

**ORDINANCE #66253**  
**Board Bill No. 443**

An ordinance relating to land use within Forest Park; repealing Ordinance 65675 and further amending Section 4 of Ordinance 59741 (Section 22.42.040 Revised Code) by adding a new subsection (g) thereto pertaining to uses which are exempt from the provisions of such ordinance; with an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** Section 4 of Ordinance 59741 (Section 22.42.040, Revised Code), is hereby amended by adding thereto a new subsection (g), to be and to read as follows:

- (a) persons using land in a park, square, or plaza for thirty days or less, which use does not involve construction of a building of any kind which is intended to be permanent, or of a parking lot; such uses may be permitted by the Board of Public Service or by the Director of Parks, Recreation and Forestry pursuant to and in compliance with the City Charter;
- (b) land used on the effective date of this ordinance by any person pursuant to a valid permit of the Board of Public Service or of the Director of Parks, Recreation and Forestry, for the term of such permit or for the term of any renewal of such permit to such person or to the lawful successors or assigns of such person, for use of the same land, on conditions as to use of the land and operations thereon which are substantially identical to the present conditions of such permit, subject, however, to the provisions of Section Six hereof;
- (c) land used on the effective date of this ordinance by any person pursuant to statute, ordinance, or lease, for the term if any authorized by such statute, ordinance, or lease, subject, however to the provisions of Section Six hereof;
- (d) persons engaging in athletic or recreational activities on a daily or seasonal basis pursuant to valid permits of the Director of Parks, Recreation and Forestry;
- (e) persons using land pursuant to a valid concession contract with the City of St. Louis;
- (f) persons leasing buildings in the public parks pursuant to Section One, Article I, Section 6 of Ordinance 49771 (Section 22.04.100 Revised Code, St. Louis, 1980, Anno.)
- (g) **St. Louis 2004 Corporation during the period May 1 through November 15, 2004, for the erection and operation of a Ferris wheel in Forest Park, under a permit issued by the Board of Public Service for the same location, and with terms, conditions and requirements substantially similar to, those set forth in Exhibit A to Ordinance 65675, and/or the permit issued for the Ferris wheel for December 11, 2003 through January 9, 2004, which permit is approved by the City Counselor's office as consistent herewith; provided, that the insurance required in such a permit shall be as follows:**
  - (1) **At no cost to the City, St. Louis 2004 shall procure, or shall cause Premier Entertainment Corporation ("PEC"), lessee of the ferris wheel, and the operator of the ferris wheel, to procure and maintain on file with the City's Comptroller at all times during the term of this Permit and prior to the commencement of installation of the ferris wheel, insurance and certificates or other evidence of such insurance as hereafter specified. The policies shall name "The City of St. Louis and its officers, agents, and employees" as additional insureds and be issued by financially sound insurers approved by the City's Comptroller's Office. Said insurance shall be primary and non-contributory to the City.**
  - (2) **Insurance in the initial minimum amounts, below, shall be provided:**
    - (a) **Worker's Compensation: Missouri statutory.**
    - (b) **Comprehensive Liability (to include premises, operations, products, and completed operations and personal and bodily injury including death):**

	<u>Each Occurrence</u>	<u>Aggregate</u>
Combined Bodily Injury and Property Damage	\$1,000, 000	\$5,000, 000 (ferris wheel operator)
	\$1,000,000	Unlimited (PEC)
Umbrella Coverage		\$5,000,000 (ferris wheel operator)
		\$19,000,000 (PEC)

(3) St. Louis 2004 shall also use its best efforts (not requiring expenditure of funds) to cause the City of St. Louis, its officers, employees and agents to be named as additional insureds on all policies of insurance on the ferris wheel carried by the owner of the ferris wheel, and, shall also cause the City of St. Louis, its officers, employees and agents to be named as additional insureds during the term of this Permit on all policies of insurance on the ferris wheel carried by itself or PEC, or its subsidiaries or affiliates, other than and in addition to the policies required by subparagraph (2), above, and shall file certificates relating to such additional policies in like manner as the certificates required for the policies required by subparagraph (2).

**SECTION TWO.** Ordinance 65675 is hereby repealed.

**SECTION THREE.** This ordinance being deemed necessary for the preservation of the public peace and safety is declared an emergency ordinance pursuant to Sections 19 and 20 of Article Iv of the City Charter.

**Approved: April 20, 2004**