

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDEPENDENCE, IOWA, BY ENACTING A NEW CHAPTER TITLED "CLOSING PUBLIC THOROUGHFARES."

SECTION I. CHAPTER ADDED. The Code of Ordinances of the City of Independence, Iowa, is amended by adding Chapter 143, Closing Public Thoroughfares, which shall read as follows:

143.01 PURPOSE AND FINDINGS. The City Council of the City of Independence finds that the public rights-of-way are a valuable public resource held in trust for the benefit of its citizens.

The purpose of this chapter is to regulate and provide for the temporary closing and use of streets, thoroughfares, and public ways for not-for-profit groups within the City.

143.02 STREET CLOSURES.

1. Any not-for-profit organization desiring to use a street exclusively shall first make application to the City by completing a Street Closure Permit application and submitting the application to the City Clerk's office at least thirty (30) days prior to the event.
2. The application must include a map of the specific area to be used and blocked off from, unless otherwise agreed to by the City, cross intersection to cross intersection. Upon submission, the application shall be brought before the City Council for final determination regarding the granting or denial of the permit. The Council may also place additional conditions upon the granting of a permit to address security, sanitation, or other concerns. With the exception of the Independence Area Chamber of Commerce, no individual or organization shall be allowed to make more than two applications for a street closure in any 12-month period.
3. A nonrefundable fee in the amount shown on the Fines and Fees Schedule in Section 1.15 of this Code of Ordinances shall be paid to the City Clerk with each street closure permit application.
4. Street closures are limited to six (6) hours in residential districts, and eight (8) hours in commercial districts; between nine o'clock (9:00) a.m. and eleven o'clock (11:00) p.m. Sunday through Thursday, or between nine o'clock (9:00) a.m. and twelve-thirty o'clock (12:30) a.m. Friday and Saturday. Special Event Permits may include additional time for closure than outlined here, subject to the Council's approval of those permits. The applicant must comply with all Federal, State, County, and City laws, ordinances, and regulations, including all regulations adopted and established by the City.
5. The applicant for a street closure permit shall submit an insurance plan with the application, and a certificate of insurance shall be submitted to the City Clerk. The certificate of

insurance will show one million dollars (\$1,000,000.00) in liability coverage with the City named as an additional insured.

6. While the granting of a street closure permit does not grant the right to the applicant to serve beer or other alcoholic beverages upon public streets or property, if permission is granted to the applicant, the applicant shall also submit a separate liquor liability insurance, with a maximum of \$1,000,000 per occurrence, at any time alcoholic beverages are sold or dispensed at an event.

143.03 NEIGHBORHOOD BLOCK PARTY.

1. For the purpose of this section “neighborhood block party” means an event open to a specific, defined neighborhood or area where no admission fee is charged for attendance; where alcoholic beverages are not sold; where a street is not closed more than six (6) hours; where the use of porta potties is not necessary; and where no street closure permit is needed.
2. Any organization, private or public, or individual desiring to exclusively use a street or part thereof for a neighborhood block party shall complete a block party application and submit the same to the City Clerk’s office at least thirty (30) days prior to the event. The application must include a map of the specific area to be used and blocked off and shall, unless otherwise directed by the City, be from cross intersection to cross intersection so that no traffic can turn onto the closed street.

143.04 CONSENT OF NEIGHBORS. The application for street closures and block parties shall be accompanied by a petition designating the proposed areas of the street to be used and the time of the proposed use. The petition shall be signed by owners representing not less than seventy-five percent (75%) of the affected properties (commercial and residential) abutting the area of the street to be closed. The applicants shall provide at least a 72-hour notice of the event to all residents and commercial tenants, owners, and lessees and provide a copy to the City Clerk’s office.

143.05 BARRICADES REQUIRED. Standard, orange and white, safety barricades are required to be erected for both street closures and neighborhood block parties. The barricades must be sufficient so as to completely close the street. A minimum of two per traffic lane, evenly spaced so that vehicles are not able to detour around the closed street segment, shall be used. Saw horses, ropes, and flags and other homemade barricades are not permitted as alternatives. It is strongly encouraged that someone in the group be responsible for always maintaining the proper position of the barricades, as their mobility is a risk. For additional safety, it is also recommended that the block party be held no less than one hundred (100) feet inside the barricaded area. Following the event, the barricades will be removed from the roadway or street by the applicant and the area shall be cleared of all debris. The City may provide barricades if available, however the applicant should not count on the supply of barricades by the City. Arrangements must be made with the Streets Department for pickup and return of the barricades. City staff will determine if special services are required such as police coverage, sanitation requirements (dumpsters, porta-potties), and other equipment.

143.06 ASSUMPTION OF RISK. The applicant, for both street closures and neighborhood block parties, shall exclusively assume the risk of all uses authorized by said permit including the establishment of barricades, restoration of streets or property used, policing of said property, injuries, medical insurance and all matters that may arise directly or indirectly with reference to the aforesaid uses and shall hold the City harmless from any claims, causes of action commenced or alleged by reason of any of the activities of the applicant or permit holder as the case may be.

143.07 VIOLATIONS. In the event of the violation of the terms or a condition of the permit herein authorized, the City Manager, may terminate said event without notice and cancel future events with reference to said activities, and this chapter shall not in any way be construed to authorize interference with the enforcement of State statutes, or ordinances, rules and regulations of the City of Independence, Iowa, through its authorized personnel. The City shall not be held accountable or liable for any of its acts with reference to the enforcement or attempted enforcement of this chapter.

SECTION II. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this _____ day of _____ 20__.

Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 20__ - __ on the _____ day of _____ 20__.

Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA