

Council Communication

March 2, 2015, Study Session

Discussion of amendment to special events policy for Halloween parade

FROM:

Dave Kanner, city administrator, dave.kanner@ashland.or.us

SUMMARY

Councilor Marsh has requested a Council discussion of changing the special events policy to include the Halloween parade as a community-wide event, thus exempting it from having to pay City-related expenses.

BACKGROUND AND POLICY IMPLICATIONS:

The City in 2012 adopted a special events policy that requires such events to pay an administrative fee when applying for a special event permit and to pay certain City staff overtime costs related to the event. The policy states, "City staff will review the proposed route and determine how much City staff overtime will be needed. In addition to the base permit fee of \$130, the event applicant will be charged 60% of actual costs. ODOT Certified Flaggers may not work at intersections or other locations where the City has determined there is significant risk."

At the time the policy was adopted, the Council specifically exempted the Fourth of July parade from this provision. There was discussion at the time of also exempting the annual Halloween parade and the Festival of Lights parade, however the Chamber of Commerce at that time felt that these events were more business oriented and offered to continue paying the fees.

Councilor Marsh has requested a discussion of whether to exempt the Halloween parade as a community-wide event. The special event policy, under the section "Community-wide events" states, "The City Council may add other events to this category at their discretion."

COUNCIL GOALS SUPPORTED:

3. *Support and empower our community partners*
7. *Keep Ashland a family-friendly community.*

FISCAL IMPLICATIONS:

Making this change to the special event policy would mean foregoing a small amount of fee revenue and overtime reimbursement each year. The total for fees and OT reimbursement in 2014 was \$1,744.

STAFF RECOMMENDATION AND REQUESTED ACTION:

N/A

SUGGESTED MOTIONS:

N/A. This is for discussion and direction to staff only.



ATTACHMENTS:

Resolution 2012-08 and special events policy

Minutes of March 5, 2012, Council study session

<http://www.ashland.or.us/Agendas.asp?Display=Minutes&AMID=4843>



RESOLUTION NO. 2012-08

**A RESOLUTION ADOPTING FEES
FOR SPECIAL EVENTS AND REPEALING RESOLUTION 2011-22**

RECITALS:

- A. Section 11.12.050 of the Ashland Municipal Code authorizes the temporary closure of a City street to traffic when deemed necessary for parades, dances, races, or other special events.
- B. The number of types of special events is increasing. Such temporary closures can have an impact on city services including Police, Ashland Fire and Rescue, Parks and Recreation and Public Works.
- C. On April 3, 2012 the City Council approved the Special Event Policy.
- D. Special events have an economic benefit to the community and yet can increase the city's costs. The special event fees below reflect a standard special event permit fee of \$130, 60% of actual overtime costs for City staff and a fee of \$250 for applicants who do not submit the permit application ninety days in advance of the event date.
- E. A Special Event is an organized activity, such as a parade, race, street fair, athletic event etc. that requires the exclusive use of public right of ways or city-owned property including but not limited to sidewalks, streets, parking spaces, parking lots, alleys etc. or that reroutes or delays the normal flow of pedestrians and vehicles thereon.
- F. The Special Event Permit requirements do not apply to neighborhood block parties or to activities for which the City has previously established fee and requirements, such as film and video production activities.


THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

Section 1. The following special event fees are set forth in Table 1 and are hereby approved and established.

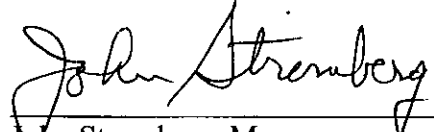
TABLE 1

Type	Fee
Base Special Event Permit Fee	\$130
Events that require city staff overtime	The Special Event Permit Applicant will pay 60% of city staff overtime costs in addition to the base fee of \$130.
Rush Fee	\$250 will be charged, in addition to the base fee of \$130, to applicants who do not submit the permit application 90 days in advance of the event.


Section 2. This resolution was duly PASSED and ADOPTED this 3 day of April, 2012, and takes effect upon signing by the Mayor.


Barbara Christensen, City Recorder

SIGNED and APPROVED this 4 day of April, 2012.


John Stromberg, Mayor

Reviewed as to form:


David Lohman, City Attorney

Special Event Policy

Overview

Ashland values special events as a means of bringing people together to enrich lives and strengthen our community through the celebration of arts, sports, culture, commerce and more.

