and regulations, shall be provided and shall be sufficient to dispose of the solid waste production anticipated for the maximum number of people allowed by the permit. Plans shall include a provision for holding and collecting all such waste at least once each day, sufficient trash containers, and sufficient personnel to perform such tasks.
- f. **Parking and Traffic Control.** A parking and traffic control plan for the number of persons projected to attend the event shall be submitted. Such plan shall be sufficient to ensure a free flow of traffic and make available rapid access for emergency vehicles. Further, the applicant shall provide adequate off-street

parking facilities on the site or within 1,500 feet thereof to accommodate the projected number of persons expected to attend the event. When adequate off-street parking facilities are not available within 1,500 feet, the applicant may propose an alternate plan to bus attendees from a remote location.

- g. **Mobile Food Vending.** The applicant shall provide the City evidence (or cause the food vendor to provide evidence) that all food vending operations at the event have all required food licenses from the State Department of Health or the County, as applicable, as well as any applicable mobile food vending permit required under Section 6.31, pertaining to peddlers, solicitors, transient merchants, mobile food carts, and mobile food vehicles. The applicant shall comply at all times with the applicable health codes and regulations. Proof of license and permit shall be provided to the City Clerk at least 14 days before the event and kept on site for immediate inspection.
- h. **Fire Protection.** The applicant shall, at its own expense, take adequate steps to ensure fire protection as determined by the City Fire Department.
- i. **Duration of Special Event.** The applicant shall operate the special event only on those days and during the hours specified on the permit, which shall not be for more than (4) consecutive days, subject to any other limits imposed by other sections of the City Code or State law.
- j. **Cleanup Plan.** The applicant shall, at no cost to the City, immediately clean up, remove, and dispose of all litter or materials of any kind that are placed or left on the premises because of the event. If the applicant neglects or fails to proceed with cleanup within a two-hour period immediately following the end of the event, or if the cleanup is done in an inadequate manner, the City Clerk/Treasurer or his/her designee shall clean up and charge the applicant for cleanup.
- k. **Insurance.** Before the issuance of a permit, the applicant shall provide the City with a certificate of liability insurance showing proof of general liability insurance and liquor liability insurance acceptable to the City.
 - 1. Applicant shall procure and maintain for the duration of the event commercial general liability insurance or equal special event coverages protecting it from claims or damages for bodily injury and property damage that may arise from or in connection with the event's operation and use of the City's property as required by State law.
 - 2. If alcohol will be sold or served, the applicant must have liquor (dram shop) insurance providing coverage of at least \$1,500,000.00 per occurrence, along with the applicable license required under the Code and State law.
 - 3. The City shall be endorsed as an additional insured on all liability policies. The applicant's insurance shall be primary.
 - 4. The City reserves the right to modify these insurance requirements depending on the nature and scope of the event.
- l. **Claims.** The applicant shall agree to defend and hold the City harmless from claims, demands, actions or causes of actions, of any nature of character, arising

out of, or related to an event authorized by a special event permit, including attorney fees and all expenses.

- m. **Damages.** The applicant shall indemnify the City for damages that may result to City property as a result of a special event.
- n. **Waiver.** The City Clerk/Treasurer or his/her designee may grant a waiver from the requirements of this section where the applicant shows that strict compliance with this section would cause an exceptional and undue hardship or, under the circumstances the requirements of this section are unnecessary. Such waiver shall not be granted if doing so would cause a detriment to the public health, safety, or welfare or impair the intent and purpose of the provisions of this section.
- o. **Additional Requirement.** The City Clerk/Treasurer or his/her designee may place any other conditions reasonably calculated to protect the health, safety, and welfare of persons attending the event or City residents.
- p. **Application Procedures.** A written application for a special event permit shall be filed with the City Clerk not less than at least 30 days prior to a city council meeting. The application shall be signed by the person, persons, or parties conducting the event and shall be accompanied by the fee payable hereunder.
 - 1. The submitted application shall include the following:
 - (i) The names, addresses, and other contact information for the person or persons responsible for conducting the event
 - (ii) Dates of proposed special event
 - (iii) Type and description of the special event and a list of all activities to take place at the special event
 - (iv) Address of proposed special event
 - (v) Name of property owner at the permit location, if different from the applicant
 - (vii) Duration of the special event, total number of days and/or hours during which the special event is to be held
 - (viii) Estimated number of persons to attend
 - (ix) Any public health plans, including supplying water to the site, solid waste collection, and provision of sanitary facilities, if applicable
 - (x) Any fire prevention and emergency medical services plans, if applicable
 - (xi) Any security plans, if applicable
 - (xii) Whether food or alcohol will be served at the event
 - (xiii) A detailed site plan, including descriptions of all public rights-of-way and private streets for which the Applicant requests the City to restrict or alter normal parking, vehicular traffic, or pedestrian

