

CHAPTER 104
PARADES AND COMMUNITY EVENTS

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104.001. Purpose. The purpose of this Chapter is to establish a process for permitting use of city streets, parks, open spaces, or facilities for community events; to provide a coordinated process for managing community events to ensure the health and safety of event patrons, city residents, workers, and other visitors; to protect the rights of community event permit holders; to protect the rights of persons to engage in expressive activities in the city's public places, while establishing reasonable time, place and manner regulations of these activities; and to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of community events. (Ord No. 44-09)

104.010. Definitions. Except where the context specifically otherwise requires, as used in this Chapter:

- (a) "Activity or event" means a parade, procession, march, assembly, meeting or other similar gathering; but excludes public employees engaged in the performance of public duties, including, but not limited to, the construction of public improvements in public right-of-way.
- (b) "Approved assembly space" means a public building or structure, or space therein, designated by the City for use by the public for meetings, assemblies and other similar functions, and for which a facilities use or rental fee is charged. Approved assembly spaces include, but are not limited to: Pringle Hall and the Anderson Rooms in the Salem Public Library.
- (c) "Director" means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.
- (d) "Indigent person" means:
 - (1) A person who is receiving benefits pursuant to the Supplemental Security Income (SSI) or the Food Stamp program (7 U.S.C. Sec. 2011 et seq.);

- (2) A person whose monthly income is 125 percent or less of the current monthly poverty line annually established by the United States Department of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended, and published in the Federal Register; or
- (3) An organization in which fifty-one percent or more of its members meet the criteria for indigent status, as established in paragraphs (1) or (2) of this subsection.
- (e) "Person" means, as the context requires, natural person, a corporation, limited liability company, partnership, co-operative, or any other entity in law or fact.
- (f) "Public property" means any real property or any facility, other than public right-of-way, that is owned, controlled, or maintained by the City, or any portion or space therein.
- (g) "Public right-of-way" or "right-of-way" means the surface of, and the space above and below any street, road, alley, bridge, highway, sidewalk or pathway, that is used or intended to be used by the general public for movement or passage. (Ord No. 44-09)

104.020. Administration; Rulemaking. The Director shall administer and enforce the provisions of this Chapter, have the authority to render written and oral interpretations, and have authority to adopt administrative rules that are consistent with, and otherwise implement, the terms of this Chapter. (Ord No. 44-09)

104.030. Permit Requirement. Except as otherwise provided by the Salem Revised Code or any other applicable law, rule or regulation, a community event permit shall be obtained from the Director for the following activities:

- (a) An activity or event consisting of persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any public right-of-way and that:
 - (1) The organizer expects or intends to impede, obstruct, impair or interfere with the free use of public right-of-way or other public property; or
 - (2) Will create a high degree of probability that free use of public right-of-way will be impeded, obstructed, impaired or interfered with. In evaluating the probability of such impediment, obstruction, impairment or interference, the Director shall consider the size of the group, the organizer's precise plans for the route, duration and course of the activity or event, and known or predictable conditions at the location and time of the activity or event; or
 - (3) Will not comply with normal or usual traffic laws, regulations or controls.
- (b) Any activity or event that the organizer expects or intends to involve two hundred or more persons assembling on public property.
- (c) Any activity or event on public property which requires the placement of a tent, canopy, or other temporary structure, if such placement requires a permit from the City's Fire Department or Building and Safety Division.
- (d) Notwithstanding subsection (a) of this section, an activity or event consisting of vehicles traveling in unison on any public right-of-way does not require a community event permit, if such activity's or event's use of public right-of-way is specifically regulated as such under the Oregon Motor Vehicle Code.
- (e) Notwithstanding subsection (c) of this section, activities or events on public property that occur in an approved assembly space do not require a community event permit, unless such activity or event requires a street closure or traffic diversion or requires the use of other public property for the activity or event and such public property is not part of the approved assembly space. (Ord No. 44-09)

104.040. Spontaneous Events.

- (a) Spontaneous activities or events which are occasioned by news or affairs coming into public knowledge less than forty-eight hours prior to such activity or event may be conducted without the organizers first having to obtain a community event permit. If practicable, the organizers should

give notice to the Director at least four hours prior to the activity or event informing the Director of the date and time of the activity or event and providing an estimate of the approximate number of persons who will be participating.

