

Chapter 12.22

SPECIAL EVENT PERMITS

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12.22.010 Purpose.

It is the purpose of this code to provide for the issuance of special event permits to regulate events on the public rights-of-way, public property, and on private property if the event will substantially impact City resources and the delivery of governmental services, in the interest of promoting public health, safety and welfare; and to provide for fees, charges, and procedures to administer the permit process.

12.22.015 Policy.

Pursuant to the Comprehensive Plan, the city's open spaces are a defining element of the city's community character. While substantial community benefits can result from special events occurring in the city's open spaces, the policy of the city, as implemented through this code and any procedures adopted hereunder, is to recognize that public spaces are to be held in trust for public use. Thus, when reviewing applications for special event permits, the city will be sensitive to both the impact the special event may have on city resources and public spaces while balancing the benefits that special events may provide the community.

12.22.020 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Applicant" means the authorized agent of the event sponsor who completes the application and acts as primary contact for the special event.

B. "City" shall refer to the city of Medina.

C. "City operated event" means a public event which is directly related to a recognized governmental or proprietary city function and which is in major part initiated, financed and executed by the city of Medina.

D. "Commercial filming" means the process of video or film production of any location and/or activity, which is intended for use as public entertainment, documentary or educational purposes.

~~E. “Co-sponsored event” means an event in which the city of Medina is merely listed as a co-sponsor, but does not carry a major share of the burden of initiating, financing and executing the event.~~

~~F. “For-profit event” means an event, which is operated by for-profit sponsors, which are beneficial to the city and the public.~~

D. “Nonprofit event” means an event which is directly related to a nonprofit organization and which is in major part initiated, financed and executed by the nonprofit organization.

~~H. “Parade” means a march or procession of any kind.~~

E. “Permittee” means a person who has been issued a special event permit.

F. “Public property” means any property owned by the City.

G. “Public meeting or assembly” means a planned or organized gathering of a group of persons, or any ceremony, demonstration, show, exhibition, dance or pageant, which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds.

H. “Public right-of-way” means any means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways and horse trails, whether improved or unimproved, including the air rights, sub-surface rights and easements related thereto.

I. “Special event” means any temporary or ongoing activity that occurs on public property or private property that would:

1. Substantially impact publicly owned spaces or parks;
2. Substantially impact traffic congestion or traffic flow to and from the event over public rights-of-way; or
3. Substantially impact the need for emergency services, such as police, fire or medical aid.

Any event on private property which involves an open invitation to the public to attend, or an event where the attendance is by private invitation of fifty (50) or more people, is presumed to be an event that will have a substantial impact on the public rights-of-way or emergency services, and is therefore a “special event.” Special events might also include, but are not limited to, fun runs/walks, athletic competitions, auctions, bike-a-thons, fundraisers, parades, festivals, shows or exhibitions, block parties and fairs, trade shows, arts and crafts shows, home shows, recreational vehicle shows, boat shows, and antique shows.

~~1. A temporary or ongoing activity organized by any individual or organization that affects the ordinary use of parks, public streets, rights of way, sidewalks, traffic, etc. and will generate or invite considerable public participation and/or spectators;~~

~~2. An event that is reasonably expected to cause or result in more than 50 people gathering in a park or other public place;~~

~~3. An event that is reasonably expected to have a substantial impact on a park or other public place; or~~

~~4. An event held on private property that is reasonably expected to have a substantial impact by requiring city-provided emergency or protective services such as police, fire, public works or other city services.~~

J. “Special expressive event” means a special event organized primarily to convey ideas, opinions, or thoughts through words or conduct. Examples of special expressive events include political demonstrations and/or rallies, picketing, and similar types of speech or conduct typically given a higher level of constitutional protection than commercial speech.

K. “Substantial impact” means ~~an increase in the amount, scope or level of need for city provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event,~~ **negatively affecting the ordinary and normal use of public property or public rights-of-way by the general public.**

L. “Use” means to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public place, any building, structure, sign, equipment or scaffolding, or to otherwise occupy in such a manner as to obstruct the ordinary and normal public use of any public street, right-of-way, park or other public place within the city, including a use related to special events.

M. “Transportation management/parking plan” means a plan developed by the applicant to identify and mitigate traffic/parking impacts, conditions, and proposed solutions associated with a special event (includes transportation demand management measures).

12.22.030 Reservable Park Structures.

The following locations are reservable on a first-come-first-serve basis, subject to the maximum occupancy levels:

A. Medina Beach Park picnic table located in the southeast corner of the park. Maximum occupancy of this space is 25 people.

B. Medina Park picnic tables. Maximum occupancy of this space is 50 people.

C. Medina Park pergola. Maximum occupancy of this space is 50 people.

12.22.040 Special event permit required - Criteria.

A. It shall be unlawful for any person to conduct or sponsor any special event as defined in this chapter unless and until a permit to conduct such special event has been obtained in compliance with the provisions of this chapter, except as herein provided.

