

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-13-04
Introduced By: City Council
Date Introduced: October 8, 2012
First Reading: October 8, 2012
Second Reading: November 13, 2012
Amendments Adopted:
Date Adopted: November 13, 2012
Date Effective: December 12, 2012

AN ORDINANCE concerning

CHAPTER 116- SPECIAL EVENTS PERMITTING, POLICIES AND PROCEDURES

FOR the purpose of regulating Special Events within the City of Seat Pleasant; requiring an applicant who sponsors or promotes a Special Event to first obtain a Special Event permit; specifying requirements and fees for Special Event permits; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to Special Events within the City.

BY adding

Chapter 16- Special Events Permitting, Policies and Procedures
Section 116-6
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, the Council of the City of Seat Pleasant (the "City") is a municipal corporation in the State of Maryland, organized and operating under a Charter in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Maryland Annotated Code; and

WHEREAS, pursuant to Md. Code Ann., Art. 23A, § 2 (a) and Article V, Section C-501 (a) of the Charter for Seat Pleasant (the "Charter"), the City has the general power to pass such ordinances not contrary to the Constitution and laws of Maryland as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health,

safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Section C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition.

SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that new Sections __-1 through __-__, inclusive, be and they are hereby added to the Code of the City of Seat Pleasant (1994, as amended), to be under the new Chapter ____, Special Events, to follow immediately after Section ____ of Chapter ____, thereof and to read as follows:

§ __-1 DEFINITIONS.

A. FOR PURPOSES OF THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS STATED:

1. "APPLICANT" IS AN INDIVIDUAL OR ENTITY THAT APPLIES FOR A SPECIAL EVENT PERMIT AND WHO ASSUMES LIABILITY AND RESPONSIBILITY DURING THE SPECIAL EVENT FOR COMPLIANCE WITH ALL APPLICABLE LOCAL LAWS AND REGULATIONS.
2. "SPECIAL EVENT" IS ANY NON-CITY AFFILIATED, OUTDOOR EVENT HELD ON CITY PROPERTY, INCLUDING BUT NOT LIMITED TO ANY PUBLIC STREET, SIDEWALK, PARK OR OTHER GREENSPACE IN THE CITY, OR DEEMED TO SIGNIFICANTLY IMPACT THE CITY.

§ __-2 APPLICATION.

A. NO SPECIAL EVENT PERMIT SHALL BE ISSUED WITHOUT SUBMITTAL OF A COMPLETED APPLICATION FORM, ALL REQUESTED DOCUMENTATION AND AN APPLICATION FEE OF \$200. A SPECIAL EVENT MUST RECEIVE FINAL APPROVAL OF THE CITY OF SEAT PLEASANT SPECIAL EVENTS COMMITTEE EXCEPT AS PROVIDED IN SUBSECTION B HEREIN. THE SPECIAL EVENTS COMMITTEE IS COMPOSED OF REPRESENTATIVES FROM THE FOLLOWING CITY DEPARTMENTS:

1. CITY ADMINISTRATION;
2. CITY POLICE;
3. COMMUNITY SERVICES;
4. PUBLIC WORKS; AND
5. FINANCE.

B. THE FOLLOWING SPECIAL EVENTS MUST RECEIVE FINAL APPROVAL OF THE CITY COUNCIL, AFTER FIRST BEING RECOMMENDED BY THE SPECIAL EVENTS COMMITTEE FOR THE CITY COUNCIL'S CONSIDERATION:

1. SPECIAL EVENTS REQUIRING THE USE OF GOODWIN PARK;
2. SPECIAL EVENTS AT WHICH 150 OR MORE PARTICIPANTS ARE EXPECTED TO ATTEND; AND
3. SPECIAL EVENTS REQUIRING STREET CLOSURES.

C. SPECIAL EVENT PERMIT APPLICATIONS SHALL BE MADE ON A FORM PROVIDED BY THE CITY AND AVAILABLE AT CITY HALL, WHICH MAY BE AMENDED FROM TIME TO TIME AT THE CITY'S SOLE DISCRETION.

