

**ORDINANCE NO. 465**

**AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTION  
5.06 CONCERNING PUBLIC EVENTS.**

5.06.010 Definitions.

- (1) "Beer garden" means a temporary outdoor facility located on public property or premises open to the public for dispensing alcoholic beverages in accordance with a Special Beer or Wine License issued by the Oregon Liquor Control Commission. The term does not include a temporary Special Dispenser License issued to a Dispenser by the Oregon Liquor Control Commission for use upon the premises of the licensee.
- (2) "Health Department" means Deschutes County Sanitarian.
- (3) "Large Public Event" means any organized assembly, gathering or event (including but not limited to entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization) that is anticipated to involve or attract over 100 persons which is held in a City park or on public property to which the general public or private parties are invited.
- (4) "Medium Public Event" is any organized assembly, gathering or event (including but not limited to entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization) that is anticipated to involve or attract between 25 to 100 persons which is held in a City park or on public property to which the general public or private parties are invited.
- (5) "OLCC" means Oregon Liquor Control Commission
- (6) "Parade" means a procession of persons using the public right-of-way and requiring closure or blocking of street right-of-way, with the exception of funeral processions.
- (7) "Physical Facility" means any physical structure or structures or objects that are designed, built, erected, or provided to accommodate or facilitate the public assembly of citizens including but not limited to the use of tents, stages, booths, electrical sound or video equipment, portable or temporary buildings or other structures, permanent buildings, vehicles, fences, barriers, ropes, or other structures, etc.
- (8) "Police Representative" means and refers to the Deschutes County Sheriff's Department representative for the City of Sisters, or his duly authorized deputies and representatives.
- (9) "Public property" means and refers to property owned by or under the control of the City of Sisters, including City parks, streets, and public right of way or the Sisters School District.

(10) "Small Public Event" means any organized assembly, gathering or event (including but not limited to entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization) that is anticipated to involve or attract up to 24 persons, and which is held in a City park or on public property to which the general public or private parties are invited. (Ord 306, 2000)

(11) "Transient Merchant" has the same definition as in Sisters Code Section 5.24.110.

#### 5.06.020 Permit Required.

(1) It shall be unlawful for any person, persons, corporation, or organization to allow, promote, conduct or cause to be advertised, any public event defined in this Ordinance to be conducted in a City park or on public property to which the general public or private parties are invited unless the person, persons, corporation, or organization sponsoring said public event shall first obtain a permit as provided, and shall comply with all regulations provided in this Ordinance.

(2) Written application for each public event permit shall be made to the City Manager or designee for the City of Sisters pursuant to the application procedure applicable to the specific event. The permit shall be signed by the person or persons organizing and sponsoring said public event. Each application shall state the proposed location to be utilized for the public event and shall also state that the applicant or applicants and participating Transient Merchants will abide by all rules and regulations of this code section and other regulations and laws for the protection of the health, morals, peace, and safety of the persons employed therein, the patrons or participants thereof, and the public, and shall make any repairs or cleaning following the event to return the property to its pre-event condition. The City, in its sole discretion, may designate a different location for the event, hours for the event, the size of the event, or make any other changes that it deems would be in the best interest of the City. No permit shall be transferable or assignable. Permit fees for public events shall be paid for, in full, at the time the permit is applied for. The fees shall be set by Resolution by the City Council for the City of Sisters.

(3) Except as otherwise provided in this code section, Public Events involving any commercial activity are not allowed during the following city-wide events: Sisters Outdoor Quilt Show, Sisters Folk Festival, or the Sisters Harvest Faire. The sponsoring organization for the Sisters Outdoor Quilt Show, Sisters Folk Festival, and the Sisters Harvest Faire may apply for a Public Event Permit during that organization's city-wide event.

(4) Permit applications shall be taken no earlier than January 1 or the year in which the public event is scheduled to occur. In the event a conflict occurs between applications, first consideration will be given to the event which used the City park or public property the immediate preceding year. Prior event applicants shall have until March 1 to re-apply. In the event no application is filed by March 1 by the prior event applicant, the new event applicant shall have priority for that and subsequent years. (Ord 306, 2000, amended by Ord 354, 2005)

5.06.030 Small and Medium Public Event Application Procedure. Written application for each Small or Medium Public Event permit shall be made to the City of Sisters ten (10) working days prior to the first day of use. The permit shall be on the form furnished by the City and shall

be signed by the person or persons organizing and sponsoring the assembly. Each application shall state the proposed location to be used for the assembly, the number of persons reasonably anticipated to attend, and that the applicant will abide by all municipal code provisions, rules and regulations and any other state or federal laws and regulations which may be applicable. The applicant may also be subject to certain regulations pertaining to Large Public Events as further defined in this Ordinance if, upon determination by the City Manager or designee, that those regulations apply to the applicant's permit based upon the circumstances. (Ord 306, 2000)

5.06.040 Large Public Event Application Procedure.

(1) An applicant must pick up an application for Large Public Event permit from City Manager and receive written instructions as to departments or agencies applicant will need to contact prior to submitting a completed application.

