

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 11 / 14 / 18

Date of meeting 11 / 20 / 18

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

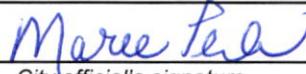
City Clerk Maree Peck

Address: 1123 Lake St., Sandpoint

Phone number and email address: 208-263-3310 mpeck@sandpointidaho.gov

Authorized by: Maree Peck

name of City official



City official's signature

(Department Heads, City Council members, and the Mayor are City officials.)

Subject: Amend City Code Title 6 Chapter 6 - Parades and Public Assemblies

Summary of what is being requested: review and adopt proposed ordinance

The following information **MUST** be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city? Yes No

If yes, in what way? _____

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted?
Yes or No

Annual City event organizers

Yes

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: Yes No

4. Is an enforcement plan needed? **Yes or No** Yes No Additional funds needed? **Yes or No** Yes No

5. Have all the affected departments been informed about this agenda item? **Yes or No** Yes No

This form must be submitted no later than 6 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

**CITY OF SANDPOINT
AGENDA REPORT**

DATE: November 14, 2018

TO: MAYOR AND CITY COUNCIL

FROM: City Clerk Maree Peck

SUBJECT: Proposed Ordinance to Amend City Code Title 6, Chapter 6 – Parades and Public Assemblies

DESCRIPTION/BACKGROUND:

Current code relates to parades and public assemblies with the goal to revise code that covers all special events. The proposed ordinance provides that the Special Event Coordinator will be responsible for the application process rather than the City Clerk. There is a definition of a special event, removes the details within code and moved to the Special Event Policy and Procedures such as standards for issuance, contents of permit application and time, place and manner restrictions. Some restrictions were eliminated in order to make the process easier for special event organizers.

STAFF RECOMMENDATION:

Approve the proposed ordinance amending City Code

ACTION:

Adopt the proposed ordinance

WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED? No

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 6 CHAPTER 6 TO CHANGE "PARADE AND PUBLIC ASSEMBLY" TO "SPECIAL EVENT", CHANGE "CITY CLERK" TO "SPECIAL EVENT COORDINATOR; AMEND SECTION 1 "DEFINITIONS"; AMEND SECTION 3 TO REMOVE STREET FAIRS, EVENTS IN WATERWAYS OR DOCKS ADJACENT TO WATERWAYS AND PARK ACTIVITIES; AMEND SECTION 4 TO REMOVE THE LATE FEE PENALTY; AMEND SECTION 5 THAT THE FEE IS SET BY RESOLUTION OF THE CITY COUNCIL; AMEND SECTION 11 CONCERNING CONSTITUTIONAL RIGHTS; REMOVE ALL OR PORTIONS OF SECTION 6 "STANDARDS FOR ISSUANCE", SECTION 7 "NOTICE OF DETERMINATION OF APPLICATION, SECTION 8 "CONDITIONAL APPROVAL"; SECTION 9 "CONTENTS OF PERMIT APPLICATION", SECTION 10 "DUTIES OF PERMITTEE", AND SECTION 11 "TIME, PLACE, AND MANNER RESTRICTIONS" FROM THE ORDINANCE AND INCORPORATING THEM INTO THE SPECIAL EVENT POLICY AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Now therefore, be it ordained by the Mayor and Council of the City of Sandpoint, Idaho:

Section 1. That Sandpoint City Code Section Title 6 Chapter 6 and the same hereby is amended to read as follows:

6-6-1: DEFINITIONS

APPLICANT: Any person applying for a "permit" as defined herein. The true applicant for any such permit shall be the sponsoring entity whether such sponsoring entity is an individual person, a corporation, a partnership or other legal entity of any type.

CHIEF OF POLICE: The chief of police of the city of Sandpoint or the chief's authorized designee.

COMMERCIAL ACTIVITY: An occupying City property conducted or sponsored by any person at which a product or service is offered for sale or rent with the intent of making a profit, whether or not such profit is for a nonprofit cause.

NONCOMMERICAL ACTIVITY: An occupying of, or an occurrence or happening on City property at which no product or service is offered for sale or rent.

PARK: Any property owned or leased by the city or governed by permits issued to the city by the army corps of engineers or state of Idaho and managed as a park or recreational area.