B. A Level One Permit is required to use any type of public property when one or more of the following conditions exists:

1. The special event involves less than fifty (50) people; or
2. The special event involves amplified sound; or
3. The special event involves bringing equipment onto the public property.

C. A Level Two Permit is required when the event involves more than fifty (50) people using any public property, or when the event is on private property and one or more of the following conditions occurs:

1. The special event is reasonably likely to require city personnel for road closures, traffic control, crowd control, or other safety and logistical support; or
2. The special event is reasonably likely to impede public rights-of-way; or
3. The special event is reasonably likely to require special circumstances including but not limited to the coordination across multiple jurisdictions or multiple governmental agencies and/or protection of the safety of persons and property around the event; as determined by the city manager or designee.

12.22.050 Exemptions from permits.

A. Although not required to be issued a special event permit, an event organizer of an activity exempted from this chapter is required to comply with all local, state and federal laws and regulations governing public safety or health.

B. Nothing in this chapter shall be construed to abrogate or limit the authority and jurisdiction of the city to enforce any other provisions of the Medina Municipal Code.

C. The following special events shall be exempt from the requirement to obtain a permit:

1. Funeral processions;
2. A governmental agency acting within the scope of its functions;
3. Dances and other special events conducted by schools or churches;
4. Students going to and from school classes or participating in educational activities; provided, that such special event is authorized by the school district and is under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such special event; ~~and~~
5. Garage sales and rummage sales when conducted entirely upon private property; ~~and~~
6. Medina Days Festival.

12.22.060 Application – Form – Required information.

Any person desiring to apply for a special event permit shall do so by filing a written application ~~therefor~~ with the city clerk. The application shall be made on forms provided by the city and shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant;
- B. The name, address and telephone number of the person who will be directly in charge of and responsible for the special event ~~if such person is not the applicant;~~
- C. A full and complete description of the special event sought to be held and the duration of such special event;
- D. The proposed location of the special event;
- E. ~~and~~ The dimensions and plans for any ~~equipment structure~~ to be erected or constructed in connection with the special event;
- F. Whether the special event will require the use of any ~~city street or~~ public rights-of-way and if so, a map of the ~~proposed~~ the location and dimensions of the ~~special event proposed use,~~ together with a statement as to the dimensions of remaining unobstructed ~~street or~~ public rights-of-way;
- G. The approximate number of spectators and persons who will or are expected to participate in the special event and the number and kind of vehicles, equipment and animals which will be used;
- H. ~~If the permit sought is for the use of a city street not connected with a special event, a full and complete description of the use sought to be made of the street by the applicant and the duration of such use;~~
- H. Plans for the ~~setup/take down times and times of proposed~~ assembly and dispersal of ~~participants of~~ the special event, ~~including times and locations thereof including setup/takedown times; and~~
- I. ~~Transportation management/parking plan; and~~
- J. Any additional information, which the city manager or ~~city manager's~~ designee shall find reasonably necessary to ~~ensure compliance with the provisions of this chapter a determination of the findings required by MMC 9.40.060.~~

12.22.070 Special event permit fees and deposits.

A. All applications shall be accompanied by a nonrefundable application fee ~~and a refundable deposit~~ as set forth in the city fee schedule ~~as adopted and amended from time-to-time by Council.~~ ~~The application fee for residents shall be X% of the regular application fee. The application fee shall not be charged for an application to conduct a special expressive activity.~~

B. The refundable deposit may be used to recover all actual costs expended by the city in connection with the special event itself, necessary clean-up after the special event, and any restoration required. If the city does not expend any actual costs associated with the special event or clean-up, the deposit may be returned. Examples of city costs associated with the special event may include but are not limited to police officers for controlling traffic and crowds, for providing security, or for protecting people and property, and public works crews for cleaning-up a public space, or providing and placing barricades.

C. Special event permit fees shall not be imposed when all of the following conditions are met:

1. The activities are conducted by a nonprofit organization;
2. The activities are open to the public without discrimination;
3. The activities will benefit the public health safety or welfare; and
4. There is no charge for admission, participation, or a vendor fee (except for pledges for events such as a walkathon).

