

ORDINANCE NO. 2011-03

AN ORDINANCE AMENDING CLEARWATER CITY CODE  
SECTION 18 IN REGARDS TO  
SPECIAL EVENTS

THE CITY COUNCIL OF THE CITY OF CLEARWATER ORDAINS:

Section 18, Article 5 of the Clearwater, Minnesota, City Code is hereby created to read as follows:

Sec. 18-118-130. Reserved.

Section 18  
Article V– Special Events

Sec. 18-131. Purpose. The following Section governs the time, place and manner of holding certain special events on City streets, on City property and on private property when an event's impact upon the health, fire, law enforcement, transportation or other services exceeds those regularly provided to that property. This Section is enacted in order to promote the health, safety and welfare of all residents and visitors of the City by ensuring that special events do not create disturbances, become nuisances, menace or threaten life, health and property, disrupt traffic or threaten or damage private or public property. It is not the intent of the City Council by enacting this Section to regulate in any manner the content of speech or infringe upon the right to assemble, except for regulating the time, place and manner of speech and assembly and this Section should not be interpreted or construed otherwise.

Sec. 18-132. Definitions. For purposes of this Section, the terms defined have the following meanings given to them:

“Amplified Event” means any event that includes electronically amplified music and/or voices.

“City Law Officer” means any member of the Wright County Sheriff's Department as the City contracts for law enforcement services.

“Nonamplified Event” means any event that does not include electronically amplified music and/or voices.

“Outdoor Entertainment/Event” means a specific event or activity held in the open and not within an enclosed structure. Enclosed structures do not include tents, sound stages, or open pavilions.

“Person” means a natural person, association, organization, club group formed for a common purpose, partnership of any kind, Limited Liability Company, corporation, or any other legal entity.

“Special Event” means any concert, parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walk,

athletic event or other attended outdoor entertainment or celebration that is to be held in whole or in part upon publicly owned property or public right-of-way, or, if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event.

Sec. 18-133. Permit Required. Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the City.

Sec. 18-134. Permit Not Required. Subdivision 1. A special event permit is not required for the following types of events:

- a) Wedding or funerals, including wedding or funeral processions;
- b) Any noncommercial event held on private property, such as a graduation party or social parties;
- c) Special events sponsored and managed by the City; and
- d) The grounds of any playground, place of worship, athletic field, or similar permanent place of assembly when used for regularly established assembly purposes.

Sec. 18-135. Permit Application. Subdivision 1. Any person or organization desiring to sponsor a special event that is not exempted by this Ordinance must apply to the City for a special event permit. Application forms shall be made available in the office of the City Administrator. A fee, as established by City Council in the current City Fee Schedule, shall be paid to the City along with the completed application form. In addition to the fee, the applicant shall pay all additional costs incurred by the City as a direct result of the special event. The special event permit application must be filed not less than thirty days in advance of the date in which the event is to occur. Failure to provide a complete application or to pay the fee is sufficient reason to deny the special event permit.

Subd. 2. Application Information. Special event applications must include the following information:

- a) Type and description of the special event and a list of all activities to take place at the special event;
- b) Name of the sponsoring entity, contact person, address, and phone number;
- c) Proposed date(s) of the special event, together with the beginning and ending times for each date;
- d) Whether amplified music or voices will be part of the event.
- e) Proposed location of the special event, including a map of the proposed area to be used which shows any barricades, street route plans or perimeter/security fencing;

- f) Estimated numbers of special event staff, participants and spectators;
- g) Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities;
- h) Any fire prevention and emergency medical service plans;
- i) Any security plans;
- j) The admission fee, donation or other consideration to be charged or requested for admission to the special event, if applicable;
- k) Whether food or alcohol is to be served or sold at the special event;
- l) Signature of the applicant; and
- m) If the event is an event planned within a residential area in which a street is to be closed, the applicant must collect and submit with the application a list of signatures from all properties whose vehicular access to their properties will be affected consenting to the street closure.

Sec. 18-136. Permit Review. Subdivision 1. The City Council shall review the special event permit application and make a determination on whether to issue the permit or deny it.

