

ORDINANCE NO. 848

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE SECTIONS 5.10.030, 8.24.020, 8.24.050, 13.20.115, 13.20.190, AND 13.30 RELATING TO EVENT PERMITTING IN THE CITY OF TROUTDALE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Whereas, the City Council recognizes the inherent value in events that bring the public together and enhance the standard of living within the community; and
2. Whereas, the City wishes to conduct events according to a clear, fair, and uniform process; and
3. Whereas, Sections 5.10.030, 8.24.020, 8.24.050, 13.20.115, and 13.20.190, address components of the event permit process; and
4. Whereas, the City Council finds amendments to these rules will allow for events to occur in a comprehensive and transparent fashion to ensure efficient operation, protection, and maintenance of events within the city;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Section 5.10.030 – Temporary Licenses, of the Troutdale Municipal Code is amended to read as follows:

5.10.030 – Temporary Licenses

The city manager is authorized to approve applications for temporary OLCC licenses, such as special beer and special wine licenses. Such applications may be processed administratively after the fee established by city council has been paid. The city manager may make an unfavorable recommendation to the OLCC if the city manager finds that the applicant does not meet the criteria established by Section 5.10.060 of this chapter. Either the applicant or city manager may refer an application to the city council for a public hearing.

Section 2. Section 8.24.020 – Definitions, of the Troutdale Municipal Code is amended to read as follows:

8.24.020 – Definitions.

As used in this chapter:

"Chief of police" means the Troutdale chief of police, or the chief's designee.

"Construction, street work, street repair, drilling or demolition tools or equipment" means machines or mechanically-powered items that are typically used on commercial construction projects and involve more than routine repairs or work on residential property.

"Domestic power tool" means a mechanically-powered saw, sander, drill, grinder, lawn or garden tool, snow blower, leaf blower or similar device that is used in residential areas for work that is typically done by or for residential occupants.

"Noise sensitive unit" means any building, structure, or portion thereof that has the doors and windows closed and that is used as a church, day care center, hospital, nursing care center or school, or place of overnight accommodation, including, but not limited to, individual homes, apartments and mobile homes.

"Outdoor activity" means an athletic, entertainment or similar activity.

"Permit, permitting or permission" means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

"Person" means an individual person, association, trust, partnership, firm or corporation.

"Plainly audible" means any sound, the content of which can be clearly heard by a listener or ordinary hearing capabilities.

Section 3. Section 8.24.050 – General exceptions, of the Troutdale Municipal Code is amended to read as follows:

8.24.050 – General exceptions.

A. The following acts are not unreasonable noises in violation of the prohibition in Section 8.24.035:

1. Noise emanating from aircraft and aircraft operations, railway locomotives and nonstationary farming equipment;
2. Noise created by the normal operation of construction, street work, street repair, drilling or demolition tools or equipment provided the construction, street work, street repair, drilling or demolition work occurs during the following hours: Monday through Friday seven a.m. to nine p.m., Saturday eight a.m. to seven p.m., or Sunday ten a.m. to seven p.m.;
3. Noise created by the operation of any domestic power tool provided that operation of the domestic power tool occurs during the hours of seven a.m. and ten p.m.;
4. Noise created by an outdoor activity or event conducted on public parks, playgrounds, and public or private school grounds in accordance with a permit;

5. Noise created by an animal that does not violate Section 8.24.040(A)(10);

6. Noise that constitutes constitutionally protected speech when the noise occurs during the hours of seven a.m. and ten p.m. and is not so loud that it is plainly audible within a noise sensitive unit that is not the source of the sound.

Section 4. Section 13.20.115 Vendor license – Conditions, of the Troutdale Municipal Code is amended to read as follows:

13.20.115 – Vendor license – Conditions.

No person shall offer for display, advertisement, or sale any article or thing within any park, nor shall any person station or place any stand, cart or vehicle for the display, advertisement, or sale of any article or thing within any park, unless the person has obtained a temporary vendor license from the director. Before a person may act as a vendor at any park, the person must submit an application to the director in such form as the director shall require. A temporary vendor license shall only be approved by the director when the display, advertisement or sale is conducted in conjunction with an event being held in that particular park.

Section 5. Section 13.20.190 – Alcoholic beverage consumption, of the Troutdale Municipal Code is amended to read as follows:

13.20.190 – Alcoholic beverage consumption.

Except as authorized under Section 13.20.080, no person shall bring into, possess or consume alcoholic beverages in any park; provided, however, that the city manager or his or her designee may, from time to time, allow by permit certain parks or parks areas where beer and wine may be consumed in conjunction with an event being held in that particular park.

