

**CHAPTER 316**

**Special Events - Parades, Marches, Demonstrations, Picketing, Festivals, Carnivals, Public Assemblies, Etc.**

- |        |                                                              |        |                                                                  |
|--------|--------------------------------------------------------------|--------|------------------------------------------------------------------|
| 316.01 | Definitions.                                                 | 316.05 | Revocation of permit.                                            |
| 316.02 | Permit required.                                             | 316.06 | Guidelines for marches, demonstrations, assemblies or picketing. |
| 316.03 | General considerations for issuance.                         |        |                                                                  |
| 316.04 | Rules, guidelines, conditions and requirements for issuance. |        | requirements for issuance.                                       |

NEW SECTION PAGE 7

**CROSS REFERENCES**

Disturbing a procession or gathering - see GEN. OFF. 509.04

---

**316.01 DEFINITIONS.**

- (a) **Carnival** - An event requiring the closing of streets or the use of City right-of-way primarily for the purpose of mechanical rides, but also for other amusements, food vendors, or other for-profit ventures.
- (b) **Festival** - An event requiring the closing of streets or the use of City right-of-way for amusements, food vending, displays, and other entertainment activities, for which the primary purpose is community enjoyment, and is sponsored by a non-profit agency for charitable purposes.
- (c) **Marches, demonstrations, assemblies or picketing shall be defined as an organized walk or procession or assembly by a group of people for a specific cause or issue, that takes place on sidewalks or public right of way, excluding streets, alleys, roads, thoroughfares, or highways.**
- (ed) **Parade** - An event requiring the closing of streets or the use of City right-of-way for purposes of a procession of persons, groups, vehicles, animals, floats, and other conveyances.
- (de) **Race** - Any competitive or non-competitive event traversing a prescribed course, which includes city streets, highways or rights-of-way, which requires closing some or all of the affected streets, to other traffic, or requires dedication of safety personnel for control or direction.
- (ef) **Public Assembly** - An event requiring the closing of streets or the use of City right-of-way for the purposes of assembly of persons for more than three hours.
- (fg) **Special event** - Any carnival, festival, parade, race, public assembly, or other event occurring on city streets, property or right-of-way, excluding city property regulated by the Department of Parks and Recreation, for which a permit is required by the provisions of this chapter.
- (gh) **"Permit"** means a Special Event Permit issued by the City Manager or his/her designee pursuant to the provisions of this chapter.
- (hi) **"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.

- (ij) "Affected property" means any parcel of land, any part of which borders on any affected area, as such is defined in subsection (d) hereof.
- (jk) "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.
- (kl) "Sponsor" shall mean a legally responsible adult, who may be a representative of an organization, who is capable of meeting all requirements of this chapter.

#### **316.02 PERMIT REQUIRED.**

(a) No person, group of persons or organization shall conduct or participate in any special event upon any street or highway or right-of-way, without first obtaining a permit from the City Manager.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary consistent with this chapter to a fair determination of whether a permit should be issued. Applications shall be filed not less than thirty days before the time intended for such parade or procession. An application fee of \$100.00 shall be due and payable to the city at such time as an application for a permit is filed with the City. (Ord. 2002-129. Passed 12-11-02).

The permit may be refused or canceled if:

- (1) The time, place, size or conduct of the special event including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.
- (2) The special would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.
- (3) The special event route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.
- (4) The special event would unreasonably interfere with another event for which a permit has been issued.
- (5) The information contained in the application is found to be false, misleading or incomplete in any material detail. An emergency such as a fire or storm would prevent the proper conduct of the event.

The permit or any order or memorandum accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

- (b) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree.

