

SPECIAL EVENT PERMIT POLICY

Adopted 6-2-2014

The City of Clearwater, Minnesota, does hereby acknowledge that from time to time certain events occur within the City, which may require some oversight to protect the health, safety, and welfare of the community, and therefore is implementing a policy to control and permit those types of events.

This Policy is intended to govern the time, place and manner of holding certain special events on City streets, on City property and on private property 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.

This Policy is not intended 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 Policy should not be interpreted or construed otherwise.

Definitions

For purposes of this Policy, the terms defined have the following meanings given to them:

- **Amplified Event** - any event that includes electronically amplified music and/or voices.
- **Outdoor Entertainment/Event** - 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.

Special Event Permit Required

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.

Exempt from Special Event Permit

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

Permit Application Process

Any person or organization desiring to sponsor a special event that is not exempt from this Policy shall apply to the City for a special event permit. Application forms are available at the City Office. A fee, as established by City Council in the current City Fee Schedule, and shall be paid to the City along with the completed application form.

The special event permit application must be submitted not less than fifteen (30) 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.

In addition to the fee, the applicant shall pay all additional costs incurred by the City as a direct result of the special event.

Permit Review

City Staff shall review the special event permit application and make a determination as to whether to issue the permit or deny the permit, and if additional conditions will be required for the event. Under certain circumstances if Staff feels additional review is required, Staff has the option to forward the permit application to the City Council for their consideration. If a previous Special Permit for the same event and location has been held in the past and the city has received a written complaint or verbal complaint at a public meeting of the council, Staff will forward the permit application to the City Administrator to be added to the next council agenda as new business for the consideration of the City Council and allowing for public comment prior to the event.

Permit Denial

Staff may deny an application for a special event permit if it determines from a consideration of the application or other pertinent information, that:

- The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail
- The applicant fails to provide the additional information after having been notified by the City of additional information or documents needed
- The applicant fails to agree to abide or comply with all of the conditions and terms of the special event permit
- The time, route, hours, location or size of the special event will unnecessarily disrupt the movement of other traffic, or unreasonably deny law enforcement protection to the remainder of the City and its residents
- The location of the special event would cause undue hardship or infringe upon the rights of adjacent or abutting properties
- The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled
- The property/applicant has delinquent property taxes, pending special assessments, interest, loans, utility fees or invoices due the city.
- The property has been issued a code violation which is still outstanding or non-compliant with city code.

Permit Conditions

The City 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, if such conditions shall not unreasonably restrict the right of free speech. Such conditions may include:

- Alteration of the date(s), time(s), route or location of the special event proposed
- 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
- Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way
- Requirements for the use of traffic cones or barricades
- Requirements for the provision of first aid or sanitary facilities at the special event
- Requirements for the use of garbage containers and the cleanup and restoration of any public property
- Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws
- Requirements to provide notice of the special event to surrounding property owners
- Restrictions on the sale or consumption of food and alcohol.

Permit Issuance

The City Administrator shall issue the special events permit once the application has been approved and the applicant has agreed to comply with the terms and conditions of the permit.

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.

Liability Insurance

If alcoholic beverages are to be sold or distributed at the special event, proof of general liability insurance with \$1,000,000 minimum limit, and an endorsement for liquor liability must be provided to the City.