Section 6. Section 13.30 – Event Permitting, of the Troutdale Municipal Code is amended to read as follows:

13.30 – Event Permitting

13.30.010 – Title.

The ordinance codified in this chapter shall be known as "The City of Troutdale Event Permitting Code" and may be so referred to.

13.30.020 – Definitions.

As used in this chapter, unless the context requires otherwise:

“Event” means a gathering of people for a common purpose, as further defined in the following Events Classification table:

Event Classification (Event)	Permit required	Event Permit Fee required	Facility rental required (where applicable)	Insurance & Liability Required	Special Use Permit for Amplified Sound	Public Notification
Small Event in City Right-of-Way / Public Property	No	No	Yes	No	Yes	N/A
• Less than 25 people						
• Obey all traffic regulations						
• No City/Agency support required						
•						
Medium Event in Right-of-Way / Public Property	Yes	Yes	Yes	Yes	Yes	To properties within 250 feet of the event location (500 feet if a street closure is proposed)
25 to 100 people						
• Obey all traffic regulations						
• Minimal City/Agency support required						
• Approved route map/plan.						
Large Event in Right-of-Way / Public Property	Yes	Yes	Yes	Yes	Yes	To properties within 250 feet of the event location (500 feet if a street closure is proposed)
• More than 100 people, less than 250 people						
• Obey all traffic regulations						
• Police support because of interference with vehicular traffic						
• Approved route map/plan.						
Extra Large Event / Parade in Street	Yes	Yes	Yes	Yes	Yes	To properties within 500 feet of the event location.
• More than 250 people expected						
• Requires more than 10 Staff hours of City time to process and manage application						
• Spectators and/or long route						
• Animals or vehicles allowed						
• Substantial police and maintenance support because of interference with vehicular traffic						
• Approved traffic control plan required.						

"Park" means a forest, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city and devoted to active or passive recreation (Ref. TMC 13.20.020).

“Public Property” means land or other property or facilities in which the City of Troutdale or other recognized public agency is the legal owner or has the present right of possession and control (even if only temporarily).

13.30.030 – Purpose.

The City of Troutdale recognizes the inherent value in events that bring the public together and enhance the standard of living within the community. In order to support this goal, the city council has determined it is necessary to adopt regulations to ensure efficient operation, protection, and maintenance of events within the city. Moreover, the city council intends to accommodate public rights of speech and assembly consistent with the governmental interest in protecting property, public safety, health, and welfare, by establishing procedures, terms, and conditions for conducting Events. This Section seeks to impose reasonable time, place, and manner controls in an appropriate and limited manner upon events and facility use for which permits are required in order to address the aforementioned city interests.

13.30.040 – Permit Applicability.

A. An event permit shall be required if an event is:

1. Classified as larger than a Small Event;
2. Will require public agency services, such as police or traffic control;
3. Conducted in a City-operated park, unless the event qualifies for an exemption under 13.30.040(B).
4. Held on private property and will create significant traffic, parking or other impacts on the public right-of-way or public facilities.

B. Event Permit Exemptions. The following uses and activities are exempt from the requirements of this chapter:

1. Sports leagues or tournaments, and other related occurrences shall not require an event permit but shall comply with all Troutdale Parks Department requirements.
2. Events held on private property do not require an event permit unless they will create significant traffic, parking or other impacts on the public right-of-way or public facilities.
3. City council or other city-sponsored group meetings.
4. Block Parties if they meet the Criteria specified in this Section 13.30.140 – Block Parties.
5. Conduct that comprises normal business operations, unless they will create significant traffic, parking or other impacts on the public right-of-way or public facilities.

C. Other Event Type.

1. If the proposed event does not fall into one of the categories of events as described, the city manager shall be responsible for determining the appropriate designation. The city manager has the explicit authority to grant an exemption from the permit requirements herein, and that determination shall be submitted in writing for inclusion in the public record.

13.30.050 – Issuance of Permit (Applicable criteria).

