

ORDINANCE NO. 540

AN ORDINANCE RELATING TO REGULATING AND LICENSING OUTDOOR PUBLIC EVENTS, ENTERTAINMENTS, AMUSEMENTS AND ASSEMBLIES; AND ESTABLISHING LICENSING PROCEDURES THEREFOR; PRESCRIBING OFFENSES AND PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, it appears necessary for the protection, health and welfare of the general public in regard to outdoor public events, entertainments, amusements and assemblies (hereinafter referred to as "outdoor assemblies") catering to the general public, that certain regulations and rules be established; and

WHEREAS, there is a danger to the people attending or taking part in outdoor assemblies if proper sanitary, police and other health and safety measures are not adequately provided for, and the Canby City Council hereby finds and declares that it is necessary to enact under the police power of the City an Ordinance to regulate and license the holding of such outdoor assemblies, now, therefore;

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: LICENSE REQUIRED: It shall be unlawful for any person, persons, corporation, organization, landowner or lessor, except a local school or school district, or a local civic organization duly organized and generally recognized as such and approved by the Canby City Council, to allow, encourage, organize, promote, conduct, permit or cause to be advertised an outdoor event, entertainment, amusement or assembly of persons which would probably attract 500 or more persons unless a valid City permit has been obtained for the operation of said assembly. This Ordinance shall not apply, however, to the annual Clackamas County Fair.

Section 2: PERMIT APPLICATION: Written application for a permit to hold outdoor assemblies as herein defined and catering to the general public shall be made to the Canby City Recorder forty (40) or more days prior to the date upon which such assembly is scheduled to be held. Written notice of approval or disapproval of said application shall be given the applicant no later than fifteen (15) days after the application has been filed. Permits shall not be denied providing the conditions enumerated in Section 4

are met by the applicant and the permit fee as required by Section 3 is paid. Provided, however, that no permit shall be granted to anyone who has been convicted of a felony or a crime involving moral turpitude, and in this regard every application shall be accompanied by the fingerprints and a 3" x 5" photograph of each and every person having any proprietary interest in the activity to be licensed and for which a permit is required.

Section 3: FEE: The fee required to be paid to the City Recorder with the filing of the application shall be TWO HUNDRED FIFTY DOLLARS (\$250.00) for each event. No permit shall be granted for a period of more than one (1) day expiring at midnight of that day, and no permit shall be granted for consecutive days at the same location. The permit fee shall be retained by the City whether a permit is granted, denied or withdrawn.

Section 4: CONDITIONS:

Condition #1 - Location

No permit for an outdoor assembly shall be granted unless said assembly is to be held in those areas of the City zoned or otherwise designated for parks and recreation, or unless the owner of any private property where said assembly is to be held files with the City Recorder as a part of the application his written consent to the use of his property for such purpose and furnishes evidence of his ownership, together with a description and map of the property to be used for the proposed assembly.

Condition #2 - Sanitary Facilities

No permit shall be granted unless the applicant obtains the written approval of the Clackamas County Health Department indicating that sanitary facilities are satisfactory at the location and for the size and purpose of the assembly.

Condition #3 - Fire Protection Required

No permit shall be granted hereunder unless the applicant has shown that the State Fire Marshal and the Fire Chief of the City of

Canby have both approved fire protection devices and equipment available for and at the location of the assembly.

Condition #4 - Public Safety

No permit shall be granted hereunder unless the applicant has obtained the written approval of both the Chief of Police of the City of Canby and the Clackamas County Sheriff indicating that adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant.

Condition #5 - Parking Facilities

Application for a permit hereunder shall be accompanied by a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four (4) persons expected or reasonably to be expected in attendance of the event. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time to or from the parking areas.

Section 5: HOURS OF OPERATION AND CLEAN-UP OF AREA: No outdoor assembly shall be conducted in the City during the hours of 12:01 a.m. and 9:00 a.m., and no license shall be issued for more than one (1) twenty-four hour period ending at midnight. The participants and all attending the event shall be required to have cleared the licensed area and its immediate environs no later than 1:00 a.m. of the day following the licensed event, and all litter and debris resulting from or caused by the event shall be removed from the City within forty-eight (48) hours thereafter. If the permitted event is held on City property, each applicant shall file with and as a part of the application for the operation of said assembly a corporate surety bond in favor of the City in a penal sum equal to One Dollar (\$1.00) X the total estimated crowd for the planned event, but not less than Five Hundred Dollars (\$500.00), and said bond shall guarantee the removal of the litter and debris and restoration of the City property and repair of any damage to it caused by or resulting either directly

or indirectly from the permitted event.

Section 6: PENALTIES: Any person who shall violate or fail to comply with any provision of this Ordinance, or who having obtained a permit hereunder, shall wilfully fail to continue to comply with the terms and conditions hereunder, or who shall counsel, aid or abet a violation of this Ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than FIVE HUNDRED DOLLARD (\$500.00) or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violation immediately; and their failure to do so shall constitute an additional violation. The application of the foregoing penalty shall not be held to prevent the enforced removal of prohibited conditions or to prohibit restraint of violations or threatened violations of this Ordinance, and the City may at its option by civil suit enjoin any violation of this Ordinance.

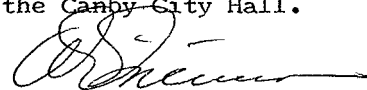
Section 7: FAILURE TO COMPLY: Compliance with the terms and conditions of this Ordinance shall constitute the minimum health, sanitation and safety provisions for conducting outdoor assemblies in the City of Canby and as defined by this Ordinance, and failure to comply with the terms and conditions of this Ordinance shall constitute a public nuisance, and the sponsors of any such event shall be subject to all criminal and civil remedies as such.

Section 8: SEVERABILITY: If any provision of this Ordinance, or its application to any person or circumstances is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 9: EMERGENCY: Inasmuch as it is necessary for the health, peace, safety and welfare of the City of Canby and the inhabitants thereof to properly and adequately regulate outdoor public assemblies within the City, an emergency is hereby declared

to exist, and this Ordinance shall take effect immediately upon its final passage by the City Council.

Passed on first reading at a regular meeting of the Canby City Council held on the 3rd day of May, 1971; ordered posted in three (3) public and conspicuous places in the City of Canby as required by the City Charter, and to come up for final reading and action of the Canby City Council at a special meeting thereof to be held on the 24th day of May, 1971, at the hour of 7:30 p.m., Oregon Daylight Saving Time, at the Canby City Hall.



WERNER DINTEMAN - Mayor

ATTEST:



J. R. RICHARDSON - City Recorder

Passed on final reading at a special meeting of the Canby City Council this 24th day of May, 1971, by the following vote:  
Yeas \_\_\_\_ . Nays \_\_\_\_ .

WERNER DINTEMAN - Mayor

ATTEST:

J. R. RICHARDSON - City Recorder

