

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE XXVII. SPECIAL EVENTS TO CHAPTER 13, LICENSES, OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REGULATIONS AND CRITERIA FOR SPECIAL OUTDOOR EVENTS AND FESTIVALS, AND AMENDING SECTION 13-2801(4) TO REMOVE THE EXCEPTION FOR SOLICITOR/PEDDLER PERMITS FOR EVENTS HELD IN LAND ZONED AS PARKLAND; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA;

§ 1. THAT ARTICLE XXVII. SPECIAL EVENTS, Sections 13-2701 through 13-2717 of Chapter 13 of the Code of the City of Norman, Oklahoma shall be added as follows:

Sec. 13-2701. Intent and purpose.

The City of Norman finds that unregulated special events may pose a threat to the health, safety, welfare, and environment of the community. Unregulated special events which attract large numbers of patrons and their vehicles can prevent passage of emergency vehicles, obstruct entrances to homes and businesses, and impede the use of streets and sidewalks by the inhabitants. Unregulated special events can create situations which exceed the City's capacity to provide adequately for security, public safety, health, sanitation, parking, water, medical care, lodging and waste disposal. Further, unregulated special events can harm sensitive environmental areas, create noise, congestion, and other nuisances which interfere with the inhabitants' peaceful enjoyment of their homes, businesses, and property. It is the intent of this Ordinance to regulate special events held on dates following the effective date of Chapter 13, Section XXVII Special Events. Therefore, the City Council adopts an Ordinance to regulate special events and mitigate any adverse effects they may cause.

Sec. 13-2702. Definitions.

- (a) Special Event means an outdoor meeting, festival, gathering, amusement, show, concert, or other activity that is expected to last two or more hours, is open to the public, and is reasonably expected to attract 1000 or more people at any time during the event.
- (b) Special event area or site means any outdoor place which will be maintained, used, or operated for a special event.

- (c) Operator means an individual, group of individuals, association, partnership, corporation, firm, company, or property owner who intends to hold or sponsor a special event, but shall not include the City of Norman.

Sec. 13-2703. Security, Fire, and EMS Approvals.

- (a) The Police Chief or his designee shall review the detailed security plan provided by the operator. The plan must provide measures that will be in place to ensure crowd control, protection of public and private property, and include steps to be taken to prevent trespassers from gaining access to the event site. The plan must include an explanation of how and when City of Norman police officers or private security officers will be deployed and where they will be located during, before, and after the event. The Chief of Police or his designee will determine the number of police officers and/or private security officers required based on the number of persons reasonably expected to attend the event and on any other reasonably reliable information regarding security risks, if any, posed by the proposed special event.
- (b) The Fire Chief or his designee and a building official or his designee from the Development Services Division must approve the proposed location and size of any fire lane, booth, tent, stage, and other equipment. The Fire Chief or his designee will determine the appropriate level of adequate fire protection equipment and personnel, if any, which will be required to provide adequate fire protection at the special event site. Fire Department personnel may conduct a compliance inspection at a permitted event.
- (c) The Fire Chief or his designee shall review the number and type of emergency medical personnel, services, and equipment provided in the operator's proposed map of the event area. The operator must provide assurance that adequate first aid and emergency medical services are available at the site in light of the nature of the event, its expected duration, and the number of persons reasonably expected to attend.

Sec. 13-2704. Permit Application and Approval Process.

- (a) To obtain a permit under this chapter, an operator must submit an application to the City Clerk on a form prescribed by the City Clerk. The application must be submitted no less than ninety (90) days prior to the proposed date of the event. The City Clerk may waive this deadline at his discretion.
- (b) An operator must submit the necessary fees as determined by the City of Norman after processing of the permit application. Determination of

applicable fees depends on the size and the type of the event. These fees may include but are not limited to: an electrical permit fee, a sign permit fee, a temporary food service fee, a solicitor/peddler license fee, street closure permit fee, a traffic control fee, a park rental fee, a sanitation fee, a beer license fee, a noise variance fee, and a building permit fee.

