

**CITY OF SILVERTON**  
**ORDINANCE**  
**18-05**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SILVERTON MUNICIPAL CODE TITLE 12 TO ADD CHAPTER 12.55 TO REGULATE USE OF CITY PROPERTY AND RIGHTS OF WAY**

**WHEREAS**, the City does not have a comprehensive special events ordinance that addresses the use of city property and city rights of way in a uniform manner; and

**WHEREAS**, there is one provision Silverton Municipal Code (Code) for use of City parks which does not set out the application process, another section of the Code addresses the use of City-owned facilities; and no section on use of City streets, sidewalks and other rights of way for special events; and

**WHEREAS**, the City desires to adopt a uniform manner to handle special event requests through a special event permit application process; and

**WHEREAS**, a streamlined process will allow city staff to apply the same procedure for all types of special events; and

**WHEREAS**, the City desires to revise the Code to adopt a special event permit process and to remove those other sections of the Code that are not compatible with the new process.

**NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

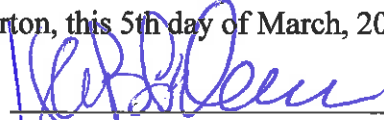
**Section 1:** The Code is amended to add a new Chapter 12.55 in substantially the same form as the attached Exhibit A (Chapter 12.55).

**Section 2:** Chapter 12.16 of the Code is repealed in its entirety.


**Section 3.** Chapter 12.48.050 is amended in substantially the same form as the attached Exhibit B (Chapter 12.48)

**Section 4:** This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 5th day of March, 2018.

  
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Mayor, City of Silverton  
Kyle Palmer

ATTEST

  
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City Manager/Recorder, City of Silverton  
Christy S. Wurster

## **Chapter 12.55 Use of City Property for Special Events**

### **12.55.010 Definitions.**

As used in this chapter, the following definitions apply:

- A. “Applicant” means a person who files a written application for a special events permit.
- B. “City manager” means the Silverton city manager or designee.
- C. “Person” means an individual, firm, partnership, corporation, association, or other entity.
- D. “Plan” is a drawing detailing any closures and must include (at a minimum) streets to be closed, alternative streets to be used by vehicles and pedestrians to allow unrestricted access, fire hydrant locations, impacted residents along with addresses, visitor parking plan and any other information relevant to the street closure request.
- E. “Public Property” for the purposes of this Chapter means any City-owned park or facility including but not limited to public right of way.
- F. “Reimbursable costs” means those costs and expenses incurred by the city associated with the granting of a permit including, without limitation, the following:
  - (1) Utility services provided for the event including all costs of installation, maintenance, connection, and removal;
  - (2) Repair, maintenance, and removal of facilities in the event of a failure of the applicant to comply with the permit requirements;
  - (3) Repair of streets, alleys, sidewalks, parks, facilities, and other public property resulting from the event;
  - (4) Garbage cleanup and disposal resulting from the fault of applicant to clean up the area after the event;
  - (5) Other direct and indirect costs associated with issuance of the special event permit.
- G. “Special Event” means any temporary or ongoing activity that occurs on public property that affects the ordinary use of public property including but not limited to public streets, rights-of-way, sidewalks, city owned facilities, and other public property that is reasonably expected to cause or result in more than fifty (50) people gathering on public property; is reasonably expected to have an uncommon impact on such public property; and/or is reasonably expected to require the provision of public services.
- H. “Special Event Permit” means written approval from the city manager to hold a special event.

#### **12.55.020 Special event permit required.**

- A. A person desiring to hold a special event shall apply for a special event permit by filing a written application with the city manager upon a form available from the city for such purpose. It is unlawful for a person to hold or conduct a special event in the city for any purpose unless such person has obtained and has in full force and effect a permit to do so, issued by the city.
- B. The deadline for submittal of a Special Event Permit is no less than forty-five (45) calendar days prior to the proposed day of the special event. A special event application submitted less than forty-five (45) calendar days may be denied as untimely. The city manager has discretion as to whether an application deemed untimely shall be approved. C. There shall be a permit fee set by city council resolution.

#### **12.55.030 Permit application.**

In addition to the application requirements, the following requirements apply and control:

- A. City code requirements, including but not limited to noise and nuisance laws remain applicable at all times.
- B. An unobstructed access lane with a width of at least twelve (12) feet must be available for emergency vehicle access to any closed portions of streets at all times. Access may be restricted at city manager's discretion.
- C. All affected public property and public rights of way including the roadway must be cleaned and left free of litter and debris immediately after the break-down times as set forth in the special event application.
- D. The applicant will be required to notify affected and adjoining residents in the area which will be impacted by the special event.

#### **12.55.040 Issuance of permit.**

- A. The city manager is not required to take final action on an incomplete or untimely special event permit application.
- B. The city manager is not required to process more than one application for a special event per organizer/applicant during any six month period.
- C. The issuance of a special event permit does not relieve any person involved in the special event from meeting any requirements or obligations imposed by other local, state or federal laws.

#### **12.55.050 Special event insurance, indemnification, and liability.**

- A. The applicant will also be responsible for providing required certificates of insurance and endorsements for general liability insurance naming the city, its elected officials, officers

and employees as additional insureds and providing coverage in an amount necessary to cover any and all damage that may occur and to restore city property to its pre-event condition.

