

ORDINANCE NO. 022-06

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 12.18 OF THE LAUREL MUNICIPAL CODE RELATING TO SPECIAL EVENT PERMITS FOR THE CITY OF LAUREL

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing Title 12.18 (Special Event Permits) as noted herein and hereby recommends the same to the City Council for their full approval.

Chapter 12.18 SPECIAL EVENT PERMITS

12.18.005 Purpose and Definitions.

A. Purpose. The City recognizes community events may provide cultural enrichment, promote economic vitality, enhance community identity, and create funding opportunities for service organizations. The purpose of this Chapter is to establish a coordinated process for managing community events held on City property to protect the health and safety of event patrons, residents, workers, and other visitors, and to regulate competing uses of City property. This Chapter is further intended to create mechanisms for cost recovery that allow the City to recoup some of the costs associated with community events but which do not unduly impact the viability of events.

B. Definitions. The following definitions apply to this Chapter:

1. Under this chapter, "Event" means and includes, but is not limited to: parade, gathering, protest, walk, run, demonstration, athletic event, speech, exhibition or motorcade. This definition also specifically includes any event that involves assembling or traveling in unison on any public street, highway, alley, sidewalk or other public way owned, controlled, or maintained by the City and which either: 1) will impede, obstruct, impair or interfere with the free use of such public street, highway, alley, sidewalk, or other public way owned, controlled, or maintained by the City; or 2) will not comply with normal or usual traffic regulations or controls. This definition is not all-inclusive; and the term "event" may be what a "reasonable person" under the circumstances would believe it means.

(Ord. 07-03 (part), 2007)

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**12.18.010 Requirement to Obtain Special Event Permit.**

A. It is unlawful for any person to conduct any event in or upon any public street, highway, sidewalk, or alley, or other public way owned, controlled, or maintained by or within the City of Laurel, or knowingly participate in any such event, unless and until a special event permit to conduct such event has been obtained from the City of Laurel.

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B. It is unlawful for any person to conduct any event in or upon property owned, controlled, or maintained by the City of Laurel, or knowingly participate in any such event, unless and until a special event permit to conduct such event has been obtained from the City of Laurel if:

1. The event involves more than twenty-five (25) people;
2. The event involves the consumption of alcoholic beverages;
3. The event involves the physical alteration to City property;
4. The event involves vending/solicitation; or
5. If fees are to be collected by the permittee for the event.

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C. The following activities are exempt from the special event permit requirement: funeral processions, lawful picketing on sidewalks when the number of participants does not substantially impede, obstruct, impair or interfere with the free use of the sidewalk or the conduct of business, and activities conducted by a governmental agency acting within its scope of authority.

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(Ord. 07-03 (part), 2007)

**12.18.020 Permit Fees.**

Special event permit applicants shall pay a fee upon submittal of the application for the permit. The fee amount shall be determined by Resolution passed by the City of Laurel City Council. The fee is due upon application for the permit, and no permit shall issue without the fee being paid prior to issuance except by express waiver determined by the city council Mayor. The city council Mayor shall have the authority to waive the permit fee.

The Mayor, with the consultation of City Staff, may also set additional fees related to specific events, based upon the demands and costs to the City in

allowing the event. These additional fees may include, at the Mayor's discretion, fees related to cost of providing City services for the event, additional staffing costs, such as Police, Ambulance, or Fire, crowd control costs, the provision of garbage receptacles and crowd-monitoring barriers, and other costs reasonably incurred by the City in allowing an event to be held within the City. The additional fees shall be invoiced to the applicant upon the conclusion of the event, and the invoice is due and payable within ten (10) business days of invoicing by the City. An applicant can request an estimate of the additional fees prior to issuance of the permit.

(Ord. 07-03 (part), 2007)

#### **12.18.030 Application and Approval Process.**

A. The application for such permit shall be made in writing on an approved form available at the City Clerk-Treasurer's office. Any person who wants to conduct a special event on a City of Laurel street or sidewalk shall apply to the City for a special event permit at least ~~thirty (30) ten working business~~ days in advance of the date of the event.

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B. The Mayor may, in his or her discretion, consider any application for a permit to conduct an event that is filed less than ~~thirty (30) ten business working~~ days prior to the date such event is to be conducted.

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C. After review of the application and approval by the City Public Works Director, Chief of Police, Fire Chief, and Ambulance Director, and City Attorney, and payment of the permit fee by the special event permit applicant, the Mayor shall issue the special event permit, if he/she determines such issuance is in the best interests of the City of Laurel.