~~PARADE:: Any dash, demonstration, march, marathon, parade, procession, public assembly, race, rally, or like activity consisting of persons, animals, or vehicles or a combination thereof within the city with an intent of attracting public attention which has a tendency to interfere with the normal flow or regulation of traffic upon the streets.~~

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PERMIT: The permit as required by this chapter for a “special event” “~~parade~~” or “~~public assembly~~” as defined herein. An approved application will serve as the permit.

PERMITTEE: Any person, firm, partnership, association, corporation, company or organization of any kind granted a permit for an activity regulated by this chapter.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PROPERTY: Any sidewalk, street, alley, highway, public right of way, park, dock, parking lot or other place owned in fee or leased by the city, or in, on or over which an easement exists in the name of or held by the city, or which exists for the benefit and use of the public.

~~PUBLIC ASSEMBLY: Any meeting, demonstration, rally or gathering of more than twenty five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any street or other public property managed by the city of Sandpoint.~~

SIDEWALK: Any area or way set aside or open to the general public for purpose of pedestrian or nonmotorized traffic, whether or not it is paved.

SPECIAL EVENT: Any meeting, dash, demonstration, festival, concert, march, marathon, parade, procession, public assembly, race, rally, sporting tournament not sponsored by the City, gathering, performance, or the activity consisting of persons, animals, or vehicles or a combination thereof within a public park, outdoor recreation area or facility, a public parking lot, or public right-of-way, such as a street, with an intent of attracting public attention which has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets or occupies any street or other public property managed by the City of Sandpoint, or defined within the City’s Special Event Policy and Procedures.

SPONSOR: Each person making application to the city, and thereby becoming responsible for, a special event.

SPORTING EVENT: Any organized competitive recreational physical activity, commercial or noncommercial in nature, including league play, contests or tournaments.

~~CITY CLERK/SPECIAL EVENT COORDINATOR: The clerk of the city-City’s employee with official duties as designated special event coordinator or the clerk’s authorized designee.~~

STREET: Any place or way set aside or open to the general public for primary purposes of vehicular traffic, including any berm or shoulder, parkway, right of way, or median strip thereof.

6-6-2: SPECIAL EVENT PERMIT REQUIRED:

No person shall engage in, participate in, or conduct any "special event" “~~parade~~” or “~~public assembly~~” as defined by this chapter unless a permit has been issued by the ~~City Clerk~~Special

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Event Coordinator for the date and location involved. The Special Event Permit Applicant, permit process and all other procedures required for a special event are in the Special Event Policy and Procedures adopted by City Council by resolution.

6-6-3: EXCEPTIONS TO PERMIT REQUIREMENT:

A. This chapter shall not apply to the following:

1. Community block watch events;
2. Funeral processions;
- ~~3. Street fairs;~~
- ~~34. Government agencies acting within the scope of their function;~~
- ~~5. Events primarily occurring in waterways or docks adjacent to waterways;~~
- ~~6. Park Activities otherwise regulated by this Code.~~
- ~~47. Students going to and from classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities;~~
- ~~58. Activities held outside of the downtown business core and not substantially interfering with the normal flow or regulation of pedestrian or vehicular traffic or occupying any street or other public property managed by the City of Sandpoint;~~
- ~~69. Activities which involve only pedestrians standing on sidewalks. Such activity must not inhibit the use of the sidewalk by other persons. Driveways, building entryways and crosswalk access shall be kept clear at all times.~~

B. Other activities sponsored by the City of Sandpoint in its Municipal capacity.

6-6-4: APPLICATION AND PROPER NOTICE

A person seeking a special event ~~parade/public assembly~~ permit shall obtain an application form and file a completed application with the ~~City Clerk~~ Special Event Coordinator on forms provided.

An application for a permit shall be filed with the ~~City Clerk~~ Special Event Coordinator as soon as the applicant knows sufficient information to complete an application and at least twenty one (21) days and not more than one year before a special event ~~parade or public assembly~~ is proposed to commence.

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~~Applications received by the City Clerk less than twenty one (21) days, but at least fourteen (14) days prior to the event shall be subject to a late penalty equal to one half ($\frac{1}{2}$) the amount of the event filing fee. Applications received by the City Clerk less than fourteen (14) days but at least seven (7) days prior to the event shall be subject to a late penalty equal to the event filing fee. These penalties are in addition to the initial filing fee. Applications received by the City Clerk less than seven (7) days prior to an event will not be processed.~~

This chapter is subject to amendment or replacement at any time, and any application for a special event ~~parade or public assembly~~ permit shall be issued pursuant to the ordinance in effect at the time of the application, but conduct during the special event ~~parade or assembly~~ shall be governed by standards legally required at the time the event occurs.

