

ORDINANCE NO. 500

AN ORDINANCE OF CITY OF SISTERS IMPOSING A PERMIT REQUIREMENT FOR CERTAIN PUBLIC EVENTS HELD WITHIN CITY'S INCORPORATED LIMITS; IMPOSING PENALTIES; AND AMENDING, REPLACING, AND SUPERSEDING CHAPTER 5.10 OF THE SISTERS MUNICIPAL CODE IN ITS ENTIRETY.

WHEREAS, City of Sisters ("city") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow city; and

WHEREAS, Chapter 5.10 of the Sisters Municipal Code (the "Code") contains certain public event regulations within city; and

WHEREAS, city recognizes the intrinsic value of public events that bring people from the community together for celebration, recreation, exercise, debate, and enjoyment of public spaces; and

WHEREAS, public events conducted within city have contributed to the economic development, tourism, and quality of life experienced in city; and

WHEREAS, city finds that public events are likely to create additional needs and impacts upon city services, resources, and public property and upon adjacent and nearby rights-of-way, streets, sidewalks, and bikeways; and

WHEREAS, city has an important and compelling governmental interest in protecting property, public safety, health, and welfare, and controlling use of streets and other public property, facilities, and venues; and

WHEREAS, city has an important and compelling interest in obtaining notice of public events to ensure additional safety and/or other services that may be necessary due to the nature and/or size of the event are provided or available; and

WHEREAS, city finds it necessary to (a) provide a permit system for public events and the special use of public property, streets, rights-of-way, sidewalks, trails, and bikeways, and (b) charge fees to recover costs of administering such a permit; and

WHEREAS, city has determined that Chapter 5.10 of the Code is difficult to efficiently and effectively administer; and

WHEREAS, city desires to establish reasonable and uniform regulations concerning the permitting and operation of public events, including, without limitation, their impact on public spaces, streets, sidewalks, rights-of-way, and bikeways.

NOW, THEREFORE, the City of Sisters ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title; Purpose. This Ordinance No. 500 may be referred to as the "Public Events Ordinance" and will be cited and referred to herein as this "Ordinance." The purposes of this Ordinance include, without limitation, the following: (a) to provide a permit system for public events and the

special use of public property, parks, streets, rights-of-way, sidewalks, trails, and/or bikeways; (b) to charge fee(s) to recover costs of administering such a permit; and (c) to adopt regulations to protect property, public safety, health, and welfare, and control the use of streets and other public facilities and venues in city.

3. Definitions. Unless the context requires otherwise, when used in this Ordinance the following terms and phrases have the meanings assigned to them below, whether or not such terms are capitalized:

“Applicant” means the person applying for a permit to conduct a public event within city.

“Application fee” means a nonrefundable fee required for processing an application for a public event permit.

“Attendee(s)” means any person located within, along, and/or near a public event, whether or not that person pays a fee to participate in the public event; provided, however, “attendee(s)” does not include the applicant(s), organizer(s), organizer’s employees, agents, and/or representatives, and/or transient merchant(s) or vendor(s) participating in the public event.

“City” has the meaning assigned to such term in the recitals.

“City’s representative(s)” means, individually and collectively, each present and future officer, employee, agent, contractor, and/or representative of city.

“City-wide event” means a public event designated as a city-wide event as described under Section 5 of this Ordinance.

“Council” means the then-appointed Sisters City Council.

“County” means Deschutes County.

“District(s)” means, individually and collectively, Sisters School District No. 6, Sisters-Camp Sherman Rural Fire Protection District, and Sisters Park and Recreation District.

“EMS” means emergency medical services.

“Large public event” means a public event that is anticipated to involve or attract 251 or more attendees.

“Manager” means city’s then appointed city manager and/or his or her designee(s).

“Medium public event” means a public event that is anticipated to involve or attract 76 or more attendees but no more than 250 attendees.

“OLCC” means the Oregon Liquor Control Commission.

“Organizer(s)” means any person who conducts, promotes, allows, stages, and/or sponsors a public event, including, without limitation, the owner, lessee, and/or possessor of real property upon which a public event may be sited, hosted, operated, conducted, and/or used.

