

§ 398-7. Advertising, assemblages and entertainment. [Amended by Ord. No. 12-30]

- A. No person shall post, paint, affix, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement.
- B. No person shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the City or the approving governing agency:
 - (1) Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle or a sign lawfully on a taxi or bus is not prohibited.
 - (2) Operate for advertising purposes any musical instrument, soundtrack or drum.
 - (3) Hold unlawful public assemblies.
 - (4) Conduct exhibitions.
 - (5) Hold a parade.
- C. Amplified music permit. No public address systems or sound-amplification devices shall be used in any public park or public recreation area within the City of Watertown except as permitted by this section. The Director may issue permits in accordance with this section. A permit shall not exempt the holder from the provisions of § 410-40 regulating loud and unnecessary noise.
 - (1) Application for permission to use such systems or devices shall be made to the Director on forms supplied by the Park, Recreation and Forestry Department. Such application forms shall include the name of the organization seeking such permission, the name and address of the person responsible for the activity, and the date or dates of the proposed activity. A permit fee as set by the Common Council and provided under separate fee schedule shall accompany the application.¹
 - (2) The Director shall establish the hours of operation and location within any given park within the City of any such system or devices so as to ensure the benefit of such system or devices to the group seeking its use and to minimize any unreasonable interference with the peace and enjoyment of other uses of the park or recreation area and those residing adjacent to such park. Only the hours of operation and location of such system or equipment may be regulated by this section. The hours of amplified sound shall be between 8:00 a.m. and 11:00 p.m., with the express provision that private parties shall be designated closer to 10:00 p.m. as a termination time, whereas more community-oriented events sponsored by fraternal or nonprofit organizations or religious or veterans organizations that have a wider community-based appeal shall be designated closer to 11:00 p.m. as a termination time. The Director shall

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

consider the applications in the order they are received on a "first-come, first-issued" basis.

- (3) The decision of the Director may be appealed to the Park, Recreation and Forestry Commission of the City. Any aggrieved applicant shall, in writing, notify the Director of the appeal within five days of the Director's decision, stating in such notice the decision appealed from and the reasons why such decision should be changed or modified. Within two working days thereafter, the Director shall file such appeal notice with the Chairperson of the Park, Recreation and Forestry Commission, who shall schedule a time for the matter to be heard. The applicant shall be given at least five business days' notice of the hearing time and date and may be represented by counsel, may cross-examine the witnesses, and may present witnesses. The proceeding shall be recorded. Within five days after the date of the hearing, the Park, Recreation and Forestry Commission shall file a written decision in this matter with the City Clerk and shall cause a copy of the same to be mailed to the applicant by regular mail at the applicant's address listed in the application. **[Amended 7-5-2022 by Ord. No. 22-63]**
- (4) The decision of the Park, Recreation and Forestry Commission may be appealed to the Watertown Common Council, whose decision shall be final. The appeal to the Common Council shall be upon the record of the hearing made before the Park, Recreation and Forestry Commission. The applicant shall, in writing, notify the City Clerk of such appeal within five days of the decision of the Park, Recreation and Forestry Commission and shall, within 20 days thereafter file with the City Clerk the original and five copies of the transcript of the record made before the Park, Recreation and Forestry Commission at the hearing. The City Clerk shall then cause the matter of the appeal to be placed on the agenda of the Common Council at its next regular meeting and shall notify the applicant of the time and place when and wherein such appeal shall be heard. The matter shall be heard by the Common Council solely on the record of the hearing, and no additional testimony shall be permitted before the Common Council. The Chairperson of the Park, Recreation and Forestry Commission or his or her designee and the appellant may present arguments to the Common Council in support of their respective positions. Within five days after the hearing, the Common Council shall file a written decision in the matter with the City Clerk, who shall cause a copy of the same to be mailed to the appellant by regular mail at the appellant's address listed in the application. **[Amended 7-5-2022 by Ord. No. 22-63]**
- (5) The Police Department is authorized to require the discontinuance of any such system or devices operating without a permit or outside the prescribed hours of operation or prescribed location within any public park or recreation area within the City. Any person violating the provisions of this Subsection C shall be subject to a forfeiture of not less than \$20 nor more than \$50.
- (6) Exemption. The use of personal stereo systems, CD players, iPod®/MP3/iPad® devices, and other personal sound nonamplification equipment is

exempt from the provisions of this Subsection C regarding a permit as long as such devices are maintained at a low volume and restricted to the immediate picnic area in the public park or recreation area occupied by the operators of such devices.