(b) Spontaneous activities or events undertaken pursuant to this section shall be subject to Departmental Cost Recovery under SRC 104.120. (Ord No. 44-09)

104.050. Community Event Permit Application.

(a) To receive a community event permit, a person must complete and file a community event permit application with the Director on a form approved by the Director. The applicant must provide the following information:

- (1) A description of the proposed activity or event;
- (2) The public right-of-way or other public property and the specific area or areas thereof which will be utilized in connection with the proposed activity or event;
- (3) The manner in which the public right-of-way or public property will be utilized;
- (4) The date or dates and the specific times of the activity or event, including set-up and tear-down, that the public right-of-way or public property is to be utilized for the activity or event;
- (5) The name, address and telephone number of the person, entity or organization sponsoring or conducting the proposed activity or event; and
- (6) The name, address and telephone number of the person or persons to be contacted regarding the application or permit.

(c) The Director may refer the application to such City departments or personnel as the Director deems necessary from the nature of the application for review, evaluation, investigation and recommendations regarding approval or disapproval of the application.

(d) A completed application for any community event permit that does not require the closure of part or all of an arterial street, as defined in the Salem Transportation System Plan, must be submitted and reviewed not less than three business days prior to the date the activity or event is planned to commence. A completed application for a community event permit that will require the closure of part or all of an arterial street, as defined in the Salem Transportation System Plan, shall be submitted and reviewed not less than twenty business days prior to the date the activity or event is planned to commence.

(e) A completed Application shall be accompanied by a permit application fee and other additional fees, including any neighborhood notification fees, as may be adopted pursuant to this Chapter. (Ord No. 44-09)

104.060. Permit Fees.

(a) A community event permit application fee and any other additional fees, including any neighborhood notification fees, imposed for the use of the public right-of-way or public property pursuant to this Chapter shall be established by resolution of the City Council.

(b) An indigent person who otherwise cannot apply for a community event permit because of an inability to pay the permit application or any other additional fee due to such indigence shall not be required to pay the fee or fees. The determination of exemption from such fee or fees shall be made in accordance with the administrative rules adopted pursuant to this Chapter. Requests for indigent status shall be made at the time of filing the application and shall be accompanied by such information and documentation as is reasonably necessary to verify such status. (Ord No. 44-09)

104.070. Review Process.

(a) The Director shall issue a community event permit, if the Director determines that all of the following criteria have been met:

- (1) The proposed use of the public right-of way or public property does not conflict with any other permit procedures provided for elsewhere in the Salem Revised Code or any other applicable laws, rules, or regulations.

- (2) The preparation for, or the conduct of, the proposed activity or event will not unreasonably or unfeasibly burden City resources necessary to preserve the public's use of the streets in the area contiguous to the public right-of-way or other public property proposed to be used.
- (3) The preparation for or the conduct of the proposed activity or event will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the particular permit area or adversely affect the city's ability to perform any municipal functions or furnish City services in the vicinity of the permit area.
- (4) The proposed activity or event does not present a substantial safety or traffic hazard, and does not violate any noise regulations.
- (5) The proposed activity or event will be of a nature and size appropriate to the proposed venue, location or site; will occur during a time period approved for that venue, location or site; and will fall within any frequency limitations established by the administrative rules adopted pursuant to this Chapter.
- (6) If the proposed activity or event will occur in a park, the activity or event will not include any live animals, except as provided in SRC 94.020.
- (7) A transportation management/parking plan has been approved for the activity or event by the Director, if such plan is required by the administrative rules adopted pursuant to this Chapter.
- (8) The proposed activity or event will not cause significant adverse impacts on the health or safety of the surrounding residential or commercial uses that cannot be effectively mitigated.
- (b) A community event permit may contain a condition that the permit holder, at permit holder's sole cost and expense, place and maintain signs and barricades the Director deems necessary for the safety and protection of the public.
- (c) In deciding whether to approve an application for a community events permit, no consideration shall be given to the message the activity or use will convey; the content of any speech used or likely to be used; or the identity or associational relationships of the applicant or applicants; or to any assumptions or predictions regarding public reaction to the content of the speech or the message conveyed by the event. (Ord No. 44-09)

