

**CHAPTER 315
BLOCK PARTIES AND STREET ASSEMBLAGES**

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315.01 DEFINITIONS.

(A) "Block party" means any willful gathering of two or more persons, which gathering blocks, hinders or impedes the normal flow of vehicular and/or pedestrian traffic on any public street, sidewalk or tree lawn, with the exception of the following:

- (1) Any gathering of law enforcement officials, firefighters or other public officers and employees while such persons are acting in the course of their official duties;
- (2) Any gathering of persons outside of residential areas as defined in Chapters 1127 to 1139;
- (3) Any gathering of persons caused by any vehicular accident, fire, injury to person or property or other catastrophe;
- (4) Any gathering of persons who are participating in or observing a lawful parade;
- (5) Any auction, house or garage sale so long as vehicular traffic is not blocked or impeded;
- (6) Any gathering of persons who are lawfully engaged in the construction, removal, repair, alteration, improvement or maintenance of any roadway, street, utility right of way or easement, sidewalk, tree lawn, sewer or water line, gas line, electric, telephone or cable television line, utility pole or street light; and
- (7) Any gathering of four or fewer persons who are engaged in any other lawful business or commercial activity.

(B) "Street assemblage" means any willful gathering of persons for less than Three hours, which does not include sales of goods, food items, or other monetary actions, and which is outside a residential district.

"Street assemblage" does not include parades or special events as described in Chapter 316 of these ordinances.

(C) "Permit" means a block party permit or street assemblage permit issued by the City Manager or his/her designee pursuant to the provisions of this chapter.

(D) "Affected area" means that portion of a street, alley or roadway, as measured from intersection to intersection, intersection to dead-end or intersection to cul-de-sac as the case may be, which is the site of any block party or street assemblage or any intended or planned block party or street assemblage. When determining the extent of an affected area it shall be necessary to determine the furthestmost point of intersection or intersections of the area where vehicular and/or pedestrian traffic is or will be blocked, hindered or impeded in any way

with the area or areas where such traffic will not be so blocked, hindered or impeded. The areas between such intersections or between such intersection and a dead-end or cul-de-sac is an affected area.

(E) "Affected property" means any parcel of land, any part of which borders on any affected area, as such is defined in subsection (d) hereof.

(F) "Affected resident" mean an adult who leases or owns affected property and resides thereon. For purposes of proving ownership under this section the identification of ownership as shown on the tax map maintained by the Portage County Tax Map Division of the County Engineer's Office shall be conclusive as of the time when an application for a permit is made. For purposes of proving a leasehold interest under this section it shall be necessary to produce a valid written lease wherein the alleged affected resident is clearly identified by name as a lessee thereunder or a signed letter from the owner of the affected property in which letter the alleged affected resident is clearly identified by name as a lessee under an oral lease of such property. (Ord. 1997-15, Passed 3/19/97.)

315.02. PARTICIPATION IN AN UNLAWFUL BLOCK PARTY OR STREET ASSEMBLAGE.

(a) No person shall knowingly or recklessly participate in any block party or street assemblage for which a permit has not been obtained. Any notice given in any reasonable manner by a police officer, either in person or over the public address system of a marked police car, advising such person, directly or indirectly, that a block party or street assemblage in which such person is participating is unlawful because a permit for such party or assemblage has not been obtained, shall constitute adequate notice to such person that his or her continued participation in such block party or assemblage is unlawful. It shall not be a defense to a prosecution under this section that the defendant was intoxicated at the time the foregoing notice was given to him/her.

(b) No person shall knowingly or recklessly participate in any block party or street assemblage after the permit for such party or assemblage has been revoked in accordance with the provisions of this chapter. Any notice given in any reasonable manner by a police officer, either in person or over the public address system of a marked police car, advising such person, directly or indirectly, that a block party or street assemblage in which such person is participating is unlawful because a permit for such party or assemblage has been revoked, shall constitute adequate notice to such person that his or her continued participation in such block party or assemblage is unlawful. It shall not be a defense to a prosecution under this section that the defendant was intoxicated at the time the foregoing notice was given to him/her. (Ord. 1979-90. Passed 5-23-79.)

315.03. PERMITS.

(A) The City Manager or his/her designee shall issue a permit for a block party upon proper application on such forms as he/she shall furnish for such purpose so long as each and every one of the following requirements is met:

- (1) Applicant has deposited in accordance with Section 315. 05(a), a bond with the City Manager's office.
- (2) No more than thirty days or less than ten days (or less if reasonable time is available to arrange city services to meet the permitted use) before the date of the planned block party applicant has submitted on such forms as are furnished by the City Manager for such purpose, a petition requesting the issuance of a block party permit for a specific date and time and bearing the signatures of affected residents of seventy percent or more of the affected area and affirms by affidavit that each such signature is genuine and that of an affected resident to the best of applicant's knowledge;
- (3) The application clearly identifies the site of the planned block party and all points at which barricades are to be erected;
- (4) The application clearly states the date and time at which the planned block party is to begin, which time shall not be earlier than 10:00 a.m. and the time when the planned block party will end, which time shall be no later than fifteen minutes before sunset, as determined by the National Weather Service; and
- (5) The planned block party will not, in the opinion of the City Manager or his/her designee present a substantial risk of harm to persons or property if held at the location, date and times requested.