(2) An applicant must submit the completed application to the City thirty (30) days prior to the public event. An applicant must obtain written approval from all appropriate agencies or departments that satisfactory arrangements have been made by applicant to comply with the conditions in this section. No application shall be accepted and no permit shall be issued unless the applicant has received approval from the respective agencies or departments.

(3) The permit shall be on the form furnished by the City and shall be signed by the person or persons organizing and sponsoring the assembly. Each application shall state the proposed location to be used for the assembly, the number of persons reasonably anticipated to attend, the number of Transient Merchants, and that the applicant will abide by all municipal code provisions, rules and regulations and any other state or federal laws and regulations which may be applicable. (Ord 306, 2000)

5.06.045 Denial. The City Manager may deny an application if the applicant fails to provide any required information, approvals, insurance, deposit or other requirement of this ordinance; if there is already another event scheduled for the same time (including time for clean-up post-event) such that the events would conflict; or if the applicant has previously failed to comply with code provisions applicable to public events. (Ord 306, 2000)

5.06.050 Physical Facility. When any type of physical facility for a Public Event is required as defined in Section 5.06.010(7) of this Code, such facility must be approved by the City Manager or designee. Preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All physical facilities shall be inspected by the appropriate departments or agencies prior to the start of the public event. Should the actual physical facility fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn, and all permits granted subject to such approval shall be withdrawn. Physical Facilities will be removed at the end of each event. If permit is rejected, no refund will be made. (Ord 306, 2000)

5.06.055 Americans with Disabilities Act. Events which are open to the public shall have temporary venues, related structures, and outdoor sites accessible to all disabled persons. If an area is not accessible, an alternate area shall be provided with the same activities that are in the inaccessible area. However, these activities shall not be offered only to patrons with disabilities.

5.06.060 Sanitary Facilities. The Deschutes County Sanitarian shall review and approve the proposed sanitation and related facilities to ensure that reasonable minimum standards of the appropriate health department will be met by the applicant. In this regard, the applicant must provide all necessary detailed information to satisfy the appropriate agencies or departments. (Ord 306, 2000)

5.06.070 Fire Protection Standards. No permit for a Large Public Event shall be granted hereunder unless the Sisters-Camp Sherman Rural Fire Protection District officer has approved the site and equipment. (Ord 306, 2000)

5.06.080 Medical Services. The Sisters-Camp Sherman Rural Fire Protection District, or its authorized representative, may be required to pre-approve the planned medical services for the public event.(Ord 306, 2000)

5.06.090 Public Safety.

(1) The applicant for a Large Public Event must submit the plans for public safety at the Public Event to the Police Representative for their approval. Adequate traffic control and crowd protection personnel must have been contracted for or otherwise provided by the applicant. The Police Representative shall determine the number of traffic control and crowd control personnel reasonably necessary to protect the health, peace and safety of the public and shall notify the applicant of his determination. The applicant shall furnish such traffic control and crowd control personnel as are determined necessary by the Police Representative. The applicant shall submit the names and address information for all traffic control and crowd control personnel to the Police Representative for his investigation. The applicant may also be required to provide background information on all crowd control and traffic control personnel if required to do so by the Chief of Police. All such personnel must meet the following minimum standards in order to be approved as suitable by the Police Representative:

- (a) Be 21 through 65 years of age;
- (b) Be in good physical health;
- (c) Never have been convicted of a felony, or never convicted of a misdemeanor involving moral turpitude;

(d) Either have received reasonable minimum training in law enforcement or have on the job experience in law enforcement.

(e) All of said traffic control or crowd control personnel must wear an appropriate identifying uniform and must be on duty during the entire public event unless a relief schedule has been planned and approved. A relief schedule will be approved by the Police Representative only when sufficient personnel strength on duty has been maintained to meet the above described minimum strength standards. It shall be the duty of said traffic control or crowd control personnel to report any violations of the law to the Police Representative, his officers

or representatives, and to take whatever action that can be reasonably expected of them to enforce the law.