“Parade” means a procession of persons using the public right-of-way consisting of 15 or more persons or five or more vehicles and requiring closure, blocking, and/or detours of street right-of-way. For purposes of this Ordinance, “parade” does not include funeral processions.

“Permit” means the permission granted by city under this Ordinance to operate, engage, conduct, and/or carry on a public event within city.

“Permit fee(s)” means the permit fees described under Section 7 of this Ordinance.

“Person” means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary, and/or other capacity.

“Public event(s)” means any non-city organized activity, assembly, gathering, and/or event, including, without limitation, entertainment, recreation, sale of goods or services, and/or other common purpose to be undertaken by a person or organization, that (a) is anticipated to involve or attract 25 or more attendees, (b) is reasonably expected to place additional demand on public services, and/or (c) affects the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.). For purposes of this Ordinance, “public event(s)” includes, without limitation, celebrations, parades, exhibitions, sports competitions, fairs, festivals, and block parties; provided, however, “public event(s)” does not include, without limitation, demonstrations and other lawful assemblies, which may include, without limitation, private social gatherings that will make no use of city property and/or right-of-way other than for lawful parking.

“Small public event(s)” means a public event that is anticipated to involve or attract 25 or more attendees but no more than 75 attendees.

“Vehicle(s)” means any device in, upon, and/or by which any person or property is or may be transported or drawn upon a public highway, including, without limitation, bicycles and vehicles that are propelled or powered by any means.

4. Permit Required.

4.1 Permit. Except as otherwise exempted under Section 4.2, no person may establish, maintain, and/or operate a public event within city without first applying for and obtaining a permit and paying all applicable permit and other fees in accordance with this Ordinance. No person with actual, present, supervisory control of any public event for which a permit is required under this Ordinance may permit, direct, and/or allow the operation or continuation of such public event at any time when there is not then in full force and effect a permit issued pursuant to and in accordance with the provisions of this Ordinance. City may require that other licenses or permits be obtained if the public event will include other activities requiring permits or licenses under applicable city laws, ordinances, and/or regulations. The need for other licenses or permits will be determined by city during the application review process.

4.2 Exemptions. A permit will not be required for the following public event(s):

(a) A public event conducted on any district and/or county property if (1) no significant public health, safety, and/or welfare concerns are present, (2) no additional demand on police services and/or other city services is anticipated, and (3) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

(b) A public event conducted entirely on private property if (1) no significant public health, safety, and/or welfare concerns are present, (2) no additional demand on police services and/or other city services is anticipated, and (3) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

(c) Any other public event the manager reasonably determines is exempt from the permit requirements imposed under this Ordinance; provided, however, the manager's exemption under this Section 4.2(c) may be granted only for certain limited private events, including, without limitation, family gatherings, weddings, and birthday parties, in which (1) no significant public health, safety, and/or welfare concerns are present, (2) no additional demand on police services and/or other city services is anticipated, and (3) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.). The manager's decision to exempt a particular public event will not set any precedent or bind future decisions of the manager.

5. City-Wide Events.

5.1 City-Wide Event Designation. No person may establish, maintain, and/or operate a city-wide event within city without first applying for and obtaining the city-wide event designation. Subject to the provisions of this Ordinance, the manager will review and evaluate any application for city-wide event designation. In evaluating an application for the designation, the manager may consider such factors, criteria, and characteristics of the proposed event the manager deems necessary or appropriate to determine whether a proposed public event is a city-wide event, including, without limitation, that the event can be viewed by the public outside of the immediate event footprint or boundaries, and/or the estimated amount of total city staff hours and/or police officer hours to be assigned to the event is anticipated to exceed 20 hours. Notwithstanding the immediately preceding sentence, no public event will be designated as a city-wide event unless (a) the event is expected to draw a significant citywide and/or regional crowd with not less than 2,000 attendees, and (b) the event is a recurring event held in city for at least three of the last five years. A public event that otherwise satisfies the requirements of the immediately preceding sentence must apply for and obtain the city-wide event designation in accordance with this Section 5. The manager is authorized to make an investigation of the public event and will review the application and conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the public event qualifies for the city-wide event designation. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager. City will maintain an annual calendar listing the date(s) of each designated city-wide event. Subject to the provisions of this Ordinance, designated city-wide events have precedence over public events proposing to be conducted during the city-wide event. As of the

effective date of this Ordinance, the following are designated city-wide events: (x) the Sisters Outdoor Quilt Show; (y) the Sisters Harvest Faire; and (z) the Sisters Folk Festival.