- (c) Recognizing that many special events are unique and present their own special circumstances, the City Clerk is authorized to promulgate regulations to meet the intent of this Ordinance and to waive or modify requirements of the Ordinance or regulations to meet unique circumstances of a particular special event. Such a modification or waiver by the City Clerk shall be appealable to the City Manager and then to City Council as desired by the applicant.
- (d) Special events held within one year following the effective date of Chapter 13, Article XXVII Special Events shall not be required to pay fees for solicitor/peddler permits. The remaining fees shall be in effect from the effective date forward.

Sec. 13-2705. Supporting Documents Required.

- (a) An operator shall provide the following supporting documents for the application:
 - i. A map of the event area showing the location of all street closures, fire lanes, barricades, booths or vendors, stages or production areas, portable toilets, location of water supplies, points of illumination, tents, trash containers, first aid stations, EMS stations, parking areas, public entry points, and other equipment or materials the operator intends to place in the event area;
 - ii. A copy of the promotional literature the operator intends to use to advertise the event;
 - iii. The names and contact information of the promoter, the owner, and the sponsors of the event;
 - iv. A certificate of liability insurance in the amount and type of coverage required by the City of Norman that names the City as an additional insured, except that this section is not applicable to any governmental entity that is covered under the Oklahoma Governmental Tort Claims Act, 51 O.S. 2001, Section 151 et seq.
 - v. A statement that the operator has not violated the terms of a permit issued under this chapter during the two years immediately preceding the date of the application;

- vi. If street closures are involved, a notice of proposed closure including statements that the operator has provided a map of the event area and the event's promotional literature to each property owner and tenant on streets affected by the proposed closure area.

Sec. 13-2706. Notice of Proposed Closure and Signature Requirement.

- (a) The notice of proposed street closure required by Section 13-2705(a) shall be on a form approved by the City Clerk and must include:
 - i. Affected person shall mean those who have a legal right to possession of any premises to which access will be restricted due to said proposed street closure. If there are multiple affected persons in a single building, only one affected person from each unit within the building will be required to sign.
 - ii. The original signature of each affected person, including the typed or printed name of the affected person and a notation that the signer either supports or opposes the street closure; and
 - iii. An affidavit by the person circulating the notice that the circulator provided each affected person with a copy of the map of the street closure area and the promotional literature for the event at the time the person signed the form.
- (b) The City Clerk may not issue a permit unless the notice submitted by the operator under this article contains signatures from affected persons supporting the street closure as follows:
 - i. In commercially zoned areas, seventy-five percent of the affected persons must support the street closure. In residentially zoned areas, ninety percent of the affected persons must support the street closure; and
 - ii. The City Clerk shall count an affected person's failure to sign the notice as opposition to the street closure, unless the operator demonstrates that the operator attempted to contact the affected person as required by Section 13-2705 (c).
- (c) An operator who is unable to obtain the signature of an affected person on the notice shall mail to the affected person by certified mail, return receipt requested, a portion of the notice form requesting the person's signature and the promotional literature for the event. An operator must include a pre-addressed, postage paid, return envelope with the notice. The operator must address by the return envelope and certified mail

receipt to the City Clerk's Office. An operator must deliver to the City Clerk's Office all unclaimed notice envelopes that are returned to the operator.

- (d) The operator must also comply with all other requirements contained within the street closure application itself.

Sec. 13-2707. Recalculation of Signature Requirement.

- (a) An operator who requests a reduction in the signature requirement must demonstrate that the operator:
 - i. Complied with Section Section 13-2706(c); and
 - ii. Mailed the certified letter required by that subsection at least ten days before the date of the request for recalculation of the signature requirement.
- (b) If the City Clerk determines that an operator meets the requirements of Subsection (a), the City Clerk shall recalculate the number of signatures required to satisfy Section 12-2705(b). The City Clerk may not include in the recalculation those affected persons who did not sign the notice and reply to the registered letter.

Sec. 13-2708. Determination on Application.

