

TIGARD MUNICIPAL CODE

Chapter 7.48 PUBLIC ASSEMBLIES.

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7.48.010 Definitions.

Unless the context requires otherwise, the following definitions shall apply in construing this chapter:

(1) "Person in charge of property" means owner, occupant, lessee, licensee or other person as owner or otherwise having possession or control of real property.

(2) "Public assembly" means all assemblies of persons projected or reasonably anticipated to number more than one thousand for a continuous period of ten hours or more, more than ten percent of whom will assemble outdoors or in structures specially constructed, erected, or assembled for the assembly of persons whether or not an admission fee is charged.

(3) "Sponsor" means any persona, association, partnership, firm, corporation, joint venture, or any other legal entity whatsoever, who or which initiates, organizes, promotes, permits, conducts or causes to be advertised, a public assembly. (Ord. 70-35 §1, 1970).

7.48.020 Public Interests.

(a) The Council finds that assemblies of persons within the City numbering more than one thousand persons for a continuous period of ten hours or more and more than ten percent thereof will assemble out-of-doors or in structures specially constructed, erected, defined, creates hazardous and nuisance conditions, including but not limited to, excessive traffic, acute problems of solid waste disposal, sanitation and sewage disposal, threatens the public health, welfare and safety including fire and police protection.

(b) The Council further finds that reasonable rules and regulations for controlling public assemblies are necessary to protect the health, safety and welfare of the citizens of the City of Tigard. This chapter shall be liberally construed to accomplish this purpose. (Ord. 70-35 §2, 1970).

7.48.030 Basic Clause.

It is unlawful for any person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a public assembly, unless a permit has been obtained pursuant to this chapter. A separate permit shall be required for each public assembly for the period of time designated by the permit. (Ord. 70-35 §3, 1970).

7.48.040 Permit Requirement.

(a) No public assembly may be held in the corporate boundaries of the City of Tigard, unless the sponsor, and/or the person in charge of the property upon which the assembly is proposed to be conducted apply for a permit as herein provided and such permit is issued pursuant thereto:

(1) No permit shall be issued for more than sixty hours duration of public assembly

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except that a permit by its terms may grant an extension of that period;

(2) No permit shall be issued to an applicant who is under the age of majority;

(3) No permit shall be transferable or assignable;

(4) In case doubt as to the number of people projected to attend a public assembly, the decision of the City Council shall be obtained with respect thereto.

(b) Written application for each public assembly shall be made to the City Council of Tigard not less than forty days prior to the first day upon which the public assembly is proposed to commence.

(c) Application shall be made on forms prescribed by the City Council and shall disclose the following information:

(1) The full legal names and addresses of all sponsors;

(2) The full legal name and address of the owner and person in charge of property to be utilized for the public assembly;

(3) If the sponsor-applicant is a partnership or joint venture then all parties thereto shall sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, bylaws, and resolution authorizing the application may be required, together with satisfactory evidence that such organization is in good standing to transact business in the state of Oregon;

(4) The legal description and address of property to be utilized for public assembly;

(5) The program for the public

assembly or if no program, is prepared, a narrative statement as to the purpose for which the public assembly is to be conducted;

(6) If facilities are to be constructed, assembled or erected on the premises, or food services are to be provided, a written, legible and comprehensive plan of the location and, manner of construction, assembly or erection of the facilities;

(7) Evidence that all permits and licenses as required by state statutes, City ordinances, and rules and regulations enacted thereunder have been obtained;

(8) Additional plans, drawings and information as required to meet the provisions of Sections 7.48.060 and 7.48.070;

(9) Applicants' statement that they conform to and comply with the terms and provisions of this chapter, and all laws, rules and regulations of the state of Oregon, the City of Tigard, and other applicable regulatory bodies.

(d) Each applicant for permit shall be subject to fingerprinting and photographing by the police department of the City of Tigard and such fingerprints and photographs shall be submitted with the application for permit. Applicants shall be subject to a police records review. Record of conviction of a felony or misdemeanor involving moral turpitude of the applicants may be grounds for denial of the permit.

