

**CHAPTER 63 - SPECIAL EVENTS ORDINANCE
OF DUBUQUE COUNTY, IOWA**

Adopted

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PART 1
INTRODUCTION

- 63-1 NAME. This Ordinance shall be called the Dubuque County Special Events Ordinance.
- 63-2 PURPOSE. It is the purpose of this Ordinance to regulate the date, time, place, and manner of Special Events occurring on the secondary roads and their right of way in Dubuque County when the events impact upon health, safety, sanitary, fire, police, transportation or utility services exceeds those regularly provided to the location of the event. This Ordinance is enacted in order to promote the health, safety, and welfare of the residents and visitors of Dubuque County by ensuring that Special Events do not create disturbances, become nuisances, menace or threaten life, threaten health or property, disrupt traffic flow, or damage property. It is not the intent of the County Board of Supervisors enacting this Ordinance to regulate in any manner the content of speech or infringe on the right to assemble; except for regulating the time, place, and manner of assembly. This Ordinance is adopted under the authority of Iowa Code Section 331.362.
- 63-3 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.
- 63-3.1 **‘Extraordinary Services’** means work performed or assistance by any department of county government (Sheriff’s Office, roads, emergency management, etc.) to provide a service to assist an organizer of a Special Event with the delivery of their event whether required through the permit process or by a voluntary request by the organizer. These are services that are beyond the initial review and approval of the event and shall be determined in the discretion of the department of county government providing them. (See Section 63.12(2) for fee schedule.)
- 63-3.2 **‘Organizer’** means the event coordinator, planner, scheduler, corporation, government entity, club, association, or other person(s) who have the responsibility for hosting an event.
- 63-3.3 **‘Race’** means any event in which competition shall determine a winner or loser, or the act of competing such that a winner is discerned separate of the other participants; presuming the event organizer promotes or sponsors the event of the race, requires law enforcement involvement for traffic control or road closures for control of other highway users, and the participants are not required or encouraged by the organizer to follow the Rules of the Road.
- 63-3.4 **‘Rules of the Road’** refer to Chapter 321 of the Iowa Code.
- 63-3.5 **‘Ride or Tour’** means, any event in which the participants' activities are non-competitive and the event organizer encourages and requires the participants to

- follow the Rules of the Road.
- 63-3.6 **‘Special Event’** means any occurrence on county highway right of way where the time and size of an event would substantially interrupt the safe and orderly movement of traffic or deprive the local residents unimpeded use of their properties. Special Events typically require a user of the roadway to preregister for the event. Events of less than 100 participants are typically exempt. This ordinance is not meant to apply to parking along county roads or in most instances to a ride or tour as defined in Section 63-3.5. It is also not meant to apply to an incident such as a funeral procession.
- 63-3.7 **‘STANDARD ROADSIDE SIGNAGE’** shall refer to all statutory, advance warning, cautionary, or informational signage as installed within the county right-of-way by the Dubuque County Secondary Roads Department to be in conformance with the requirements of the Manual on Uniform Traffic Control and Devices.
- 63-4 **SEVERABILITY.** The provisions of this Ordinance shall be deemed severable and it is expressly declared that Dubuque County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be deemed affected.
- 63-5 **SAVING CLAUSE.** This Ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.
- 63-6 through 63-10 Reserved

PART 2 SPECIAL EVENTS

- 63-11 **“DESIGNATION AND REGULATIONS”** Special Event permit applications shall address the following issues and attach additional supporting information, if necessary. A summary of required information is as follows, in addition more specific information may be required by the County as dictated by event specific conditions.
- 63-11.1 **“DURATION AND HOURS OF OPERATION”** The Special Event application shall specify the day(s), date(s), time, and location upon which the incident is to occur, or in the case of a seasonal or recurring event, the days

- within the season or period within the calendar year upon which the event will re-occur. The application must include the hours of pre-event setup and post-event tear down operations will occur, and no such pre or post event activities may be conducted other than as specified and agreed to.
- 63-11.2 “PARKING AND ACCESS” A Special Event permit application shall include a plan identifying areas that may be reasonably expected to be utilized by event participants for off-street and on-street.
- 63-11.3 “SANITARY FACILITIES, POTABLE WATER, AND REST STATIONS” The event organizer shall make reasonable accommodations for rest area facilities throughout the course of the event or at the site of the event and outside of the county highway right of way.
- 63-11.4 “REFUSE REMOVAL” The Special Event organizer shall be responsible for taking all reasonable efforts to pick up litter, debris, and refuse during; immediately following; and within twenty-four (24) hours after the conclusion of the event along the course for debris attributable to the event.
- 63-11.5 “SEVERE WEATHER NOTIFICATION” The Special Event organizer shall have a plan of how to notify event participants in the event of severe weather or emergency atmospheric conditions which would affect the event or participants. Emergency Contact: The Special Event permit shall indicate the contact name and phone number for all emergency contacts between the County 911 system and the event. The event contact shall be available 24/7 during the event and shall serve as the sole source point of contact between the event, organizers, staffing, and participants.
- 63-11.6 “NOTIFICATION” The Special Event organizer shall be required to notify the Secondary Roads Department Office of their event. The Secondary Roads Department shall notify the other governmental jurisdictions within the county.
- 63-11.7 RESERVED.
- 63-11.8 “SECURITY” Arrangements and costs are the responsibility of the Special Event organizer.
- 63-11.9 “BARRICADES, SIGNAGE, AND TRAFFIC CONTROL” The organizer may be required to develop a traffic plan for the event to address any special signage requirements or conditions.
- 63-11.10 “ROAD MARSHALS OR FLAGGING PERSONNEL” The event organizer may utilize volunteer road Marshals or flagging personnel staff in accordance with state statutes and regulations.
- 63-11.11 “COURSE MARKINGS” The event organizer shall be responsible for determining the route or course the event will cover. However, said route needs to be approved by the Sheriff’s Department. The event organizer may determine if course/route markings are required to inform the participants of the course or route to be followed by the event. If course markings are to be utilized, the event organizer shall only use temporary signage of the following requirements:
- a. Temporary signage may be utilized to mark routes or courses. Spray paint or chalk markings on pavement in the traveled way shall not be allowed.