A Special Event is an organized activity, such as a parade, race, street fair, athletic event etc. that requires the exclusive use of public right of ways or city-owned property including but not limited to sidewalks, streets, parking spaces, parking lots, alleys etc. and/or substantially impacts or impedes traffic flow.

The City of Ashland regulates these types of events to ensure the safety of the event participants, spectators and the general public and to minimize inconvenience to the general public and disruption of public services.

NOTE: This policy does not apply to neighborhood residential block parties.

Purpose

The purpose of this policy is clarify the use of the public right of way and city property for special events; to minimize City expenses associated with special events; to provide options and minimize expenses for special event coordinators; and to minimize safety risks to the event participants and the general public.

Scope

This policy applies to all persons requesting the use of any public right of way which has been determined by Police Department and or the Public Works department to require unimpeded access and controlled traffic for the safety of the event participants and general public.

Use of City parks and facilities is subject to policies set forth by the Parks and Recreation Commission. Use of the Plaza requires a separate permit available at www.ashland.or.us/plazapermit.

Community-wide events

The July 4th celebration is a significant and historical community-wide event. The City will absorb all City related expenses for this event. The City Council may add other events to this category at their discretion.

Permit

Permits are required for all special events. Special Event Permits are available on line at www.ashland.or.us/specialevent.

Note: Applicants requesting use of State Highway 99 (North Main, East Main through downtown, Lithia Way, Siskiyou Blvd.) and/or Highway 66 (Ashland Street) must secure a permit from the Oregon Department of Transportation, in addition to a permit from the City of Ashland. Applicants requesting use of East Main from Walker east to the city limits and/or Crowson Road must secure a permit from Jackson County. Siskiyou Blvd. between Gresham Street and Walker Street is under City jurisdiction.

Fees

All applicants pay an administrative fee of \$130 when the application is submitted. If the application is not approved, or if the applicant withdraws the request, the City Administrator and/or staff designee will evaluate and subsequently determine if a **refund if appropriate**.

1) Events that do not require City staff overtime (determined by the City):

City staff will review the route proposed in the permit application and determine the location of barricades, traffic safety cones and traffic control locations where an ODOT certified flagger can be used. The event coordinator is responsible for securing and placing barricades, cones and flaggers at each designated location at least 60 minutes in advance of the start of the event. The event cannot begin until authorized City personnel drive the route prior to the race to make sure barricades, cones and volunteers are in place and then informs the event organizer of approval. If event organizers are unable to secure the required number of ODOT certified flaggers and city staff must be used for traffic control, the applicant will pay 60% of actual cost for staff overtime.

2) Events that require City staff overtime (determined by the City)

City staff will review the proposed route and determine how much City staff overtime will be needed. In addition to the base permit fee of \$130, the event applicant will be charged 60% of actual costs. ODOT Certified Flaggers may not work at intersections or other locations where the City has determined there is significant risk.

ODOT Certified Flaggers

The Oregon Department of Transportation (ODOT) provides traffic flagger training. After completing the training, participants will be certified flaggers for two years. If using ODOT Certified Flaggers, the applicant must submit to the City a list of the volunteers who will work the event. If the applicant is unable to recruit the required number of ODOT Certified Flaggers, City staff will be assigned to work the event, if available, and the applicant will pay 60% of the overtime costs.

The City cannot guarantee city staff will be available to work the event with less than 30 days notice from the date of the event. If the applicant cannot secure the required number of certified flaggers and city staff is not available the event cannot proceed.

Meeting with City Staff

After receiving the completed Special Event Permit, a meeting between City staff and the applicant will occur so both parties can review the proposed route and traffic management plan and are clear on the expectations, limitations and costs of the event.

Pre-approved Routes

The City has identified a number of different special event routes within Ashland, on both State and non-State Highways. The approximate resources and requirements associated with traffic control for each pre-approved route are available for event coordinators planning a special event. Event organizers are not required to use pre-approved routes.

Rolling Road Closure

Some special events on roadways with two or more lanes of traffic in each direction can be accommodated with a rolling road closure of one lane of traffic. A rolling road closure event is one that occurs during daylight hours, lasts 45 minutes or less, does not block intersections for more than 5 minutes and can be managed with on-duty city staff. These events are subject to the \$130 base fee only and will not be charged a Rush Fee (see below). Permit approval is subject to staff availability. The City will respond to permit requests for a rolling road closure within three days of receiving the permit application.