§ __-3 SPECIAL EVENTS REQUIREMENTS AND CONDITIONS.

- A. APPLICANTS ARE RESPONSIBLE FOR ENSURING COMPLIANCE BY ALL PERSONS INVOLVED IN THE SPECIAL EVENT WITH ALL APPLICABLE CITY ORDINANCES AND REGULATIONS, INCLUDING THIS CHAPTER, AND THE TERMS AND CONDITIONS OF THE SPECIAL EVENTS PERMIT ISSUED.
- B. DEPENDING ON THE NUMBER OF PARTICIPANTS EXPECTED, THE CITY MAY REQUIRE CITY PERSONNEL, INCLUDING CITY POLICE OFFICERS AND/OR PUBLIC WORKS STAFF, AT ANY SPECIAL EVENT. THE COST OF CITY PERSONNEL INVOLVED IN ANY ACTIVITIES RELATED TO, IN ADVANCE OF, DURING AND AFTER ANY SPECIAL EVENT MAY BE CHARGED TO THE APPLICANT. THE CITY SHALL DETERMINE THE NUMBER OF CITY PERSONNEL NECESSARY TO ENSURE THE SAFETY OF PARTICIPANTS, MINIMIZE THE INCONVENIENCE TO CITY RESIDENTS, ENSURE THE SUCCESS OF THE SPECIAL EVENT AND REDUCE THE PUBLIC LIABILITY EXPOSURE TO THE APPLICANT AND THE CITY. THE BILL WILL BE TRANSMITTED TO THE APPLICANT WITHIN 30 DAYS AFTER THE COMPLETION OF THE EVENT. ANY FEES UNPAID AFTER 30 DAYS FROM THE DATE OF TRANSMISSION MAY BE SUBJECT TO COLLECTION BY THE CITY IN ANY COURT OF COMPETENT JURISDICTION.
- C. NO FOOD OR BEVERAGE SHALL BE SERVED AT ANY SPECIAL EVENT UNLESS A HEALTH PERMIT HAS BEEN ISSUED BY PRINCE GEORGE'S COUNTY AND A COPY HAS BEEN PROVIDED TO THE CITY IN ADVANCE OF THE SPECIAL EVENT.
- D. UNDER NO CIRCUMSTANCES SHALL ALCOHOL BE CONSUMED OR SERVED DURING ANY SPECIAL EVENT.

