

Chapter 4

SPECIAL EVENT PERMITS

7-4-1: PURPOSE:

The City recognizes community events may provide cultural enrichment, promote economic vitality, enhance community identity, and create funding opportunities for service organizations. The purpose of this chapter is to establish a coordinated process for managing community events held on City property to protect the health and safety of event patrons, residents, workers, and other visitors, and to regulate competing uses of City property. It is also the City's intent to protect the rights of people to engage in expressive activities in public places and to establish reasonable time, place and manner regulation of such activities. This chapter is further intended to create mechanisms for cost recovery that allow the City to recoup some of the costs associated with community events but which do not unduly impact the viability of events. (Ord. 17-23, 8-21-2017)

7-4-2: DEFINITION:

"Expressive activity" as used in this chapter means conduct that is protected by the United States or Montana Constitutions, the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. Expressive activity does not include commercial events, sports events, fundraising events, or events the principal purpose of which is entertainment. (Ord. 17-23, 8-21-2017)

7-4-3: PERMIT REQUIRED:

A special event permit must be obtained from the City Manager, or designee, for the following events:

- A. Any event that involves assembling or traveling in unison on any public street, highway, alley, sidewalk or other public way owned, controlled, or maintained by the City and which either: 1) will impede, obstruct, impair or interfere with the free use of such public street, highway, alley, sidewalk, or other public way owned, controlled, or maintained by the City; or 2) will not comply with normal or usual traffic regulations or controls.
- B. Any event on property owned, controlled, or maintained property by the City involving more than seventy five (75) people which does not meet the requirements of subsection A of this section.

- C. Any event that requires temporary waiver of the City's ordinance prohibiting consumption of alcoholic beverages, or possession of open containers of alcoholic beverages, on public property as set forth in subsection [7-3-5C3](#) of this title.

- D. Any event on City park property requires additional approval from the City Parks and Recreation Department if it involves the consumption of alcoholic beverages, physical alteration to park property, or vending/solicitation. (Ord. 17-23, 8-21-2017)

7-4-4: EXEMPTIONS:

The following activities are exempt from the special event permit requirement:

- A. Funeral processions.

- B. Lawful picketing on sidewalks when the number of participants does not substantially impede, obstruct, impair or interfere with the free use of the sidewalk or the conduct of business.

- C. Activities conducted by a governmental agency acting within its scope of authority.

- D. Spontaneous events involving solely expressive activity which are occasioned by news or affairs coming into public knowledge less than forty eight (48) hours prior to such event may be conducted on City park property without a special event permit.
 - 1. The event shall be conducted on park property that is not occupied by another special event.
 - 2. If practicable, the organizers of the event should give notice at least six (6) hours prior to the event to the City Manager of the date and time of the event and provide an estimate of the approximate number of persons who will be participating so that the City may assess the need for additional public services.
 - 3. The organizers of the event shall submit a statement to the City Manager setting forth the purpose of the event prior to the event, if practicable, but no later than twenty four (24) hours after the event's conclusion.
 - 4. The consumption of alcoholic beverages, physical alteration to park property, and vending/solicitation are prohibited at spontaneous events. (Ord. 17-23, 8-21-2017)

7-4-5: APPLICATION:

- A. To receive a special event permit, the applicant must submit a special event application to the City Manager, or designee, on a form approved by the City. The applicant must provide the following information:
1. The name, address, telephone number and e-mail address of the event organizer.
 2. A certification that the event organizer shall be financially responsible for the cost of departmental services, if applicable.
 3. A statement of the purpose of the special event.
 4. A statement of any fees to be charged to participants or spectators in connection with the special event.
 5. The proposed location of the special event including a plan depicting the placement of temporary structures or facilities on public property or public rights-of-way and, if the event is a march, parade or process, a map of the proposed route.
 6. The date and times when the special event is to be conducted.
 7. The approximate times when assembly for, and disbanding of, the special event is to take place.
 8. Insurance information, if applicable.
 9. Whether the applicant is requesting any special signage (to be provided by applicant).
 10. Whether the event will include any music, public address system, or amplified sound.
 11. Whether the applicant will provide any portable toilets.
 12. Provisions for trash removal and clean up, if necessary.
 13. Whether any alcohol will be served at the event and the location of the premises, a plan for controlling the premises, and a catering permit, if applicable.
 14. The anticipated attendance at the event.
 15. Whether provisions will need to be made for public safety and the preservation of public property such as traffic/pedestrian control, fire safety, the closure of streets or intersections, the diverting of traffic, etc.
 16. Any other information reasonably required by the City Manager.
- B. The City Manager may refer the application to such City departments or personnel as he or she deems necessary for review, evaluation, investigation and recommendations regarding approval or disapproval of the application.
- C. An application must be submitted in accordance with the time limits set forth in section [7-4-10](#) of this chapter. (Ord. 17-23, 8-21-2017)

7-4-6: REVIEW PROCESS:

- A. The City Manager shall issue a special event permit if he or she determines the following criteria have been met. Provided, however, such criteria shall not be applied in a manner that will unreasonably restrict expressive activity or other activity protected by the Montana or the United States Constitutions.
1. The preparation for, the conduct of and the conclusion of the proposed event will not unreasonably burden City resources necessary to preserve the public's use of the street(s) in the area contiguous to the street(s) or other City property being used for the event.
 2. The preparation for, the conduct of, and the conclusion of the proposed event will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the permit area or adversely affect the City's ability to perform Municipal functions or furnish services in the vicinity of the permit area.
 3. The proposed event does not otherwise present a substantial or unwarranted health, safety, noise, or traffic hazard.
 4. The proposed event will be of a nature and size appropriate to the proposed venue or site and will occur during approved hours for that venue or site.
 5. The proposed event will not cause other adverse impacts on health or safety to surrounding residential or commercial uses, which cannot be effectively mitigated.
 6. The applicant has obtained all permits required elsewhere in this Code or by other applicable laws, rules, or regulations.
- B. The City Manager may place reasonable conditions on any special event permit concerning the time, place or manner of holding the event as is necessary to coordinate multiple uses of City property, assure preservation of City property, prevent dangerous, unlawful, or impermissible uses, and protect the safety of persons and property. Provided, however, such conditions shall not be imposed in a manner that will unreasonably restrict expressive activity or other activity protected by the Montana or the United States Constitutions. Conditions the City Manager may impose include, but are not limited to:
1. Establishment of an assembly or disbanding area for a parade or like event.
 2. Accommodation of an event's pedestrian and vehicular traffic, including restricting events to City sidewalks, portions of a City street, or other public right-of-way and implementation of a parking or transportation plan.
 3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access.
 4. Number and type of vehicles, animals, or structures to be displayed or used in the event and their locations.
 5. Provision and use of traffic cones or barricades.
 6. Provision or operation of sanitary facilities, including handicap accessible sanitary facilities.

7. Provision of a waste management plan, and the cleanup and restoration of the site of the event.
8. Use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the event.
9. Manner of providing notice of permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event.
10. Reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity.
11. Obtaining of any and all business licenses or other necessary permits required by this Code for the sale of food, beverage or other goods or services at the event.
12. Manner by which alcohol sales and service, if any, shall be conducted at the event.
13. Limitations on the use of spray paint or chalk paint as directional cues for participants.
14. Provisions for public safety and the preservation of public property such as traffic/pedestrian control, fire safety, the closure of streets or intersections, the diverting of traffic, etc.

The City Manager shall provide the applicant a written explanation for any decision that imposes conditions on the special event permit.

- C. The City Manager shall deny an application for a special event permit or revoke a permit if the City Manager finds any of the following:
1. One (1) or more of the approval criteria specified in subsection [7-4-5A](#) of this chapter is not met.
 2. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.
 3. The application does not contain the information required by this chapter.
 4. The application does not satisfy the requirements of this chapter.
 5. The applicant has damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts related to a prior special event permit issued by the City.
 6. The applicant has failed to meet conditions and operate within the parameters of a previous special event permit granted by the City.

