

CHAPTER 814
Outdoor Assemblies

814.01	Purpose.	814.06	Time limit for acting on application.
814.02	Definitions.	814.07	Denial.
814.03	Prohibited acts.	814.08	Posting; information thereon.
814.04	License required.	814.09	Revocation
814.05	Application; required information; fee.	814.99	Penalty.

814.01 PURPOSE.

The City Council finds and declares that the interests of the public health, safety and welfare of the citizens of the City require the regulation, licensing and control of assemblage of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police transportation, utility and other public services regularly provided in this City.

(Ord. 2003-09. Passed 5-12-03; Ord. 2011-01. Passed 5-9-11.)

814.02 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- (b) "Licensee" means any person to whom a license is issued pursuant to this chapter.
- (c) "Outdoor assembly (assembly)" means any event, which includes theatrical exhibition, public show, display, entertainment, amusement or other exhibition including, but not limited to, musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:
 - (1) An event which is conducted or sponsored by a governmental unit or agency on public owned land or property;
 - (2) An event held entirely within the confines of a permanently enclosed and covered structure.
- (d) "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

(Ord. 2003-09. Passed 5-12-03.)

814.03 PROHIBITED ACTS.

- (a) It shall be unlawful for a licensee, his or her employee, or agent to knowingly:
- (1) Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as provided in Section 814.05;
 - (2) Conduct or operate an assembly in such a manner as to create a public or private nuisance;
 - (3) Conduct or permit, with the assembly, any obscene display, exhibition, show, play, entertainment or amusement;
 - (4) Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct;
 - (5) Permit any person to unlawfully consume, sell, or possess intoxication liquor while on the premises;
 - (6) Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs, or other controlled substance.

(b) Any of the violations enumerated in division (a) is a separate offense, is a nuisance per se immediately enjoined in the circuit court, and is punishable as provided in Section 814.99.

(c) It is further provided that any of the violations enumerated in division (a) is a sufficient basis for revocation of the license and for the immediate enjoining, in the circuit court, of the assembly.

(Ord. 2003-09. Passed 5-12-03.)

814.04 LICENSE REQUIRED.

(a) A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the City unless he or she shall have first made application for, and obtained, as prescribed in Section 814.05, a license for each such assembly.

(b) An established business will be allowed to offer entertainment after an annual permit, that is approved by the City Council, with a fee set by the City Council, is obtained. An approved permittee shall abide by Chapter 654 and abide by all noise and time restrictions therein.

(Ord. 2003-09. Passed 5-12-03; Ord. 2011-01. Passed 5-9-11.)

814.05 APPLICATION; REQUIRED INFORMATION; FEE.

(a) Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the Chief of Police and shall be made at least ten days prior to the date of the proposed assembly.

(b) Each application shall be accompanied by a nonrefundable fee as established by resolution of the City Council from time to time and shall include at least the following:

- (1) The name, age, residence and mailing address of the person making the application, whether the person making the application is a partnership, corporation or other association.
- (2) A statement of the kind, character, and type of proposed assembly and a list of names of all performers.
- (3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his or her consent to use the site for the proposed assembly.
- (4) The dates and hours during which the proposed assembly is to be conducted. (NOTE: No performance shall extend beyond 11:00 p.m. unless specifically authorized in the license).
- (5) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering of other methods which will be used for accounting purposes. (Ord. 2003-09. Passed 5-12-03; Ord. 2011-01. Passed 5-9-11.)

814.06 TIME LIMIT FOR ACTING ON APPLICATION.

Within five days of the filing of the application the Chief of Police shall issue, set conditions prerequisite to the issuance of, or deny, a license. The council may require that adequate security or insurance be provided before a license is issued. (Ord. 2003-09. Passed 5-12-03.)

814.07 DENIAL.

(a) The application shall be denied if the applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or

(b) The application shall be denied if the applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document. (Ord. 2003-09. Passed 5-12-03.)

814.08 POSTING; INFORMATION THEREON.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this chapter. It shall be posted

in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

(Ord. 2003-09. Passed 5-12-03.)

814.09 REVOCATION.

The Chief of Police may revoke a license whenever the licensee, his or her employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated in this chapter by reference.

(Ord. 2003-09. Passed 5-12-03.)

814.99 PENALTY.

(a) A person who violates this chapter is responsible for a municipal civil infraction subject to payment of a civil fine of not more than \$100.00, reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided in division (b) below.

(b) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement of provision (i) committed by a person within any 18 month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense that is a first repeat offense shall be no less than \$250.00 plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00 plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Ord. 2003-09. Passed 5-12-03; Ord. 2011-01. Passed 5-9-11.)