

TITLE 7  
CHAPTER 5

**SPECIAL EVENTS**

SECTION:

- 7-5-1: Purpose
- 7-5-2: Special Event on City Property
- 7-5-3: Special Event Impacting Right of Way
- 7-5-4: Street and Right of Way Closures
- 7-5-4-1: Criteria for Approval
- 7-5-4-2: Application, Staff Review, Appeal, and Council Action
- 7-5-5: Revocation of Permit
- 7-5-6: Fees

**7-5-1: PURPOSE:** This Chapter regulates the use of city property for Special Events and regulates Special Events that impact city property and the rights of way within the city. A Special Event is any event that occurs upon private or public property that will affect the ordinary use of city property, public streets, rights-of-way or sidewalks, or may require increase presence of City personnel. A Special Event includes, but is not limited to, fairs, festivals, concerts, parades and block parties. Demonstrations and other lawful assemblies, including but not limited to private social gatherings that will make no use of city streets other than for lawful parking, are not included, unless the effect on city property or rights-of-way is extraordinary. School events on school property are not included. If a Special Event involves the sale of goods or services, a business license will be required under Title 3, Chapter 1. Regulations governing parades and processions are found in Title 7, Chapter 4. Regulations of certain commercial activity on city streets are found in Code Section 8-2-4. (Ord. 18, 12-15-10)

**7-5-2: SPECIAL EVENT ON CITY PROPERTY:** Special Events on city property require a special event permit. Requests to conduct a Special Event on city property shall be made by application to the City Manager. The City Manager shall adopt policies for the application process, application review criteria, and conditions of approval. Applicants may appeal an application decision made by the City Manager to the City Council using the procedures set out in the Code Section 3-1-9. References to the City Manager shall mean the City Manager or the City Manager's designee. (Ord. 18, 12-15-10)

**7-5-3: SPECIAL EVENT IMPACTING RIGHT OF WAY:** Any person or group who wishes to hold a Special Event on private property adjacent to a roadway designated in this Section as being in an "area of high motor vehicle traffic" or "high pedestrian traffic" must first obtain a special event permit from the City Manager. If the Special Event is or includes a parade, a parade permit must also be obtained from the appropriate governing agency. Special Events held adjacent to an area of high motor vehicle traffic or high pedestrian traffic may be subject to conditions of approval, as set out in policies adopted by the City Manager, that take into account the safety of vehicle and pedestrian traffic as well as the safety of those attending the Special Event. The following roadways are hereby designated as high motor vehicle traffic and high pedestrian traffic areas:

1. All locations on Bay Street
  2. 1<sup>st</sup> Street from Laurel Street to Harbor Street
  3. Laurel Street from 1<sup>st</sup> Street to Bay Street
  4. Maple Street from 1<sup>st</sup> Street to Bay Street
  5. Nopal Street from 1<sup>st</sup> Street to Bay Street
  6. All locations on Highway 101
  7. All locations on Highway 126
- (Ord. 18, 12-15-10)

**7-5-4: STREET AND RIGHT OF WAY CLOSURES:** Any person or entity seeking the closure of a street or public right of way as part of any Special Event shall in addition to a Special Event permit, also obtain a street closure permit from the City of Florence. This Section does not apply to persons or entities with the necessary and proper permits for construction or repair work on either public or private property which require temporary closure or partial closure of any right of way or street. This Chapter also does not apply to street or right of way closures authorized by: the City Manager under FCC 7-1-3-3-E; the Police Department, the Public Works Department, or other city department for city projects or business; and FCC 7-4 for parades.

Street closure permits may only be approved by the City Council after allowing the public an opportunity to

comment on the proposed street or right of way closure at a public meeting. The application, review criteria, and review procedures for a street closure permit shall be governed by this Section.

**7-5-4-1: CRITERIA FOR APPROVAL:** The Council may not grant a temporary permit pursuant to this Chapter unless the application for the permit demonstrates compliance with the following criteria:

