

CHAPTER 16 – MUSIC FESTIVALS

Section 16-3. Municipal Special Events; activities; application review.

(a) Application Review. The Special Events Committee contact shall send copies of each application and other pertinent material to the full Committee and any City departments affected by a proposed Temporary Special Event or Activity. Such committee members and departments shall review the application and provide comments on whether the applicant has met, at its own cost, all requirements of the permit process, including those detailed in the application packet, and shall recommend specific stipulations involving any one or more of the following requirements:

- (1) Hiring a stated number of City Police Department employees as determined by the City Police Department.
- (2) Erecting security fencing or approved security barriers.
- (3) Providing sanitary facilities.
- (4) Providing refuse removal through City service.
- (5) Agreeing to pay for any anticipated or unforeseen costs associated with the Temporary Special Event or Activity, including posting a performance bond if required by the City.
- (6) Applying for and receiving all other necessary City permits and approvals.
- (7) Taking all measures to provide for fire protection and the health, safety, and welfare of the public, consistent with this Code.
- (8) Hiring a stated number of City Fire Department employees who are emergency medical personnel having required certification levels and a stated type and number of City Fire Department employees and fire protection equipment as determined by the City Fire Department.
- (9) Any other requirements necessary to ensure that the Temporary Special Event or Activity is conducted in a safe and appropriate manner.

(b) Priority of Applications. In reviewing applications for a given time and location, the Special Events Committee shall give priority to annual, semiannual, or other regularly scheduled or recurring special events. If competing applications cannot be resolved on this basis, the Committee shall grant permits to the earliest completed application received for the time and place requested.

(c) Non-Discrimination. The Special Events Committee shall consider each permit application upon its merits and shall not discriminate based upon race, creed, color, ethnicity,

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religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, political party affiliation (or lack thereof), familial status, or marital status.

(d) Content. The Special Events Committee shall not consider the content of the speech, actions or event in reaching its decision on whether to grant the permit or to incorporate any stipulations, unless it determines that such stipulations meet a strict scrutiny test in conformance with the United States Constitution and there is a compelling interest in imposing such stipulations.

(e) Committee Decision. After obtaining and considering recommendations from the various Committee members, the Special Events Committee shall issue a written decision to the applicant granting the permit with or without stipulations, unless the Committee determines that the permit should be denied upon a finding that the intended activity would be detrimental to the health, safety or welfare of either the general public or of nearby residents or owners of nearby property, or would place an undue burden on City services. The Committee shall provide a copy of any decision to deny an application to the City Attorney. The Committee's decision must be issued within ten business days of receipt of a completed application. If the Committee fails to act within the ten business day period, the application shall be deemed granted and a permit shall be issued.

(f) Reconsideration. If an applicant disagrees with a decision of the Special Events Committee, the applicant shall file with the City Manager a request for reconsideration of the permit denial or permit stipulations within 15 days from the date of denial. The City Manager then shall issue a written decision within 5 days of the request, which decision is final and subject to judicial review.

(g) Permit Issuance. If the Special Events Committee authorizes issuance of a permit pursuant to Subsection (e), the permit shall not be issued until all of the following conditions are met:

- (1) All applicable City Code and federal and state statutory requirements have been met and all applicable City, state, and federal permits have been obtained;
- (2) The sponsoring organization or authorized representative has signed the application agreeing to indemnify and to hold harmless the City from and against any and all losses claims or actions resulting from the activities of the applicant's employees, principals, or agents;
- (3) The organization directly responsible for the Temporary Special Event or Activity has provided satisfactory evidence of suitable personal injury and property damage insurance or such other insurance as deemed necessary by the City;
- (4) The organization has repaid the City all amounts owing pursuant to the terms and conditions of any special event permits previously issued to the applicant.

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(5) Any other applicable requirements detailed in the application packet, plus any applicable stipulations contained in the Committee's decision, that are required to be met as pre-conditions before permit issuance.

(Ord. No. 07-28A, 10/04/2007, Enacted and amended) SUPP 2007-4