Application and Deadline

The application for a special use permit is posted on the City's website at www.ashland.or.us/specialevent or can be obtained from the Public Works Department at 541-488-5587.

Completed applications should be submitted to the Public Works Department no later than 90 days in advance of the event date. It can take up to three months for City Departments to coordinate traffic plans, police services, public work services and more. Applicants will be notified of permit approval at least 60 days after the application is submitted.

Rush Fee: With the exception of rolling road closures, applicants for a special event permit who cannot meet the 90 day requirement will be charged a Rush Fee of \$250 in addition to the base fee of \$130 if the requisite City staff can be made available within the time frame requested. Otherwise the permit will be denied and the \$250 will be refunded.

Time Limit for Road Closure

Roads will be closed for no longer than two hours. Event organizers should plan accordingly.

Road closures, particularly in the downtown and business areas of the community, impact local businesses and can impede customer access. A maximum road closure of two hours ensures those businesses are not adversely impacted by the special event.

Exceptions to this rule include the July 4th Celebration, Children's Halloween Parade and the Festival of Lights. The City Administrator may exempt future events who require a road closure for longer than two hours.

Race Start Times

The downtown area, particularly the Plaza, becomes extremely busy with pedestrians, vehicles, merchants, etc. For the safety of the general public and participants, races must start and clear the downtown area no later than 9:30 a.m.

Neutral Start for Bicycle Races

A neutral start is the preferred option and will be used until the event reaches a location predetermined by City staff. A neutral start is used at the beginning of bicycle races to create a parade atmosphere as the event gets underway. This controlled pace protects, riders, pedestrians and vehicles in highly congested traffic zones. City staff will determine at what point the neutral start ends and the racing begins.

Special Event applicants may be denied future permits if racers pass the lead police vehicle.

Notification of Businesses and Neighbors

Event organizers are responsible for posting notification signs along the event route 24 hours in advance of the event. In addition, event organizers must notify businesses and homes along the route of the street closure, as well as cul-de-sac streets that intersect with the route, fourteen days in advance. At a minimum, the notification must include the date and length of time road will be closed. Public Works may require signatures to be collected indicating the property owners have been advised of the closure.

Public Safety

Safety of participants and the general public is the highest priority. The final decision on public safety requirements rests with the Ashland Police Department and Public Works.

The Oregon Department of Transportation requires certified flaggers or police personnel at locations that require traffic control. ODOT Certified Flaggers may not work at intersections or other locations where the City has determined there is significant risk.

Certificate of Insurance and Hold Harmless Agreement

The City of Ashland requires a Certificate of Insurance in the amount of no less than one million (\$1,000,000) dollars to protect the City against claims for personal injury or property damage that could occur because of the event. The certificate will name the City as an additional insured. A copy of the certificate must be submitted with the completed permit application. ODOT also requires a Certificate of Insurance if the event occurs on ODOT right of way.

Events that can be accommodated with a rolling road closure are not required to secure a Certificate of Liability insurance. However the City strongly recommends the organizers secure liability insurance to protect themselves. If during the event a participant is

injured and seeks damages or if private or public property is damaged by a participant, the insurance provides protection for the event organizer.

In addition, the City requires all applications to sign a hold harmless agreement (provided by the City) in order to receive a permit.

The Special Event Permit covers the use of the sidewalk(s) or street(s). It is possible your event may need additional permits such as a noise permit or a Parks permit. The following questions will help you determine if you need additional permits.

Questions	Contact	Phone
Will the event begin, end or pass through a city park?	Parks and Recreation	541-488-5340
Will a public address system or amplified music be used?	Administration	541-488-6002
Will your event interfere with a bus route or schedule?	RVTD, Field Operation Coordinator	541-779-2877
Will food be served at the event?	Jackson County Health Division Ashland Fire & Rescue	541-774-8206 541-482-2770
Will alcoholic beverages be sold?	Oregon Liquor Control Commission Ashland Fire & Rescue	541-776-6191 541-482-2770
Will your event include tents, canopies, booths, cooking, pyrotechnics etc.?	Ashland Fire Department	541-482-2770
Is your event a film or video?	Administration Ashland Fire & Rescue	541-488-6002 541-482-2770
Does your event involve the Plaza?	Administration	541-488-6002
Will you event occur on North Main, East Main Lithia Way, Siskiyou Blvd. (Highway 99), Ashland Street (Highway 66)	Oregon Department of Transportation Jackson County Roads	541-774-6328 541-774-6360 (541) 774-8184
Do you need reserved parking?	Public Works	541-488-5857