- B. Applicant shall agree to defend and hold harmless the city, its elected officials, officers and employees from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the event.
- C. This chapter shall not be construed as imposing upon the city, its elected officials, officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which a permit has been issued. The city and its elected officials, officers and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of right of way.

#### **12.55.060 Criteria for issuance of permit**

- A. Upon receipt of a completed application, the city manager or designee may forward a copy thereof to the fire marshal, police chief, community development, and public works departments (or any other impacted city department) for their review and comment. Those departments may recommend approval, approval with conditions or denial of the application.
- B. All permits issued under this chapter shall be issued by the city manager or designee. A permit may be denied by the city manager taking into account any of the following:
  - (1) The proposed special event must not intrude into or over any portion of a public right of way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering vehicles or pedestrians;
  - (2) Provision for adequate vehicle and pedestrian access and circulation shall be shown on the plan which shall be reviewed and approved by the city. The plan will show how the access requirements of the Americans with Disabilities Act (ADA) are to be met;
  - (3) In the case of special events such as fun runs, marathons, etc., or in the case of any street use which requires the closure of any public street or walkway, the proposed event must not require closure for a period longer than that established by the city manager;
  - (4) The proposed event must not unreasonably compound impacts of other activities such as events or construction on the date(s) requested;
  - (5) The proposed event location must not have been unreasonably impacted by the number of events in a one-year period;
  - (6) City personnel and resources must be available to assist with the special event as deemed necessary by the city manager;
  - (7) The proposed special event must not violate public health or safety regulations;

(8) The applicant must not have failed to comply with conditions of previously issued special event permits;

(9) The applicant must not have failed to submit all the necessary information as required for the special event permit application; or

(10) Such other conditions as the city manager deems necessary to reasonably ensure that the proposed special event does not in any way create a likelihood of endangering those who may participate or be spectators.

**12.55.070 Permit exemptions.**

A. The following activities that otherwise comply with city, state and federal laws are exempt from having to obtain a special event permit:

(1) Special events that are sponsored or conducted by the City of Silverton;

(2) Funeral procession by a licensed mortuary;

(3) Garage, estate, or yard sales, lemonade stands, and fundraising car washes; and

(4) Closure of streets as a result of construction or utility work which must be applied for through a separate city process under SMC 12.32.

**12.25.080 Permit denial.**

The city manager may deny an application if:

A. A permit has been granted for another event at or near the same place and at or near the same time;

B. The special event will occupy road(s) not under the sole jurisdiction of the city or will violate local, state, or federal law;

C. A street closure may disrupt the orderly flow of vehicular and other traffic and no reasonable alternative means of addressing the disruption is, in the opinion of the city manager, available;

D. Applicant fails to provide assurances satisfactory to the city manager that they will be able to provide for protection of participants, maintenance of public order, crowd security, and/or emergency vehicle access;

E. Applicant makes a false statement of material facts on an application;

F. Applicant fails to provide proof that they have obtained all applicable license(s) or permit(s) required for conduct of the event or activities associated therewith;

G. Applicant has had a special event permit revoked within the preceding 18 months or has failed to pay outstanding reimbursable costs to the city for prior event(s).

H. Applicant is unable to obtain indemnification and insurance consistent with SMC 12.55.050.

**12.55.090 Permit revocation.**

The city manager may revoke a permit if:

A. The applicant fails to comply with the terms of any condition(s) imposed on the permit including any applicable no parking/barricade requirements, the street closure is in violation of any provision of the Silverton Municipal Code, creates a hazardous condition, or any other applicable law;

B. The permit holder made a false statement of material fact on an application;

C. An unforeseen circumstance occurs prior to or during the special event that diminishes the safety and security of the proposed event. This could include, but is not limited to, inclement weather such as a snowstorm, flood, or windstorm, natural hazard, or a fire, public safety, public works or other event.

**12.55.100 Appeal to city council.**

A decision of the city manager made concerning the application, denial, or revocation of a special event permit may be appealed to the city council. An applicant may appeal by filing with the city clerk a written statement of appeal within five working days of the date of the decision or action being appealed. The city clerk shall schedule a hearing before the city council no later than the second regular session following the filing and shall notify the applicant of the date and time for the hearing. The council may take such action(s) as it deems appropriate concerning the appeal, consistent with the limitations imposed by this chapter for issuance of special event permits.

## EXHIBIT B

### Chapter 12.48

(additions in *italics*, deletions in ~~strikethrough~~)

#### **12.48.050 Permit for use of designated area.**

The city manager is authorized to issue permits for public use of a designated area in a park *pursuant to the permit process set forth under Chapter 12.55 of this code* ~~for such activities as picnicking, softball, and other special events or activities as she or he may deem appropriate. Permits shall have a priority use over all other uses. The city manager reserves the right to refuse or revoke a permit and may retain all fees and deposits for, but not limited to, the failure to comply with park and city rules and regulations, any special conditions specified on the permit, or any order or directive issued by the city manager's office, the police, or the parks and recreation department.~~