

public event

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting)
the Columbia County Public) ORDINANCE NO. 97-6
Event Ordinance)
_____)

The Board of Commissioners for Columbia County ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 97-6. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Public Event Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

This ordinance is intended to regulate public events such as races or parades.

SECTION 4. ADOPTION.

The "Columbia County Public Event Ordinance", a copy of which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference, is hereby adopted.

SECTION 5. CONFORMANCE WITH OTHER LAWS.

This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with, any and all laws and administrative rules of the State of Oregon, or its agencies, or any other ordinance, rule, or regulation of Columbia County.

SECTION 6. SEVERABILITY.

If any provision of this ordinance is for any reason held

invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. EFFECTIVE DATE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on July 2, 1997.

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John W. [Signature]
Office of County Counsel

By: Jack R. Peterson
Chairman

Attest:

By: Joe [Signature]
Commissioner

By: Jan Suenkelgh
Recording Secretary

By: [Signature]
Commissioner

First Reading: 6/11/97
Second Reading: 6/25/97
Effective Date: 7/2/97

EXHIBIT "A"

COLUMBIA COUNTY PUBLIC EVENT ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Public Event Ordinance".

SECTION 2. DEFINITIONS.

A. Parade. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public road which does not comply with normal and usual traffic regulations or controls.

B. Race. "Race" means an organized run of 100 or more participants who are at any one time upon any portion of a public road. Athletic competitions sponsored by a Columbia County school district are not included within this definition.

C. Motorcade. "Motorcade" means an organized procession containing twenty-five or more vehicles, except funeral processions and military convoys, upon any public road.

D. Walkathon. "Walkathon" means any organized walk of 100 or more participants who are at any one time upon any portion of a public road.

E. Bicycle Tour. "Bicycle Tour" means any organized group of 50 or more bicycles upon any public road.

F. Public Event. "Public Event" means any parade, race, motorcade, walkathon, bicycle tour or large event as defined in this section.

G. Public Road. "Public Road" means any public road, as defined in ORS 368.001(5), in Columbia County, except those within the limits of any incorporated city.

H. Large Event. "Large Event" is any public event, except funeral processions, involving more than 100 vehicles, 300 bicycles or 300 pedestrian participants upon any portion of a public road.

SECTION 3. PERMITS.

A. It shall be unlawful for any person to conduct a public event in or upon any public road or knowingly participate in any such public event unless and until a permit to conduct such public event has been obtained from the Sheriff, or, as hereinafter provided, from the Board of County Commissioners.

B. It shall be unlawful, and no permit shall be issued, to conduct any public event after sunset and before sunrise, unless the Sheriff or the Board of County Commissioners is assured that adequate steps have been taken to provide for the safety of the participants, spectators, and residents in the vicinity of the activity.

SECTION 4. APPLICATIONS FOR PERMITS; FEES.

A. Any person who wants to conduct a public event shall apply to the Sheriff for a permit at least sixty (60) days in advance of the date of the proposed public event. The Sheriff may at his or her discretion consider any application for a permit to conduct a public event which is filed less than sixty (60) days prior to the date the public event is to be conducted. The application for such permit shall be made in writing on a form approved by the Sheriff. In order that adequate arrangements may be made for the proper policing of the public event, the application shall contain the following information:

1. The name of the applicant, the sponsoring organization, the public event chairperson and the addresses and telephone numbers of each;

2. The purpose of the public event, the date when it is proposed to be conducted, the location of the assembly area(s), route to be traveled and the approximate time when the public event will assemble, start and terminate;

3. Such other information as the Sheriff may deem reasonably necessary;

B. The person or organization applying for the public event permit shall also tender along with the application an application fee. The application fee shall be \$10.00, except that for large events the application fee shall be \$50.00.

C. The person or organization applying for the public event permit shall also tender along with the application the deposit required by Section 12 of this ordinance.

SECTION 5. ISSUANCE OR DENIAL OF PERMIT.

A. Standards for Issuance. The Sheriff or, in the event of a large event, the Board of County Commissioners shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Sheriff or Board finds that:

1. The time, route and size of the public event will disrupt to an unreasonable extent the movement of other traffic or will endanger the safety of participants or citizens, or cause a safety hazard other than traffic.

