

**CITY OF BEMIDJI
PUBLIC WORKS COMMITTEE**

AGENDA

MEETING DAY/DATE: TUESDAY, JANUARY 15, 2019

**LOCATION: LAW ENFORCEMENT CENTER
613 MINNESOTA AVENUE** (PLEASE ENTER THE MEETING ROOM THROUGH THE BACK OF THE BUILDING – THERE IS A SIDEWALK MID-BLOCK ON 6TH STREET – NEAR THE POLICE OFFICER STATUE)

TIME: 5:00 P.M.

1. Call to Order
2. Special Events Ordinance Discussion
3. Adjourn

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING CHAPTER 20 OF THE BEMIDJI CITY CODE ENTITLED, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" BY ADDING SECTION RELATING TO PERMITTING OF "SPECIAL EVENTS"

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. Bemidji City Code, Chapter 20, entitled, "Streets, Sidewalks and Other Public Places" is hereby amended by adding the following Section relating to "Special Events":

Sec. 20-8 - Special Events

(a) **Definitions:**

"Special Event" means an event held in the City in which one or more of the following occurs:

- (1) a temporary alcoholic beverage license is required or an existing on-sale alcoholic beverage license is authorized by the City Council to dispense intoxicating liquor off-premises at the event location as part of a community festival according to Bemidji City Code Sec. 4-97(b);
- (2) a street, sidewalk or other public way or place is closed for the benefit of the event attendees;
- (3) use of a City park or public way which exceeds 300 attendees;
- (4) amplified sound, sound device or apparatus is to be used in connection with a gathering; or
- (5) the event will adversely impact a considerable number of members of the public or City resources.

"Person" means an individual, partnership, corporation, or any association of individuals, partnerships or corporations.

"Sound Device or Apparatus" means any radio device or apparatus for the amplification of any sounds from any radio, phonograph or other sound-making or sound producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

"Background Music" means subdued and unobtrusive music played: (a) no louder than the ambient street level noise; and (b) as an accompaniment to, or for the purpose of creating a pleasant atmosphere for, an activity or a public place.

(b) **Purpose and Intent.**

The City Council finds that in the interest of public health, safety and welfare, citizens have the right to be assured that events occurring within the City are operated in a safe and healthy manner that minimizes the potential adverse impacts to the citizens. At the same time, the City Council recognizes the desire of many of the City's citizens, individually and in gatherings, to fully enjoy outdoor related events. Therefore, the City Council's objective herein is to preserve, protect and promote the City's citizens' health, safety, welfare and quality of life, through reasonable, regulation, control and planning of special events.

(c) **Special Event Permit Required.**

No person shall conduct, maintain, or operate a Special Event as defined herein unless such person shall first obtain a Special Event permit issued under this Ordinance. Permit applications will be considered by the City Council in the manner hereinafter prescribed, and such person shall comply with the provisions of this Section, and the terms and conditions prescribed in such permit.

(d) **Application for Permit.**

Each applicant for a permit shall file an application on a prescribed form with the City Clerk for submission to the City Council. Such application must be received by the City Clerk according to the following schedule:

- 30 days prior to the event for events planned for under 300 participants and street closures; or
- 120 days prior to the event for events planned for over 300 and less than 1,000 participants; or
- 180 days prior to the event for events planned for over 1,000 participants.

The City Council may waive the filing deadline upon: 1) the applicant's showing of good cause or reasonable excuse for the late filing; 2) the absence of any prejudice to the public's health, safety and welfare; and, 3) the City Council's ability to hold a public hearing concerning the application prior to the scheduled event. The application shall be accompanied by permit of any permit fee established by the City Council and must contain the following information:

- (1) The location(s) for which the permit is sought;
- (2) The dates and times of the event for which the permit is sought;
- (3) The name, address and telephone number of the Applicant and the contact person named by the Applicant to implement the permit and to be on site during the event. The contact person must be responsible for permit's compliance with the laws of this Section and any terms or conditions imposed upon the approval of the permit;
- (4) A description of the facilities and arrangements that are in place for the handling of food, medical needs, sanitation, fire services, garbage disposal, and adequate security and police protection for the event including crowd control, traffic control and police protection for adjacent property owners;

- (5) A sketch, site plan, stage plot or other description of the land and premises to be used for the event for which the permit is sought;
 - (6) Statement or identification on the site plan of compliance with the American with Disabilities Act for access to facilities and services (including sanitation).
 - (7) A description or identification on the site plan for compliance with local and state storm water rules and regulations, including proper disposal of grey water and food vendor byproducts/grease and protection of storm water inlets and basins.
 - (8) A description of the entertainment intended to be provided, including the type of entertainment, the location where it is to be staged or provided, the dates and time frames during which entertainment is to be provided, a statement as to the maximum number of persons who will be permitted to be in attendance on any particular day and a description of the means by which attendance will be limited to such number of persons;
 - (9) A description of the means and methods proposed by the Applicant to prevent noise from the event unreasonably disturbing those persons who live or work in the vicinity of the event. Additionally, a statement from the applicant as to whether the applicant intends to use amplified sound, sound device or apparatus and complies with Section (g) below.
 - (10) A statement from the Applicant indicating the applicant has obtained a copy of this Section, has read and does understand the regulations found within this Section, and does intend to comply with the regulations found within this Section and any conditions of approval imposed upon the permit that might be granted in response to his application;
 - (11) Such other information that the City Manager, City Attorney, City Clerk, Parks & Recreation Director, Police Chief, Fire Chief, Public Works Director, or their designees, may need in order to carry out the purposes of this Section, or that may be required pursuant to any Special Event policy that may be approved.
 - (12) A Special Event Permit Application may serve as well as an application for a Park Permit under Bemidji City Code, Chapter 14-35. However, a Park Permit applicant must separately satisfy the requirements and condition under Chapter 14-35, including payment of all fees associated with a Park Permit.
- (e) **Meeting Prior to Issuance.**
Applicant and/or their representative may be required to meet with City staff and other government units within 10 days of the City's receipt of Special Event Permit application.
- (f) **Issuance of Permit.**
- (1) Terms. The City Council must consider each application for a permit in light of the following criteria:
 - a. The day of the week, time of day and duration of the Special Event;
 - b. The character and nature of land uses underlying and adjacent to the Special Event;

- c. The proximity and compatibility of the Special Event to residential, religious or medical facilities, or the general public;
 - d. The volume, frequency and type of sound to be generated, and the sufficiency of means and methods proposed by the applicant to prevent noise from the event from unreasonably disturbing those persons who live or work in the vicinity of the event; and
 - e. The sufficiency of the arrangement made to provide adequate security, garbage disposal, restrooms, crowd control, traffic control and parking control.
- (2) The City Council will not issue a permit to any person who has, during the past 12 months, failed to observe the terms and conditions of any previously issued permit or who has had his or her right to apply for and receive a permit suspended or revoked under Section (f).
 - (3) The City Council may impose conditions upon its issuance of a permit that are reasonably related to the satisfaction of the provisions or the furtherance of the objectives of this Section including the criteria listed in Subd. (1) of this Section. Those conditions may include a time restriction on the Special Event permit issued pursuant to this Section.
 - (4) The City Council may require a meeting with key staff which may include other governmental units prior to the Special Event.
 - (5) The applicant/permittee shall keep the Special Event permit in possession at all times at the location of the Special Event under the authority of the permit, and shall present the permit upon demand by a law enforcement officer.
 - (6) Special Event permits involving closure or use of streets, sidewalks or other public ways shall not be issued for uses and activities which shall charge an admission or request a donation, for a person to attend or participate in an event activity conducted within the public ways, unless the event applicant is an organization which is a charitable, religious or nonprofit corporation and such applicant is the sponsor of such use and activity, or the Special Event involves a use or activity sponsored by the City, or is granted a waiver by the City Council to allow such admission or donation.
 - (7) For a Special Event proposed to be conducted on public property, the applicant shall obtain insurance coverage for activities involved with the event. The amount and type of insurance required for using such public property will be determined by the City based upon the nature and risk of the activity(s). Prior to the applicant's use of the public property, the applicant must provide an insurance certificate listing the City of Bemidji as an additional insured.
- (g) **Sound Limitation and Restrictions.**
- (1) The limitations of amplified sound, sound devices or apparatus shall be in compliance with and as defined under Chapter 14.
 - (2) The City Council in issuing a Special Event Permit may waive the maximum allowable sound limits and replace it with a restriction requiring the amplified sound to terminate no later than **10:30 p.m.** on the day of each event covered by the permit, or at such

other time approved by the City Council. If a waiver is granted by the City Council, no person shall allow the amplified sound to continue beyond such time approved by the Council.