**316.03 GENERAL CONSIDERATIONS FOR ISSUANCE OF SPECIAL EVENT PERMITS.**

- (a) Special event permits for periods of greater than three hours duration shall be reviewed and approved by the City Council.
- (b) Applications for special event permits shall be made not greater than one year in advance, nor less than thirty days in advance.
- (c) Special event permit applicants shall meet with the City Manager or his/her designate to develop a plan which will comply with all mandatory provisions of this chapter. Said meeting shall be held sufficiently in advance to provide for review and approval by the City Council. Said plan will not be approved and binding until final City Council approval.
- (d) The plan developed through said meeting shall consider all criteria identified in the provisions of this chapter, and shall be reduced to writing in the form of a Memorandum of Understanding, to be forwarded with all other required documents for City Council review.
- (e) Parades or events of less than three hours duration shall be similarly reduced to a memorandum of understanding, but will not require City Council approval if the event has been conducted in previous years, and does not require a substantial dedication of city resources, equipment, or personnel.
- (f) Any event which is sponsored by a for-profit organization shall be presented for City Council approval, and all expenses of the city in support of the event shall be paid by the sponsor. City costs of for-profit events by non-profit organizations shall be paid by the sponsor. City costs of events which have a coordination of for-profit and non-profit vendors and/or booths, rides, or attractions may be split equally between the city and the sponsor. City costs of non-profit events by non-profit organizations with only non-profit vendors may be paid by the city. Non-profit status shall require provision of documentation and financial statements. A determination of the city's share of additional expenses brought about by the issuance of a special event permit shall be determined by City Council at the time the event is brought before it for approval.
- (g) The City Council may require any other reasonable conditions beyond those provided for in any memorandum of understanding which it reasonably feels are necessary for the safe, efficient and proper use of city rights-of-way and other city resources.

**316.04 RULES, GUIDELINES, CONDITIONS AND REQUIREMENTS FOR ISSUANCE OF A SPECIAL EVENT PERMIT.**

- (a) Access to businesses and residences- The sponsor shall ensure reasonable access to businesses and residences within the affected area of the special event.
- (b) Alcoholic beverages - Sponsors of events which propose the consumption of alcoholic beverages within the affected area of the event shall meet the following guidelines:
  - (1) City Council approval will be required, with waiver of the "Open container" ordinance.

- (2) An "F" liquor permit will be required from the State of Ohio, which will be the responsibility of the sponsor to obtain and submit a copy to the city prior to the event.
  - (3) The sponsor will present a plan to limit accessibility of alcoholic beverages to underage people and excessive drinkers.
  - (4) The sponsor shall specify and agree to limited hours of availability of alcoholic beverage.
  - (5) The sponsor will identify and contain a specific area in which consumption of alcoholic beverage may be consumed.
  - (6) The sponsor or alcoholic beverage vendor will obtain "liquor liability" insurance for the event, to the satisfaction of the Law Director.
- (c) Anti-Discrimination Provisions - Use of the city streets and right-of-ways may not discriminate for or against a given class of people.
- (d) Fire Prevention/Suppression - Applicants and sponsors will be required to meet the following guidelines:
- (1) Any vendors who utilize cooking or other heating equipment shall have a fire extinguisher with a minimum rating of 2A10BC available at all times.
  - (2) A clear fire lane shall be maintained throughout the course of the affected area.
  - (3) Gasoline powered generators may be permitted, but gasoline storage on site shall be limited to five gallons which shall be stored in a UL approved container.
  - (4) Use of tents, canopies, etc. of greater than 900 square feet in size, or to be used above or in close proximity to open flames, cooking grills, or other flammable agents, shall be by permit issued by the fire department, and shall be consistent with the Ohio Fire Code.
- (e) Food Vendors - Food vendors shall be licensed and inspected by the Kent City Health Department. A list of all food vendors and their proposed food items must be submitted at least fourteen days prior to the event, to be reviewed for licensing and health provisions.
- (f) Health and Sanitation - The sponsor of events of greater than three hours duration shall meet the following guidelines:
- (1) Temporary comfort facilities (Port-a-potties) shall be provided in a number sufficient for the anticipated crowd.
  - (2) The sponsor shall provide or make arrangements for hand washing and sanitary provisions for all food providers in proximity to the area where food is to be sold.
  - (3) The sponsor shall provide proper receptacles for the disposal of grease, fat, and other cooking residue, if applicable.
- (g) First aid for events which last longer than three hours, the sponsor shall provide, or make arrangements to provide a first aid station to the satisfaction of the fire chief or his/her designee.
- (h) Hours - The sponsor shall identify the intended hours of operation of the special event, as well as the necessary hours for set-up and clean-up. Weekend events