Criteria for Approval/Denial of application

In issuing a permit for a special event, the City considers whether:

- 1) Another event is scheduled for the same day/weekend
- 2) The event is reasonably likely to cause injury to persons or property
- 3) The event will 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) City equipment, staff and services are available
- 6) All permit requirements have been met
- 7) ODOT and/or Jackson County Permits secured
- 8) All required insurance documents are submitted
- 9) Previously identified issues have been addressed in the application

Included in this packet:

Special Event Permit Application
Pre-approved routes
Parks and Recreation Special Event Permit Application

Sanitation and Recycling

The permit application requires the applicant submit a plan for clean-up and recycling.

Ashland Fire & Rescue Permits are required for the following:

An additional permit from the fire department may be required when the event is held in public or private property within the city limits and includes any one or more of the following:

- Cooking or open flames including fire dancing, candle light vigils, sweat lodges, and ceremonial events
- All outdoor fire and regulated by the fire department through the Ashland Municipal Code
- Open flames inside a building other than approved, fixed appliances
- Tents or canopies
- When an activity occurs in a building outside its normal use
- Carnivals, fairs, beer gardens, haunted houses
- An event where the public gather within boundaries delineated by a physical barrier such a snow fencing, metal gates or tape
- Events in private homes or on private property that are open to the public OR charge a fee
- Other unique activities not listed may require a permit.

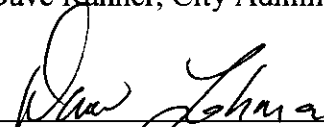
Approved:


Dave Kanner, City Administrator

Date:

4/4/12

Reviewed as to form:


David Lohman, City Attorney

Date:

4/9/12

**MINUTES FOR THE STUDY SESSION
ASHLAND CITY COUNCIL
March 5, 2012
Siskiyou Room, 51 Winburn Way**

Mayor Stromberg called the meeting to order at 5:31 p.m. in the Siskiyou Room.

Councilor Chapman, Silbiger, Slattery, Lemhouse, and Voisin, were present. Councilor Morris arrived at 5:34 p.m.

Mayor Stromberg explained the new format for Study Sessions would allow more free-flowing discussion. It would still prohibit public testimony but take written submissions from citizens prior to the meeting. City Administrator Dave Kanner further explained the provision in the code restricting Council from deliberating had been misinterpreted over the years and that Council could discuss items and provide staff with direction on an action and suggested changing the code provision to reflect that.

City Attorney David Lohman added it was difficult using the words 'deliberate towards a decision' because that language was in Public Meeting Law. However, the meaning was different in the code provision. Under State law, a closed meeting could not obtain information regarding items to deliberate but the Ashland code stated it was ok to get information from staff that may lead to a Council decision. As long as the purpose did not involve public input, occurred during a time when Council conferred with each other, and Council did not make final decisions.

1. Look Ahead Review

Item not addressed.

2. Will Council provide staff direction on policy issues for the proposed special events policy?

Public Works Director Mike Faught addressed the following nine policy issues that required further direction from Council:

1) Scope: "This policy does not apply to the following community events: July 4th celebration, Children's Halloween Parade, Festival of Lights Parade."

Mayor Stromberg noted information received from the Chamber of Commerce Executive Director Sandra Slattery that the Chamber was interested in having the July 4th celebration exempt since it was more of a community event. However, the Chamber would cover the fees for the Children's Halloween Parade and the Festival of Lights Parade since it was more business oriented. Police Chief Terry Holderness clarified all three events still required fees from the Chamber. They were on the list as ongoing events and therefore looked at differently. The Festival of Lights Parade would require modification due to the road closure.

City Attorney Dave Lohman explained co-sponsorship was no longer in the policy because it was covered under Resolution #2012-03 Commissions and Committees Guide.

Staff would add narrative that clarified the fees for the Children's Halloween Parade and the Festival of Lights Parade. Council wanted to know actual City costs for the July 4th celebration.

2) Fees: "All event applicants pay the base fee of \$130."

Mr. Faught explained the \$130 did not cover staff time to review an application. Staff costs were approximately \$224 an hour and a review could take up to 4 hours. Additionally, staff recommended a \$60 refund for cancelled or unapproved applications.

Council discussed automatic refunds and decided the City Administrator and staff would determine refunds and amounts.