104.080. Denial or Revocation of Permit.

- (a) The Director shall deny an application for a community events permit if the Director finds any of the following have occurred:
 - (1) One or more of the approval criteria specified in SRC 104.070 were not met.
 - (2) The applicant made a false, misleading or fraudulent statement of fact on the application during the application process.
 - (3) The application does not contain all of the information required by this Chapter.
 - (4) The application does not satisfy any administrative rules adopted pursuant to this Chapter.
 - (5) The applicant fails to agree as a condition of permit issuance that if City property is damaged or destroyed by reason of the activity or event, and the damage or destruction is directly attributable to the activity or event, the permit holder will reimburse the City for the actual replacement or repair cost of the damaged or destroyed City property.
- (b) The Director may revoke a community events permit if the Director finds any of the following have occurred:
 - (1) The permit holder made a false, misleading or fraudulent statement of fact on the application, during the application process, or in connection with the community event permit.
 - (2) The permit holder fails to comply with any conditions of permit approval, including, but not limited to:
 - (A) Remittance of fees or deposits as required by this Chapter.
 - (B) Submittal of an indemnification agreement as required by this Chapter.
 - (C) Submittal of proof of insurance as required by this Chapter, unless a written waiver of the insurance requirement has been given by the City's Risk Manager.

- (D) Failure to place and maintain signs and barricades required for the safety and protection of the public.
- (3) Failure to maintain insurance as required by this Chapter.
- (4) The community events permit was issued in error.
- (c) The Director shall provide a written notice of denial or revocation of a community events permit, stating the reasons therefor, within twenty-four hours of the Director's decision. (Ord No. 44-09)

104.090. Appeals. Any person who has been denied a community events permit, or who has had a community events permit revoked under SRC 104.080 may appeal such decision to the Municipal Court by filing a written notice of such appeal stating the reasons the Director erred in denying or revoking the permit, within five business days of the date of the decision. The Municipal Court shall hear and decide the appeal within five business days of the date of filing of the notice of appeal. (Ord No. 44-09)

104.100. Indemnity Agreement. Each permit holder shall execute an indemnity agreement with the City prior to commencement of the activity or event in a form approved by the City Attorney agreeing to defend, indemnify, release, and hold harmless the City against any losses and liabilities that is incurred as a result of the conduct of the permit holder, its officers, employees, and agents in connection with, or during, the activity or event. (Ord No. 44-09)

104.110. Insurance Requirements.

- (a) Except as otherwise prohibited by law or unless a waiver is obtained as provided by this Chapter, the permit holder shall procure and maintain in full force and effect during the term of the community event permit, a policy of insurance from a reliable insurance company authorized to do business in the State of Oregon. Such insurance shall provide coverage of which the combined single limit per occurrence shall be not less than that required under the Oregon Tort Claims Act, ORS 30.270, et seq., or \$1,000,000, whichever is greater. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name the City of Salem, its officers, agents and employees as additional insureds. Such insurance shall further provide that the policy shall not terminate or be canceled prior to the completion of the community event without thirty days' written notice to the Director. Proof of insurance shall be submitted to the City prior to issuance of the community event permit, and maintenance of this insurance shall be a continuing condition of the community event permit.
- (b) If the City's Risk Manager determines that a particular activity or event, for which the permit period is not more than one day, does not present substantial or significant likelihood of public liability or property damage, the Risk Manager may give a written waiver of the insurance requirements of this section. In making such determination, the Risk Manager may require information or documentation from the applicant regarding the applicant's history organizing similar events, the course of such events, and whether such events resulted in property damage. In making a determination under this section, the Risk Manager may not consider the message the activity or use will convey; the content of any speech used or likely to be used; or the identity or associational relationships of the applicant or applicants. (Ord No. 44-09)