6-6-5: APPLICATION FEE

~~Except as set forth in this section a nonrefundable application fee set by resolution of the city council of fifty dollars (\$50.00) to cover the expenses incidental to processing the application for the special event parade or public assembly permit shall be paid at the time of filing of the special event application. This fee may be subsequently amended by resolution of the City Council. The fee is not refundable unless the application is withdrawn on the same date it is submitted.~~

6-6-6: STANDARDS FOR ISSUANCE:

- A. Statement Of Purpose: ~~The purpose of these regulations is to set forth the Sstandards of issuance for a special event parade or public assembly permit are set forth in the City of Sandpoint Special Events Policy and Procedures adopted by City Council. It is further the purpose of these regulations to:~~
- ~~1. Assure that emergency services such as police, fire, and ambulance services are available for a parade or public assembly taking place within the corporate limits of the City of Sandpoint; and~~
 - ~~2. Assure that emergency services such as police, fire, and ambulance services are not unreasonably inhibited in their ability to travel on and to cross public streets or property used by parades or public assemblies; and~~
 - ~~3. Assure that private business activities in Sandpoint are not unreasonably impacted by parades or public assemblies; and~~
 - ~~4. Assure that traffic on public streets is not unreasonably disturbed or disrupted by parades or public assemblies; and~~
 - ~~5. Assure that public safety can be maintained; and~~
 - ~~6. Assure that public property can be protected from harm.~~

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- ~~B. Permit Issuance: Only one parade or public assembly permit will be granted for the same time and/or location. The city clerk shall issue the permit on a first come, first served basis.~~
- ~~C. Application Form; Approval: Affected city departments may request such information from the applicant as necessary to demonstrate compliance with applicable provisions of law. Information may be requested on the permit application form, through written instructions or through oral or written inquiries communicated from the city clerk or the chief of police, addressed to the applicant. The time for considering the permit may be extended by the time taken by the applicant in responding satisfactorily to any inquiry, not to exceed five (5) business days.~~
- ~~D. Discrimination Prohibited: There shall be no discrimination in granting, denying, or conditionally granting permits under this chapter based upon statutorily protected or constitutionally guaranteed rights.~~
- ~~E. Permit Denial: The city clerk may deny a permit if the applicant or the person on whose behalf the application is made has on prior occasions made material misrepresentations regarding the nature or scope of a parade or public assembly previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant; or if the applicant or the person on whose behalf the application was made has on prior occasions damaged city property and not paid in full for such damage.~~
- ~~F. Additional Reasons For Denial; Halting Of Assembly: A permit may be denied where the city clerk, upon the advice of the chief of police, determines that the parade would unreasonably disrupt traffic or public services or where there is clear and convincing evidence that the applicant, not opponents of the applicant, intends to engage in violence and that the time, place, and manner of the event cannot be adjusted such that the city will be able to control such potential violence without injury to bystanders, participants, or police. A parade or public assembly may be halted by the chief of police or his/her designee if at any time participants fail to conform to the permit or if an imminent risk of violence arises in the course of the parade or public assembly. No application for a permit shall be issued if the applicant fails to demonstrate compliance with all applicable provisions of law, including the requirements of this chapter and any requirement of the state of Idaho, or Idaho department of transportation, if applicable.~~

~~6-6-7: NOTICE OF DETERMINATION OF APPLICATION:~~

~~The city clerk shall act upon the application for a permit within seven (7) working days after the filing thereof accompanied by the applicant's submission of complete information. The city clerk shall make a reasonable effort to notify the applicant, by facsimile, personal service, or certified mail, of any notice of denial or conditional approval and the reason(s) for denial or conditions as soon as practical upon the clerk's decision. Such decision shall be made with a promptness adequate to allow an opportunity for appeal pursuant to provisions of this chapter~~

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~~6-6-8: CONDITIONAL APPROVAL:~~