(e) Each application shall be accompanied with a cash fee to cover the cost of inspection, investigation, issuance, and administration of the permit in the following amounts:

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<u>Persons Reasonably Anticipated</u>	<u>Amount of Fee</u>
1,000 to 2,499 inclusive	\$ 100.00
2,500 to 4,999 inclusive	150.00
5,000 to 9,999 inclusive	500.00
10,000 to 49,999 inclusive	1,000.00
50,000 and over	1,500.00

Neither the permit fee nor any portion thereof shall be refundable.

(f) The City Council shall act upon and shall either grant or deny the permit within twenty calendar days after filing of proper application. (Ord. 70-35 §4, 1970).

7.48.050 Indemnity For Restoration-- Damages.

The applicants shall submit with their application a corporate bond of indemnity in a form approved by the City Attorney, or cash deposit to indemnify against damage to City streets, pavements, bridges, road signs and all other public property from any and all causes by vehicles, employees, or participants in the public assembly and further conditioned to assure the restoration of the premises where such public assembly is held to a sanitary condition and pay all charges and losses to the public for damages to the streets, pavements, bridges and all other public property:

(1) Such bond or deposit shall be further conditioned that should the permitted public assembly in the discretion of the City require the City to incur additional expense for added personnel or overtime of regular personnel as a direct result of the public assembly, such added expense shall be paid by the applicants or by the surety bondsman. The cash deposit or its balance will be returned to the applicants and the bondsman upon final released audit by the City Council of the damages, if any, arising from the

public assembly and deployment and employment of personnel.

(2) The corporate bond of indemnity or cash deposit shall be in the following amounts:

<u>Persons Reasonably Anticipated</u>	<u>Cash Deposit or Bond Amount</u>
1,000 to 2,499	\$ 6,000.00
2,500 to 4,999	7,500.00
5,000 to 9,999	10,000.00
10,000 to 49,999	35,000.00
50,000 and over	50,000.00

(3) The property owner or person in charge of the property making application shall be bound to indemnify against damage to streets, pavement, bridges, road signs, and all other county property, and to assure that the property will be restored to a sanitary condition. A lien shall arise against the property which may be levied upon to the extent the indemnification bond is insufficient to cover the costs incurred and any expense of the City in deploying or employing personnel directly attributable to the conduct of the public assembly. The procedure for assessment and enforcement shall be as prescribed by ORS Sections 223.505 to 223.650, as applicable. (Ord. 70-35 §5, 1970).

7.48.060 Conditions Of Approval.

(a) No permit shall be issued by the City Council unless all of the conditions recited herein have been satisfactorily concluded:

(1) **SANITARY FACILITIES:** Written approval of the Washington County health department indicating that applicant's plans for water supply, toilet facilities, washing facilities, and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, conform with applicable state law, rules and regulations relating to the public health.

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(2) FIRE PROTECTION: Written approval of the Tualatin Rural- Fire Protection District or State Fire marshal approving fire prevention and suppression means at or near the property upon which the public assembly is to be conducted.

(3) PUBLIC SAFETY: Written approval of the City's Chief of Police with respect to the following conditions:

(A) Applicants have provided for adequate traffic control and crowd control personnel, i.e., one traffic controller for each two hundred fifty persons reasonably anticipated to be in attendance and one crowd controller for each two hundred fifty persons reasonably anticipated to be in attendance.

(B) A list of those persons who will act as traffic controllers must be presented to the Chief of Police with the application. The proposed controllers shall be subject to fingerprinting and photographing by the police department of the City of Tigard, and a records check. No person may serve as a crowd controller or traffic controller if he has been convicted of a felony or a misdemeanor involving moral turpitude.

(C) Crowd controllers and traffic controllers must be qualified to be certified as police officers of the state of Oregon, or meet other qualifications as determined by the Chief of Police.

(D) Crowd controllers and traffic controllers shall report all violations of law to the department of police of the City of Tigard.

