

Exhibit 10

ST. GEORGE CITY, UTAH
ORDINANCE NO. 2023-03-003

**A TEMPORARY REGULATION SUSPENDING THE PERMITTING OR PROCESSING
OF CERTAIN SPECIAL EVENT PERMITS UNDER TITLE 3, CHAPTER 10 OF THE
CITY CODE.**

PREAMBLE

WHEREAS Utah Code §10-3-702 grants to cities the legislative power to regulate and prohibit any activity, business, conduct, or condition authorized by the Utah Municipal Code which may be necessary to provide for the health, safety, and welfare of the community; and

WHEREAS under that legislative authority, the City has previously enacted an Ordinance governing the use of public facilities and permitting of special events at those facilities as found in Title 3, Chapter 10 of the City Code; and

WHEREAS the City of St. George (“City”) has determined that the use of public facilities for special events has increased in recent years to the point that maintenance of the facilities is becoming more difficult; and

WHEREAS the City believes that the public facilities should be available to the public and should not be over encumbered by scheduled special events; and

WHEREAS the City also believes that special events are of benefit to the City and create a sense of community, promote economic development, and provide entertainment opportunities for the citizens; and

WHEREAS the City desires to balance the use of the facilities by the public with the demand for the facilities by special events; and

WHEREAS the City is seeking to understand the impacts to the community from the amount and types of use of its public facilities, including to residents surrounding the public facilities from the increased traffic, road closures, and noise; and

WHEREAS the City also is also seeking to understand the type and quantity of City resources expended for special events at its public facilities; and

WHEREAS in order to properly study the issues, this temporary suspension shall be applicable to events at City owned facilities and not events held at private venues; and

WHEREAS under the legislative authority granted by to the City, the City believes that a temporary suspension or moratorium on new special event applications is necessary in order to effectively create new provisions which will better balance the needs of the City, the public, and the events; and

WHEREAS consistent with temporary land use regulations under Utah Code §10-9a-504, this temporary regulation would be in effect for no longer than six months from the effective date, thus allowing adequate time for the City to enact comprehensive regulations and standards regarding special events and the use of public facilities; and,

WHEREAS it is in the best interests of St. George City to provide for temporary prohibitions of new applications for special events while comprehensive regulations designed to protect the health, welfare and public safety within the City are being studied, publicly vetted and adopted;

NOW, THEREFORE, the City Council of the City of St. George, State of Utah, hereby ordains as follows:

Based upon the facts as set forth in the Preamble hereto, the City Council finds that there exists a compelling, countervailing public interest to enact the following temporary regulations:

Section 1 The provisions of City Code §3-10-1 through §3-10-10 are hereby suspended and made inapplicable for the following Special Event requests and no application shall be processed which is inconsistent with this suspension.

- 1.1 An application for any new Special Event located on City owned property or within City facilities which has not previously been held within the City of St. George excluding those events for which a completed application was received by the City by close of business March 15, 2023;
- 1.2 An application for any recurring or repeat event located on City owned property or within City facilities which was not held within the previous calendar year and is not on the list of reoccurring events provided to the City Council by City staff on September 2, 2022; and
- 1.3 An application for any recurring or repeat event located on City owned property or within City facilities for which there has been enforcement action taken or threatened.

Section 2 Except as otherwise specified above, Reoccurring Events and Filming Permits as those terms are defined in City Code §3-10-2 shall not be subject to this ordinance.

Section 3 This permit suspension shall not be considered a “denial” of an event permit for which an appeal may be made.

Section 4 The definition of Special Event as contained in §3-10-2 of the City Code is hereby amended as follows:

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.

B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.

C. Events held at the following are not special events under this chapter:

1. A building that has a business located in it that has a current annual business license as an event business;

2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required. ~~and~~

~~3. A government-owned facility.~~

D. For purposes of this chapter, ~~city~~-events organized and conducted by the City located on City owned property or within City facilities are not special events; however, events held by non-city entities which may have some level of sponsored sponsorship by the city are special events.

Section 5

Effective Date. This Ordinance shall take effect immediately upon publication and/or posting as required by law and shall thereafter be effective for a period of no greater than six (6) months.

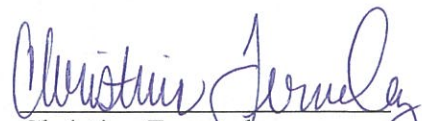
Adopted this 16 day of March 2023.

ST. GEORGE CITY


Mayor Michele Randall



ATTEST:


Christina Fernandez
City Recorder

APPROVED AS TO FORM
City Attorney's Office



Jami R. Brackin
Deputy City Attorney

VOTING OF CITY COUNCIL:

Councilmember Hughes
Councilmember Larkin
Councilmember Larsen
Councilmember McArthur
Councilmember Tanner

aye
nay
aye
absent
aye

CERTIFICATION OF CITY OF ST. GEORGE
ORDINANCE NO. 2023-03-003

Pursuant to Utah Code §10-3-713, I hereby certify that on the 16th day of March, 2023, the St. George City Council passed Ordinance No. 2023-03-003 and that a short summary of said ordinance was published on the Utah Public Notice Website, on March 17, 2023.


Christina Fernandez
St. George City Recorder

