

CHAPTER 99: SPECIAL EVENTS

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§ 99.01 PURPOSE.

The provisions of this Chapter govern 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 City's fire, law enforcement, public works, ambulance, or other services exceeds those regularly provided to that property. This Chapter is adopted 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 adopting this Chapter 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 Chapter should not be interpreted or construed otherwise.

§ 99.02 DEFINITIONS.

For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SPECIAL EVENT. 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 or 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 require the use of special services. A special event does not include events that are held outside of the City limits or on property outside of the City's jurisdiction, such as Lake Pepin.

SPECIAL SERVICES. The exclusive allocation of City resources, including, but not limited to, City personnel, equipment, rights-of-way, property, or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of an person attending the event, or deemed necessary by the City in order to maintain public safety. Special services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; the provision of temporary restroom facilities; special police protection; stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of City streets as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary "no parking" signs; the use of any City building, equipment, or other property for any purpose other than the normal daily operations of the City; or the City otherwise providing exclusive services.

§ 99.03 PERMIT REQUIRED.

(A) *Permit required.* Any person or organization desiring to hold a special event in the City must first obtain a special event permit from the City.

(B) *Exceptions.* A permit is not required for:

- (1) Weddings or funerals, including wedding or funeral processions;
- (2) Any event attended by fewer than 75 persons at one time that does not require any special services and does not involve the sale of alcohol;
- (3) Any event that is otherwise regulated by the City through the use of another regulatory manner, such as an interim use permit or a conditional use permit; and
- (4) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

§ 99.04 PERMIT APPLICATION.

(A) *Application.* Any person or organization desiring to sponsor a special event that is not exempted by this Chapter must apply to the City for a special event permit. The special event permit application must be filed not less 45 days in advance of the date in which the event is to occur.

(B) *Application Information.* Special event applications must include the following information:

- (1) Type and description of the special event and a list of all activities to take place at the special event;
- (2) Name of the sponsoring entity, contact person, address, email address, and phone number;
- (3) The proposed date(s) of the special event, together with the beginning and ending times for each date;
- (4) The 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, if applicable;
- (5) The estimated numbers of special event staff, participants, and spectators;
- (6) Any public health plans, including supplying water to the site, solid waste collection, and provision of toilet facilities, if applicable;
- (7) Any fire prevention and emergency medical service plans, if applicable;
- (8) Any security plans, if applicable;

- (9) A completed Emergency Management Emergency Operations Plan (EOP) on the form designated by the City;
- (10) The admission fee, donation, or other consideration to be charged or requested for admission to the special event, if applicable;
- (11) Whether food or alcohol is to be served or sold at the special event;
- (12) The signature of the applicant; and
- (13) Any other information required by the City.

§ 99.05 PERMIT REVIEW.

(A) *Review by chief of police.* Upon receipt of a special event permit application, the chief of police shall be responsible for promptly processing the application, including conferring with City department heads and the applicant as necessary to implement the provisions of this Chapter and, when required by this Section, forwarding the processed application to the Public Safety Board with a recommendation to approve, approve with conditions or modifications, or deny the special event permit application.

(B) *Special services determination.* The chief of police shall promptly distribute copies of the application for review by the head of each department in cases where special services are requested or will be necessary. Each such department head shall review the application and evaluate if any special services are needed from his or her department and shall report to the chief of police with the special services that will be required and a recommendation that the application and the requested special services be approved, approved with conditions or modifications, or denied. Each department head shall also provide the chief of police with a cost estimate for the special services associated with his or her department.

(C) *Approval.* When a special event will not require any special services or does not require a significant amount of special services, the chief of police may approve the permit application administratively. In cases where a special event requires a significant amount of special services, the application will be presented to the Public Safety Board for review and approval. The Public Safety Board may hold a public hearing on the permit application, if it deems a hearing to be appropriate under the circumstances.