- (3) Exceptions. This Section shall not apply to the use or operation of any sound device or apparatus:
 - a. At a location that is not in, near, or adjacent to any public street, park, place, or near or adjacent to a residential area;
 - b. By any place of worship on or within its own premises, in connection with the religious rites or ceremonies of such place of worship;
 - c. By the police and fire departments of the city in the performance of their official duties;
 - d. By a public or private school on school grounds;
 - e. In musical presentations made or sponsored by the City;
 - f. By licensed auctioneers during the course of an auction event;
 - g. As background music no later than 10:30 p.m.; or
 - h. As specifically allowed under any other provision of this Code.

(h) **Additional Requirements and Restrictions.**

- (1) For Special Events involving a street closure, all events must include an emergency plan detailing access for emergency vehicles. Furthermore, event applicants shall notify affected property owners as follows:
 - a. In residential neighborhoods: seven (7) day advance notice to the residents that will be impacted by the event is required so they can plan around the inconvenience. This is the responsibility of the event sponsor. If this activity is not done, the event will be canceled.
 - b. In commercial areas: if businesses are affected, applicant shall notify the affected property owners fourteen (14) days prior to the street closure. Furthermore, a consent/non-consent form must be received from all businesses that are affected by the street closure as a part of the application packet; with 75% required to be in favor of the event. This is the responsibility of the event sponsor. Forms are included in the application packet.
- (2) Road Closures are not allowed for locations where there are no other access options for the businesses or residents.
- (3) Applicant is responsible for set up and removal of barricades. Barricades are available by written request from the City Public Works (Street) Department.
- (4) Applicant is responsible for supplying and posting "No Parking" signs. No parking signs must include the day and time of closure and must be posted 24 hours before street closure. Signs must be laminated. Signs must be stapled to wood lathes and inserted into traffic cones. At least six (6) signs per street side are required for posting. During the event, any vehicle found parked in violation of the no parking posting may be reported to the Bemidji Police Department (through Dispatch) for a decision or action by the Police Department regarding a towing request.

- (i) **Suspension or Revocation of Permit.**
- (1) A Special Event permit issued by the City Council may be suspended or revoked upon a finding that the permittee, during the term of the permit, failed to comply with any provision of this Section, any directive or order issued by a law enforcement officer, any condition imposed upon the issuance of the permit, any term or provision stated upon the permit, or any applicable federal or state statute, administrative rule, or city or county ordinance.
 - (2) A person's right to apply for and receive a Special Event permit may be suspended or revoked upon a finding that the person has failed to comply with any provision of this Section, any directive or order issued by a law enforcement officer, any condition imposed upon the issuance of the permit, any term or provision stated upon the permit, or any other applicable federal or state statute, administrative rule, or city or county ordinance.
 - (3) Any suspension or revocation of a permit may occur only after a public hearing has occurred before the City Council with notice and an opportunity to be heard provided to the permittee or person who is the subject of the hearing.
 - (4) Notwithstanding Subdivisions 1-3 above, a law enforcement officer may order cessation of a Special Event when the permittee violates any directive or order issued by the law enforcement officer relating to compliance with a condition of the permit.
- (j) **Permittee's Presence on Location.** The permittee or their contact person, as required to be named in the application must be physically on location during the time the permit is effective or must have made some other arrangement with and satisfactory to a law enforcement officer.
- (k) **Penalties.** Any person who violates any provision of this Section, or who violates any directive or order issued by a law enforcement officer in the implementation of this Section, or fails to abide by any condition imposed upon the issuance of the permit, or any term or provision stated upon the permit shall be guilty of a misdemeanor, and upon conviction, shall be punished by such penalties and fines as are provided by law.

A separate offense shall be deemed committed each day during which a violation occurs or continues.

Upon conviction of a misdemeanor, the costs of prosecution may be added.

In addition to any criminal penalties that may be imposed by a court of law, any violation of this ordinance shall also be cause for imposition of an administrative fine and/or permit suspension.

Upon a finding that a permittee or person has violated any provision of this Section, any directive or order issued by a law enforcement officer in the implementation of this Section, any condition imposed upon the issuance of the permit, or any term or provision stated upon the permit, the City Council may suspend or revoke the permit or the person's ability to obtain a permit pursuant to this Ordinance.