5.2 City-Wide Event Regulations. Notwithstanding anything contained in this Ordinance to the contrary, (a) each city-wide event will be conducted in compliance with all applicable provisions of this Ordinance, including, without limitation, the general requirements contained in Section 8, and (b) no more than one city-wide event will be permitted and/or conducted per month during a calendar year. In addition to and not in lieu of all other applicable requirements under this Ordinance, no public event may be held, operated, conducted, and/or carried on during any day during which a city-wide event occurs in City. During each city-wide event, the organizer will designate an event manager to act as an on-site representative responsible for ensuring the city-wide event is conducted in accordance with this Ordinance. The event manager will be available on-site and at the phone number provided in the permit application while the city-wide event is occurring.

5.3 Annual Application. A person or organizer desiring to conduct a designated city-wide event within city must first apply for and obtain a permit and pay all applicable application, permit, and other fees in accordance with this Ordinance. Except as provided in Section 5.4, city will not review and evaluate any permit application for a public event proposing to be conducted during a designated city-wide event. Notwithstanding the time periods contained in Section 6.1, an application for a city-wide event permit must be (a) submitted not less than 120 days prior to the proposed event, and (b) approved by city not less than 60 days prior to the proposed event. Failure to submit an application not less than 120 days prior to the proposed event and/or receive approval not less than 60 days prior to the proposed event may, in city's sole discretion, result in revocation of the city-wide event designation for the applicable calendar year.

5.4 Effective of Revocation of Designation. Upon revocation of the city-wide event designation, city will, on a first come first serve basis, review and evaluate any timely submitted permit applications for public events proposing to be conducted during the revoked city-wide event. The decision to revoke the city-wide event designation is not appealable.

6. Permit Application Requirements; Review.

6.1 Application Requirements. Each person or organizer desiring to conduct a public event for which a permit is required under this Ordinance must apply for a permit to operate, engage, conduct, and/or carry on the public event on such application forms and in such manner as the manager may then prescribe. Subject to the provisions of this Ordinance, an application for a permit must be submitted not less than 90 days prior to a proposed large public event and approved by city not less than 30 days prior to the proposed large public event. An application for a permit must be submitted to City not less than 60 days prior to a proposed medium public event and/or small public event and approved by City not less than 30 days prior to the proposed medium public event and/or small public event. Each application will be evaluated on its own merits; subject to the provision of this Ordinance, there will be no presumption that a public event occurring annually or otherwise periodically will qualify for a permit. The application must be accompanied by the then applicable application fee and all other fees required under this Ordinance. The application must be filed with the manager and, in addition to all other information reasonably requested by the manager, must include, without limitation, the following information:

- (a) A description of the proposed public event, including, without limitation

(1) the name and type of public event, (2) the proposed date(s) and time(s) of the public event, (3) a description and map indicating the proposed location(s) of the public event, (4) the sponsoring organization(s), and (5) the number of reasonably anticipated attendees;

(b) The names, addresses, and contact information of the applicant and each person acting as an organizer for the public event;

(c) A traffic control plan that addresses likely traffic impacts that may result from the proposed public event and, if the public event is in any way mobile and/or uses streets, roads, sidewalks, bike paths, trails, and/or rights-of-way, a description and map indicating the proposed route through city;

(d) If the public event includes a road closure and/or requires use of traffic control equipment, the traffic control plan will identify the roads proposing to be closed, vehicle traffic flow, including any detours or lane closures, and all required traffic control equipment;

(e) Whether food and/or alcoholic beverages are expected to be sold, served, and/or otherwise made available or consumed by attendees;

(f) If alcoholic beverages will be available at other than regularly licensed and permanently located establishments, an applicant will be required to provide a security plan for alcohol monitoring;

(g) If food will be available at other than regularly licensed and permanently located establishments, the name(s) of food vendors who will be participating in the public event;