~~Upon reasonable grounds the city clerk may authorize the conduct of the parade or public assembly requiring a permit at a date, time, place or in a manner different from that named by the applicant and may tender a conditional permit setting forth proposed modified terms which differ from those set forth in the application. An applicant desiring to accept a conditional permit shall, within five (5) days after notice of the action of the city clerk, file a written notice of acceptance with the city clerk. If the applicant fails to provide written notice of acceptance of the conditional permit within the time prescribed, the parade or public assembly shall not be held.~~

~~6-6-9: CONTENTS OF PERMIT APPLICATION:~~

~~Each permit application shall state at least the following, and the applicant shall adhere to and be bound by any commitments made in an application submittal.~~

- ~~A. The full name, street address, telephone number, e-mail address, and facsimile number, if any, of the person or organization sponsoring the parade or public assembly;~~
- ~~B. The name, street address, telephone number, e-mail address, and facsimile number, if any, of the person in charge of the parade or public assembly;~~
- ~~C. The date when the parade or public assembly is to be conducted;~~
- ~~D. The name of the parade or public assembly, if any;~~
- ~~E. The time the parade or public assembly will begin to form, and the time the parade or public assembly will begin movement;~~
- ~~F. The place the parade or public assembly will form;~~
- ~~G. The route of the parade or public assembly selected from the preapproved routes maintained by the city clerk.;~~
- ~~H. The place the parade or public assembly will disband;~~
- ~~I. The approximate number of participants, not including spectators, who will participate in the parade or public assembly and the maximum number who will be allowed to participate;~~
- ~~J. The number of marchers, animals, floats, automobiles, or other vehicles in the parade or public assembly;~~
- ~~K. The prior parade or public assembly history of the applicant within Sandpoint, or the state of Idaho history if no Sandpoint history exists, including the number of permits previously applied for;~~

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~~L. A thoroughly documented plan for controlling disorderly or violent conduct if such might reasonably be expected, a plan for maintaining traffic flow to commercial and other establishments, a plan for sanitary and medical facilities, and for cleanup;~~

~~M. Attach the required certificate of insurance² as set forth elsewhere within this chapter;~~

~~N. Identify any requested exception from any requirement established by this chapter premised upon the unique circumstances associated with the parade/public assembly for which application has been made;~~

~~O. Any other reasonable information required by the city clerk or chief of police to enable them to understand the impacts of the proposed parade or public assembly and to allow the city clerk or chief of police to perform duties described herein.~~

6-6-740: DUTIES OF PERMITTEE

A permittee hereunder shall comply with all permit conditions within the Special Event Policy and Procedures, any special conditions required by the City upon issuance of the permit and with all federal, state and local laws.

The following shall apply to the parade or public assembly application:

~~Proof of general liability insurance from an insurance company authorized to do business in Idaho. The city shall be named as an additional insured. Comprehensive general liability shall be a minimum combined single limit of not less than one million dollars (\$1,000,000.00) for bodily or personal injury, death or property damage or loss as the result of any one occurrence or accident, regardless of the number of persons injured or the number of claimants.~~

~~If sponsor operated motor vehicles are involved, proof of comprehensive automobile liability insurance from an insurance company authorized to do business in Idaho. This coverage shall be a combined single limit for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) for bodily or personal injury, death, or property damage or loss as the result of any one occurrence or accident, regardless of the number of persons injured or the number of claimants.~~

6-6-844: TIME, PLACE, AND MANNER RESTRICTIONS:

~~The following prohibitions and regulations that shall apply to activities requiring a permit are referenced in the Special Event Policy and Procedures.~~

The terms and conditions of a permit (including providing insurance) shall not infringe upon rights of petition, assembly, or free expression protected by the first amendment of the United States constitution and/or the Idaho constitution. If an applicant asserts in writing that a term or condition proposed by the clerk or chief of police infringes upon a constitutional right, the clerk

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or chief of police shall have the burden of showing that the proposed term or condition is a reasonable time, place and manner restriction.