A. Application Review Criteria. The Event Permit Application shall establish through the use of application forms, supporting narrative, and event exhibits, the following:

1. The event is reasonably not likely to cause injury to persons or property, create a disturbance, cause disorderly conduct or encourage or result in violation of the law.
2. The event is to be held at a date, time and venue that does not conflict with other events scheduled in the city.
3. The event will not substantially interfere with the safe and orderly movement of pedestrians and vehicular traffic in the area.
4. The proposed location is adequate for the size and nature of the event.
5. The event does not unreasonably interfere with the intended use of the area, e.g. athletic fields, picnic areas, etc.
6. In the case of events such as fun runs, marathons, etc., or in the case of a street use which requires the closure of any public street or walkway, the proposed event must not require street closure for a period longer than that established by the City manager or under the guidance in established SOPs, such as the SOP 2008 - Street Closures.
7. Any necessary public equipment and services are available.
8. Compliance with all city code requirements, including, but not, limited to noise and nuisance laws.
9. To provide for emergency services, an access lane with a width of at least twelve (12) feet shall be available for emergency vehicle access to any closed portions of streets. Access may be restricted only by the use of city approved barricades.
10. The applicant shall be required to notify affected and adjoining properties in the area which will be impacted by the special event. The applicant shall submit an affidavit of mailing or hand delivery that specifies how this notification is to occur and that all required notices have been made by the date included in the affidavit.
11. All permit requirements have been met.

13.30.060 – Conditions of Approval.

A. The following conditions of approval may be required for an event permit approval:

1. A permit issued pursuant to this chapter shall not be transferred or assigned without the city manager's consent to the transfer or assignment.

2. A permit issued pursuant to this chapter may be revoked if any event is not operated in accordance with the rules and regulations set forth herein. The city manager shall have the right to revoke the permit, and the applicant or other responsible individual shall be subject to such other actions as the law and this chapter provides.

3. The applicant shall be required to adhere to the Facility Use Agreement clause as specified in the facility rental agreement.

4. The permit shall be issued for use at a specific location. Any requests to change the approved event location shall be reviewed by the city manager.

5. The Applicant shall be solely responsible for compliance with these conditions of approval and all applicable event permit requirements.

6. Additional conditions of approval, as reasonably necessary, tied to specific event permit requirements.

13.30.070 – Permit Application Requirements

A. A completed application shall include:

1. A completed event permit application form;

2. All required materials for the requested event permit, including event specific submittal requirements detailed in the Event Classification table.

3. Certificate of Insurance that includes:

a. List the name and date(s) of the event.

b. State the limits of liability as follows: general liability of \$2,000,000 for death or bodily injury and property damage; personal of \$2,000,000; per occurrence of \$2,000,000; fire insurance of \$50,000.

c. Name the City of Troutdale, its elected and appointed officials, officers, agents, employees, and volunteers as additional insured.

4. Temporary Vendor License

a. The applicant shall be responsible for ensuring that all vendors that are to participate in an event hold all applicable licenses. The applicant shall submit a list that shall include names, contact information, and simple description of the vendors' wares or services.

b. The applicant shall submit a vendor list prior to the event date and shall be responsible for updating this submission with any additional vendors that participate in the applicant's event but were not included on the initial submission. This resubmittal shall be required no later than five (5) days following the conclusion of the event.

c. Additional information on vendor licensing can be found in Troutdale Municipal Code Section 13.20.115.

5. Notice to Businesses and Neighbors

a. Notification shall be required according to the Event Classification table.

b. The applicant shall be responsible for ensuring notice to businesses or property owners that are to be impacted by street or sidewalk use for an event is provided no less than sixty (60) days in advance of an event.

c. Proof of notification shall be required as a condition of approval for all event permit applications. Proof of notification can be in the form of an affidavit of mailing or other similar documentation. The city can also provide the notification service for a separate fee.

d. If the applicant is not able to provide notification sixty (60) days prior to the event, the event shall not occur without written consent of the city manager.

6. Traffic Control Plans (TCP)

a. For all events that substantially impact traffic, and events in downtown particularly, TCPs are required. The applicant may provide this document or contract with City of Troutdale Public Works Department to provide this service. If updates are required by Public Works, the applicant will be charged for this service.

B. Timelines for Submission.

1. Except where sixty (60) days' notice is required in A(5)(b) above, in which case sixty (60) days' prior submission is required, all event sponsors shall submit application materials at least thirty (30) calendar days in advance of the scheduled event date. Failure to submit an event application in that time frame shall require staff to require alternative dates for the event that can reasonably meet the thirty (30) calendar day submission standard. If an alternative date is not an option for the event applicant, the applicant may request a City Manager Event Authorization according to Troutdale Municipal Code Section 13.30.170.

2. For all events that require Oregon Department of Transportation, Multnomah County Sherriff's Office, and/or Multnomah County approval, all application materials shall be required not-less-than sixty (60) calendar days, whenever possible, prior to the event. Failure to submit in this timeframe shall be grounds to decline an event permit or reschedule to a future date that allows for the required review timeline to be observed.