- (l) **Severability.** Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

SECTION 2. This ordinance shall become effective thirty (30) days after its passage and publication according to law.

Ayes:
Nays:
Absent:

First Reading:
Second Reading:
Final Reading:

Attest:

Approved:

Michelle R. Miller, City Clerk

Rita C. Albrecht, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, SECTION 35 OF THE BEMIDJI CITY CODE ENTITLED “RULES AND REGULATIONS GOVERNING PUBLIC PARKS”

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. Bemidji City Code, Chapter 14-35, entitled, “Rules and regulations governing public parks” is hereby amended as follows:

Sec. 14-35. - Rules and regulations governing public parks.

A. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. “Director” means the City’s Parks & Recreation Director or their designee.
2. “Land adjacent to the park” means all public alleys, streets, highways or any other public lands which border the park.
3. “Park” means a park, trail, playground, beach, pavilion/shelter or any other area in the City owned or used by the City and devoted to active or passive recreation.
4. “Special Event” means an event in the City as defined under Bemidji City Code Section 20-8(a).
5. “Trail” means an off road area that may be used for walking, bicycling, running, inline skating, skateboarding or other general recreational activities, and which surface may be constructed from a variety of surfacing materials.
6. “Vehicle” is any conveyance on wheels or tracks, whether motor powered, animal drawn or self-propelled. The term will include any trailer of any kind or description.

B. Rules and Regulations; Adoption and Administration. The Director may establish reasonable rules and regulations for the use of park and recreation facilities and for obtaining permits. Such rules and regulations will be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, the need for supervisory personnel and the maximum number of persons who can safely use the facilities at one time. Park and Recreation facilities may be used by members of the general public for recreational and athletic purposes consistent with the nature of the facility and the safety of the public and property, subject to permit requirements. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

The foregoing, notwithstanding, the council also may, upon the recommendation of the Director, by resolution adopt, and from time to time amend, rules and regulations governing public parks.

1. *Park Hours and Open Dates.* Parks shall be open to the public daily from 6:00 a.m. until 10:00 p.m. It shall be unlawful for any person to enter or remain in a park at any other time without a permit, participation in city led program and activity or except when the park area of facility is otherwise designated for use outside of normal park hours by direction of the Director.

The Director is authorized to close any park or portion thereof at any time for the protection of park property or for the health, safety, or welfare of the public.

2. *Changes in Regular Park Hours.* The Director may establish temporary park operation hours.
3. *Park Buildings and pavilions.* Summer park facilities will be available for rental between 8:00 a.m. to 10:00 p.m. daily from May through September.
4. *Park Permit and Special Event Permit Required:*

- (a) *Park Permit.* A permit shall be required for the exclusive or special use of a portions of a park area, and/or building or for use of park areas and facilities when they are closed to public use.

- (b) *Special Event Permit.* A special event permit will be required as defined under and in accordance with Bemidji City Code Sec. 20-8(c), for special events not conducted or sponsored by the City. Special events may include but not be limited to public assembly, parades, picnics or other events involving more than 300 people.

5. *Application.* A person seeking a permit under Sec.(4) must file an application with the Parks and Recreation Department. The application will state the following required information:

- (a) Name and Address of the Applicant;
- (b) Name of the address of the person(s), corporation, or association sponsoring the activity;
- (c) Day, hour and year for which the permit is desired;
- (d) Park, trail, portion of the park or facility for which the permit is desired;
- (e) Estimated attendance;
- (f) Detailed description of the activity; and
- (g) Other information requested by the Parks and Recreation Director that is reasonably necessary to determine whether or not the permit is issued.

The Special Event Permit Application under Bemidji City Code, Chapter 20-8, shall serve as well as the application for a Park Permit hereunder. However, a Park Permit applicant must separately satisfy the requirements and conditions under this Chapter 14-35, including payment of all fees associated with a Park Permit.

6. *Fee for Use of Park Facilities.* A person seeking a permit under Sec. (4) must pay the required permit fee at the time of application. It will be unlawful for any person to use without payment, and facility for which a fee is charged, excluding picnic pavilions when not otherwise reserved. Fees for all park permits, deposits, and other fees are in accordance with the schedule of fees and charges adopted from time to time by the city council.