shall be cleaned up in sufficient time to provide no impact on the next-following business day in the affected area.

- (i) Insurance - Sponsors shall carry general liability and products/completed operations insurance with policy limits of at least one million dollars (\$1,000,000) combined single limit coverage for each occurrence and in the aggregate. The insurance shall specify coverage for all activities of the sponsor, as well as the activities of their vendors and event providers, except where specific insurance certificates are provided by the event providers or vendors. The City of Kent shall be named as an Additional Insured on all policies of insurance. Proof of this insurance shall be provided to the City Manager's office, and approved by the Law Director, prior to the final issuance of the special event permit. Said certificates must be delivered to the City Manager thirty (30) days prior to the event shall require thirty (30) day cancellation notice. Additional insurance which may be required, and if applicable, shall also meet the above requirements. Examples of additional insurance shall include:

- Mechanical rides--Liability insurance carried by the ride operator.

- Liquor liability insurance--In situations in which alcoholic beverages are permitted.

- Fireworks Displays---Liability insurance carried by the licensed fireworks display company.

If available, the insurance shall be issued by a State of Ohio admitted insurance carrier, and if not available, it must be approved by the City Manager. All proof of insurance required by this chapter shall be reviewed and approved by the Law Director prior to issuance of the special event permit. (Ord. 1999-22. Passed 2-3-99)

- (j) Mechanical Rides - Sponsors shall submit a plan for proposed location of mechanical rides at least fourteen days prior to the event. Location will be subject to approval of the city engineering department based on possible impact on city infrastructure. Mechanical ride operators shall provide only rides which have been inspected and approved by the State of Ohio, and may be subject to further inspection by city inspectors. State inspection certificates shall be available upon request. Mechanical ride operators shall provide for all necessary equipment to protect the city's streets and facilities from damage, but any damage which may occur will be the responsibility of the sponsor to repair. Mechanical ride operators will be required to show proof of insurance which further indemnifies the city.
- (k) Neighborhood Approval - For events of greater than three hours, which are not a continuation of events from previous years, the sponsor shall conduct a survey of the residents and businesses in the affected area. The survey shall be in the form of a petition requesting the issuance of a special event 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. For events which are a continuation of events from previous years, the sponsor shall notify residents and businesses in the affected area.