(h) Evidence that the applicant has obtained (or will obtain) all applicable federal, state, and/or local licenses, certificates, registrations, and/or permits required for the public event (and the identification of such licenses, certificates, registrations, and/or permits), including, without limitation, approval from the OLCC, if applicable;

(i) If the public event requires use of city water, the time(s) and date(s) that such service need to be turned on and off;

(j) For any city-wide event, the names, addresses, and contact information of the person(s) acting as the designated event manager (on-site representative);

(k) Identification of each transient merchant participating in the public event, including, without limitation, (1) each transient merchant's name, contact information, and type of business and/or activity to be conducted during the public event, and (2) such other information the manager deems necessary or appropriate;

(l) If required under Section 6.2(a), public safety plan and security plan addressing the requirements of Section 6.2(a); and

(m) Any other information that the manager deems necessary or appropriate to enable city to review the application and determine whether the public event qualifies

for issuance of a permit, including, without limitation, verification of the identity of the applicant or authorized agent submitting the application on behalf of the applicant.

6.2 Public Safety; Sanitation; Insurance.

(a) Public Safety. An applicant for a permit for a large public event and/or city-wide event must submit plans for public safety (including applicable fire safety) and on-site EMS for the public event to the manager. If required by city, private security and on-site EMS must be retained to reasonably ensure that all attendees, volunteers, vendors, contractors, guests, and/or invitees behave in a lawful and civilized manner and have adequate on-site EMS available. The applicant's proposed private security and on-site EMS plans will be subject to the manager's approval. Security personnel will be properly trained, state certified, licensed, bonded, insured, uniformed, and unarmed. EMS personnel will be properly trained and, if required by City, approved by the Sisters-Camp Sherman Rural Fire Protection District. An applicant may, in city's sole discretion, be required to submit additional background information, including, without limitation, names of security and EMS personnel.

(b) Sanitation. A permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. Adequate waste disposal facilities will be as determined by the manager.

(c) Amplification Systems. Applicants will ensure that amplifying equipment will be located and operated so as to ensure that noise levels of the public event location will comply with the provisions contained in Chapter 8.16 of the Code, including, without limitation, applicable noise levels.

(d) Insurance. Permit applicants must obtain and maintain public event liability insurance concerning the public event with limits of not less than \$1,000,000.00 combined single limit for coverage of bodily injury and property damage, and \$2,000,000.00 in the aggregate. If alcohol will be served at the public event, liquor liability insurance will also be obtained and maintained by the applicant with minimum limits approved by the manager. Each liability insurance will (1) be the primary insurance policy for all covered losses, (2) name city and city's representatives as additional insureds, and (3) apply to, and provide coverage for, all injuries, claims, demands, actions, suits, proceedings, damages, liabilities, losses, costs, and expenses of any kind, including, without limitation, bodily injury and property damage, arising out of the public event. The liability insurance policy(ies) (and endorsements) required under this Section 6.2(d) will be in form and content satisfactory to city and will be provided to city for inspection at the time the application is submitted. Notwithstanding anything contained in this Ordinance to the contrary, the minimum insurance required under this Ordinance (a) will provide coverage in amounts sufficient to meet the minimum tort claim liability limits under applicable law, (b) may be adjusted at any time and from time to time through council resolution or manager determination, and (c) may be adjusted, waived, and/or modified by the manager for small public events and/or medium public events.

6.3 Manager Review. Any application for a permit required under this Ordinance will be reviewed by the manager. The manager may approve, approve with conditions, or deny an application for a permit. The manager's approval of an application for a permit (or any part thereof) is not a guaranty, representation, and/or warranty of the correctness or suitability of the public event (including, without limitation, the public safety and/or EMS plans for the public event). The manager is authorized to make an investigation of the public event and will review the application and conduct

whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the public event complies with this Ordinance and all applicable federal, state, and/or local laws, regulations, and/or ordinances. No permit will be knowingly issued to any person concerning a public event that is prohibited by federal, state, and/or local laws, regulations, and/or ordinances. If the manager determines necessary or appropriate, the manager may (a) impose any additional conditions, including, without limitation, any conditions necessary to preserve and/or protect city property and/or the right-of-way, and/or (b) waive and/or modify procedural and/or substantive conditions and/or requirements under this Ordinance. Notwithstanding this broad authority, the manager will act reasonably, in compliance with applicable federal, state, and local laws, regulations, and ordinances, and in a manner the manager reasonably believes is in city's best interests. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager.