(B) The City Manager or his/her designee shall issue a permit for street assemblage upon proper application therefor on such forms as he/she shall furnish for such purpose so long as each and every one of the following requirements is met:

- (1) Applicant has deposited in accordance with Section 315. 05(a), a bond with the City Manager's Office.
- (2) No more than thirty days or less than ten days before the date of the planned street assemblage applicant has submitted written application which clearly identifies the site of the planned street assemblage and all points at which barricades are to be erected;
- (3) The application clearly states the date and time at which the planned street assemblage is to begin, which time shall not be earlier than 7:00 a.m. and the time when the planned street assemblage will end, which time shall be no later than 2:00 a.m.;
- (4) The planned street assemblage will not, in the opinion of the City Manager or his/her designee present a substantial risk of harm to persons or property if held at the location, date and times requested.

- (5) Every block party or street assemblage permit issued pursuant to this chapter shall contain the following information:
- (a) The name of the applicant;
 - (b) The applicant's residential and business addresses and telephone numbers;
 - (c) The date and times for which the permit is valid;
 - (d) The place for which the permit is valid along with the locations of all barricades;
 - (e) An estimate of the number of participants expected to attend;
 - (f) A statement signed by the applicant and acknowledging the fact that the permit can be revoked pursuant to the provisions of Section 315.04 and if the permit is for a block party, that the bond posted pursuant to subsection (a)(1) hereof can be forfeited in accordance with the provisions of Section 315.05.
 - (g) An explanation of how the return of any moneys posted as bond pursuant to subsection (a)(1) hereof can be requested. (Ord. 1997-15; Passed 3/19/97)

315.04. REVOCATION OF PERMIT.

- (a) Any permit can be revoked by the City Manager, or if he/she is not present, by the ranking police officer on duty upon the happening of any one or more of the following events:
- (1) Any expansion of the block party or street assemblage beyond the affected area regardless of whether such expansion is known or approved by the permit holder;
 - (2) Any acts of vandalism, littering, disorderly conduct or criminal activity by any of the participants in a block party or street assemblage regardless of whether the perpetrators of such acts are apprehended; or
 - (3) Any other acts or circumstances, lawful or unlawful which, in the opinion of the City Manager or the ranking police officer on duty, create a substantial risk of injury to person or property.
- (b) If a permit is revoked the fact of such revocation shall be given to all participants and persons in or near the affected area by announcing such fact over the public address system of any marked police car or by any other manner reasonably calculated to effect such notice. It shall not be necessary to give notice of revocation to the permit holder except insofar as such permit
- 5-23-79.)

315.05. BONDS.

(A) The one hundred dollars (\$100.00) bond required by Section 315.03(a)(1) OR (b)(1) shall be paid by cash, certified check, cashier's check or money order which shall be deposited with the City Manager's Office who shall acknowledge receipt thereof and deposit the bond with the Director of Finance. Said bond may be waived by the City Manager in case of proven indigency.

(B) Amounts deposited pursuant to this chapter shall earn no interest for the depositor while such moneys are on deposit with the Director of Finance.

(C) Bonds held pursuant to this chapter shall be returned only to the person to whom the original receipt for deposit was given upon such person making application for the refund in person at the offices of the Director of Finance, who shall refund such deposit within five working days upon presentation by the applicant of each and every one of the following:

- (1) The original receipt given on behalf of the Director of Finance when the bond was posted, which receipt must also bear the signature of the City Manager or his/her designee and an acknowledgment by the City Manager or his/her designee that such bond has not been forfeited pursuant to subsection (d) hereof. This receipt must be surrendered to the Director of Finance upon return of the original check or money order;
- (2) Reasonable proof of identity; and
- (3) a statement from the office of the city manager approving the release of the funds.

(D) Amounts deposited as bond pursuant to subsection (a) hereof shall be forfeited to the City and deposited in the General Fund upon the happening of any one of the following events:

- (1) Failure of the depositor to apply for a refund within five working days after the related permit has expired;
- (2) Revocation of the related permit pursuant to the provisions of Section 315.04 upon written confirmation given to the Director of Finance by the City Manager or his/her designee of such revocation which confirmation shall include the reason for the revocation;
- (3) Failure to return city property or equipment which may have been issued to the applicant for use at said event.
- (4) The commission by any participant in the related block party of any act of disorderly conduct, vandalism, littering or other criminal act regardless of whether such participant is apprehended, as shall be verified in writing and given to the Director of Finance by the City Manager or his/her designee which verification shall identify the proscribed act or acts for which the aforesaid bond will be forfeited; or

- (5) The finding of any litter on the affected area or any vandalism to public or private property on or near the affected area the morning after such party has been held, regardless of whether such acts of littering or vandalism have been witnessed or the perpetrators thereof apprehended, as shall be verified in writing and given to the Director of Finance by the City Manager or his/her designee which verification shall identify the proscribed act or acts for which the aforesaid bond will be forfeited. (Ord. 1997-15; Passed 3/19/97)

315.99. PENALTY.

(EDITOR'S NOTE See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. (Ord. 1979-90. Passed 5-23-79.)