- (1) The street closure and/or Special Event will not disrupt traffic within the city beyond practical solution.
- (2) The street closure and/or Special Event will not create unreasonable or significant safety issues for the participants, the public, attendees, pedestrians, motorists, or others.
- (3) The Special Event will not result in a violation of the city's noise ordinance, FCC 6-1-2-3. If the applicant is planning to use any sound producing devices which may violate the noise ordinance, a separate application for a variance under FCC 6-1-2-3 must accompany the application for a street closure. A final decision on the street closure application will not be made until after a final decision is made on the application for a variance to the noise ordinance.
- (4) The Special Event and/or the street closure will not unreasonably interfere with access to fire stations and fire hydrants.
- (5) The Special Event and/or the street closure will not unreasonably interfere with access to the affected area by police, fire, ambulance, or other emergency services providers.
- (6) If alcohol will be served or sold at the Special Event, applicant will obtain or has obtained any and all necessary OLCC permits. Applicant shall include a plan in the application which demonstrates the ability to comply with all state and local laws, rules and regulations. This paragraph is not intended to repeal or modify FCC 6-1-2-5 which prohibits the consumption of alcohol in a public right-of-way.
- (7) The Special Event and/or street closure will not cause undue hardship to adjacent businesses, public services including public transit, public buildings, and/or residences which cannot be reasonably mitigated by the applicant. If the Special Event will create undue hardships for adjacent businesses, public services, or residences, the applicant shall provide and fund a plan to mitigate or avoid these hardships.
- (8) The application is complete as required by this Chapter and contains no false information.
- (9) The applicant has fully paid or guaranteed payment for the cost of any mitigation plan and the cost of any activity the City has agreed to perform in support of the Special Event, if any.
- (10) The applicant has provided proof of insurance in a form and amount as approved by the city manager sufficient to protect the City and the public from the risk of any liability created by the street closure and/or the Special Event.

**7-5-4-2: APPLICATION, STAFF REVIEW, APPEAL, AND COUNCIL ACTION:**

A. APPLICATIONS:

A completed application for a Special Event permit requiring the temporary closure of any street or right of way shall be submitted to the City Manager, or designee, at least 45 days prior to the event if no other governmental entity approval or permit is required. Whenever another governmental entity approval or permit is required, the application shall be submitted to the City Manager, or designee, at least 90 days prior to the event. Applications may only be submitted for a Special Event up to one year in advance. Any such application shall include the following:

- (1) The full name and contact information for all event organizers and a detailed description of the event, including dates, hours, admission fees, and purpose, and a statement as to how the event will benefit the citizens of Florence.
- (2) A map and description of all streets and rights of way affected by the closure with sufficient detail to allow the City to complete the review and assess the impact of the closure.

- (3) A list of all businesses within 100' of the portion of the streets to be closed.
- (4) A detailed plan for ingress and egress from the closed area including delivery trucks, participants, attendees, the general public, residents, and emergency vehicles. This plan must include the number of access points, who will be allowed ingress and egress at those points, and how these points will be staffed and controlled.
- (5) An estimate as to how many participants and attendees are expected at the event including an explanation of how the estimate was derived.
- (6) A sanitation plan providing details as to how the organizers plan to accommodate the expected attendees and participants with an appropriate number of public restrooms or sanitation facilities.
- (7) A security plan which must include the number and deployment of security personnel, a temporary fencing plan, a crowd control plan, a traffic control plan, and a plan for how first aid will be provided during the event. For Special Events predicted to have a total attendance of greater than 500 people, the applicant shall supply information concerning the qualifications of the personnel that will provide crowd control and traffic control.
- (8) A statement as to whether alcohol will be consumed or sold during the Special Event, a copy of all required OLCC permits, or a statement that all required permits will be obtained and copies provided prior to the Special Event, and a plan which demonstrates compliance with all state and local laws, rules, and regulations. If alcohol will be sold at the Special Event, the applicant will obtain a commercial liquor liability insurance policy and submit a certificate of insurance to the City. For Special Events predicted to have total attendance of less than 500 people, the policy shall be for coverage of at least \$500,000 combined single limit per occurrence. For Special Events predicted to have total attendance of greater than 500 people, the policy shall be for coverage of at least \$1,000,000 combined single limit per occurrence.
- (9) A disclosure as to when and whether any sound producing devices including musical instruments will be used during the Special Event and when and where any sound will be amplified for any purpose during the event.
- (10) Proof of liability insurance for the Special Event in the form and amount approved by the city manager naming the City as an additional insured.
- (11) An approved City business license if required by FCC 3-1-4.
- (12) Approvals to place any signage within the rights of way as required by FCC 10-26-6.
- (13) A list of on-site contact persons that will be at the Special Event during all hours of the Special Event. The list shall contain the contact information for each contact person such that the city will be able to reach the contact person during the Special Event.
- (14) A consent to attend a pre-Special Event conference with city staff to prepare for the Special Event should such a conference be requested by the City Manager, or designee.
- (15) The fees required by FCC 7-5-6.
- (16) A written agreement to indemnify the city against any and all claims related to the applicant's actions or inactions related to the Special Event. Such indemnity shall be in a form approved by the City Manager.