C. Criteria for Pre-Event Conferences.

1. All events that propose to have a significant impact on the public rights-of-way or are classified as, or greater than, a Large Event shall require a pre-event conference with designated city staff. Staff may require an event of any size to conduct a pre-event conference. The pre-event conference shall be held no less than ninety (90) calendar days prior to the event.

13.30.090 – Application Approval

The city manager shall be responsible for the final approvals of event permits. Issuance of the permit approval shall be conducted according to the process and format established by the city manager.

13.30.090 – Appeals

A. Event permit decisions may be appealed to the city manager.

B. Appeals shall be resolved not less than fourteen (14) days prior to the intended event date or the event shall be rescheduled to accommodate the review timelines included in this section.

13.30.100 – Multi-year Event Permits.

A. Purpose.

1. The city recognizes that there are certain special events held on a recurring basis that have become important features of community life in the city. Organizers of these events have demonstrated a history of responsible event management and a commitment to work with the city to ensure that city resources are used efficiently.

B. Procedure for Designation.

1. Proposed multiyear event permits shall be designated by the city manager through application. The city manager shall review such requests on an annual basis and revise the list of approved multi-year permit holders at that time. Once issued, a five (5) year event permit may only be revoked by the city manager if it is demonstrated that the conditions of approval have been violated or if the submission requirements for the years subsequent to the first are not met.

2. Events approved under this classification shall be required to meet the submission timelines established in this section.

C. Multi-year Event Permits Submittal Requirements.

1. The following shall be required to maintain an applicant's multi-year permit:

i. A permit renewal form that includes dates and updated contact and event information for the event permit applicant;

ii. Updated insurance information;

iii. Additional information as required by the city manager.

13.30.110 – Signage.

A. Permitting signs and sign fees.

1. Sign permit applications shall be processed in accordance with the standards found in the Troutdale Development Code Chapter 10.
2. Signs associated with permitted events shall be assessed fees in accordance with the city's adopted fee schedule.

13.30.120 – Alcohol Permissions.

A. Alcohol may be permitted at an event provided the event permit applicant adheres to the following requirements:

1. Provide a security deposit in the amount of \$1,000.
2. Provide OLCC licensed staff to serve alcohol at the event.
3. The applicant shall be responsible for ensuring that all attendees comply with applicable laws.
4. Submit all necessary OLCC license application forms with the event permit application for a temporary license as specified in Troutdale Municipal Code Section 5.10.030 and 13.20.190. The city manager shall be responsible for reviewing such requests as they are submitted.

B. Conditions of Approval for Alcohol

1. The city manager may request conditions of approval related to the allowance of alcohol including:
 - i. Additional liability insurance coverage in an amount determined by the city manager and in compliance with OLCC requirements.
 - ii. Require the event applicant to designate a specific area where alcohol may be served and consumed.
 - iii. Require an event applicant to provide security guards in compliance with OLCC requirements.
 - iv. Additional conditions required by OLCC or other agency to ensure the protection of property, public safety, health, and welfare of the city and its citizens.

13.30.130 – Block Parties.

Block Parties shall be administered as defined in SOP 2008 - Street Closures, unless the city manager determines that the event is more appropriately characterized as an event, per Event Classifications included in this section. Such a determination may be applied in subsequent years, as Block Party requests are not currently required to comply with the event permit timelines for submission.

13.30.140 – Declining or Denying an Event Permit.

A. The city manager may deny an event permit application if the event or the applicant:

1. Exceeds what is allowable to ensure protection of property, public safety, health, and welfare of the city and its citizens.
2. Exceeds the allowable occupancy or parking for the proposed event space.
3. Fails to pay required current or previously required event fees (for multi-year permitted or reoccurring events).
4. Has failed to clean up an event space following a prior event.
5. Fails to provide proper accommodation for health, waste, water, or police requirements.
6. Fails to submit a completed application.
7. Fails to provide neighbor notification.

13.30.150 – City Manager Event Authorization Exception.

If the event permit applicant is unable to complete their application submittal in accordance with the submittal standards established in this section, the city manager has the authority to allow the event and require compensation from the applicant for any additional staff time required for review. The city manager shall coordinate such approvals to ensure events that request such an exemption can be properly permitted prior to the event. The city manager shall indicate in writing why the proposed event qualifies for such an exception approval. This documentation shall be required to be included in the completed event permit application and to be stored with the event permit file for a period of five (5) years. This documentation shall be required to be produced upon the submission of a public records request. Event authorization exceptions will be reviewed in future updates of this code section.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Casey Ryan, Mayor
Date: July 11, 2018



Sarah Skroch, City Recorder
Adopted: July 10, 2018