7. *Indemnification and Reimbursement.* No application for permit will be granted unless the applicant has signed an agreement in which the applicant will promise to bear all costs of policing, cleaning up and restoring the park upon conclusion of the event or activity; to reimburse the city for any such costs incurred by the city and to indemnify the city and hold the city harmless from an liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.

8. *Security Deposit.* The Parks and Recreation Department reserves the right to access a security deposit in accordance with the schedule of fees and charges approved by the city council. The amount of the security deposit will be equal to estimated cost of cleaning up and restoring the park upon conclusion of the activity. Promptly after the conclusion of a permit activity, the city will inspect the premises and equipment used by the permit holder.

If it has been determined there has been no damage to City property or equipment and after the building key is returned, the security deposit will be refunded in full within 30 days.

The Parks and Recreation Department will give written notice of the assessment of damages and retention of the security deposit to the permit holder. Any assessment of damages in excess of the security deposit will be paid to the city within 10 days after notice of such assessment of damages.

9. *Insurance.* The amount and type of insurance required for using the park property will be determined by the City based on the nature and risk of the activity. The permit applicant is required to obtain the required insurance coverage. Prior to the applicant's use of the park property, the applicant must provide an insurance certificate listing the City as additional insured party.

10. *Processing of Park Permit Applications.*

(a) *Order.* Applications for permits will be processed in order of receipt; upon receipt of a completed application and payment.

(b) *Denial and Grounds for Denial.* Applicants will be notified of the denial of a permit application and given the grounds upon which the permit was denied. Where an application or permit has been denied because of a prior application for same time and place has been received, the Parks and Recreation Department will propose an alternative place, if available for the same or alternate time.

To the extent permitted by law, the City may deny a permit application if the application or the person on whose behalf the application for permit was made has on prior occasion made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The City may also deny a permit application on the following grounds:

(c) The permit application (including any required attachments and submissions) is not fully complete;

(d) The permit application contains a material falsehood or misrepresentation;

- (e) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full of such damage, or has other outstanding and unpaid debts to the City;
- (f) A fully executed prior application for permit for the same time and place has been received and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonable permit multiple occupancy of a particular park or part thereof;
- (g) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
- (h) The proposed use or activity is prohibited by or inconsistent with the uses of the park;
- (i) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant or other users of the park, of City employees or of the public; or
- (j) The use of activity intended by the applicant is prohibited by law or by the regulations of the Parks and Recreation Department.

11. *Effect of Permit and Revocation.* A permit holder will be bound by all park rules and regulations and all applicable ordinances. All permits must be made available for inspections(s) during the activity for which it was issues. The Parks and Recreation Department will have the authority to revoke any permit upon a violation of rule or ordinance or good cause.

SECTION 2. Sec. 14-36 - Regulation of general conduct – personal behavior

Prohibited Activities or Destruction of park property. No person will do any of the following acts in a park:

- (a) *Protection of Trees, Plants and Structures.* No person shall do the any of the following within a park or upon a trail:
 - (1) Climb any trees, or pluck any flowers or fruit, whether wild or cultivated;
 - (2) Fasten any animal or attach any rope, sign, handbill, hammock, slack line or other things to any tree, shrub or to any protective device around any tree, or shrub growing in the park.
 - (3) Cut, break or in any way injure, deface, destroy or plant, shrub, flowerbed, fence, monument, sculpture, or other structure or property.
 - (4) Write on any building, structure, statue, fence bench, rock or stone or other structure within the park.
 - (5) Stack or arrange picnic tables in such a manner as to disrupt overall park use.
 - (6) Allow any animal to injure any tree, plant shrub, lawn or grass plot in a manner whatsoever.
 - (7) Deface, destroy, cover or otherwise make unreadable any sign or symbol on park property.
 - (8) Intentionally make dirty or unsanitary the restrooms.