104.120. Departmental Cost Recovery.

- (a) In addition to payment of any required application or other fees, a permit holder shall reimburse the City for the following actual costs, when such costs are directly attributable to an activity or event requiring the City to exceed its usual staffing levels:
 - (1) Costs of City personnel, including any overtime pay, required to close public rights-of-way before the community event or activity commences and costs of City personnel, including any overtime pay, required to reopen public rights-of-way after the community event or

activity ends, including, but not limited to, the erection of barricades or other obstacles necessary to direct or manage pedestrian or vehicular traffic.

(2) Costs of City personnel, including any overtime pay, required to direct or manage vehicular or pedestrian traffic.

(3) Costs of City personnel, including any overtime pay, required to clean up litter and other debris left on the public rights-of-way or other public property following the community event or activity.

(b) City departments shall submit final invoices and billings for departmental cost recovery to the permit holder no later than thirty business days after the conclusion of the activity or event or the expiration date of the community event permit, if the expiration date is later.

(c) The permit holder shall not be required to provide or pay for public safety personnel who are present to protect event attendees from hostile members of the public or counter-demonstrators or for general law enforcement in the vicinity of the event.

(d) The City shall provide the permit holder, in advance, a good-faith estimate of the anticipated costs that will be incurred under subsection (a) of this section based on the projected route of the activity or event, the duration of the activity or event, and estimated number of persons participating in or attending the activity or event. Actual costs shall be calculated following the activity or event, and shall be paid from an itemized invoice provided to the permit holder following the community event or activity.

(e) It shall be a condition of granting a community event permit that the permit holder agrees to reimburse the City for all actual costs described in this section.

(f) The Director shall have the discretion to waive departmental cost recovery under this section upon a satisfactory showing by the permit holder that the payment of such costs is likely to create an undue hardship upon the permit holder or that the permit holder is an indigent person. The Director shall provide application forms for such purpose.

(g) In addition to any departmental cost recovery required to be paid under this section, if any public right-of-way or public property is damaged or destroyed by reason of the activity or event, the permit holder shall reimburse the City for the actual repair or replacement cost of the damaged or destroyed public right-of-way or public property. (Ord No. 44-09)

104.130. Community Event Temporary Signage. Temporary signs identifying or pertaining to the community event may be installed by the permit holder within the event site as described in the community event permit. Signs erected pursuant to this section shall not require a sign permit under SRC Chapter 62, but shall be removed immediately upon the conclusion of the activity or event, and any damage resulting for the installation of the sign promptly repaired. (Ord No. 44-09)

104.140. Routes.

(a) With the exception of Court Street between 12th Street and Cottage Street, activities or events shall not be conducted on any street classified as an arterial street in the Salem Transportation System Plan between the hours of 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m. on any weekday (Monday through Friday).

(b) Notwithstanding subsection (a) of this section, activities and events shall not be conducted on any street classified as a major arterial in the Salem Transportation System Plan within the Downtown Parking District, as defined by SRC 7.010, between the hours of 6:30 a.m. and 6:30 p.m. on any weekday. (Ord No. 44-09)

104.150. Races, Runs, and Walks. The procedures and criteria for conducting races, runs, or walks shall be as follows:

(a) No race involving motor vehicles shall be permitted.

