

Chapter 6.10
PUBLIC ASSEMBLIES

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6.10.010 Definitions.

As used in this chapter, unless the context requires otherwise, the following mean:

- (1) “Person in charge of property” means an agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property.
- (2) “Public assembly” means all assemblies of people reasonably anticipated to number more than 150, for a continuous period of eight hours or more, more than 10 percent of which will assemble outdoors or in structures especially constructed, erected or assembled for the assembly, whether or not an admission fee is charged.
- (3) “Sponsor” means a natural person, association, partnership, firm, corporation, joint venture, or other legal entity who initiates, organizes, promotes, permits, conducts, or causes to be advertised, a public assembly.

6.10.020 Policy.

Public assemblies, as defined in section 6.10.010, are declared to create conditions hazardous to the health and safety of the residents and inhabitants of the City, including but not limited to traffic, solid waste disposal, sanitation, sewage disposal, public health, fire protection and noise. The Council determines that this chapter which prescribes the procedure and rules and regulations for conducting public assemblies is necessary to protect the health, safety and welfare of the citizens of the City. This chapter shall be liberally construed to accomplish this purpose.

6.10.030 Permit Required.

No sponsor, owner of property, or person in charge of property shall initiate, organize, promote, permit, conduct, or cause to be advertised a public assembly unless a permit has been obtained as required by this chapter. A separate permit shall be required for each public assembly for the period of time designated by the permit.

6.10.040 Permit Requirements.

- (1) No public assembly may be held unless the sponsor, the owner of property, and the person in charge of property upon which the assembly will be conducted jointly apply for a permit.
- (2) A permit shall not be available for a period of more than 60 hours duration unless the application and the permit specifically allow for an extension of that period.
- (3) Each applicant shall be 21 years of age or older.
- (4) A permit may not be transferred or assigned.
- (5) In case of dispute over the number of people reasonably anticipated to attend a public assembly, the decision of the Council shall control.

6.10.050 Application.

- (1) Written application for each public assembly shall be made to the Council 40 days or more prior to the first day upon which the public assembly is to begin.
- (2) Application shall be made on forms specified by the Council and shall contain at least the following information:
 - (a) The full legal names and addresses of all sponsors.
 - (b) The full legal name and address of the owner and of the person in charge of

the property to be used for the public assembly.

- (c) If a sponsor applicant is a partnership or joint venture, all parties shall sign as applicants. If a sponsor applicant is a corporation, copies of the articles of incorporation, bylaws and resolution authorizing the application may be required.
 - (d) The location and address of the property to be used for the public assembly.
 - (e) The program for the public assembly or, if no program is prepared, a narrative statement of the purpose for which the public assembly is to be conducted.
 - (f) If facilities are to be erected on the premises, or food services are to be provided, a written, comprehensive plan of location and manner of erection of the facilities.
 - (g) Evidence that all permits and licenses required by state law have been obtained.
 - (h) Additional plans, drawings and information required by sections 6.10.060 to 6.10.130.
 - (i) The applicants' statement that they will abide by the terms and provisions of this chapter and all state and City laws.
- (3) Applicants may be subject to a police records review. A record of conviction of a felony or misdemeanor involving moral turpitude of an applicant may be grounds for denial of the permit.
 - (4) Each application shall be accompanied by a non-refundable cash fee to cover the cost of inspection, investigation, issuance and administration of the permit as established by resolution of the City Council.
 - (5) The Council shall grant or deny the permit not less than 25 days before the commencement of the proposed public assembly.

6.10.060 Indemnity Bond; Insurance.

- (1) The applicants shall submit with their application a corporate indemnity bond in a form approved by the City Attorney or a cash deposit, to be used, if necessary, to restore the premises where the public assembly is held to a sanitary condition and to pay all charges and losses for damages to the streets, pavement, bridges, and other City and county property.
- (2) If the public assembly necessitates the use of City personnel or the employment of additional personnel, the added expense shall be recoverable from the principal and the indemnitor. The cash deposit or its balance shall be returned to the applicants upon final audit of the City as to what damages, if any, occurred and what employment of personnel, if any, was necessitated.
- (3) The corporate bond of indemnity or cash deposit shall be established by resolution of the City Council.
- (4) The property owner or person in charge of the property making application shall sign as an additional indemnitor to insure against damage to streets, pavement, bridges, road signs and all other City property, and to insure that the property will be restored to a sanitary condition. The amount of the bond shall become a lien against the property if the indemnification bond is not sufficient to meet the costs incurred by the City. The procedure for assessment and enforcement shall be as provided by ORS 223.505 through 223.650.

6.10.070 Conditions of Approval.

A permit shall not be issued by the Council unless all of the conditions prescribed by this chapter have been met.

6.10.080 Sanitary Facilities.

An applicant shall obtain written approval of the Washington County Health Department, indicating that the applicant's plan for water supply, toilet facilities, washing facilities, and, if applicable, food preparation and service, and the type of food preparation and food facilities to be provided, conform with applicable state law relating to public health.

