

ORDINANCE No. 0811

AN ORDINANCE FOR: Special or Outdoor Events

The City council of Manhattan Beach Ordains:

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Section 1: **PURPOSE AND FINDINGS**

The purpose of this chapter is to protect the health, safety, and welfare of the citizens of this city by regulating the time, place, and manner of conduct of special or outdoor events and by establishing permit requirements for conducting special or outdoor events such as are herein defined. The City Council finds that special events often exceed the city's capacity to provide usual city services. These city services include, but are not limited to fire, and police services. The City Council also finds these regulations necessary to ensure that the events are conducted with sufficient consideration given to public safety issues, including, among other things, the impact of these events on and impulsive and loudly audible noise that injures or endangers comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

Section 2: **DEFINITIONS**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. A natural person, association, organization, club, group formed for a common purpose, partnership of any kind, limited liability company, corporation or any other legal entity.

NONCOMMERCIAL EVENTS. Events held on the principal use of land or buildings is not for the sale, lease, rental or trade of products, goods or services.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods or services.

SPECIAL EVENT. An outdoor gathering of at least 50 individuals whether on public or private property, assembled with a common purpose for a period of one hour or longer.

SPECIAL EVENTS include, but are not limited to concerts, fairs, carnivals, circuses, parades, flea markets, marathons, walkathons, festivals, races, bicycle events, celebrations or any other gathering or events of similar nature. **SPECIAL EVENTS** do not include noncommercial events held on private property such as graduation parties or social parties.

Section 3: **PERMIT REQUIRED**

No person shall hold, conduct, or participate in a special event within the city unless a permit has been issued for the event upon timely written application made to the city.

Section 4. **APPLICATION FOR PERMIT**

In addition to the general licensing application requirements included in this ordinance, each written application for a special event permit must be made at least 45 days in advance of the event's proposed date in a form prescribed by the City Council. This application period shall not begin to run until a complete application has been filed with the city. Application forms shall be made available in the office of the City Clerk. A fee, in the amount specified in the ordinance establishing fees and charges, shall be paid to the city along with the completed application form. In addition to the fee, the applicant shall pay all additional costs incurred by the city as a direct result of the special or outdoor event. Failure to provide a complete application or to pay the fee, as herein required, is sufficient reason to deny the special or outdoor event permit.

Section 5. **ISSUANCE OF PERMIT, CONDITIONS, AND POSTING**

- (1) Special or outdoor event permits will be issued upon City Council approval. The Council may attach reasonable conditions to the permit as are deemed necessary to protect the health, safety, and welfare.

- (2) The conditions may pertain to any of the following;
- (a) Location and hours during which the event may be held;
 - (b) Sanitation availability of potable water;
 - (c) Security/crowd management;
 - (d) Parking and traffic issues;
 - (e) Emergency and medical services;
 - (f) Clean-up of premises and surrounding area/trash disposal;
 - (g) Insurance;
 - (h) Lighting;
 - (i) Fire service/safety, including meeting all requirements of the State Fire Code, as it may be amended from time to time;
 - (j) Temporary construction, barricades/fencing
 - (k) Removal of advertising/promotional materials;
 - (l) Noise levels;
 - (m) Alcohol consumption;
 - (n) Notification of residents or business; and
 - (o) Any other conditions which the Council deems necessary

Section 6: **EXCEPTIONS TO THE PERMIT**

The permit requirement contained in this chapter does not apply to the following:

- (1) Special or outdoor events sponsored and managed by the city.
- (2) Property zoned Shoreline Residential and Residential

Section 7: **DENIAL OF APPLICATION**

A permit may be denied based upon a determination that;

- (1) The event would seriously endanger public safety;
- (2) The event would unreasonably inconvenience the general public;
- (3) The event would unreasonably infringe upon the rights of abutting properties;
- (4) The event would conflict with another proximate event or interfere with construction or maintenance work;
- (5) There are not sufficient safety personnel or other necessary staff to accommodate the event; and
- (6) Other issues in the public interest were identified by the City Council.

Section 8: **PENALTY**

- (1) Violation of any provision of this ordinance shall be considered either an administrative offense subject to an administrative fine; a criminal offense; or a civil offense subject to enforcement through civil remedies. Each act of violation in every calendar day upon which said violation occurs or continues may be considered a separate offense. In all cases where the City reviewing, investigating, or administering a land use application for purposes of enforcing compliance with this ordinance, the offending party, real estate owner, and/or permit holder, shall be required jointly and severally to reimburse the City for the City's fees and costs associated with enforcing compliance with this ordinance. Fees and costs include, but are not limited to attorney's fees, engineering fees, consultant fees, and other professional services deemed necessary by the City. The City also reserves the right to record a lien against real estate that is the subject of a land use enforcement action pursuant to Section 514.67 of Minnesota Statutes, for any of the aforementioned unpaid fees and services.
- (2) Enforcement of this division may, at the Council's discretion, take any of the following forms:
 - a. Citation/criminal prosecution;
 - b. Injunction, declaratory judgments, or other civil remedies;
 - c. Permit revocation; and
 - d. Disbursement of persons gathered.

Section 9: INDEMNIFICATION

Permit holder agrees to defend, indemnify and hold the city, its officers and employees harmless from any liability, claim, damages, costs, judgments or expenses, including attorney's fees, resulting directly or indirectly from an act of omission including, without limitation, professional errors and omissions of event promoter, its agents, employees, arising out of or by any reason of the conduct of the activity authorized by the permit and against all loss caused in any way be reason of the failure of the event promoter to fully perform all obligations under this section.

Section 10: APPLICABILITY

The provisions of this ordinance and of all regulations made thereunder and all permits issued thereunder shall be subject to all applicable and controlling provisions of federal, state and city laws and of regulations and orders issued thereunder.

Section 11: EFFECTIVE DATE. This ordinance becomes effective on _____.

Passed by the City Council of Manhattan Beach on _____.

Approved:

Mayor

Attested:

City Clerk