

ORDINANCE NO. NS-2178

AN ORDINANCE AMENDING BEND CODE CHAPTERS 7.10 REGULATORY PERMITS AND 7.40 SPECIAL EVENTS

Findings

- A. Bend Code Section 7.10.010 Regulatory Permits Procedure, Applicability provides general and procedural regulations for city regulatory permits. A minor amendment is needed to correct the list of Chapters subject to the procedures of Chapter 7.10.
- B. Bend Code Chapter 7.40 Special Events contains provisions relating to requirements for obtaining regulatory permits for parades of ten or more people (excluding funeral processions), Beer Gardens, and gatherings of more than 150 people on public property within the Downtown District.
- C. Staff has recommended amendments to the Special Events chapter to require special events permits only for events held on City-owned property or City-administered rights of way, as opposed to all public property. Staff has recommended that the amended chapter require organizers of a gathering of more than 150 people on public property not City-owned or within City-administered rights of way, to notify the City of such gathering in order for the City to review public safety issues associated with the event. The proposed amendments include other changes intended to provide additional detail to the special events chapter.
- D. The Council agrees with the recommended changes.

BASED ON THESE FINDINGS THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The City of Bend Code **7.10.010** is amended to read as follows:

7.10.010 Regulatory Permit Procedure, Applicability

This Chapter provides general and procedural regulations for City regulatory permits. No person shall engage in an activity regulated under Chapters 7.15 through 7.40 without first obtaining a permit from the City in compliance with this Chapter and with the applicable provisions specific to the type of permit. The provisions of this Chapter are intended to apply in addition to the provisions of Chapters 7.15 through 7.40, but in the event of a conflict between provisions, provisions in Chapters 7.15 through 7.40 prevail over the provisions in this Chapter.

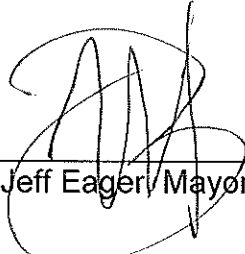
Section 2. Bend Code Chapter 7.40 is amended to read as shown on the attached Exhibit A.

First Reading on February 15, 2012.

Second Reading and Adoption by Roll Call Vote on March 7, 2012.

YES: Tom Greene
Scott Ramsay
Mark Capell
Jodie Barram
Jim Clinton
Kathie Eckman
Mayor Jeff Eager

NO: None




Jeff Eager, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

EXHIBIT A
CHAPTER 7.40 SPECIAL EVENTS

7.40.005 Definitions

The following definitions apply in this Chapter:

- (1) **Accessibility Plan:** A written plan, including a detailed site map, addressing accessibility needs for the event. The plan should include accessible parking, seating, sanitary facilities, communications, route(s) of travel, signage, loading zone, transportation, facilities, sales/display venues, assisted listening devices, and other amenities to the extent that these elements are provided to the public. The plan will also address how people with disabilities will be evacuated, if an emergency occurs.
- (2) **Beer Garden:** A temporary outdoor facility located on the site of a special event that dispenses beer or wine in accordance with a Special Beer or Wine License issued by the Oregon Liquor Control Commission.
- (3) **District:** The area encompassed by the perimeter of Newport, Greenwood, Hill, Franklin, Bond, Louisiana, Riverside, Tumalo, and Harmon streets.
- (4) **Parade:** A procession of persons using the public right-of-way and consisting of 10 or more persons or three or more vehicles, with the exception of funeral processions.
- (5) **Special Event:** Special events includes all gatherings of more than 150 persons open to the public on City property or right of way. "Special event" includes parades.

7.40.010 Special Event Permit Required

- (1) Special events are prohibited without a City Special Event Permit.
- (2) No more than three special events per month requiring a street closure are allowed in the District during July and August. No more than two events per month requiring a street closure are allowed at any other time. The Council may by motion allow events in the District requiring street closure in excess of the maximum otherwise allowed if the Council determines that:
 - (a) The street closure will be limited in location and/or duration or will occur at a time that will have minimal impact on downtown businesses, and
 - (b) The public benefit from the event is expected to outweigh any negative effect on downtown businesses
- (3) The City will maintain a calendar listing the date and location of each special event, date and location. Existing events have precedence over new events.
- (4) Applications for Special Event Permits must be submitted as far in advance as possible and no less than 30 days in advance of the event in order to allow time for review by all affected City departments. A pre-application conference is required for special events that have not previously been approved by the City. The City Manager may waive the 30-day deadline if the applicant provides good cause why the applicant

was unable to meet the deadline.