7. Fees; Deposit.

7.1 Permit Fee. The public event permit fee will be determined by council resolution. The permit fee may be increased or decreased at any time and from time to time by council resolution. The permit fee imposed under this Ordinance will be in addition to, and not in lieu of, any other city license and/or permit fees, charges, and/or taxes.

7.2 Other Fees. The amount of any other fees and charges, including, without limitation, the application fee, equipment rental fees, and/or any utility service fees and charges, will be determined by council resolution. The fees and charges identified in the immediately preceding sentence may be increased or decreased at any time and from time to time by council resolution.

7.3 Deposit. If an applicant has previously violated any provision of this Ordinance and/or any other city laws, regulations, and/or ordinances, city may require a deposit, in an amount determined by the manager, prior to issuing a permit. The deposit will be in addition to, and not in lieu of, any other license and/or permit fees, charges, and/or taxes imposed by city, including, without limitation, the application and permit fees.

8. General Requirements.

8.1 Hours of Operation; Duration of Public Event. No public event will be conducted in city during the hours of 10:00 p.m. and 7:00 a.m. without the manager's prior written approval. Hours of operation will be approved at the time the permit is issued. Each person issued a permit will be permitted to begin setting up for the day's event at 7:00 a.m. or at such other time authorized by the manager. Subject to the provisions of this Ordinance, a permit will be valid and effective for a period not to exceed four consecutive days in any seven-day period (which four-day period excludes the 24 hours after the conclusion of the public event for clean-up under Section 8.3). No public event permit will be approved (and no public event will be conducted) during any day of a designated city-wide event.

8.2 Participation; Exclusive Use. No person will participate in a public event which that person (a) knows is required to have a permit under this Ordinance, and (b) knows or should know that the required permit was not obtained. No person will unreasonably interfere with a public event conducted pursuant to a permit issued under this Ordinance and/or any person, vehicle, and/or animal participating or used in such public event. Except as expressly provided otherwise in a permit, a permit does not grant a permit holder exclusive use of city property and/or right-of-way. No person will erect

any temporary improvement, including, without limitation, fences, barriers, and/or tents, without the manager's prior written approval. Nothing contained in this Ordinance will be construed as imposing on city an obligation to otherwise secure any city property designated for exclusive use in a public event permit.

8.3 Clean Up. All city property and rights-of-way will be cleaned of rubbish and debris, returning it to its previous pre-event condition, within 24 hours after the conclusion of the public event. If a person fails to keep and maintain the public event location(s) in a clean condition, city may perform (or contract with another to perform) such clean-up as city deems necessary or appropriate, at the expense of the permit holder. Any costs or expenses incurred by city to perform a permit holder's maintenance and clean-up obligations will be payable by the permit holder immediately upon city's demand.

8.4 Release; Indemnification. Nothing contained in this Ordinance will be construed as imposing on city and/or its officials or employees any liability or responsibility for any injury, damage, and/or destruction to person or property caused or in any way connected to the public event. City and city's representatives will not be deemed to have assumed any liability and/or responsibility by reasons of inspections performed, the issuance of any permit, and/or the approval of any use of the right-of-way. By accepting a permit issued under this Ordinance, each sponsor, organizer, and person issued a permit under this Ordinance will, on a joint and several basis, release, defend, indemnify, and hold harmless city and city's representatives for, from, and against all injuries, claims, demands, actions, suits, proceedings, damages, liabilities, losses, costs, and expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from, whether directly or indirectly, the following: (a) the acts or omissions of the permit holder and/or its affiliates, officers, directors, shareholders, managers, members, employees, agents, representatives, vendors, attendees, and/or contractors in the establishment, maintenance, operation, attendance, and/or participation in the public event; and/or (b) permit holder's failure to comply with the requirements of this Ordinance.

