

RECORD OF ORDINANCES

Ordinance No. 2022-34

Passed APRIL 20, 2022

SPONSOR: PARKS COMMITTEE

AN ORDINANCE AMENDING THE VILLAGE OF MOGADORE CODIFIED ORDINANCES, SECTION 132.13, TITLED "SAFETY OF CROWDS ATTENDING SPECIAL EVENTS," AND DECLARING AN EMERGENCY.

WHEREAS, Council desires to allow for Special Events to take place in the Village;

WHEREAS, Council desires the Village to be able to regulate Special Events in a manner that protects the health, safety, and welfare of the Village residents, protects the financial interests of the Village, and will provide for an orderly and safe event experience for applicants and attendees;

WHEREAS, Codified Ordinance Section 132.13, titled "Safety of Crowds Attending Live Entertainment Performances," should be amended to provide for a safe Special Event experience for both attendees and Village residents; and

WHEREAS, the Village Council finds that amending the existing Section 132.13, titled "Safety of Crowds Attending Live Entertainment Performances" is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of Mogadore, Summit and Portage Counties, State of Ohio, that:

SECTION 1: That Section 132.13 of the Village of Mogadore Codified Ordinances, titled "Safety of Crowds Attending Special Events," of the Business Regulation Code, is hereby amended to provide as stated in Exhibit "A," attached hereto and incorporated herein.

SECTION 2: That the recitals set forth above are incorporated by reference herein.

SECTION 3: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meeting open to the public, in compliance with all legal requirements, including R.C.121.22.

SECTION 4: This Ordinance is an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Mogadore and the inhabitants thereof, and permits the Village to immediately implement these rules, policies, and procedures in light of the upcoming concert season and warmer weather, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

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Michael Raddish 4-20-22

President of Council

Date

Phil K 4-20-22

Mayor

Date

Attest:

Satku
Clerk-Treasurer

EXHIBIT A

§ 132.13 SAFETY OF CROWDS ATTENDING SPECIAL EVENTS.

- (A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) "Special Event" or "Event" is a fair, festival, concert, parade, running/walking/cycling events, public performance, or announced public gathering held on a public street, right-of-way, or property owned or leased by the Village and/or events that require the closure of a public street. Special Event also includes events on private property, which are open to the public and the expected attendance is 1000 or more people. Special Events possess one or more of the following characteristics:
 - (a) Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity such as a festival, carnival/circus, sports event, trade show, craft show, car show, public dance, Special Event or performance;
 - (b) Any activity that may substantially increase or disrupt the normal flow of traffic on any street or highway;
 - (c) Any activity which involves the use of Village facilities;
 - (d) Any activity which involves the use of Village services that would not be necessary in the absence of such an event; or
 - (e) Any activity that requires the closure of a public thoroughfare or right-of-way and rerouting of traffic;
 - (f) Any activity which includes a mobile food vehicle, as defined in Codified Ordinance Chapter 120, as part of the Special Event.
 - (2) "Person" includes, in addition to an individual or entity specified in R.C. § 1.59(C), any governmental entity.
 - (3) "Restricted Entertainment Area" any wholly or partially enclosed area, whether indoors or outdoors, that has limited access through established entrances or established turnstiles or similar devices.
 - (4) The Village of Mogadore School District sponsored student events are not considered Special Events.
- (B) (1) No person shall sell, offer to sell, or offer in return for a donation, any ticket that is not numbered and that does not correspond to a specific seat for admission to either of the following:
 - (a) A Special Event that is not exempted under division (D) of this section, that is held in a Restricted Entertainment Area, and for which more than 8,000 tickets are offered to the public;
 - (b) A Special Event that is not exempted under division (D) of this section and for which more than 3,000 tickets are offered to the public.
- (2) No person shall advertise any Special Event as described in division (B)(1)(a) of this section or any Special Event as described in division (B)(1)(b) of this section, unless the advertisement contains the words "Reserved Seats Only."

(C) Unless exempted by division (D)(1) of this section, no person who owns or operates any Restricted Entertainment Area shall fail to open, maintain, and properly staff at least the number of entrances designated under division (E) of this section for a minimum of 90 minutes before the scheduled start of any Special Event that is held in the Restricted Entertainment Area and for which more than 3,000 tickets are sold, offered for sale or offered in return for a donation.

(D)

(1) A Special Event, other than a concert, is exempted from the provisions of divisions (B) and (C) of this section if both of the following apply:

(a) The Restricted Entertainment Area in which the performance is held has at least eight entrances or, if both entrances and separate admission turnstiles or similar devices are used, has at least eight turnstiles or similar devices.

(b) The eight entrances or, if applicable, the eight turnstiles or similar devices, are opened, maintained, and properly staffed at least one hour prior to the scheduled start of the performance.

(2) (a) The Village Fire Chief and Police Chief or their designees may, upon application of the sponsor of a concert covered by division (B) of this section, exempt the concert from the provisions of that division if both Chiefs find that the health, safety, and welfare of the participants and spectators would not be substantially affected by failure to comply with the provisions of that division. In determining whether to grant an exemption, the Village Fire Chief and Police Chief shall consider the following factors:

i. The size and design of the facility in which the concert is scheduled;

ii. The size, age, and anticipated conduct of the crowd expected to attend the concert;

iii. The sale of liquor and/or alcoholic beverages; and

iv. The ability of the sponsor to manage and control the expected crowd.

If the sponsor of any Special Event desires to obtain an exemption under this division, the sponsor shall apply to the Chief of Police and Fire Chief on a form prescribed by them. The Fire Chief and Chief of Police shall issue an order that grants or denies the exemption within five days after receipt of the application. The sponsor may appeal any order that denies an exemption to the Court of Common Pleas of the county in which the facility is located.

(b) If the Village Police Chief and Fire Chief grants an exemption under division (D)(2)(a) of this section, the Village shall designate an on-duty law enforcement officer to be present at the concert. The designated officer has authority to issue orders to all security personnel at the concert to protect the health, safety and welfare of the participants and spectators.

(E) Unless a Special Event is exempted by division (D)(1) of this section, the Village Fire Chief and Police Chief shall designate, for purposes of division (C) of this section, the minimum number of entrances required to be opened, maintained and staffed at each Special Event so as to permit crowd control and reduce congestion at the entrances. The designation shall be

based on such factors as the size and nature of the crowd expected to attend the Special Event, the length of time before the Special Event that crowds are expected to congregate at the entrances, and the amount of security provided at the restricted entertainment area.

- (F) No person shall enter into any contract for a Special Event that does not permit or require compliance with this section.
- (G) (1) This section does not apply to a Special Event held in a Restricted Entertainment Area if one admission ticket entitles the holder to view or participate in three or more different games, rides, activities, or Special Events occurring simultaneously at different sites within the restricted entertainment area and if the initial admittance entrance to the restricted entertainment area, for which the ticket is required, is separate from the entrance to any specific Special Event and an additional ticket is not required for admission to the particular Special Event.

(2) This section does not apply to a symphony orchestra performance, a ballet performance, horse races, dances or fairs.
- (H) This section does not prohibit the Village Council from imposing additional requirements, not in conflict with the section, for the promotion or holding of Special Events.
- (I) Whoever violates division (B), (C) or (F) of this section is guilty of a misdemeanor of the first degree. If any individual suffers physical harm to his or her person as a result of a violation of this section, the sentencing court shall consider this factor in favor of imposing a term of imprisonment upon the offender.