7.40.015 Exceptions to Special Event Permit Requirement

The City may waive the Special Event Permit requirement when no significant public health, safety or welfare issues are involved and when no police service or other City service is determined to be necessary.

7.40.020 Special Event Permit Application, Fees and Costs

(1) The applicant for a Special Event Permit shall pay a permit fee in the amount set by Council resolution. The applicant shall be responsible for reimbursement of costs incurred by the City as a result of the special event. These costs may include any expenses or lost revenue incurred by the City. The City may require a deposit to cover anticipated costs. After the event, the City shall determine its actual costs, including staff time, and require payment if the deposit was insufficient for costs incurred, and shall refund any excess.

(2) Each application for a Special Event Permit shall include:

- (a) A complete application form that includes a description of the event, the number of people reasonably expected to attend, and a description of any amplified sound to be used;
- (b) An accessibility plan;
- (c) A parking plan;
- (d) A communication plan;
- (e) A vehicle traffic flow plan;
- (f) A sanitation plan;
- (g) A fire protection plan;
- (h) A map showing the location to be used for the event, and the number of persons reasonably anticipated to attend;
- (i) Proof that the applicant has provided notice of the proposed event to any affected neighborhood association, and for events in the District, to the Downtown Bend Business Association. A neighborhood association is affected by an event if the event is held within or adjacent to the boundaries of the neighborhood;
- (j) Evidence of insurance or that insurance will be issued, and
- (k) The application fee.

Samples of accessibility plans, parking plans, communication plans, vehicle traffic flow plans, sanitation plans and fire protection plans are available from the City.

(3) For parades, the application shall also include the route of the parade and assembly points, the proposed starting and ending time and the estimated number of participants (persons, vehicles and animals). The City may deny parade permits to avoid impact on transportation, businesses and public infrastructure projects.

7.40.025 Sanitary Facilities at Special Events

The special event permittee shall provide sanitary facilities that are in accordance with applicable regulations.

7.40.030 Fire Protection Standards

Special events shall comply with the Oregon Fire Code and provisions in the Bend Code related to fire protection.

7.40.035 Accessibility

Special Events shall comply with the Americans With Disabilities Act of 1990.

7.40.040 Public Safety

(1) Adequate traffic control, fire control personnel and equipment, and crowd control and security shall be contracted for or otherwise provided by the special event permittee, and shall conform to the standards required by the City.

(2) Security personnel at special events may be required to wear appropriate identification.

(3) It shall be the duty of the security personnel at special events to report any violations of law to the appropriate law enforcement agency.

(4) Access to public infrastructure must be maintained through the entire special event as required by the City. The City may require event facilities to be located away from items such as hydrants, water valves, manholes and storm drains to ensure proper access.

(5) No objects may be thrown to onlookers by parade participants during a parade.

7.40.045 Parking Facilities

Adequate parking facilities will be available for special events. Accessible parking facilities and transportation shall be shown in the parking plan.

7.40.055 Facility Inspection at Special Events

All facilities other than traffic control devices shall be in place at least two hours before the start of a special event so that the City may inspect them. Traffic control devices shall be placed in accordance with the approved traffic control plan prior to or contemporaneously with blockage of any vehicular, bicycle or pedestrian way. The Special Event Permit may be suspended or revoked if the facilities or traffic control fail the inspection.

7.40.060 Animals at Special Events

(1) No person shall bring an animal into an area where a special event is being held, unless authorized by the City.

(2) This prohibition does not apply to service animals.

(3) This prohibition does not apply to events held specifically for animals or parades.