Subd. 2. Permit Denial. The City Council may deny an application for a special event permit if it determines from a consideration of the application or other pertinent information, that:

- a) The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
- b) The applicant fails to supplement the application after having been notified by the City of additional information or documents needed;
- c) The applicant fails to agree to abide or comply with all of the conditions and terms of the special event permit;
- d) The time, route, hours, location or size of the special event will unnecessarily disrupt the movement of other traffic within the area of the special event;
- e) The special event is of the size or nature that requires the diversion of too many law enforcement officers to properly police the event, site and contiguous areas that allowing the special event would unreasonably deny law enforcement protection to the remainder of the City and its residents;
- f) Another special event permit application has already been approved to hold another special event at the same time and place requested by the applicant or so close in

time and place as to cause undue traffic congestion, or the City is unable to meet the needs to provide for law enforcement and other City services for both special events;

- g) The location of the special event would cause undue hardship or infringe upon the rights of adjacent or abutting properties;
- h) The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way;
- i) The special event would endanger public safety or health;
- j) The special event would seriously inconvenience the general public's use of public property, services or facilities;
- k) The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
- l) The special event would create or constitute a public nuisance;
- m) The special event would be likely to cause significant damage to public property or facilities; or
- n) The special event would engage in or encourage participants to engage in illegal acts.

Subd. 3. Permit Conditions. The City Council may condition the issuance of a special event permit by imposing reasonable conditions concerning the time, place and manner of the special event, and such conditions are necessary to protect the safety of persons and property, and the control of traffic; provided that such conditions shall not unreasonably restrict the right of free speech. Such conditions may include, but are not limited to:

- a) Alteration of the date(s), time(s), route or location of the special event proposed;
- b) Elimination of an activity at the special event which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the City;
- c) Requirements concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- d) Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way;
- e) Requirements for the use of traffic cones or barricades;
- f) Requirements for the provision of first aid or sanitary facilities at the special event;

- g) Requirements for the use of special event monitors and the providing notice of the special permit conditions to the events' participants;
- h) Requirements on the number and type of vehicles, animals or structures to be allowed at the special event and the inspection and approval of floats, structures and decorated vehicles by the City for safety purposes;
- i) Compliance with animal protection ordinances and laws;
- j) Requirements for the use of garbage containers and the cleanup and restoration of any public property;
- k) Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws;
- l) Requirements to provide notice of the special event to surrounding property owners; and
- m) Restrictions on the sale or consumption of food and alcohol.

Sec. 18-137. Permit Issuance. The City Administrator shall issue the special events permit once the application has been approved by the City Council and the applicant has agreed to comply with the terms and conditions of the permit as well as the requirements of this Section.

Sec. 18-138. Indemnification Agreement. If the event, or any portion of the event is to be held on City property or right-of-way, prior to the issuance of a special event permit, the permit applicant and authorizing officer of the sponsoring organization, if any, must sign an agreement to indemnify, defend and hold the City, its officials, employees and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City, its officials, employees and agents.

Sec. 18-139. Insurance Requirements. Subdivision 1. Liability Insurance Required. The applicant or sponsor of a special event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the special event. A certificate of insurance must be filed with the City prior to issuance of the special events permit. The certificate of insurance must name the City, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the special event.

Subd. 2. Minimum Limits. Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed at the special event, the policy must also include an endorsement for liquor liability. The City Council may require additional endorsements depending upon the type of special event and proposed activities.

Subd. 3. Waiver or Reduction of Required Limits. The City may waive or reduce the insurance requirements of this Section under the following circumstances:

- a) The applicant or officer of the sponsoring organization signs a verified statement that it believes that the special event's purpose is First Amendment expression and that the cost of obtaining the insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression;
- b) The applicant or an officer of the sponsoring organization signs a verified statement that the insurance coverage required by this Section is impossible to obtain; or
- c) The City Council determines that the insurance requirements are in excess of the reasonable risk presented by the proposed special event.

Sec. 18-140. Revocation of Permit. Any permit issued pursuant to this Section may be summarily revoked by the City's law enforcement officer at any time when, by reason of disaster, public calamity, riot or other emergency, the law enforcement officer determines that the safety of the public or property requires such revocation. The City Administrator may also summarily revoke any special event permit issued pursuant to this Section if he or she finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in its application.

Sec. 18-141. Violations. Subdivision 1. Unlawful to Sponsor a Special Event without a Permit. It is unlawful for any person to sponsor or conduct a special event requiring a permit pursuant to this Section unless a valid special event permit has been issued for the event.

Subd. 2. Unlawful to Exceed the Scope of the Permit. The special event permit authorizes the special event permittee or sponsor to conduct only such a special event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee or sponsor to willfully violate the terms and conditions of the permit.

Subd. 3. Misdemeanor. Any person convicted of violating this section shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment as specified by state statute. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this section shall also be grounds for revocation of the special event permit.

This ordinance is effective on the day following its publication as provided by law.

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Mayor

Attest:

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City Administrator