- (9) Give or offer to any animal or bird any type of food or poisonous or otherwise harmful substance in any city park.
- (b) *Traffic.* It shall be unlawful for any person to:
- (1) Operate or drive any automobile or vehicle of any kind in a park in such a manner to cause collisions and damage any park property or appurtenance of any kind.
 - (2) Drive into, remain in, or leave a parked vehicle in a public parking area within or immediate adjacent to a public parks during the hours when such park is closed in accordance with this Sec. 14.35, except as authorized by permit or the Bemidji Police Department.
 - (3) Operate or park any motorized vehicle in any public park or recreation area except on roads or in designated parking areas unless authorized by a permit.
 - (4) Operate a motorized vehicle within a park at a speed in excess of the posted speed limit.
- (c) *Commercial Use.* It shall be unlawful for any person to:
- (1) Solicit, sell or otherwise peddle any good, wares, merchandise, services, liquids or edibles in a park except by authorized concessions or written permission granted by permit.
 - (2) Expose, distribute, or place any sign, advertisement, notice, poster or display in a park without the written permission granted by permit.
- (d) *Fireworks.* No person shall bring into or discharge any fireworks in any city park without the written permission of the city and without a permit from the Fire Chief.
- (e) *Fires.* It shall be unlawful for any person to:
- (1) Start a fire in a park, except in a designated area, and then only in fire rings, portable stoves or grills or any other use exclusively by permit;
 - (2) Leave a fire unattended or fail to fully extinguish a fire; or
 - (3) Scatter or leave unattended lighted matches or other combustible materials.
- (f) *Roller Skating/In-line Skating/Skateboarding.* Use of bicycles, skateboard, longboards, roller skates, roller skis, and roller blades or inline skates within city parks is allowable on trails and pathways pursuant to Chapter 24 of this code.
- (g) *Camping.* Overnight camping is prohibited in city parks unless permitted in connection with a Statewide Bicycle Event cosponsored by the City's Parks and Recreation Department.
- (h) *Horses.* The riding of any horse on any, path or trail is prohibited unless permitted in connection with a special event. The Director may charge a reasonable application fee for such permit and may adopt reasonable rules and regulations governing the permitted activity.
- (i) Hunting is not allowed in parks except by approval of the City Manager per ordinance 18-103 (c)(3)

Nuisance and disorderly conduct. No person shall commit any nuisance as defined by Article IV of this code.

- (i) *Rubbish.* No person shall do the any of the following within a park or upon a trail:

- (1) Deposit, scatter, drop, disposed or abandon in a park: bottles, cans, broken glass, hot coals, ashes, sewage, waste or other material, except in receptacles provided for such purpose.
 - (2) Dispose of any of any household or yard waste or commercial waste in any park, except at community garden compost sites in accordance with site rules and regulations.
- (j) *Unlawful Occupancy.* It shall unlawful for any person to enter any building, installation or area that may be under construction, locked or closed to public use; to enter or be upon any building, installation, or area after the posted closing time, before the posted opening time or contrary to posted notice in any park without a permit.
- (k) *Alcoholic Beverages in Parks.* It is unlawful for any person to consume or possess in an unsealed container beer, wine or liquor, as those terms are defined in chapter 4 of this code, on any streets or other public property except city parks and other public property when and where permission has been specifically granted by the city manager or licensed by the council.
- (l) **Animals. Subdivision 1.** No person shall take, ride, drive, or conduct into a park, any quadruped or other animal except the following:
- A. Dogs that are under control of a responsible person in compliance with the requirements of subdivisions 2 and 3 of this section;
 - B. Horses that are being used in conjunction with a special event pursuant to a permit issued by the Director under the provisions of this code; and,
 - C. Such other animals as shall be permitted under the direction of the director.

Subdivision 2. Dogs while in City parks. Except for City dog parks, shall be kept on a leash not longer than ten feet when they are:

- a. Within 25 feet of locations where special events, concerts, or organized sporting events are being held, except for organized events where dogs are the participants;
- b. Within 25 feet of playgrounds, built structures, paved areas, picnic shelters, or sports fields during such time when others are present at any of these facilities;
- c. Within a 25-foot trail corridor centered on any maintained trail;
- d. Upon any public sidewalk.

Subdivision 3. At all other locations within the parks, dogs must at all times be under the control of a responsible person by command, leash, chain, cable or kennel. Dogs under control of a responsible person by command must remain within sight of the person and be adequately trained to return to the person when called. The responsible person must control the dog by command or leash when others approach.

Sec. 14-37 – Enforcement; Penalty, Misdemeanor and/or Administrative Fine

- (a) Any person, firm, or corporation that violates any provision of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by such penalties and fines as are provided by law.
- (b) A separate offense shall be deemed committed each day during which a violation occurs or continues.
- (c) Upon conviction of a misdemeanor, the costs of prosecution may be added.
- (d) In addition to any criminal penalties that may be imposed by a court of Law, any violation of this ordinance shall also be cause for imposition of an administrative fine and/or permit suspension.