- b. Paper arrows and lane markers shall be used as the method of choice for marking routes or courses. The paper arrows shall be biodegradable with a short life span, shall be temporary or removable, and shall be of manufacturer of routearrows.com or approved equivalent.
- 63-11.12 “COMPLIANCE WITH OTHER CODE PROVIDIONS” No Special Event shall be held unless all necessary approvals, permits, and licenses applicable to the activities to be held during the Special Event have been issued.
- 63-11.13 “COMPLIANCE WITH OTHER STATE, FEDERAL, OR LOCAL REGULATIONS: This ordinance is not meant to be all inclusive of the Rules of the Road or other regulations which may govern various aspects of the event.

- 63-12 PERMITS AND FEES
- 63-12.1 Fees for Special Events permits shall be established by the Dubuque County Board of Supervisors during the annual County budget process after consultation with the Roads Department and Sheriff’s Office. The initial fee for permits is hereby set at \$50.00.
- 63-12.2 An organizer may request an estimated cost for extraordinary services from the appropriate department. The first four hours of services shall be provided free of cost. After the first four hours the fees for extraordinary services provided by the County shall be at the rate of \$50.00 per hour.
- 63-12.3 Applications for permits shall be made to the Secondary Roads Department.
- 63-12.4 Permits may be submitted commencing on January 1 of the calendar year in which the event is to be held. Preferences for dates of hosting an event will be granted for annually recurring events. Applications must be submitted a minimum of six (6) weeks prior to the date of the occurrence of the event.
- 63-12.5 Fees for special events will be waived for nonprofit organizations. However, a permit is still required for nonprofit organizations.

- 63-13 APPLICATION REVIEW
- 63-13.1 The Roads Department and Sheriff’s Office shall evaluate the permit application and approve with conditions, or deny the permit request. Reasons for denial shall be set forth in writing, provided to the applicant, and application fee returned, minus costs. Requests for additional information shall be provided within seven (7) calendar days or the permit will be considered incomplete and returned.
- 63-13.2 Permits shall be issued unless it is determined one of the following conditions exist:
 - a. The time, size, proposed location, or route of the event would substantially interrupt the safe and orderly movement of traffic in or around the vicinity of the event's location.
 - b. The concentration of persons at the event would interfere with the administration of emergency services.
 - c. Another highway use permit has already been applied for or issued for

- substantially the same time and location.
- d. The applicant has provided incomplete or fraudulent information on the application or has failed to satisfy the permit requirements or requests for additional information or planning.
 - e. Any other condition which, in the discretion of the Secondary Roads Department; creates an unacceptable health or safety risk such as but not limited to roadway surface conditions, road construction, road maintenance, other operations, or requests extending beyond the County's capability to provide services.
- 63-13.3 A preliminary decision shall be made on the application within fourteen (14) calendar days of receipt by the Department. The preliminary decision shall indicate approval, approval with conditions, request for additional information, or denial.
- 63-14.4 Revisions to any permitted routes shall be approved by the Roads Department and Sheriff's Office.
- 63-14.5 Each permit shall be valid for the day, date, and times started therein. A separate permit application will be required for each separate event. Multiple courses, routes, or activities held on consecutive days, date, and time by the same event organizer shall be considered as one event.
- 63-14.6 An applicant may appeal the denial of a Special Event permit to the Dubuque County Board of Supervisors or its' designee. All appeals shall be in writing to the Board of Supervisors within fourteen (14) calendar days of the date of denial on the permit. Event applicant shall pay all fees associated with the calling of any special meetings for hearing of or requests for appeals.
- 63-15 **INDEMNIFICATION AND HOLD HARMLESS** All applicants for a Special Event permit shall agree, as a condition of the permit, to indemnify, defend, and hold harmless Dubuque County and its' officials, employees, and agents against all claims, liability, loss, damage, or expense incurred by the County on account of any injury to or death of any person or any damage to any property caused by or resulting from the activities for which the permit is granted.
- 63-16 **INSURANCE REQUIREMENTS** The Special Events permit shall not be approved without proof of liability insurance by the organizer. Said liability insurance shall be in the minimum amount of one million dollars.
- 63-17 **EVENT CANCELLATION OR ALTERATION** The Roads Department or Sheriff may cancel or alter the route of a Special Event when in his or her judgment the safety of the participants or the general public would be endangered on said route or thought to cause unreasonable interference with the traffic flow in Dubuque County.
- 63-18 through 63-20 Reserved

**PART 3
ENFORCEMENT AND PENALTIES**

- 63-21 This ordinance shall be enforced by any officer employed by the Dubuque County Sheriff's Department.
- 63-22 **PENALTIES** The penalty for violating any provision of this ordinance shall result in a fine of \$500.00. However, a judge may reduce the fine to \$250.00 for a first offense if he/she decides it is appropriate. Each day of violation shall be considered a separate occurrence. Other penalties, fines, and/or charges may be carried out against a Special Events permit holder as described by state statute, county ordinance, or other regulations and rules, in addition to this Ordinance.
- 63-23 through 63-30 Reserved

**PART 4
ENACTMENT**

- 63-31 This Ordinance becomes effective upon passage by the Dubuque County Board of Supervisors and after duly published by the Dubuque County Auditor.