2. The public event is of a size or nature that requires the diversion of too many law enforcement officers, public works employees or other personnel to properly control the public event or that allowing the public event would deny reasonable law enforcement or other emergency service protection to citizens of the County.

3. Such public event will interfere with another public event for which a permit has been issued.

4. The County Public Works Director determines the event would damage public roads.

B. Standard for Denial. The Sheriff or, in the case of large events, the Board of County Commissioners shall deny an application for a public event permit and notify the applicant of such denial where:

1. The Sheriff or Board of County Commissioners makes any finding contrary to the findings required to be made for the issuance of a permit.

2. The information contained in the application is found to be false or nonexistent in any material detail.

3. The applicant refuses to agree to abide by or comply with all conditions of the permit.

SECTION 6. CONTENTS OF PERMIT.

In each permit the Sheriff or, in the case of large events, the Board of County Commissioners shall specify:

- A. The assembly area and time therefor;
- B. The starting and ending time of the public event;
- C. The minimum and maximum speeds;
- D. The route of the public event;
- E. What portions of public roads to be traversed may be occupied by such public event;
- F. The number of persons required to monitor the public event;
- G. The number and types of vehicles, if any;
- H. That permittee advise all participants in the public event by written notice, of the terms and conditions of the permit, prior to the commencement of such public event;
- I. Such other requirements as are found by the Sheriff to be reasonably necessary for the protection of persons or property;
- J. The amount of deposit required as set forth in Section 12.

SECTION 7. REVIEW PROCEDURE.

Upon denial by the Sheriff of an application made pursuant to Section 5.B, the applicant may appeal from the determination of the Sheriff within five days thereafter to the Board of County Commissioners at its next meeting. Upon such appeal, the Board of County Commissioners may reverse, affirm, or modify in any regard the determination of the Sheriff.

SECTION 8. LARGE EVENTS.

The permit for any large event shall be issued solely by the Board of County Commissioners.

SECTION 9. REVOCATION OF PERMITS.

Any permit for a public event issued pursuant to this ordinance may be summarily revoked by the Sheriff at any time when by reason of disaster, public calamity, riot or other emergency, the Sheriff determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified or registered mail.

SECTION 10. HOLD HARMLESS.

Applicants shall agree in writing to indemnify, defend and save and hold harmless the County and other public agencies, its Commissioners, boards, officers, including the County Sheriff, employees and agents, from all suits, actions, damages or claims to which the County may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such public event and the activities permitted in connection therewith. Applicants shall provide County with evidence of insurance with single limit policy amounts of \$1,000,000.00, naming County and other affected public agencies, their officers, agents and employees as additional insureds. Provided, the Sheriff may waive proof of insurance if circumstances warrant for public events other than large events.

SECTION 11. COSTS.

Applicants shall pay to the County the cost of County and personnel from other public agencies who are required to work or perform duties during or as a result of such public events and all other costs incurred by County and other public agencies including but not limited to trash removal, road repairs, policing, fire protection, medical assistance and medical standby, administrative costs, and manning of barricades. Applicants shall deposit with the County, as described in Section 12, a sum in an amount required by the Sheriff or Board of County Commissioners for the purpose of covering costs to the County and other public agencies.

SECTION 12. DEPOSIT.

Applicants shall provide a deposit to the County not less than 15 days prior to the public event in an amount set by the Sheriff or, in the case of a large event, the Board of County Commissioners. The deposit shall be in cash or by certified check.

Applicants shall not be entitled to interest on funds deposited. The expenses County and other public agencies incur before, during, after or as a result of the public event, including any costs associated with enforcing the conditions of an applicant's permit, shall be deducted from the deposit. Any remaining balance, shall be refunded to the applicant within 30 days of the public event.

SECTION 13. COMPLIANCE WITH LAWS.

Issuance of a permit under this ordinance shall not relieve applicant of the responsibility to comply with all applicable ordinances and laws, and obtain all other required permits and licenses necessary for a public event.

SECTION 14. CONDITIONS IN PERMITS.

Any permit granted under this ordinance may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility and welfare including but not limited to changes in time, duration and number of participants.

SECTION 15. PENALTY.

This ordinance is enforceable under, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.