Sec. 14-38 – Severability

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage and publication according to law.

Ayes:
Nays:
Absent:

First Reading:
Second Reading:
Final Reading:

Attest:

Approved:

Michelle R. Miller, City Clerk

Rita C. Albrecht, Mayor

Special Event Application



Please fill out this application form for special events, festivals, fun runs/races, road closures, parades, and park events. Applications for street closures or events with less than 300 participants must be submitted 30 days prior to event date, for large events involving 300-1000 participants, application must be submitted 120 day prior to the event; and for events with over 1,000 participants applications must be submitted 180 days prior to the event.

Applicant Information

Organization Name (Required): _____

Event Contact (Required): _____
This person is the primary contact and must be able to coordinate with other members of the event

Cell Phone (Required): (_____) _____

Email (Required): _____

Address:

Street: _____

Address Line 2: _____

City, State, Zip: _____

Event Information

Event Name (Required): _____

Event Date: _____
If the event is multiple days please enter them in the box below.

Event Date(s):

Park/Location Requested:

- | | |
|---|---|
| <input type="checkbox"/> Nymore Park | <input type="checkbox"/> Cameron Park |
| <input type="checkbox"/> City Park | <input type="checkbox"/> Paul Bunyan Park |
| <input type="checkbox"/> Library Park | <input type="checkbox"/> Rotary Pavilion |
| <input type="checkbox"/> Roger Lehmann Park | <input type="checkbox"/> City Paved Trail (lakeshore/east west Trail) |
| <input type="checkbox"/> City Streets | <input type="checkbox"/> City Parking Lot |
| <input type="checkbox"/> Other | |

If Other, please explain: _____

Special Event Application



Event Start Time (not including set-up): _____

Event Finish Time (not including tear down): _____

Set up Date/Time: _____

Expected Daily Attendance: _____

Events Larger than 300 are subject to the Special Event Ordinance (No..) requirements.

Event Description:

Please check the type of event (all that apply) and write a brief description of the event.

- Festival Bike Ride
 Walk/Fun Run Concert/Performance
 Other

If Other, please explain: _____

Please provide a description of your event, including, if applicable which city streets or parking lots:

Event Features

Amplified Sound (Required):

(Select only one option)

Any amplified sound in a city park is subject to the City of Bemidji Noise Ordinance.

- No
 Yes

List type of amplified sound: _____

Electricity (Required):

(Select only one option)

Available in most parks upon request.

- Yes
 No

Tents/Structures

- If you plan to put up a tent or other structure (including volleyball nets, horseshoes, etc.), you must call GOPHER STATE ONE CALL 1-800-252-1166 then notify our office of the ticket number.
- Structures may be erected the day before your event with prior approval.
- Prior permission is required by the Public Works Director or City Manager for tent poles to be installed in/on paved surfaces in public right of way or parking lots.
- The City is not responsible for any stolen or damaged property.

Special Event Application



- All structures must be removed immediately following your event (same day) unless prior arrangements are made.
- Banners/signs are allowed in the park on day(s) of event only.

Tents or Canopies (Required):

(Select only one option)

- Yes
- No

Quantity and Size of Tents. Must be identified on the site map:

Alcohol (Select One) (Required):

(Select only one option)

Application needs to be submitted with fee to the City Clerk and requires City Council approval.

- Temporary Intoxicating liquor license*
- Temporary 3.2 Percent Malt Liquor License*
- Catered Event, Licensee holding caterer's permit.
- No Alcohol

Food Vendors

Applicants shall specify the location of all proposed food vendors by including them on a site plan.

Applicants are responsible for acquiring and/or verifying State Health Permit for food handling and ensure compliance with local and state regulation included grease/debris collection. The Special Event Permit will allow you control and regulation of any concessionaires /vendors with your defined venue.

Approval for food concessions in parks shall be granted only in connection with organized activities or large group gatherings.

Please indicate the number of food vendors:

Special Event Application



Request to Use City Property

Barricades and cones can be requested from the Street Department - pending availability. Please contact the Street Superintendent at 333- 1855 to make arrangements for pick-up of equipment.