7.40.065 Beer Gardens

Alcohol may be served in conjunction with a special event only in an approved beer

garden, under the following conditions:

- (1) The applicant has obtained a special retail beer or wine license from the Oregon Liquor Control Commission and City approval.
- (2) The applicant must pay the fee set by Council resolution.
- (3) The event organizer is responsible for security in the beer garden during the event. Security at a minimum shall include checking identification to assure alcohol consumption only by persons 21 and older, monitoring participants for indications of intoxication and /or disruptive behavior.
- (4) All beer gardens will provide monitoring of the City-approved perimeter.

7.40.070 Street Closure

- (1) No city street will be closed for a special event unless the City has approved the closure. Applications for street closures shall be submitted no less than 30 days in advance and shall include a circulation plan. If the street to be closed is a state highway, the applicant shall obtain approval from the Oregon Department of Transportation.
- (2) Requests for street closures in the District will be granted only if the applicant demonstrates that the event cannot be held without a street closure or there is a specified safety reason to close the street(s).

7.40.075 Special Event Permit Approval, Suspension and Revocation

- (1) Special event permits may be issued if:
 - (A) The application is consistent with this Title;
 - (B) The proposed event will not unreasonably interfere with or detract from the public health, welfare, and safety;
 - (C) The location is available for use and the event will not conflict with another permitted event;
 - (D) The event will not unreasonably interfere with traffic or businesses;
 - (E) The applicant has provided proof of liability insurance
- (2) The City may deny the permit if it does not meet the standards for approval in Subsection 1.
- (3) The City may impose conditions of approval on special events permits to assure compliance with this chapter, to protect public health and safety, and to limit the impact on parking, transportation, City-owned property and City-administered rights of way. The City may impose conditions governing the noise generated at the event, including decibel levels and time restrictions. Failure to comply with the conditions relating to noise shall constitute a violation of Chapter 5.50.
- (4) The City may suspend or revoke a Special Event Permit for violation of any provision of this Chapter, failure to comply with a permit condition, or to protect public health and safety.

7.40.080 Permit Denial

The City shall deny a Special Event Permit application if it does not meet the standards for approval in Section 7.50.075. If the permit is denied, the applicant shall be notified of the reason for the denial.

7.40.085 Appeal and Complaint

(1) Appeal by Applicant. If a Special Event Permit is denied, the applicant may appeal the denial to the City Council within five business days.

(2) Complaint. Any person may file a written complaint regarding a permitted special event within three months after the event takes place. The City will take such written comment into account prior to issuing any subsequent permits for the event. The City will attempt to notify the applicant of all complaints.

7.40.090 Permit Information

A Special Event Permit shall contain the following information:

- (1) Date, time, location of the event;
- (2) Special conditions imposed on the activity;
- (3) Signed acknowledgement by the applicant;
- (4) Emergency contact information;
- (5) A statement that the event permit may be suspended or revoked by the City.

7.40.095 Inspection of Special Events

The City and its authorized representatives shall have the right to enter all areas used for a special event to inspect and enforce this Code and state law.

7.40.100 Special Event Crowd Limitation

If at any time during the special event the size of the crowd creates a health or safety hazard, the City may require the permittee to limit further admissions.

7.40.105 Interference with a Special Event

No person shall knowingly interfere with the conduct of a permitted special event or authorized activities of a special event participant.

7.40.110 Special Event Banners, Displays and Information

(1) Any signs placed in conjunction with a special event before, during or after the approved event date shall not deface or obstruct City property, including street signs.

(2) Signs for parades, races, tours or other mobile events must be temporary and easily removed. Removal of directional or informational signs will be the responsibility of the permittee. Signs must be placed so that they do not impair intersection and crosswalk vision clearances for pedestrians and motor vehicle operators and do not affect or impair emergency access routes.

(3) If road markings are used, only biodegradable, water-soluble material may be used. Such material as chalk, flour and tape are acceptable but must be removed within 24 hours after the event. Sidewalks shall not be stenciled, painted, or marked in any fashion without express permission from the City.

(4) Temporary signs within the special event area are not subject to the City's sign code during the special event.

7.40.120 Events on District Property

The Bend Park and Recreation District and the Bend-LaPine School District shall inform the City of any event held on their property by a third-party when they receive the application for the event, and shall coordinate with the City regarding impacts on public safety, rights-of-way, or City property.