- E. APPLICANTS SHALL PROVIDE THEIR OWN SOURCE(S) OF POWER FOR THEIR SPECIFIC NEEDS. THE CITY GENERALLY WILL NOT PROVIDE ELECTRICAL POWER OF ANY SORT EXCEPT AS PROVIDED AT THE GOODWIN PARK PAVILION.
- F. APPLICANTS MUST PROVIDE A PARKING PLAN TO ADDRESS HOW PARKING FOR THE SPECIAL EVENT WILL AFFECT SURROUNDING RESIDENTS. ADDITIONALLY, APPLICANTS MUST PROVIDE WRITTEN NOTICE TO AFFECTED RESIDENCES AT LEAST 48 HOURS PRIOR TO THE SPECIAL EVENT.
- G. APPLICANTS SHALL OBTAIN, AT THEIR OWN EXPENSE, INSURANCE COVERING PERSONAL INJURY AND PROPERTY DAMAGE ARISING OUT OF OR IN CONNECTION WITH THE ACTIONS OF THE APPLICANT OR ANY AGENT, GUEST OR INVITEE OF THE APPLICANT, WITH THE CITY NAMED AS AN ADDITIONAL INSURED. THE AMOUNT OF INSURANCE COVERAGE SHALL BE SET FORTH IN THE PERMIT.
- H. APPLICANTS SHALL INDEMNIFY AND HOLD HARMLESS THE CITY AND ITS OFFICERS, AGENTS AND EMPLOYEES FOR ANY PERSONAL OR PROPERTY INJURY SUFFERED BY THE APPLICANT OR THE APPLICANT'S GUESTS, INVITEES OR AGENTS AS A RESULT OF AND IN CONNECTION WITH THE SPECIAL EVENT.
- I. MISCELLANEOUS PROVISIONS.
 - 1. STREET CLOSURES ASSOCIATED WITH A SPECIAL EVENT ARE GENERALLY NOT PERMITTED SO AS TO MINIMIZE INCONVENIENCE TO CITY RESIDENTS. STREET CLOSURES WILL BE PERMITTED ONLY WHERE THE EXERCISE OF A PERSON'S FIRST AMENDMENT RIGHTS SO REQUIRES AND NO REASONABLE ALTERNATIVE IS AVAILABLE. IN THAT CASE, THE CITY WILL APPROVE STREET CLOSURES OF THE MINIMUM NECESSARY DURATION AND WILL DETERMINE AN APPROPRIATE LOCATION FOR THE SPECIAL EVENT THAT MINIMIZES BURDEN AND INCONVENIENCE TO PERSONS TRAVELING THROUGH THE CITY. IN THE EVENT OF A REQUIRED STREET CLOSURE, ADDITIONAL SECURITY PERSONNEL MAY BE REQUIRED, AT THE APPLICANT'S EXPENSE.
 - 2. THE CITY IS NOT RESPONSIBLE FOR ANY ACCIDENTS OR DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE ISSUANCE OF A SPECIAL EVENTS PERMIT.
 - 3. THE SPECIAL EVENTS PERMIT IS NON-TRANSFERABLE AND CAN ONLY BE USED ON THE DESIGNATED DATES AND TIMES AS PRINTED.

4. THE CITY RESERVES THE RIGHT TO SUSPEND, CANCEL AND/OR RESCHEDULE ANY SPECIAL EVENT.

§ __-4 VIOLATIONS AND PENALTIES.


- A. A VIOLATION OF THIS CHAPTER IS A MUNICIPAL INFRACTION. A PERSON WHO VIOLATES THIS CHAPTER OR ANY TERMS OF A SPECIAL EVENTS PERMIT ISSUED HEREUNDER SHALL BE SUBJECT TO A FINE OF \$50 FOR EACH INFRACTION. EACH DAY THAT A VIOLATION OCCURS OR CONTINUES SHALL BE CONSIDERED A SEPARATE INFRACTION.
- B. THIS CHAPTER MAY BE ENFORCED, AND MUNICIPAL CITATIONS ISSUED, BY CITY POLICE OFFICERS, CITY CODE ENFORCEMENT OFFICERS AND THE CITY NUISANCE ABATEMENT COORDINATOR. ALL SUCH INDIVIDUALS ARE "OFFICERS" FOR PURPOSES OF THIS CHAPTER.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that if any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

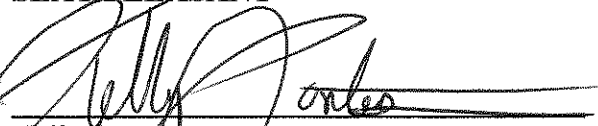
SECTION 3. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published as required by law, and that this Ordinance shall become effective 20 days following approval by the Mayor or passage by the council after veto by the Mayor.

ATTEST:

COUNCIL OF THE CITY OF
SEAT PLEASANT



Dashaun N. Lanham
City Clerk



Kelly Porter
President

EXPLANATION:

CAPITALS indicate matter added to existing law.

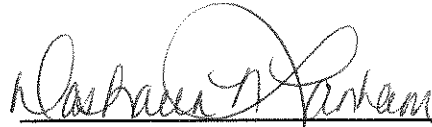
((Double Parentheses)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from the bill by amendment or deleted from the law.


APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter of The City of Seat Pleasant this 19 day of November, 2012.



Dashaun N. Lanham
City Clerk

In accordance with Section C-313 of the Charter of the City of Seat Pleasant, I hereby **APPROVE/DISAPPROVE** this Ordinance this ___ day of _____, 2012.



Eugene W. Grant, Mayor