The City Clerk shall approve or deny an application in writing no later than the 15th working day after the City Clerk has received all supporting documentation pertinent to the application. The City Clerk shall state the reasons for the denial of an application.

Sec. 13-2709. Appeal of Denial of Application.

- (a) An operator who has been denied a permit may make application for relief from portions of this article or from the City Clerk's determination to the City Manager. Such appeal must be made within ten working days from the date of the City Clerk's determination and only after all issues relevant to the permit process have been determined. Upon receipt of the appeal, the City Manager will then have up to ten working days to grant relief upon an adequate showing that undue hardship would be suffered if not granted.
- (b) After having been denied relief by the City Manager as provided in (a) above, the operator shall have the right of appeal to the Council of the City of Norman. Such appeal shall be taken by filing with the City Clerk within ten working days after denial of relief by the City Manager a

written statement setting forth fully the grounds for the appeal. After receipt of the written statement, the City Clerk shall schedule the appeal for hearing by the City Council on the next regular agenda. The operator shall be notified of the time of the hearing at least seven days (7) prior to such hearing. Proper mailing to the address shown on the application shall be adequate notification. The decision and order of the Council on such appeal shall be final and conclusive.

Sec. 13-2710. Approval and Issuance of Permit.

- (a) The City Clerk shall issue a permit to the operator if the application complies with this chapter and guidelines approved under this chapter, and approves the map of the area showing the location of services, street closures, and equipment for the event. For purposes of this Ordinance, City of Norman zoning ordinances are not grounds for denial of a permit.
- (b) The City Clerk may not issue a permit until the operator has paid the permit fees associated with the event.
- (c) The City Clerk may not issue a permit unless the description of the event in the application and related documents meet the requirements of Section 13-2705(a).

Sec. 13-2711. Event Access Requirements.

- (a) A permittee may not block off a street in a manner that prevents the free movement of pedestrians into and out of the closure area.
- (b) If an entry fee is charged for an event, a permittee may not charge the fee to:
 - i. A person who resides or operates a business in the event area; or
 - ii. A customer of or a person making a delivery to a business or residence in the event area.
- (c) A permittee shall post a sign at each entrance and exit to the event area visible to all patrons entering the area that includes the amount of the entry fee, if any, and the rules of access to the event. A permittee must post the sign required under this section during the time the entry fee is in effect.

Sec. 13-2712. Safety Requirements.

- (a) A permittee must supply adequate personnel for security and crowd control. A security agent employed under this section must:

- i. Be in uniform;
 - ii. Be able to contact the City police or emergency medical services if necessary; and
 - iii. Not consume an alcoholic beverage or participate in the event.
- (b) A permittee shall provide emergency medical personnel and EMS stations as approved by the Fire Chief or his designee.
 - (c) A permittee shall comply with the Uniform Fire Code and the Fire Department's street closure guidelines and maintain adequate fire lanes within the event area.
 - (d) The sale of alcoholic beverages of any kind is prohibited within the special event area. The operator will exercise due diligence and exert his best efforts to prevent the sale of alcoholic beverages within the special event areas. A permittee shall comply with the all requirements of the Oklahoma Tax Commission, Cleveland County Court Clerk's Office, and City of Norman Code of Ordinances, if low-point beer is to be sold at the event.
 - (e) The operator must provide adequate illumination at night to protect the safety of the persons in attendance. Lighting must be adequate to protect safety but must not unduly impact neighboring properties.
 - (f) The operator must provide an adequate, safe supply of potable water. In addition, there must be access to adequate water supply to extinguish any fire at the site. The plan must detail the source and location of the water supplies.

Sec. 13-2713. Health Requirements.

- (a) If food or beverages will be sold at the event, all relevant Oklahoma State Department of Health and City of Norman regulations must be followed and appropriate licenses must be obtained.
 - (i) These requirements include valid food handlers' licenses for each person staffing the booths and compliance with temporary establishment requirements of Oklahoma State Health Department Rule 310:257. However, if the special event is a farmers' market properly registered with the Oklahoma Department of Agriculture, the Department of Agriculture and the Oklahoma State Department of Health do not require duplicate permitting.