traffic patterns, the nature of restrictions or alterations, and the basis

- (xiv) A description of any services, City personnel, City equipment, and City property the Applicant requests the City to provide, including the Applicant's estimated number and type needed, and the basis on which the estimate is made
- (xv) Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments (additional licenses may be required).
- (xvi) Applicant signature and property owner's signature, if different from applicant; and
- (xvii) Any other information requested by the City, acting through its City Clerk/Treasurer or his/her designee, deemed reasonably necessary in order to determine the nature of the special event and the extent of any services necessitated by the event.

Subd. 5. Fees, Charges and Promotion.

- (1) The fee for a special events permit shall be established by the City Council.
- (2) The City shall also require the payment to the City of other charges for the recovery of City costs related to the special event, which may include the hourly cost for any employees working on a special event as established by the City Council and equipment charges for the use of City equipment, at usage rates as established by the City Council.
- (3) In accordance with a written policy applying to special events, the City may sponsor, participate in, or otherwise support a special event, including through the waiving of fees and/or waiving the recovery of City costs, provided the City council approval.
- (4) In connection with any request for City sponsorship of, participation in, or support of a special event, the applicant shall provide the City financial information regarding the applicant and the special event, as the City may request.
- (5) Any promotion of a special event by the City, including through the City reader board, City web page, City publications, or by proclamation, shall be in accordance with the City's policies regarding those matters.

Subd. 6. Granting a Permit. The City Clerk/Treasurer or his/her designee will review and determine whether or not a request for a special event and/or street closing satisfies all the conditions of this section and other applicable sections of the City Code. In the event the City determines the special event does not meet these criteria, the application shall be denied. Events lasting longer than 4 consecutive days requires the application of an Interim Use Permit, per City code section 11.43.B.

Subd. 7. Denial of Permit. Without limiting any of the other provisions in this section, the City shall have the right to deny the permit if, in the judgment of the City Clerk/Treasurer or his/her designee, granting of a permit would adversely affect the safety, health, and welfare of the citizens of the City. Such denial may also be based upon the following circumstances:

- (1) The event would unreasonably inconvenience the general public.
- (2) The event would unreasonably infringe upon the rights of abutting properties.
- (3) The event would conflict with another proximate event or interfere with construction or maintenance work.
- (4) There are not sufficient safety personnel or other necessary staff to accommodate the event.
- (5) The event affects other issues in the public interest as identified by the City.
- (6) It is determined that an Interim Use Permit is required.

Subd. 8. Enforcement. The Police Department and other such officers, employees, or agents as the City Clerk/Treasurer or his/her designee, shall enforce the provisions of this section.

Subd. 9. Revocation of Permit. The permit for a special event may be revoked by the City at any time if any of the conditions necessary for the issuing of or contained in the special event permit are not complied with or if any of the provisions of this section are violated.

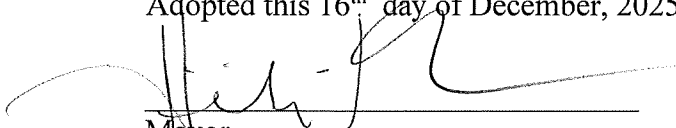
Subd. 10. Termination of Permit. An applicant granted a permit under this section may elect to terminate the permit at will by giving written notice to the City Clerk at least seven days prior to the first day of the event. If less than seven days written notice is given to terminate a permitted event that involved the City undertaking contracted work in connection with the event, the applicant shall pay the City for a two-hour minimum charge for the relevant staff time, and the applicant shall compensate the City for any contractual expenses incurred and losses suffered by the City as a result of the termination, subject to Subsection (e)(4) of this section regarding the City's support of a special event. The City Clerk/Treasurer or his/her designee has the authority to cancel or stop an event if it is deemed that the public health, safety, or welfare would be better served with additional restrictions. No special event permit may be transferred to another person or location without the prior written consent of the City Clerk/treasurer or his/her designee.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective 30 days after final adoption and publication.

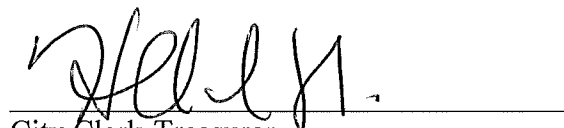
First Reading: December 2, 2025

Second Reading: December 16, 2025

Adopted this 16th day of December, 2025.



 Mayor



 City Clerk-Treasurer

Publication Date: December 6, 2025

Newspaper: Ely Echo

Public Hearing: December 16, 2025