(D) *Permit denial.* The City may deny an application for a special event permit if it determines from a consideration of the application or other pertinent information, that:

- (1) The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
- (2) The applicant fails to supplement the application after having been notified by the City of additional information or documents needed;

- (3) The applicant fails to agree to abide or comply with all of the conditions and terms of the special event permit;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) The location of the special event would cause undue hardship for adjacent businesses or residents;
- (8) 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 the right-of-way;
- (9) The special event would endanger public safety or health;
- (10) The special event would seriously inconvenience the general public's use of public property, services, or facilities;
- (11) The applicant fails to comply with the liability insurance requirements of this Chapter, if applicable, or the applicant's insurance lapses or is canceled;
- (12) The special event would create or constitute a public nuisance;
- (13) The special event would be likely to cause significant damage to public property or facilities; or
- (14) The special event would engage in or encourage participants to engage in illegal acts.

(C) *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, provided that 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:

- (1) Alteration of the date(s), time(s), route, or location of the special event proposed;
- (2) 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;
- (3) Requirements concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- (4) Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way;
- (5) Requirements for the use of special services;
- (6) Requirements for the use of traffic cones or barricades;
- (7) Requirements for the provision of first aid or sanitary facilities at the special event;
- (8) Requirements for the use of special event monitors and the providing notice of the special permit conditions to the events' participants;
- (9) 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;
- (10) Compliance with animal protection laws and regulations;
- (11) Requirements for the use of garbage containers and the cleanup and restoration of any public property;
- (12) Restrictions on the use of amplified sound and compliance with noise regulations and laws;
- (13) Requiring notice of the special event to be provided to surrounding property owners;
- (14) Restrictions on the sale or consumption of food and alcohol.

§ 99.06 PERMIT ISSUANCE; DENIAL; APPEAL

(A) *Permit Issuance.* The chief of police shall issue the special events permit once the application has been approved by the City and the applicant has agreed to comply with the terms and conditions of the permit as well as the requirements of this Chapter.

(B) *Permit Denial.* If the City denies the special event permit application, the chief of police shall provide the applicant with a written notice of the City's actions stating the reason for denial of the permit.

(C) *Appeal.* Any person aggrieved by a denial or revocation of a permit shall have the right to appeal the decision to the City Council at its next scheduled meeting following such denial or revocation. Written notice of the appeal must be given to the city clerk within 14 days of the next scheduled City Council meeting.

§ 99.07 INDEMNIFICATION AGREEMENT.

If the event, or any portion of the event is to be held on City property or within the right-of-way, or requires special services, 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.

§ 99.08 INSURANCE REQUIREMENTS.

(A) *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 event permit. The certificate of insurance must name the City as an additional insured. Insurance coverage must be maintained for the duration of the special event.

(B) *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 may require additional endorsements depending upon the type of special event and proposed activities.

(C) *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 determines that the insurance requirements are in excess of the reasonable risk presented by the proposed special event.

§ 99.09 SPECIAL SERVICES FEES.

(A) *Special services fee deposit.* If any special services are to be used during the special event, the applicant may be required to pay a special services fee deposit at least five days before the special event. The special services fee deposit shall be determined by the chief of police. The amount of the deposit shall be based upon an estimate of special services that are necessary as determined by the City's department heads.

(B) *User fee.* Upon completion of the special event, the City may prepare a detailed account of all special services provided for the special event and, in such cases, will set the final user fee using the rates, fees, and charges established as provided in this Section. The City will then provide the authorized and responsible person identified in the special event permit application with a copy of the detailed account of the special services and an invoice for the user fee, less the fee deposit. The balance of the user fee will then become due and payable immediately upon its receipt.

(C) *Special services rates.* The rates charged for the use of city personnel, equipment, facilities, and rights-of-way shall be set by the City's fee schedule.

§ 99.10 REVOCATION OF PERMIT.

Any permit issued pursuant to this Chapter may be summarily revoked by the chief of police at any time when, by reason of disaster, public calamity, riot or other emergency, the chief of police determines that the safety of the public or property requires such revocation. The chief of police may also summarily revoke any special event permit issued pursuant to this Chapter if the chief of police 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 personally or by certified to the permittee at the address specified by the permittee in the permittee's application.

§ 99.11 VIOLATIONS.

(A) *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 Chapter unless a valid special event permit has been issued for the event.

(B) *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.

(C) *Misdemeanor.* Any person convicted of violating this Chapter 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 Chapter shall also be grounds for revocation of the special event permit.