

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF \_\_\_\_\_, \_\_\_\_\_, AMENDING SECTION \_\_\_\_\_ TO PROVIDE FOR A REVISED AND THOROUGH SPECIAL EVENT PERMIT APPLICATION PROCESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS,** the Supreme Court of the United States has held that First Amendment of the United States Constitution allows for local governments to place reasonable time, place, and manner restrictions upon speech and expressive conduct occurring in public places<sup>1</sup>; and,

**WHEREAS,** the City of \_\_\_\_\_ has a substantial governmental interest in protecting and preserving our parks and other public spaces for the benefit and enjoyment primarily by City of \_\_\_\_\_ residents, and secondarily by the many tourists and visitors to our beautiful City; and,

**WHEREAS,** the City Council finds that the goal of protecting and the preserving the City of \_\_\_\_\_ parks and other public spaces for the purposes cited in the foregoing paragraphs is best served by refining the application process for special event permits;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, \_\_\_\_\_:**

**Section 1.** That the above "Whereas" clauses are adopted into this ordinance as if they were fully set forth herein and the content of such clauses represents the legislative intent of this ordinance.

**Section 2. Approval of Special Events.**

(a) *Special Events.* A special event shall be defined as any organized public event or activity held or conducted on a temporary basis which is apart from, or in addition to, activities and uses normally associated with and permitted at a specific location.

(1) *Permit required.* A special event permit must be obtained and may be granted for a temporary and specific period of time for special events including, but not limited to:

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<sup>1</sup> See, e.g., *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984) ("Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.")

- a. Air shows;
- b. Art shows;
- c. Running or walking events;
- d. Carnivals;
- e. Concerts;
- f. Festivals;
- g. Fireworks;
- h. Parades;
- i. Commercial photography shoots;
- j. Musical presentations;
- k. Street dances;
- l. Triathlons;
- m. Other similar event activities requiring off-site parking, street closures, sound amplification or use of city personnel or public property or extended events and sales beyond the time limits provided under a temporary use permit.

(2) *Limitations on Special Events.* Special event permits will only be considered where the permit applicant is a resident of the City of \_\_\_\_\_ or the applicant is an officer of a business organization based in the City of \_\_\_\_\_, and where the proposed event is consistent with the laws of the State of \_\_\_\_\_ and the Codes and Ordinances of the City of \_\_\_\_\_.

(3) *Application procedure.*

- a. A completed special event permit application must be submitted by the applicant to the city manager, together with all required supporting documentation, at least 60 days prior to the requested event. This 60-day requirement may be adjusted by the Mayor upon a showing of good cause by either the City or the applicant.
- b. Each application will be preliminarily reviewed by the city manager.
- c. The city manager shall verify that a special event permit application contains the following information:
  - 1. The name and address of the applicant.
  - 2. If the applicant represents a business organization, the name and address of the business organization and proof that the business organization is registered with the State of \_\_\_\_\_.

3. A detailed description of the proposed event, including whether any live music or performance is proposed to be held in conjunction with the event.
4. The desired date, time, and location of the event.
5. The anticipated number of attendees at the event.
6. Whether food or alcohol is proposed to be offered for sale at the event. If so, the requisite licenses shall be submitted with the application.
7. The manner in which the applicant intends to market or advertise the event. If the applicant has proposed or mock-up marketing materials, such materials shall be submitted with the application.
8. A sworn statement by the applicant that the proposed special event does not consist of, either in whole or in part, an “adult live performance”<sup>2</sup>.
9. Proof that the applicant, or the organization the applicant represents, has an insurance policy sufficient to underwrite/cover the cost of any damage caused to the City park or facility by or during the proposed special event, together with a written commitment that the applicant shall hold the city harmless for any injuries or damages occurring during the event.
10. Such other information as the city manager may deem necessary for the purpose of evaluating the propriety of the event in consideration of the City’s aim of protecting the health, safety, and morals of the residents of the City of \_\_\_\_\_.

d. In addition to reviewing the special event permit application for completeness, the city manager shall review the application in consultation with the police department and other emergency personnel and relevant City staff to determine whether:

1. The applicant has complied with all required criteria outlined on the permit application form.
2. Sufficient city support personnel are available to assist in the conduct of the event.
3. Adequate support facilities are available for the event with the support facilities including, but not being limited to, parking, refuse collection, sanitation, and lighting.

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<sup>2</sup> ‘Adult live performance’ is defined as any show, exhibition, or other presentation in front of a live audience which, in whole or in part, depicts or simulates nudity, sexual conduct, sexual excitement, or specific sexual or other lewd conduct, or the lewd exposure of prosthetic or imitation genitals or breasts when it: 1. Predominantly appeals to a prurient, shameful, or morbid interest; 2. Is patently offensive to prevailing standards in this community with respect to what is suitable material or conduct for the age of the child present; and 3. Taken as a whole, is without serious literary, artistic, political, or scientific value for the age of the child present.

4. No conflict exists with the requested event and other approved and previously scheduled events.
5. The event will not result in the over-utilization of city facilities nor the over-utilization of one area of the city.
6. No outstanding balances are due the city for assistance from previous activities from the applicant.
7. Amplification of sound has been justified and is established at a level acceptable to the City.
8. Crowd size has been determined to be a manageable size for the proposed event and site.
9. The event is generally compatible with the character of the city and the locale requested.
10. The applicant complied with terms and conditions of any previously granted permits.
11. The applicant represents a responsible organization that is based in the City of \_\_\_\_\_ that has no documented history of any violation of the laws of this State or ordinances of the City of \_\_\_\_\_ or \_\_\_\_\_ County.

e. City council approval is required for all special event permits. Accordingly, after the city manager has conducted a preliminary review of the application and complied all information required by sections c and d above, the city manager shall forward the application, supporting documentation, and city manager's report addressing all items in section d to the city council. Upon referral of a completed special event permit application from the city manager, the city council shall, at a regularly scheduled meeting, consider the application and vote to either approve or deny the requested special event permit, or continue the matter to a future meeting if good cause exists why the application cannot be considered and decided upon the information provided by the applicant. A majority vote is required for approval.

f. Signage associated with a special event shall be included for review and approval with the special event application and may be installed one day prior to the event and shall be removed at the conclusion of the event. Signage is limited to the site of the event. Directional signs may be permitted in the right-of-way adjacent to event site or associated parking area(s) on the day(s) of the event subject to approval of a right-of-way permit.

- (3) *Expiration of permit; cancellation of permit.* Each special event permit shall be valid for a specific period of time and for a specific purpose as indicated on each permit application form. If the applicant fails to fulfill the requirements as set forth in the permit, or if at any time the event does not comply with the specific terms and conditions of the permit and specifications approved by the city council, including but not limited to time and activities, the permit may be cancelled by the City and the activity shall cease immediately.

**Section 3.** That if any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same will not affect the validity of any remaining portions of this ordinance. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

**Section 4.** That all sections or parts of sections of the Code of Ordinances, City of \_\_\_\_\_, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 5.** This ordinance shall take effective immediately upon adoption

**APPROVED AT FIRST READING THE \_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.**

**PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, \_\_\_\_\_ THIS \_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.**