8.5 Compliance with Laws. Each public event, including, without limitation, a public event exempted under Section 4.2, must be conducted in accordance with all applicable federal, state, and local laws, regulations, and/or ordinances, including, without limitation, the Americans with Disabilities Act of 1990 (and the rules and regulations promulgated thereunder), and any ordinances, codes, rules, and/or regulations promulgated by city. The issuance of a permit does not authorize a public event to operate in violation of any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a permit by city is not evidence that the applicant and/or public event is in compliance with, or exempt from, any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a permit will not be construed to constitute permission to engage in any activity prohibited by federal, state, and/or local laws, regulations, and/or ordinances, or a waiver of any other regulatory or license requirement imposed under applicable federal, state, and/or local laws, regulations, and/or ordinances.

8.6 Transient Merchants. Each person or organizer desiring to conduct a public event must submit a list (in such form and substance prescribed by city) identifying each transient merchant participating in the public event and containing the information required under Section 6.1(k). The applicant must submit the list contemporaneously with the permit application required under the Ordinance; provided, however, the applicant will notify city in writing of any modifications to the list not less than 72 hours prior to the proposed public event, including, without limitation, the addition (and/or removal) of any transient merchants participating in the public event. Notwithstanding anything

contained in this Ordinance to the contrary, each transient merchant participating in a public event will be subject to and comply with all applicable provisions contained in Chapter 5.35 of the Code.

8.7 City Parks. Each public event will be conducted subject to and in accordance with all applicable rules and regulations concerning the use of city's parks and/or city property. No medium public event, large public event, and/or city-wide public event may be held, conducted, operated, and/or carried on at, on, and/or about Creekside Park. No large public event and/or city-wide event may be held, conducted, operated, and/or carried on at any city park within ten days following the last day of a designated city-wide event that was held, conducted, operated, and/or carried on at such park.

8.8 Road Closure; Traffic Control. No request for a road closure in connection with a public event will be approved unless the public event traffic control plan identifies alternate routes, safety measures, and appropriate traffic control measures. Each traffic control plan will comply with all applicable laws, including, without limitation, all applicable federal, state, and local laws, regulations, codes, ordinances, and directives (including the Manual on Uniform Traffic Control Devices and/or the ODOT Temporary Traffic Control Handbook). Any road closure in connection with a public event will be conducted in such a manner to intended to minimize any obstruction and/or disruption to traffic circulation (the will provide adequate traffic control) and the organizer will ensure that the closure does not obstruct and/or prevent necessary police and fire emergency routes. Each sponsor, organizer, and person issued a permit will be responsible for all costs and expenses of a road closure, including, without limitation, any costs and expenses incurred by city to assist with and/or facilitate the road closure. Notwithstanding anything contained in this Ordinance to the contrary, city will not permit any closure(s) of city-owned and/or controlled roads in connection with a public event between the period commencing on the Friday immediately preceding Memorial Day and ending on the Monday of Labor Day weekend. The prohibition contained in the immediately preceding sentence does not apply to parades permitted under this Ordinance.

9. No Vested Rights or Privileges. Nothing contained in this Ordinance may be construed as vesting any right or privilege in a permit or permit holder or a contract obligation on the part of city.

10. Permit Denial, Suspension, and Revocation; Appeals; Penalties.

10.1 Grounds for Denial, Suspension, Revocation. The manager may deny, suspend, and/or revoke a permit for the following: (a) the application is incomplete and/or fails to meet the requirements under this Ordinance; (b) fraud, misrepresentation, and/or false statement(s) contained in the application for a permit and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application for a permit; (c) fraud, misrepresentation, and/or false statement(s) made in the course of carrying on the public event; (d) a violation of this Ordinance and/or the terms and conditions imposed under the permit; (e) conducting the permitted public event in an unlawful manner and/or in such a manner as to present an immediate danger to the health, safety, and/or general welfare of persons or property; (f) if denial, suspension, or revocation is necessary to prevent the loss, damage, and/or destruction of public property, and/or to preserve the public health, safety, and/or welfare; and/or (g) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with city. After revocation, the permit holder may not conduct the public event, or if the public event has commenced, will immediately cause the public event to be terminated in a safe, proper manner.