12.22.080 Approval Criteria Findings required.

A. All permits issued under this policy shall be issued by the city manager or city manager's designee. ~~A permit may be issued to the applicant only if all of the following criteria and conditions for issuance are met:~~ The city manager or designee may issue a special event permit only if all of the following criteria are met:

- ~~1. The proposed special event will not unreasonably endanger the participants, spectators, or the public;~~
- ~~2. The proposed special event will not unreasonably interfere with vehicular or pedestrian traffic flow at the proposed location;~~
- ~~3. The concentration of persons, spectators, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the special event will take place or areas contiguous to such area;~~
- ~~4. The conduct of such special event will not unduly interfere with the movements of emergency response equipment en route to a call for service;~~
- ~~5. Such special event is not to be held for the sole purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor;~~
- ~~6. Adequate plans for parking exist to meet the need generated by the proposed special event;~~
- ~~7. Proper arrangements have been made for setup/takedown and cleanup following the special event;~~
- ~~8. The proposed special event or proposed use of the street will not intrude onto 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. In addition, in the event the requested permit involves encroachment or partial obstruction of a sidewalk or other walkway open to the public, a minimum of three feet of unobstructed sidewalk or other walkway shall be maintained at all times;~~
- ~~9. If the special event or use of the street involves an obstruction of a portion of a public sidewalk or other walkway, the city manager shall establish the specific period of the permit;~~
- ~~10. 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 or use will not require closure for a period longer than that established by the city manager;~~
- ~~11. Whenever the requested permit is for an action which will require the use of any city street, or other city property, whether or not such use is connected with a special event, the applicant must agree to indemnify, defend~~

~~and hold the city harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted special event or use;~~

~~12. Whenever the requested permit is for an action which will require the use of any street or other city property, whether or not such use is connected with a special event, the applicant must secure and maintain in full force and effect throughout the duration of the permit comprehensive general liability insurance for bodily injury and property damage in such amounts as the city manager deems necessary, and shall have the city of Medina named as an additional named insured on the policy of insurance, which shall include a provision prohibiting cancellation of said policy except upon 30 days' prior written notice to the city;~~

~~13. Whenever any special event or other use requires provision of additional city services, including, but not limited to, the employment of police officers to direct or block pedestrian or vehicular traffic, or the provisions of standby-aid car or fire protection services, the applicant shall agree to reimburse the city for the same; and~~

~~14. Such other and further 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.~~

1. No other special event permit has been applied for that same day, time, and location;
2. The special event will not create substantial impact or damage to the public space;
3. An adequate transportation management plan has been provided, when required;
4. Sufficient monitors for crowd control and/or safety have been provided, when required;
5. Sufficient safety, health, or sanitation equipment services, or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for safety have been provided, when required;
6. The special event will not unreasonably endanger the participants, spectators, or the public;
7. The special event will not unreasonably interfere with vehicular or pedestrian traffic flow at the proposed location(s);
8. Proper arrangements have been made for setup/takedown and clean up following the special event; and
9. The conduct of such special event will not unduly interfere with the movements of emergency response equipment or vehicles en-route to a call for service.

B. The city manager or designee may deny a special event permit if, based on the consideration of the permit application and from such other information obtained in reviewing the permit, in his or her opinion:

1. The special event will create substantial impact or damage to the public space;
2. The special event seeks exclusive use of the public space;
3. The special event is held for the sole purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor;
4. The special event will interfere with a special event for which a permit has previously been issued or requested;
5. The applicant failed to submit a timely and complete application form after having been notified that additional information and/or documents are required;
6. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail;

7. The applicant refuses or fails to agree to abide by, or comply with, all of the conditions and terms of the permit;

8. The location of the proposed special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted right-of-way permit;

9. The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;

10. The purpose of the proposed event is to incite crime or the overthrow of the government by force;

11. The applicant refuses or fails to remit all customary and reasonable fees, charges, deposits, insurance or bonds, if any, required by the city for the use of the public space that is the subject of the permit application.

~~CB.~~ If any of the above criteria are not met by the permit application proposal, the city manager shall deny the permit or may issue the permit with such conditions as the city manager deems necessary for the application to meet all of the criteria set forth above.

~~C.~~ All conditions of the permit shall be subscribed on or attached to the permit.

~~DD.~~ Notwithstanding any provisions in this chapter, the city may only impose constitutionally permissible time, place and manner restrictions on special expressive events as are necessary to protect the public health, safety and welfare.

12.22.090 Conditions to permit.

The city manager or city manager's designee may prescribe conditions to the issuance of a permit, including, but in no way limited to the following:

A. Execution of an agreement to indemnify and hold the city harmless from and on any claim that may be made or brought against the city for loss, injury or damage to any persons or property arising out of or in connection with the special event.

B. Entry forms for special event participants that require each individual participant to release the city from liability that might be occasioned on account of any injury to the participant or damage to the participant's property, except those which occur due to the city's sole negligence. If the special event will involve minors, said entry form shall provide for a release of such liability on behalf of the minor, by the minor and the minor's parents or guardian.

C. Requirement(s) for the prompt and orderly removal of any signs, booths, barricades and any other articles or items erected or used in connection with the special event and any trash or debris occasioned by the special event.