(b) Activities or events which include multiple modes of travel (e.g., walking, running and bicycling) shall be permitted so long as the start times for the different modes of travel are staggered.

(c) Prior to the issuance of a community event permit for a race, run or walk, the Director shall determine the specific portions of lanes or roadway that may be used by the participants. This determination shall be based on safety considerations and the preservation of access to businesses and other scheduled activities along the route.

(d) In addition to the routes established by subsection (c) of this section, races, walks or runs may be permitted on other streets in the city so long as the majority of the race, walk or run occurs outside of the city and that portion of the races, walks or runs within the city does not exceed one mile in length. Races, walks or runs permitted pursuant to this subsection shall not be subject to the requirements set forth in subsection (b) of this section. (Ord No. 44-09)

104.160. Other Permits and Licenses. The issuance of a community events permit does not relieve the permit holder from the obligation to obtain any other permit or license required pursuant to the Salem Revised Code or other applicable law. (Ord No. 44-09)

104.170. Display of Community Event Permit. The permit holder shall display a copy of the community event permit at the site and shall present a copy of the permit to any City official upon demand. (Ord No. 44-09)

104.180. Failure to Obtain a Permit; Failure to Comply with Permit Term.

(a) It shall be unlawful for any person to engage in an activity or event for which a community event permit is required under this Chapter without first obtaining a permit.

(b) It shall be unlawful for any person to violate the terms of a community event permit.

(c) It shall be unlawful for any person to provide a false, misleading or fraudulent statement of fact on the application, during the application process, or in connection with a community event permit.

(d) It shall be unlawful for any person to knowingly participate in an activity or event for which a community event permit is required without a community event permit having been granted, or to continue to participate in such an activity or event after a community event permit has been revoked. (Ord No. 44-09)

104.190. Use of City Name or Logo Without Authorization. It shall be unlawful for a permit holder to use the words "the City of Salem" or "Salem," to suggest or indicate that the activity or event is sponsored by the City, or to use a facsimile of the seal or logo of the City of Salem in the promotional materials or advertising for the activity or event without the City's prior express written authorization. (Ord No. 44-09)

104.200. Vending or Sale of Food Prohibited. It shall be unlawful for any person to vend or sell any food or merchandise from the roadway, curb to curb, of the route of an activity or event permitted under this Chapter during the hours the route is closed to normal motor vehicle traffic, without first having obtained the written permission of the permit holder and any permits and/or licenses required for such activity by the City or any other governmental entity. (Ord No. 44-09)

104.210. Interference with a Community Event Prohibited. It shall be unlawful for any person to interfere with an activity or event permitted under this Chapter, by engaging in any of the following acts with the intent to disrupt the event or to harass or annoy participants in the activity or event:

(a) Blocking, obstructing or impeding the passage of participants, vehicles or animals in the community event along the route of the activity or event.

(b) Walking or running, driving a vehicle, riding a bicycle or skateboard or operating any similar device through, between, with or among any participants, vehicles or animals in the activity or event.

(c) Dropping, throwing, rolling or flying any object toward, among or between participants,

vehicles or animals in the activity or event.

(d) Grabbing, taking hold of, hitting, pulling or pushing any participant, vehicle or animal in the activity or event or anything in the possession of any participant in the activity or event.

(e) Throwing, squirting, dumping or dropping any liquid or gaseous substance on, toward, among or between participants, vehicles, or animals in the activity or event. (Ord No. 44-09)

104.220. Penalties.

(a) Any person who violates SRC 104.170, SRC 104.180, or SRC 104.200 shall be guilty of an infraction, and punishable by a fine of not less than \$100 and not more than \$250.

(b) Any person who violates SRC 104.190 and SRC 104.210 shall be guilty of a misdemeanor, and punishable by a fine not to exceed \$500. (Ord No. 44-09)

(CHAPTERS 105 THROUGH 109 RESERVED FOR EXPANSION)