- (ii) To obtain a temporary food license from the City of Norman, a permittee must pay a fee of \$10.00 per food vendor expected to operate at the special event. If unexpected or additional vendors participate in the event, the fees for those vendors may be paid up to sixty days following the end of the event.
- (b) If food or beverage booths are used during an event, a permittee shall spray-clean the sidewalk and area around the food and beverage booth with water within twenty-four hours from the end of the event or prior to reopening the street whichever is earlier.
- (c) If a permittee fails to promptly spray clean the sidewalk and area around a food and beverage booth, within twenty-four hours after the end of the event or prior to reopening the street whichever is earlier, the City of Norman shall provide the clean up and charge the permittee the incurred costs of the clean up.
- (d) The permittee must arrange for the City of Norman Sanitation Department to provide an adequate number of trash receptacles, dumpsters, and containers for recyclables for the event.
- (e) If the permittee fails to promptly clean up trash and remove debris from the event site within twenty-four hours from the end of the event or prior to reopening the street whichever is earlier, the City of Norman shall provide the clean up and charge the permittee the incurred costs of the clean up.
- (f) A permittee shall provide an adequate number of portable toilets based on the estimated number of participants at the event as specified by the Oklahoma Department of Health. A permittee may not place a portable toilet within 25 feet of an entryway to an adjacent business or residence, unless the adjacent property owner or tenant approves a distance of less than 25 feet.

Sec. 13-2714. Permit Required for the Use of Sound Equipment.

A permittee may not use sound equipment at a street event unless the permittee obtains a noise variance.

Sec. 13-2715. Solicitor/Peddler Permit Process.

- (a) If the sponsor of the event plans to include individual vendors as part of the event, the sponsor will have to obtain a solicitor/peddler permit.
- (b) The cost of the permit will be \$10.00 for each vendor expected to operate at the special event. If unexpected or additional vendors participate in the

event, the fees for those vendors may be paid up to sixty days following the end of the event.

- (c) This section applies to all special events held under this chapter including special events in parks.

Sec. 13-2716. Exemption for the City of Norman.

Special events sponsored by the City of Norman are exempt from the fees associated with this Ordinance. However, vendors operating under the umbrella of a City of Norman-sponsored event will still be required to pay \$10.00 for a solicitor/peddler permit.

Sec. 13-2717. Offense and Penalty.

- (a) A person commits an offense if the person violates the terms of a street closure permit, closes a street without a permit, damages or destroys any City of Norman property or violates any provisions of this chapter.
- (b) An offense under this section is a misdemeanor punishable in accordance with Section 13-112.
- (c) A permittee who is convicted of violating the terms of a permit issued under this chapter may not apply for or receive another permit for two years after the date of revocation.

§ 2. THAT ARTICLE XXVIII. SOLICITORS AND PEDDLERS, Section 13-2801 of Chapter 13 of the Code of the City of Norman, Oklahoma shall be amended as follows:

Sec. 13-2801. Definitions.

- (4) *Outdoor selling*: Includes any selling done from a temporary or mobile location by a seller who is not selling from a permanent business location that is open to the public and selling the same goods or merchandise. Such activities as street vending and seasonal sale of Christmas trees or other plant material to the general public on private property will be included. Note that even if rent has been paid by one (1) other than the established business occupying the property for the temporary use of the space, if such selling is merely temporary or seasonal and not done by the established business occupying the property, such selling will fall within this article. This subsection applies to both nonprofit and profit organizations.

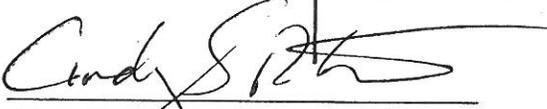
§ 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, except that the effective date provision shall not be severable from the operative provisions of the Ordinance.

ADOPTED this 24th day

NOT ADOPTED this _____ day

of February, 2009.

of _____, 2009.



Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:



Brenda Hall, City Clerk