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D. The Mayor may place reasonable conditions on any special event permit concerning the time, place or manner of holding the event as is necessary to coordinate multiple uses of City property, assure preservation of City property, prevent dangerous, unlawful, or impermissible uses, and protect the safety of persons and property. Conditions the Mayor may impose include, but are not limited to:

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1. Establishment of an assembly or disbanding area for a parade or like event;

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2. Accommodation of an event's pedestrian and vehicular traffic, including restricting events to City sidewalks, portions of a City street, or other public right-of-way and implementation of a parking or transportation plan;

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3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access;

4. Number and type of vehicles, animals, or structures to be displayed or used in the event and their locations;

5. Provision and use of traffic cones or barricades;

6. Provision or operation of sanitary facilities, including handicap accessible sanitary facilities;

7. Provision of a waste management plan, and the cleanup and restoration of the site of the event;

8. Use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the event;

9. Manner of providing notice of permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;

10. Reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity;

11. Obtaining of any and all business licenses or other necessary permits required by this Code for the sale of food, beverage or other goods or services at the event;

12. Manner by which alcohol sales and service, if any, shall be conducted at the event;

13. Limitations on the use of spray paint or chalk paint as directional cues for participants; and

14. Provisions for public safety and the preservation of public property such as traffic/pedestrian control, fire safety, the closure of streets or intersections, the diverting of traffic, etc.

E. Approval for the Permit must be obtained prior to the applicant beginning any advertising for the event.

(Ord. 07-03 (part), 2007)

**12.18.040 Permit Application Ceontents.**

In order that adequate arrangements may be made for the proper policing of the event, the application shall contain, at a minimum, the following information:

A. The name of the applicant, the sponsoring organization, and the event chairperson, and the addresses, and telephone numbers, and email addresses of each;

B. The purpose of the event, the dates and times when it is proposed to be conducted, and the route or specific area requested for use or any proposed alternate event route or deviation from the established route, to include:

1. The location of the assembly area, the location of the disbanding area, route to be traveled, and

2. The approximate time when the event will gather, from start to and finish;

C. A plan depicting the placement of temporary structures or facilities on public property or public rights-of-way and, if the event is a march, parade or process, a map of the proposed route.

D. A description of the individual vehicles, groups, or bands, including a description of any music or sound amplification equipment to be used, if applicable;

E. A statement regarding whether or not alcohol will be available or served and a copy of any applicable alcohol license or catering license;

F. A statement of any fees to be charged to participants or spectators in connection with the special event;

G. The approximate times when assembly for, and disbanding of, the special event is to take place;

H. Whether the permittee is requested any special signage (to be provided by the permittee);

I. Insurance information;

J. Whether the permittee will provide any portable toilets;

K. Provisions for trash removal and clean-up, if necessary;

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L. The anticipated attendance at the event;

M. Whether provisions will need to be made for public safety and the preservation of public property, such as traffic/pedestrian control, fire safety, emergency response services, the closure of streets or intersections, the diverting of traffic, and the like;

N. Any other information reasonably required by the Mayor.

(Ord. 07-03 (part), 2007)

**12.18.050 Permit Requirements and Conditions.**

A. For all special event permits, the Mayor may specify any other additional requirements requested by the city clerk treasurer, police chief, fire chief, ambulance director or public works director reasonably necessary for the protection of persons or property.

B. The Mayor may refer the application to such City departments or personnel as he or she deems necessary for review, evaluation, investigation and recommendations regarding approval or disapproval of the application.

C. Each permittee shall comply with all conditions stated in the special event permit. Failure by the permittee to comply with all special event permit conditions may result in revocation of the special event permit. In addition, failure to comply with the conditions may result in denial of future special event permits to the permittee that failed to comply.

(Ord. 07-03 (part), 2007)

**12.18.060 Insurance and Indemnity.**

Sponsoring persons, organizations, companies, corporations or other entities applying for a special event permit shall hold the City harmless and indemnify from any and all claims, damages, losses and expenses arising from the special event. Applicants for a special event permit shall agree in writing to hold harmless and indemnify the City for any and all claims, lawsuits or liability, including attorney's fees and costs allegedly arising out of the loss, damage or injury to persons or personal or public property occurring during the course of or pertaining to the special event caused by the events sponsoring organizations, companies, corporations, or other entities, their officers, employees, or agents.

The sponsoring organization shall carry appropriate insurance as recommended by staff required by the City, including comprehensive general liability,

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automobile liability and/or designated premises liability in the minimum amount of ~~two one~~-million dollars per occurrence and ~~four two~~-million dollars aggregate per event or location, ~~and list~~ The Ceity of Laurel must be named as an additional named insured.

The Mmayor has the authority to waive ~~theis~~ requirements contained in this Section. Additionally, the Mmayor may require insurance coverage in a higher or lower amount based upon the type of special event, the number of persons anticipated to attend the special event, or the anticipated number of persons participating in the special event.

Each applicant shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the conduct of the applicant or its officers, employees, and agents. The agreement must be submitted to the Mayor with the application for a special event permit.

(Ord. 07-03 (part), 2007)

(Ord. No. O14-02, 7-15-2014)

#### **12.18.070 Alcohol.**

No sales or soliciting are allowed unless proper licensing is prepared in advance of the special event.

The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and must provide copies of all applicable state and local liquor permits with the special event application.

Any person, company, corporation, association or other entity conducting a special event, within Ceity jurisdiction, shall, at the discretion of the Mmayor, be entitled to a special permit to sell beer and/or alcohol to the patrons of the special event to be consumed within an enclosure wherein the event is held. The applicant must specify, in their request for the special event alcohol permit, the location and size of the area wherein they propose to sell the alcohol. The Mmayor, at his or her discretion, may specify the location and size of the area at the special event where the alcohol may be consumed.