(4) MEDICAL SERVICES: Written approval by the Washington County health department verifying that proper medical services shall have been arranged by the applicant. Each public assembly shall have as a minimum, one

ambulance and a first-aid station staffed by two adult individuals trained in first-aid techniques in attendance at all times.

(5) PARKING FACILITIES: Written approval of the department of public works indicating that adequate parking is available within or adjacent to the premises upon which the public assembly is to be conducted as herein provided.

(A) Such parking facilities shall provide parking space for one vehicle for every four persons forecasted to be in attendance at the public assembly.

(B) Adequate ingress and egress shall be provided from-in such parking area to facilitate the movement of any vehicle at any time to or from the parking area; provided, however, that should buses be used to transport the public to the assembly, it shall be shown that public parking, as described above, is available at any site from which buses are scheduled to pick up persons to transport them to the public assembly.

(6) STRUCTURES: Written approval by or permit from, the planning department that facilities to be constructed, assembled, erected, or utilized are in conformance with the zoning ordinance and building code of the City.

(b) All facilities to be specially assembled, constructed, or erected for the public assembly must be in place two days before the commencement of the public assembly and be approved by the department of planning. (Ord. 70-35 §6, 1970).

7.48.070 General Regulations.

(a) No permittee, or persons having control of the public assembly shall permit any person to bring onto the property, any intoxicating liquor, nor permit intoxicating liquor to be consumed on

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the property and no person during the public assembly shall take or carry onto the property, or drink thereon, intoxicating liquor, except as licensed or permitted by state law.

(b) The burden of preserving order during the public assembly is upon the permittees of the public assembly. Any violation of the laws of the state of Oregon, state rules and regulations, or of the terms and conditions of this chapter and other City ordinances or the permit granted hereunder may be cause for immediate revocation of the permit by the City Council or by concurrence of the Chief of Police and the Washington County Health Officer and the City Manager. Upon revocation of any permit, the permittees of the public assembly shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

(c) The City Council, its authorized agents and representatives, and the representatives of the City departments having responsibility for approval under this chapter shall have access to the public assembly at all times for the purpose of inspection and enforcement of the terms and conditions of this chapter and other City ordinances.

(d) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in a location which is less than one thousand feet from any school house, church, dwelling unit, or any other place of permanent human habitation, and there will be no programmed entertainment provided between the hours of one a.m. and eight a.m.

(e) If, at any time during the conduct of the public assembly, the number of persons in attendance exceeds by ten percent the number of persons by the application for the permit anticipated to attend, the City Council or the Chief of Police, or the County Health Officer, or the City Manager shall have the authority to require

the applicants to limit further admissions until all conditions and provisions recited herein are met.

(f) Public assemblies conducted under a permit pursuant to this chapter shall limit attendance to the number stated in the application for a permit, and printed tickets or admission permits shall not be issued in excess of such limitation. (Ord. 03-08, Ord. 70-35 §7, 1970).

7.48.080 Penalty For Violation.

Any person who initiates, organizes, promotes, permits, conducts, or causes to be advertised a public assembly, or person in charge of property upon which a public assembly as herein defined is conducted, without obtaining the permit provided in this chapter, or who conducts or allows a public assembly with a permit but in violation of the terms and provisions of this chapter and of the permit granted, or who shall counsel, aid, or abet such violation or failure to comply, shall be punished, upon conviction, by imprisonment for not more than six months in the City or county jail and/or by fine of not more than one thousand dollars, or both. Continuing violation of this chapter shall be a separate offense for each day that a violation occurs. (Ord. 70-35 §8, 1970).

7.48.090 Conformance With Other Law.

The necessity of conforming with any and all state laws, rules and regulations and other City ordinances which are now or may in the future be in effect is not abrogated. (Ord. 70-35 §9, 1970).

7.48.100 Review Of Council's Actions.

Decisions of the City Council to deny or grant the permit under this chapter shall be reviewable by the Circuit Court of the state of Oregon for Washington County, solely and exclusively by writ of review under the provisions of ORS 34.010 through 34.100. (Ord. 70-35 §10,

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1970).■