- 3) **Fees: "Events that require City staff overtime (determined by the City). City staff will review the proposed route and determine how much City staff overtime will be needed. In addition to the base permit fee of \$130, the event applicant will be charged 60% of actual costs."**

In an effort to reduce costs, staff recommended pre-approved routes, and monthly Oregon Department of Transportation (ODOT) certified flagger training for non-City flaggers for events that needed to control intersection traffic. Council supported having ODOT certified flaggers.

Staff recommended and Council majority agreed to charging applicants 60% overtime costs instead of actual costs. Council wanted to see actual costs.

- 4) **Rolling Road Closure: "Some special events on roadways with two or more lanes of traffic in each direction can be accommodated with a rolling road closure of one lane of traffic. A rolling road closure event is one that lasts 45 minutes or less, does not block intersections for more than 5 minutes and can be managed with a minimum number of on-duty city staff. These events are subject to the \$130 base fee and will not be charged a Rush Fee. Permit approval is subject to staff availability."**

Council agreed to the recommendation to add hours of daylight because a rolling road closure was not safe after dark.

- 5) **Application and Deadline Rush Fee: "With the exception of rolling road closures, applicants for a special event permit who cannot meet the 90 day requirement will be charged a Rush Fee of \$250 if requisite City staff can be made available within the time frame requested. Otherwise the permit will be denied and the \$250 refunded."**

The 90-day timeframe provided time for staff to review the application and gave the applicant at least 30-60 days to prepare for their event. Council approved the 90-day requirement and the rush fee.

- 6) **Time Limit for Road Closure: "Roads will be closed for no longer than two hours."**

Chief Holderness clarified the 4th of July Celebration, Children's Halloween parade and the Festival of Lights parade were exempt from the entire list. Staff would add language to the policy dealing with them specifically. Alternately, Council could add future ongoing events to the exempt list.

- 7) **Bicycle Races: "The downtown area, particularly the Plaza, becomes extremely busy with pedestrians, vehicles, merchants etc. For the safety of the general public and due to the high number of cyclists and the speed of travel, all bicycle races must clear the downtown area 9:30 a.m."**

Council directed staff to remove bicycle references and have it apply to all races in the downtown area.

- 8) **Neutral Start for Bicycle Races: "A neutral start is used at the beginning of bicycle races to create a parade atmosphere as the event gets underway. This controlled pace protects riders, pedestrians, and vehicles in highly congested traffic zones. A neutral start will be used until the signal is given by an event official. City staff will determine at what point the neutral start ends and the racing begins."**

Council suggested having a neutral start as the preferred option for bicycle races but not a requirement and if they chose not to have a neutral start, the applicant would pay 60% of the actual cost.

- 9) **Certificate of Insurance and Hold Harmless Agreement: "The City of Ashland requires a Certificate of Insurance in the amount of no less than one million (\$1,000,000) dollars to**

protect the City against claims for personal injury or property damage that could occur because of the event. The certificate will name the City as an additional insured. A copy of the certificate must be submitted with completed permit application. In addition, the City requires the applicant sign a hold harmless agreement (provided by the City) in order to receive a permit.”

Chief Holderness explained this applied mostly to protests and insurance companies did not insure demonstrations. Councilor Voisin would research the possibility of challenges to first amendment rights and equal protection. Council majority was in favor of staff gathering additional information regarding insurance for further review.

Mr. Faught read the criteria for approval and denial of the applications:

- 1) Another event is scheduled for the same day/weekend
- 2) The event is reasonably likely to cause injury to persons or property
- 3) The event will substantially interfere with the safe and orderly movement of pedestrians and vehicular traffic in the area
- 4) The proposal location is adequate for the size and nature of the event
- 5) City equipment, staff, and services are available
- 6) All permit requirements have been met
- 7) ODOT and/or Jackson County Permits secured
- 8) All required insurance documents are submitted
- 9) Previously identified issues have been addressed in the application

Torsten Heycke, the organizer of the annual Mt. Ashland Hill Climb Run, Allan Goffe, the organizer for the Mt. Ashland Hill Climb Bike Race, and Rob Cain who worked for both events expressed their concern regarding the certified ODOT flaggers' requirement, the number needed, and how the requirement affected their events. Mayor Stromberg asked them to submit their concerns and suggestions in writing to the Council.

Council suggested staff revise the second paragraph on the first page of the Special Event Policy regarding exclusive use of public right of ways.

Meeting adjourned at 7:33 p.m.

Respectfully submitted,
Dana Smith
Assistant to the City Recorder