

ORDINANCE NO. NS-2143

AN ORDINANCE AMENDING THE BEND CODE BY AMENDING SECTIONS 7.356(1) AND 7.378(1) RELATING TO FEE WAIVERS FOR SPECIAL EVENTS

Findings:

- A. Bend Code Sections 7.350 to 7.399 regulates special events. Bend Code Section 7.356 requires that a permit be obtained for Special Events and requires payment of both an administrative fee and payment for anticipated costs the City will incur in connection with the event. Costs incurred by the City may include the provision of traffic barriers, litter cleanup, and the time for public safety and public works personnel.
- B. In the past, some applicants for Special Events permits have asked Council to waive payment of Special Event permit fees. The current code provisions do not provide for a fee waiver. In the absence of code provisions authorizing the waiver, an ordinance is needed to waive the fee. This ordinance sets forth the policy factors for council to consider in administering waivers to ensure they are approved, limited or denied in a fair, nondiscriminatory and consistent manner.
- C. The Council wishes to allow fee waivers by a standardized process outlined in the Bend Code.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Section 7.356(1) is amended by adding new subsection (a) to read as follows:

(a) Applicants may request a full or partial waiver of the requirement to pay the Special Event permit fee. A request for a fee waiver must be submitted in writing with a Special Event permit application. Fee waivers shall be considered by the Council after a public hearing is held. The Council may in its discretion approve all, part, or none of a fee waiver request.

(b) The Council will consider the following factors in its review of a request for a fee waiver:

1. The benefit to the community from the event.
2. Positive publicity for the City from the event.
3. The City's cost of providing services for/to the event.
4. Whether there are revenues that can be used to offset the impact of the waiver on the general fund.
5. Whether the event promotes education, public health, or public safety.
6. Whether the event is operated by a non-profit organization.
7. Whether the event has in the past or is likely in the future to take action that, if taken by a governmental entity, would be unconstitutional. The City will not provide a Fee Waiver for any Special Event or entity that takes action in regard to the Special Event that, if taken by the City, would be unconstitutional.

Section 2. Bend Code Section 7.378(1) is amended to read as follows:

- (1) The City Manager shall approve the assembly permit only if after ~~consideration, he or she~~ the City Manager finds:
 - (a) All city officials and departments have issued their approval pursuant to B.C. 7.358 to 7.368 and all other provisions of B.C. 7.350 to 7.396 have been complied with.

- (b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (c) The facilities desired have not been reserved for other use at the day and hour required in the application and the event will not conflict with another event for which a permit has already been issued.
- (d) The conduct of the activity will not substantially interrupt the safe and orderly movement of traffic.
- (e) The conduct of the activity will not require the diversion of so great a number of city personnel of the city to properly police the activity and the contiguous areas as to prevent normal police protection to the city.
- (f) The conduct of the activity is not reasonably likely to cause injury to persons or property so as to incite violence, crime or disorderly conduct.
- (g) The appropriate provisions of B.C. 7.374 have been complied with.
- (h) If the proposed activity involves use of a park or park facility, that it will not unreasonably interfere with or detract from the general public enjoyment of the park and all required permits/permission from the Parks District have been granted.
- (i) The required fees and a deposit for costs have been paid to the extent that payment has not been waived as provided in Section 5.356.

Section 3. All other provisions of the Bend Code, including other provisions of Sections 7.356 and 7.378 remain unchanged and in effect.

Read for the first time the 2nd day of June, 2010.

Read for the second time the 16th day of June, 2010.

Approved by roll call vote the 16th day of June, 2010.

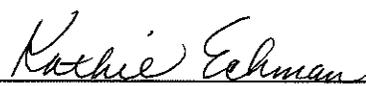
YES: 7 NO: 0

Authenticated by the Mayor the 16th day of June, 2010.

Approved as to form:



 Gary Firestone, Assistant City Attorney



 Kathie Eckman, Mayor

ATTEST:


 Patricia Stell, City of Bend Recorder