Number of Cones Requested: _____

Number of Barricades Requested: _____

Picnic Tables, Benches, and Event Bike Racks

The Parks and Recreation Department has additional amenities, available upon request. Please contact the Parks Superintendent at 333-1861. It is the responsibility of the event organizers to pick up and return the requested amenities.

Number of picnic tables requested: _____

There are 14 larger/heavier picnic tables and 12 of the smaller light weight tables.

Number of Benches Requested: _____

10 Benches have backs; 12 are backless

Bike Racks Requested: _____

Event Logistics

If you are planning to install or use any of these structures, please describe below and identify location on the Site Map. Event Organizer is liable for any damage caused to the site or facility and must obtain prior approval.

Portable Restrooms

Events larger than 200 person will be required to provide portable restrooms. Events in public spaces must be compliant with American Disabilities Act.

Portable/temporary restrooms may be placed 24 hours prior to the event and must be removed within 24 hours following the event.

Company & Number of portable restrooms: _____

Garbage

Event applicants/organizers must arrange for trash and recycling services.

Street, boulevard, and adjacent property must be left clean. The applicant shall properly dispose of debris from the event. If the City Parks or Public Works determines cleanup is inadequate, the cost for cleanup will be charged to the applicant. Cleanup shall be completed within three (3) hours of the end of the event.

Certificate of Insurance

For events and series of events occurring on city-owned property, the Applicant/Event Organizer must provide a Certificate of Insurance for commercial general liability, auto liability (if applicable), and liquor liability (if applicable) naming the City of Bemidji as additional insured and Certificate holder for up to \$1,000,000.

The city requires the Certificate of Insurance be provided at least two (2) weeks prior to the event. Insurance coverage must be maintained for the duration of the event including setup and tear-down dates. The certificate must indicate the dates and location of the event. The person/organization listed on the certificate must be the Applicant/Event Organizer. Minimum limits are as follows:

\$ 1,000,000 per occurrence • \$ 2,000,000 aggregate general liability • \$ 1,000,000 automobile liability (or non-owned automobile liability) (if applicable) • \$ 1,000,000 liquor liability insurance (if applicable). Additional limits may be required after review.

For information on the Tenant User Liability Insurance Program (TULIP) offered by the League of Minnesota Cities, check out the following link: TULIP

Special Event Application



Street Closures

Applicant shall notify affected property owners 14 days prior to the closure. If businesses are affected applicant shall submit to the city the Street Closure Consent/Objection forms with 75% in favor of the event (form available at City Clerk's Office) Information will be gathered and concerns evaluated prior to approval of any closure.

No Parking

a) Applicant is responsible for posting signs. A "No Parking (Day and Time)" sign must be posted 24 hours before street closure with dispatch notified 218-333-9111 at time of posting. Font of text and sizing of sign has some flexibility; however, font must be red. Signs must be laminated.

b) To place signs, staple laminated sign onto a wood lath. Wood lath needs to go into a traffic cone for posting. At least six (6) signs per street side needed.

c) If any vehicles need to be towed on the day of the event, notify dispatch at 218-333-9111.

Event Maps

Please submit a site or route map either via email or as an upload.

Site Map

Please submit a site map clearly indicating the setup of the event. An example would be the start/finish of a walk, run, race event and/or the setup area of a festival or cultural event. The site map should indicate the relative location of the following: all sources of amplified sound and direction of sound; tents/canopies with sizes, stages, promotional vehicles, inflatables, portable toilets, refuse containers, fencing, barricades, and other structures.

Route Map

All events that include a run, walk, or other activity in which participants will be following a course will be required to attach a Route Map and a written document of the proposed route of the event. All proposed Route Maps are subject to approval. The use of any roads outside the parkways or parks, such as city streets are subject to approval. For a more detailed route map, use mapmyrun.com (this is a free website), Bing maps or Google maps.

Detour Map

All events requesting street closure must provide a detailed map showing the requested street closure and detour route(s).

Applicant Signature

I agree to abide by the event guidelines and attest that all of the information in this application is correct. I, the undersigned, do hereby accept responsibility for compliance with the above policies and guidelines and for payment of all fees. The applicant agrees to indemnify and hold the City of Bemidji harmless from any liability to any person resulting from any property damage or personal injury (including death) occurring in connection with the event caused by the application or the sponsoring organization, its officers, employees, or any person under its control.

Signature: _____