~~D. Refundable deposit. Reimbursement, upon presentation of the city's statement, for all reasonable costs incurred by the city for expenditure of funds, manpower or equipment to ensure the safe and orderly conduct of special event or disassembly or removal of any articles erected or used in connection with the special event or collection of trash or debris occasioned by the special event. The city manager may waive such reimbursement if such waiver does not constitute a gift of public funds and, in the opinion of the city manager, the imposition of such fee will create an undue hardship for the applicant.~~

E. Provision of a performance bond or cash deposit, in an amount to be set by the city manager or city manager's designee to ensure that all of the findings and conditions to the permit exist and/or have been met during the continuation of or after the special event, including without limitation, to ensure that the expenses of cleaning up will be paid by the sponsoring organization. The city manager or city manager's designee shall determine the bond amount by such factors as type of event, projected number of participants and spectators, and the sponsor's experience.

F. The public space is restored to the condition it was in prior to the special event occurring.

G. If the special event or use of the street involves an obstruction of a portion of a public sidewalk, the city manager shall establish the specific period of the permit.

H. When reasonably necessary, prohibit or restrict the parking of vehicles along a street, highway, roadway or alleyway or part thereof constituting part of the route of the special event.

I. Such other and further 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.

12.22.100 — Prior application.

~~If a prior permit application shall have been made for a special event proposed to be held at the same time or place, the city manager or city manager's designee may refuse approval of the later application. In case of such refusal, written notice shall be sent to the applicant with the opportunity to apply for an alternate time, date and/or place. (Ord. 786 § 1, 2005)~~

12.22.100 Notice of issuance or denial.

The city manager or ~~city manager's~~ designee shall act upon the permit application within ~~ten~~ (10) business days of the filing thereof. If the permit application is denied, a written notice of the decision, including reason(s) for the decision, shall be ~~delivered~~ mailed to the applicant no later than five (5) business days after the decision has been made.

12.22.110 Optional Review ~~Appeal procedure.~~

~~At the election of the city manager or designee, city staff may refer the permit application to a city legislative body for additional review.~~

~~All decisions of the city manager with respect to issuance, denial, revocation or suspension of any permit under this policy shall be final unless appealed by any aggrieved party to the city council. A notice of appeal shall be filed with the city clerk within two business days after receipt of notice of denial or date of posting of the notice of decision. The city council shall act upon the appeal at its next regularly scheduled meeting following receipt of the notice of appeal.~~

12.22.120 Contents of permit.

Conditions to the issuance of any permit shall be set forth in the permit.

12.22.130 Duty of permittee.

A. A permittee hereunder shall comply with all terms and conditions of said permit and with all applicable laws and ordinances.

B. The written permit obtained pursuant to this policy shall be carried on-site at the special event at all times during the special event by the person heading or leading the special event for which the permit was issued.

12.22.140 Revocation or suspension of permit.

A. All permits issued pursuant to this policy shall be temporary, shall vest no permanent rights in the applicant, and may be revoked by the city manager or ~~city manager's~~ designee as follows:

1. The permit may be immediately revoked by the city manager or ~~city manager's~~ designee in the event of a violation of any of the terms or conditions of the permit or any provision of the Medina Municipal Code; or
2. The permit may be immediately revoked by the city manager or ~~city manager's~~ designee in the event the permitted special event or street use shall become, for any reason, dangerous to person or property, or if any structure or obstruction permitted becomes insecure or unsafe; or
3. The permit may be revoked by the city manager or ~~city manager's~~ designee upon ~~thirty~~ (30) days' notice if the permit was not for a specified period of time and is not covered by either of the preceding subsections.

B. If any event, use or occupancy for which the permit has been revoked is not immediately discontinued, the city manager or ~~city manager's~~ designee may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and

safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same.

12.22.160 Public conduct during a special events activity.

~~A.~~ It is unlawful for any person to unreasonably obstruct, impede or interfere with any special event or with any person, vehicle or animal participating in such special event for which a permit has been granted in accordance with the provisions of this policy.

~~B. The city manager or city manager's designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, highway, roadway or alleyway or part thereof constituting part of the route of the special event.~~

12.22.170 Cost recovery for unlawful special event.

Whenever a special event is conducted without a special event permit when one is required or is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the city shall charge the event organizer for, all city costs incurred as a result of the ~~adverse~~ **substantial** impacts of the special event ~~and~~/or the violation of the special event permit, including the city's collection costs and attorneys' fees related to cost recovery.

12.22.180 Violation – Penalty.

Any person convicted of a violation of this policy shall be punished by a fine not to exceed \$1,000 or by imprisonment in jail for a period not to exceed six months, or both such fine and imprisonment. In addition, each and every day during which any violation of any provision of this policy is committed, continued or permitted by any person or organization constitutes a separate offense.

12.22.190 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.