The applicant shall sign the application, and if the signatory is signing on behalf of an entity, the signatory shall attest that the signatory has the authority to sign the application.

**B. STAFF REVIEW PROCESS & APPEAL:**

When an application is deemed complete by the City Manager, or designee, City staff will commence an administrative review of the application. The City Manager may determine which city staff will review each

application, but that staff review shall always include review by the Chief of Police, the Public Works Director, and the City Manager, or their respective designees. An application may not be deemed complete until all of the items listed in FCC 7-5-1-2(A) have been provided to the city. City staff will review the application to determine if it poses any unreasonable or significant threat to the public health or safety that cannot be mitigated by the applicant. City staff will also review the application to determine whether the event is an “outdoor mass gathering” or whether it requires a permit or permits from other public agencies. An outdoor mass gathering is defined and regulated by ORS 433.735. Applications for such events will be forwarded to Lane County for review and comment. An outdoor mass gathering is one where the event lasts between 24 and 120 hours with an excess of 3,000 people. Events of this nature will require the application to be submitted at least 90 days prior to the event. If it is determined that permits are required from other public agencies, the city will refer the applicant to those agencies before completing the staff review process. For example, alcohol sales are regulated by the Oregon Liquor Control Commission and a state permit may be required. Food handling may require a Lane County food handling permit. If state roads will be impacted or affected, an Oregon Department of Transportation (ODOT) permit is required. Failure to obtain any such permit may delay processing a temporary road closure permit by the city.

Any application may be summarily denied by the City Manager if it poses a health or safety hazard that cannot be mitigated by the applicant; if it would violate any federal, state, county, or city law; or if the applicant fails or refuses to provide any information required by this Chapter. Any summary denial by staff may be appealed to the City Council pursuant to FCC 3-1-9. All applications which have been through the staff review process and have not been summarily denied by the City Manager shall be forwarded to the City Council for a final decision on the application.

Notices of staff action on an application will be provided to the applicant via first class mail to the address provided by the applicant on the application.

C. COUNCIL ACTION:

After allowing public comment at a public meeting on any application to temporarily close a street or right of way, the City Council may approve the application, approve the application with conditions, deny the application, or require the applicant to provide additional information before making a decision. The City Council decision shall be based on the following questions:

- (1) Has the applicant demonstrated compliance with all of the criteria for approval set out in FCC 7-5-1-1?
- (2) Is the information provided by the applicant credible and are the plans submitted by the applicant adequate to protect the city, the public and the affected property owners?
- (3) Is the potential harm and inconvenience to public and affected property owners created by this road closure reasonably mitigated or avoided by the applicant’s plan for the event?

If the answer to all three of these questions is “yes,” the City Council shall direct the City Manager to issue the permit for the street closure regardless of the subject matter of the event or the identity of the applicant. If the answer to any of these three questions is “no,” the City Council shall deny the permit and that decision is final. The Council’s decision shall be in writing and include written findings upon which the decision is based.

D. Prior to the council meeting where the council is taking public comments on any applications filed under this chapter, the City shall provide notice of the proposed street closure and the Council’s deliberation on the proposed street closure to the following:

- (1) All property owners within 100’ of the proposed street closure;
- (2) All businesses within 100’ of the proposed street closure; and
- (3) The Siuslaw Valley Fire and Rescue District and the Western Lane Ambulance District

**7-5-5: REVOCATION OF PERMIT:** Any permit issued under this Chapter may be revoked by the City Manager, or designee, if the applicant: fails to adhere to all of the requirements for such permits set forth in this Chapter; does not fully comply with any condition imposed by the City Council when the permit was issued; and/or fails to fully implement any of the plans in the application which are intended to protect the health, safety, or welfare of the city, the public, or the affected property owners. Any such revocation may be appealed to the City Council pursuant to FCC 3-1-9.

**7-5-6: FEES:**

- A. Fees for permits issued pursuant to this Chapter shall be established by resolution of the City Council.
- B. The City Manager may waive or reduce any permit fee under this Chapter when, in the judgment of the City Manager, it would be in the public interest to do so.
- C. Fees shall be due at the time an application is submitted. An application is not complete and will not be reviewed until fees have been paid.

---

Established by Ordinance 13, 2009 – effective 9-16-09

Sections: 7-5-1, 7-5-2, 7-5-3, 7-5-4, 7-5-5, and 7-5-6 amended in Ord. 18, Series 2010, effective 12-15-10.