6.10.090 Fire Protection.

An applicant shall obtain written approval of Washington County Fire District No. 2 affirming that there are approved fire protection devices and equipment at or near the property upon which the public assembly is to be conducted.

6.10.100 Public Safety.

- (1) An applicant shall obtain written approval of the City police department indicating that plans have been made to provide adequate traffic control and crowd control personnel. There shall be one traffic and one crowd control officer for each 150 persons reasonably anticipated to be in attendance.
- (2) A list of control officers shall be presented to the police department with the application. The proposed officers may be subject to fingerprinting and photographing by the police department and a records check. No person may serve as a crowd control or traffic control officer if he has been convicted of a felony or a misdemeanor involving moral turpitude.
- (3) Crowd control and traffic control officers must be qualified to be certified as police officers of the State of Oregon.
- (4) Crowd control and traffic control officers shall report any violations of law to the police department.

6.10.110 Medical Services.

An applicant shall obtain written approval of the Washington County Health Department indicating that sufficient medical service has been provided by the applicant. Each public assembly shall have, as a minimum, one ambulance and a first-aid station staffed by two adult individuals trained in first-aid techniques in attendance at all times.

6.10.120 Parking Facilities.

- (1) An applicant shall obtain written approval of the police department indicating that parking is available within or adjacent to the premises upon which the public assembly is to be conducted.
- (2) The parking facilities shall provide parking space for one vehicle for every four persons reasonably anticipated to be in attendance at the public assembly.
- (3) Adequate ingress and egress shall be provided from the parking area to facilitate the movement of vehicles to or from the parking area. If buses are used to transport the public to the public assembly, it shall be shown that public parking, as described above, is available at any site from which buses are scheduled to pick up persons to transport them to the public assembly.

6.10.130 Structures.

- (1) An applicant shall obtain written approval or a permit from the planning committee of the Council that facilities to be erected or used are in conformance with the City Zoning Ordinance and Building Code.
- (2) All facilities to be specially erected for the public assembly must be in place two days before the commencement of the public assembly and be approved by the planning committee.

6.10.140 Conduct of Public Assemblies.

- (1) No permittee, or persons having control of the public assembly, shall permit any person to bring onto the property any intoxicating liquor, nor permit intoxicating liquor to be consumed on the property. No person, during the public assembly, shall take or carry onto or drink on the property intoxicating liquor, except as licensed or permitted by state law.
- (2) The burden of preserving order during the public assembly is upon the permittee. A violation of state law, of the terms and conditions of this chapter, or the permit granted under this chapter may be cause for immediate revocation of the permit by the Council. Upon revocation of a permit, the permittee shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.
- (3) The Council, its authorized agents and representatives, and the representatives of the state and county departments having responsibility for approval of conditions under this chapter, shall be granted access to the public assembly at all times for the purpose of inspection and enforcement of the terms and conditions imposed by this chapter.
- (4) No musical entertainment, either live or recorded, using sound amplification equipment shall be operated in a location which is less than 1,000 feet from a school house, church, dwelling unit, or any other place of permanent human habitation; and there shall be no programmed entertainment provided between the hours of 2 a.m. and 9 a.m.
- (5) If, at any time during the conduct of the public assembly, the number of persons in attendance exceeds by 10 percent the number of persons represented by an applicant for the permit, the Council or the Washington County health officer shall have the authority to require the applicant to limit further admissions until all conditions and provisions of this chapter are met.

- (6) Any applicant with more than a 10 percent proprietary interest in the public assembly and the owner of the property or person in charge of the property shall be required to be in attendance at the public assembly and shall be responsible for insuring that no person is allowed to remain on the premises who is violating a state, county or City law, chapter, rule or regulation.
- (7) Public assemblies operating without a permit under this chapter based on a reasonable anticipation of less than 150 persons in attendance shall limit attendance to 149 persons; and printed tickets, if used, cannot number more than 149.

6.10.150 Appeal.

- (1) An applicant who has been denied a permit or whose permit has been revoked may, following written notice of the denial or revocation, appeal in writing to the Council. The appeal shall state:
 - (a) The name and address of the appellant;
 - (b) The nature of the determination being appealed;
 - (c) The reason the determination is incorrect; and
 - (d) What the correct determination of the appeal should be.
- (2) An appellant who fails to file such a statement within the time permitted waives his objections, and the appeal shall be dismissed. The Council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate. The appellant shall be provided at least 14 days' written notice of a hearing on the appeal.
- (3) At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final.

6.10.160 Exceptions.

This chapter shall not apply to festivals, celebrations or public assemblies which have been conducted within the corporate limits of the City annually during the five years preceding the effective date of this chapter.

6.10.170 Conformance With Other Law.

This chapter shall not be a substitute for, nor eliminate the necessity of, conforming with state law and county and City chapters which pertain to the conduct of public assemblies.

6.10.180 Penalties.

A violation of a provision of this chapter is punishable by a fine of not more than \$1,000, or imprisonment for not more than one year, or both. Each day's violation of this chapter shall constitute a separate offense.

(ORD. 106, August 17, 1981)