10.2 Investigation. If city receives complaints about any public event, the applicable permit may be reviewed by the manager.

10.3 Notice of Denial, Revocation, or Suspension. The manager must provide to the applicant or permit holder notice of any permit denial, suspension, and/or revocation and the reasons thereof within a reasonable period of time after the manager's determination. All notices must be in writing and must be delivered to the applicant or permit holder at the address set forth in the permit application. Any notice will be deemed delivered upon actual receipt if delivered personally, via email or facsimile (with electronic confirmation of delivery), or an overnight delivery service, or at the end of the third business day after the date deposited in the United States mail, postage pre-paid, certified, return receipt requested. If the violation ends prior to the manager's notice of a permit denial, suspension, and/or revocation, the manager may discontinue any revocation proceedings. The notice will inform the applicant or permit holder of its appeal rights under this Ordinance.

10.4 Appeal. A decision to deny, suspend, and/or revoke a permit may be appealed by delivering written notice of appeal to the manager within 10 days of the notice of denial, suspension, and/or revocation. Failure to file notice of appeal within the aforementioned 10-day appeal period is deemed a waiver of all rights to object to a permit denial, suspension, and/or revocation determination. Unless the manager has declared that immediate danger to the health, safety, and/or general welfare of persons or property exists, the manager's decision to revoke or suspend is stayed pending appeal. The manager will transmit the notice of appeal together with the file of the appealed matter to the council. Upon receipt of the notice and file, the council will fix a time and place for hearing the appeal. The council will give the appellant not less than 10 days' prior written notice of the time and place of hearing the appealed matter. The council will hear and determine the appeal on the basis of the written statement and any additional evidence the council considers appropriate or relevant, including any information provided by the manager. At the hearing, the appellant may present testimony and oral argument, personally or through legal counsel, and any additional evidence; provided, however, the rules of evidence as used by courts of law do not apply. The decision of the council is final and conclusive.

10.5 Violation; Infractions. City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Ordinance. Violation of or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not less than \$100.00 and not to exceed \$1,500.00 per violation, per day. City will be entitled to collect from any person violating or otherwise failing to comply with this Ordinance city's reasonable attorney fees and other fees, costs, and expenses incurred by city to enforce this Ordinance. Each violation, and each day that a violation continues, constitutes a separate civil infraction. The remedies available under this Ordinance are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within city's discretion to seek cumulative remedies for a violation of this Ordinance.

11. Administration. The manager is responsible for the administration of this Ordinance. The manager may establish reasonable rules and regulations necessary or appropriate to carry out the purpose and intent of this Ordinance. Violations of any rules and/or regulations established by the manager pursuant to this Ordinance will be subject to the penalties described in this Ordinance. No person may violate or fail to comply with any rule or regulation established by the manager or willfully make any false or misleading statement to the manager regarding information relevant to the issuance of a permit.

12. Amend, Replace, and Supersede. This Ordinance amends, replaces, and supersedes Chapter 5.10 of the Code and all ordinances, resolutions, and/or policies in conflict with this Ordinance; provided, however, (a) this Ordinance does not relieve any person of any obligations that may have accrued under the Chapter 5.10 of the Code prior to the effective date of this Ordinance, and (b) city may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate the Chapter 5.10 of the Code prior to the effective date of this Ordinance.

13. Severability; Corrections; Effective Date. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. Except as expressly provided otherwise, reference to "day(s)" means calendar days, with any deadline falling on a day other than a business day being extended to the next business day. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the council to cure editorial and/or clerical errors. This Ordinance will become effective 30 days after its passage by the council and approval by the mayor; provided, however, Sections 8.1, 8.7, and 8.8 will become effective January 1, 2021. Prior to the effective date of Section 8.1., the hours of operation and duration of a public event will be approved at the time the permit is issued. City staff and/or its designee may renumber, format, and make other edits necessary to codify this Ordinance into the Code.

This Ordinance was PASSED and ADOPTED by the Sisters City Council by a vote of 4 for and 1 against and APPROVED by the mayor on January 22, 2020.



Chuck Ryan, Mayor

ATTEST:



Kerry Prosser, City Recorder