The City Manager shall provide the applicant a written explanation for any denial of a special event permit.

- D. In deciding whether to approve an application for a special event permit, no consideration will be given to the message of the event or activity, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event or activity. (Ord. 17-23, 8-21-2017)

7-4-7: COST RECOVERY FOR SPECIAL EVENTS:

- A. The City Manager shall charge the applicant for a special event permit an administrative processing fee as established by the City Council by resolution.
- B. If the event involves solely expressive activity, the City Manager shall waive the administrative processing fee for an indigent person that cannot pay for such fees. An indigent person may include, but is not limited to, a person who is eligible to receive, or is receiving, public assistance. An organization in which a majority of the members are indigent may also be eligible for waiver. The person or organization is required to apply for indigent status at the time of permit application. The person or organization is required to provide such information and documentation as may be reasonably necessary for the City Manager to verify such status. The City Manager may deny an application for indigent status if the applicant fails to timely provide the information and documentation requested.
- C. The City Manager shall charge the applicant a park/facility fee if the special event involves the exclusive and/or commercial use of a City park or facility, if it involves vending/solicitation, or if it involves physically altering the City park or facility. (Ord. 17-23, 8-21-2017)

7-4-8: INSURANCE:

- A. The applicant for a special event permit must possess or obtain comprehensive general liability insurance with single limit coverage of at least one million dollars (\$1,000,000.00) to protect the City from liability for damage on account of bodily injury and/or property damage arising from the event.
1. The insurance policy must name the City, its officers, employees, and agents as an additional insured.
 2. The insurance coverage must be maintained for the duration of the event.
 3. Notice of cancellation of the insurance must be provided immediately to the City.
 4. The certificate of insurance must be submitted to the City Manager with the application for a special event permit.
- B. The City Manager shall waive the insurance requirement if the event involves solely expressive activity and:
1. The applicant is an indigent person that cannot pay for the required insurance. An indigent person may include, but is not limited to, a person who is eligible to receive, or is receiving, public assistance. An organization in which a majority of the members are indigent may also be eligible for waiver. The person or organization is required to apply for indigent status at the time

of permit application. The person or organization is required to provide such information and documentation as may be reasonably necessary for the City Manager to verify such status. The City Manager may deny an application for indigent status if the applicant fails to timely provide the information and documentation requested; or

2. It is objectively impossible to obtain insurance coverage as demonstrated by the applicant's submittal of two (2) statements from independent licensed insurance brokers stating that the insurance is unavailable. (Ord. 17-23, 8-21-2017)

7-4-9: INDEMNITY:

Each applicant shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the conduct of the applicant or its officers, employees, and agents. The agreement must be submitted to the City Manager with the application for a special event permit. (Ord. 17-23, 8-21-2017)

7-4-10: TIME REQUIREMENTS:

- A. An application for a special event permit for an event involving solely expressive activity must be complete and submitted to the City Manager at least three (3) days before the proposed event is to be held unless the event qualifies for a spontaneous event exemption under subsection [7-4-4D](#) of this chapter.
- B. An application for a special event permit for all other events must be complete and submitted to the City Manager at least fifteen (15) days before the proposed event is to be held. (Ord. 17-23, 8-21-2017)

7-4-11: APPEAL:

Any applicant aggrieved by a decision of the City Manager with respect to a special event permit may appeal such decision to the City Council by filing a written notice of such appeal with the City Clerk within five (5) business days of the decision. The City Council shall decide the appeal at its next regularly scheduled meeting or may call a special meeting to decide the appeal. The City Council's decision shall be final except for judicial review. (Ord. 17-23, 8-21-2017)

7-4-12: PENALTY:

Any person who intentionally violates any of the provisions of this chapter shall be guilty of a misdemeanor as shall be punished as set forth in section [1-4-1](#) of this Code. (Ord. 17-23, 8-21-2017)