(f) The Police Representative, upon good cause shown, may waive or modify any of the requirements of this section.(Ord 306, 2000)

5.06.100 Parking Facilities. The City Manager or designee must pre-approve public event parking arrangements when deemed necessary. If buses are used to transport the public to the event, the applicant must have bus parking area approved by the City of Sisters. (Ord 306, 2000)

5.06.105 Whychus Creek Setback. Transient Merchants at Creekside Park are required to have a fifteen (15) foot setback from Whychus Creek, thirty (30) foot setback for fuel powered equipment.

5.06.110 Liability Insurance. Permit applicants shall be required to furnish evidence of liability insurance which covers the public event providing for a minimum of \$100,000 bodily injury coverage per person with a total aggregate policy of \$500,000 coverage per occurrence, and \$5,000 property damage coverage. The policy shall name the City of Sisters as an additional insured. (Ord 306, 2000)

5.06.115 Deposits. In the event that the applicant has previously violated any provision of the Sisters Code or state statutes in the conduct of a prior event, the City may require a cash deposit of \$10,000 be posted. (Ord 306, 2000)

5.06.120 Disputes. When a dispute arises between the parties as to the number of persons anticipated to attend the public event, the decision of the City Manager or designee shall be final and controlling. (Ord 306, 2000)

5.06.130 Inspection. The City Manager or designee shall have the right to go upon the premises or facilities for which the permit has been granted for the purpose of inspection and enforcement of this ordinance and the laws of this city and state. (Ord 306, 2000)

5.06.140 Hours of Operation. Hours of operation of a public event to be conducted in a city park or upon public property, shall be approved at the time the permit is issued. Approval of hours of operation by the City Manager or designee shall supersede all other ordinances. (Ord 306, 2000)

5.06.145 Clean-Up of Public Facilities. Within 48 hours after conclusion of the event, the public property shall be completely cleaned and repaired, including repair or replacement of grass, trees or shrubs damaged by event, removal of all debris, removal of any signs, posters, graffiti or other markings. If the premises are not cleaned within the 48 hours, the applicant shall pay an additional fee of \$100 per day until the premises are cleaned. The City shall have the right to undertake the cleaning and the applicant shall be responsible for the actual cost plus any accrued fees under this section. (Ord 306, 2000)

5.06.150 Intoxicating Liquor and Controlled Substances. No persons, corporations or organization sponsoring a public event, nor any person having control thereof, shall permit any person to bring into said public event, or upon the premises thereof, any intoxicating liquor nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon intoxicating liquor unless specifically allowed in the public event permit and OLCC permit. No person shall use, possess, or manufacture controlled substances within City parks or public property pursuant to ORS Chapter 475. (Ord 306, 2000)

5.06.160 Revocation of Permit. If any public event as prescribed in this ordinance is not being operated in accordance with the rules and regulations set forth herein, the City of Sisters shall have the right to revoke the permit, and the applicant or other responsible individual shall be subject to such other punishment as the law and this ordinance provides. Failure to comply with the terms and conditions of this ordinance shall constitute a public nuisance and the applicant shall be subject to all criminal, civil and equitable remedies as are available to the City. (Ord 306, 2000)

5.06.170 Exemption. This ordinance shall not apply to activity conducted on Sisters School District property where the Sisters School District and/or Sisters Park and Recreation District is the sponsoring organization and is conducting the event. Further, the City Manager shall be authorized to waive the permit requirement for certain limited private events in which no significant public health, safety, or welfare issues are involved and when no police service or other city services are determined to be necessary (such as family gatherings and weddings). All such events must, however, comply with park rules and ordinances if the public event is being held in a public park. (Ord 306, 2000)

5.06.175 Appeal. The decision of the City Manager may be appealed to the City Council for review. (Ord 306, 2000)

5.06.180 Offenses. Unless specifically authorized under the applicant's permit, no person, persons, corporation, or organization sponsoring a public event shall violate any law or regulation provided for in the City of Sisters Parks Ordinance or the Municipal Code regarding the regulation and control of public parks and public property or any other municipal, state or federal law. (Ord 306, 2000)

5.06.190 Penalties. Any person who shall violate or fail to comply with any provision of this ordinance or who, having obtained a permit hereunder willfully fails to continue to comply with the terms and conditions thereunder, or who shall counsel, aid, or abet such violation or failure to comply, shall be punished, upon conviction, by imprisonment for not more than 30 days, or by a fine of not more than \$1,000, or by both. Each separate day that a person violates the provisions of this ordinance shall be considered a separate offense. (Amended by Ord 306, 2000.)

PASSED by the Common Council of the City of Sisters this 19th day of November 2015 and APPROVED by the Mayor of the City of Sisters.



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Chris Frye, Mayor

ATTEST:



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Kathy Nelson, City Recorder