The fee for special event alcohol permit shall be set by City Council Resolution. This fee shall be paid upon presentation of the special event application along with the special event alcohol permit application to the Ceity Clerk-Treasurer. If the special event alcohol permit is denied, the Ceity

Celerk-Treasurer shall refund the special event alcohol permit fee to the applicant.

If the Ceity has revoked a special event permit of the special event alcohol permit applicant for any reason within the last five years, the special event alcohol permit may be denied.

The City Police Department may revoke the special event alcohol permit if those in attendance become unruly, if property is damaged, or for other reasons that adversely affect the public health, safety and welfare of the citizens of Laurel or those people attending or participating in the special event.

(Ord. 07-03 (part), 2007)

**12.18.080 Permit Duration.**

The event permit shall issue with specific delineation of the event length and proposed time requirements estimated for the event. Only under extreme conditions or situations shall the event run longer than the proposed length of time specified in the special event permit, and then only with specific authority granted by the Mayor. If the Mayor permits an extension for time under this provision, the Ceity Celerk-Treasurer must provide notice to the Ceity of Laurel Cehief of Police, Fire Cehief, Ambulance Director, and the Public Works Director.

(Ord. 07-03 (part), 2007)

**12.18.090 Issuance of Permit.**

A. Issuing Permits. The Mayor shall issue a special event permit, however, the granting of the permit is contingent upon the applicant signing the special event permit application. The special event permit must state the applicant's intent to adhere to the conditions stated in the special event permit application.

B. Denial of Permit Application. The Mayor shall deny an application for a special event permit and shall notify the applicant of such denial when:

1. The Mayor or other reviewing authority for the Ceity of Laurel makes any finding contrary to the findings required to be made for the issuance of a permit, or the Mayor determines issuance is not in the best interest of the city; or

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2. The location, time, route, or magnitude of the event will disrupt to an unreasonable extent the movement of traffic, either pedestrian or motor vehicle; or

3. The event requires a significant quantity of law enforcement to properly control movement of participants and spectators in areas near or on the event site in such quantity to disable reasonable law enforcement protection for the spectators, participants and residents of the Ceity of Laurel; or

4. The special event will disrupt or inhibit with other events previously granted a special event permit occurring in the Ceity of Laurel on the same day and time; or

5. The permittee provided false or misleading information in the special event permit application concerning any relevant data; or

6. The permittee fails to agree, abide by or comply with all conditions of the special event permit.

7. Upon notice to the permittee of the denial of the special event permit, the Mayor must also provide notice of denial of the special event permit to the Chief of Police, Fire Chief, Ambulance Director, and to the Public Works Director.

(Ord. 07-03 (part), 2007)

#### **12.18.100 Revocation.**

The Ceity may revoke any special event permit granted under the terms of this chapter if it becomes known to the Ceity that the permittee is in any manner failing to comply with the terms of this chapter. In the event of such revocation, the person to whom such special event permit was granted shall thereafter be operating without a special event permit and shall be subject to penalties as provided in the Ceity of Laurel Municipal Code. The special event permit granted may be revoked in the manner provided for the revocation of licenses and permits generally.

If the Mayor determines that the safety of the public or property requires revocation of the special event permit due to disaster, public calamity, riot or other emergency, the special event permit may be summarily revoked by the Mayor. Notice of such action revoking a special event permit shall be delivered in writing to the permittee by personal service or by certified mail, and notice shall also be provided to the Ceity Clerk-Treasurer, the city of Laurel

Chief of Ppolice, the Ffire Cehief, the Ambulance Director, and the Public Works Director.

(Ord. 07-03 (part), 2007)

**12.18.110 Officials to be Notified of Permit Issuance.**

Immediately upon the Mayor's approval and issuance of the special event permit, the Ceity Clerk-Treasurer shall deliver a copy of the permit to the Chief of Ppolice, the Ffire Cehief, the Ambulance Director, and the Public Works Director, and the City Attorney.

(Ord. 07-03 (part), 2007)

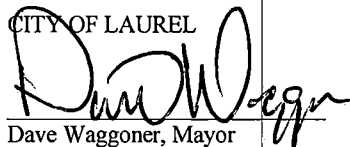
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on the 25<sup>th</sup> day of October 2022, upon Motion by Council Member Herr.

PASSED and ADOPTED by the Laurel City Council on second reading on the 8<sup>th</sup> day of November 2022, upon Motion by Council Member Wheeler.

APPROVED BY THE MAYOR on the 8<sup>th</sup> day of November 2022.

CITY OF LAUREL



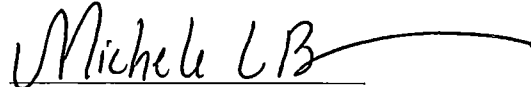
Dave Waggoner, Mayor

ATTEST:



Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:



Michele L. Braukmann, Civil City Attorney