~~A. It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly permitted activity requiring a permit to knowingly fail to comply with any condition of the permit.~~

~~B. No permit shall be issued for a parade or public assembly to commence before seven o'clock (7:00) A.M. All parade and/or public assemblies shall terminate prior to eleven o'clock (11:00) P.M. No parade requiring a permit shall exceed two (2) hours in length. City street setup and dispersal, including barricade removal, shall not be included in the activity time limit.~~

~~C. All parade participants shall assemble for the parade at the time and location designated in the parade permit and shall disperse from public property after the conclusion of the parade in order that regular traffic patterns might be restored.~~

~~D. Parade or assembly organizers shall assure to the satisfaction of the chief of police that: 1) participants are not in possession of firearms or other weapons unless specifically approved by the chief of police, 2) do not intend to engage in violence or other unlawful conduct, 3) and do not intend to incite others to do so.~~

~~E. The permit may limit or condition the number of participants, the length of the event, the time and location of the event, or the manner of the event where necessary to prevent violence; to avoid serious inconvenience to those needing access to commercial or public services; to avoid interference with movement of police or fire vehicles or ambulances and where such limitations or conditions provide ample opportunity for exercise of constitutionally protected rights.~~

6-6-~~942~~: VIOLATION; PENALTIES:

Any person who violates or fails to comply with any of the provisions of this chapter or who, having obtained a permit hereunder, fails to comply with the conditions set forth in the approved permit is guilty of a misdemeanor, and upon conviction thereof shall be punished as set forth by this code with a maximum fine of three hundred dollars (\$300.00) and/or imprisonment for up to one hundred eighty (180) days for each violation.

6-6-~~1043~~: APPEAL PROCEDURE:

Any applicant shall have the right to appeal the ~~clerk's~~ special event coordinator's denial of a permit or imposition of conditions to the city council. The denied applicant must make any appeal within forty-eight (48) hours after receipt of the denial ~~or conditional approval~~ from the ~~city clerk~~ special event coordinator by filing a written notice of appeal with the ~~city clerk~~ special event coordinator setting out the reasons therefore in writing. The city council will hear the

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appeal at a regular or special meeting and reach a determination prior to the planned date and time of the special event parade/public assembly, and in each instance no more than seven (7) working days after the date the notice of appeal is filed with the city clerk.

6-6-1144: EMERGENCY CANCELLATION/TERMINATION:

Notwithstanding issuance of a permit pursuant to provisions of this chapter, the chief of police is authorized to revoke a special event parade/public assembly permit if he/she determines, based upon competent evidence, that the conduct of the special event parade/public assembly would bring about violence which would, with reasonable certainty, result in injury to the public or to public safety personnel or which would result in damage to private property. Any such cancellation shall be communicated to the sponsor/applicant as soon as possible after such determination has been made.

Section 2. Severability. Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

Section 3. Repeal of Conflicting Provisions. All provisions of the current Sandpoint City Code which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE CITY COUNCIL, as an ordinance of the City of Sandpoint on the ___ day of _____, 2018.

CITY OF SANDPOINT

Shelby Rognstad, Mayor

ATTEST:

Maree Peck, City Clerk

SUMMARY OF ORDINANCE NO.

Special Events

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 6 CHAPTER 6 TO CHANGE "PARADE AND PUBLIC ASSEMBLY" TO "SPECIAL EVENT", CHANGE "CITY CLERK" TO "SPECIAL EVENT COORDINATOR; AMEND SECTION 1 "DEFINITIONS"; AMEND SECTION 3 TO REMOVE STREET FAIRS, EVENTS IN WATERWAYS OR DOCKS ADJACENT TO WATERWAYS AND PARK ACTIVITIES; AMEND SECTION 4 TO REMOVE THE LATE FEE PENALTY; AMEND SECTION 5 THAT THE FEE IS SET BY RESOLUTION OF THE CITY COUNCIL; AMEND SECTION 11 CONCERNING CONSTITUTIONAL RIGHTS; REMOVE ALL OR PORTIONS OF SECTION 6 "STANDARDS FOR ISSUANCE", SECTION 7 "NOTICE OF DETERMINATION OF APPLICATION, SECTION 8 "CONDITIONAL APPROVAL"; SECTION 9 "CONTENTS OF PERMIT APPLICATION", SECTION 10 "DUTIES OF PERMITTEE", AND SECTION 11 "TIME, PLACE, AND MANNER RESTRICTIONS" FROM THE ORDINANCE AND INCORPORATING THEM INTO THE SPECIAL EVENT POLICY AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

This full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular hours to any citizens on personal request.

Publish:

CITY OF SANDPOINT

Maree Peck, City Clerk

STATEMENT OF LEGAL ADVISER

I, Scot Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. _____ and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the contents thereof.

Scot Campbell, City Attorney