- (l) **Noise Limitations** - City standards for noise will apply to special events as they may affect surrounding residential neighborhoods as defined in Codified Ordinance Chapters 1127 to 1139.
- (m) **Pavement Protection** - Vendors whose activities create residue which may effect the streets or sidewalks shall use sand and/or Stay-Dry to prevent damage. Failure to do so which results in damage, or failure to properly clean the area after use will result in costs assessed to the sponsor.
- (n) **Permits, Special** - Special permits in addition to the general Special Event Permit may be required as indicated elsewhere in these requirements. Examples include; liquor permits, mechanical ride permits, fireworks permits, Fire Code permits. Others may be applied as may be indicated by the nature of the event. All required permits must be submitted at least fourteen days in advance of the special event.
- (o) **Security** - Security requirements will be reviewed with the police department upon application for the special event permit, but not later than fourteen days prior to the event. A meeting may be held to determine the number of personnel required, the general duties, special responsibilities, and security during non-active hours if the event lasts more than one day. The final decision on necessary levels and types of security shall be based on a recommendation of the police chief. Costs may be assigned as defined in Section 316.03(f) of this chapter.
- (p) **Trash and Recycling** - The sponsor will be required to make arrangements for necessary trash containers, recycling containers, and central dumping point for the removal of all solid waste generated by the event. The sponsor will also make arrangements for the removal of all food preparation residue and waste consistent with Health Department recommendations.
- (q) **Utility Services**
  - (1) Water can be made available from metered access via fire hydrant throughout the special event area. The sponsor will be responsible to arrange for such access, if desired, through the city's Utility Billing Department.
  - (2) Electric service is available in the downtown area through a central access panel located in the alley between South Water St. and Franklin Ave., one-half block south of Main St. The sponsor will be responsible to provide electrical connection lines to this panel, following guidelines available from the Deputy Service Director/Superintendent of Engineering's office.
  - (3) **Gambling** - Gambling is prohibited in the area of a special event permitted by the City. Lawful gambling, in the form of non-profit, charitable raffles, may be conducted. If in doubt, it is recommended that the sponsoring organization check with competent legal counsel on the legality of any proposed activity, and provide the city with such opinion at least fourteen days prior to the event.
- (r) **Vendor Access** - Vendors within the permit area shall be regulated by the sponsor. Vendors not approved by the sponsor shall not be permitted in the permit area. This restriction shall not apply to vendors on private property.

- (s) **Waivers, Sporting Events -**
  - (1) Every participant in a "Special Event" sporting event shall be required to sign a waiver of liability as to the City of Kent and the event sponsor(s) for any injuries they may receive as a result of participation in said sporting event. Minors who wish to participate shall have their waiver(s) signed by their parent or guardian.
  - (2) The form of the waiver(s) shall be approved by the Law Director at least 15 days before the date of the event. (Ord. 1999-22. Passed 2-3-99)
- (t) Permit holders shall be responsible for fulfilling ASCAP (American Society of Composers, Authors, and Publishers) requirements for any music played at a special event, including but not limited to reporting requirements. In addition, the permit holder shall be responsible for any costs charged to the city or the applicant by ASCAP for said event. (Ord. 2002-128. Passed 12-11-02)

#### **316.05 REVOCATION OF PERMIT.**

- (a) Any permit can be revoked by the City Manager or his/her designate, 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 special event 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 special event 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 holder may be a participant in the special event.

#### **316.06 Guidelines for marches, demonstrations, assemblies or picketing.**

- (a) **When marches, demonstrations, assemblies or picketing occur within the city rights-of-way upon any street or highway, the permit described in section 316.02 is be required.**
- (b) **No city permit shall be required for marches, demonstrations, assemblies or picketing, which do not take place on a street or highway within the city rights-of-way. No city permit shall be required for marches, demonstrations, assemblies or picketing that occur on a tree lawn or sidewalk, even though within the city rights-of way. Notification of such an event must be given either to the City Manager's Office or the city police department.**
- (c) **The following guidelines must be followed:**

- 1) No unlawful activities shall take place during an event.
  - 2) Activities shall not take place upon private property without the property owner's consent.
  - 3) Pedestrians shall be provided safe passage within the area of the event, including access to any adjacent private property.
  - 4) Vehicular traffic shall not be blocked from legal ingress or egress to private property.
  - 5) Participants shall obey all traffic regulations, such as pedestrian walkways, traffic signals, etc.
  - 6) Police shall be provided notice of the event if notice has not been given to the City Manager's Office, in order to provide for safety of the participants.
- (d) Marches, demonstrations, assemblies or picketing may be ordered disbanded by the City Manager, his/her designate, or if he/she is not present, by a duly authorized police officer, if the event creates an imminent threat to the safety of the participants or other citizens in the immediate area, or if the event is in substantial non-compliance with the conditions in section(c) above.
- (e) Failure to disperse when a proper order to do so has been lawfully issued may subject participants to arrest for violation of Failure to Disperse, City Ordinance 509.02.
- (f) No actions by City Officials in enforcement of this ordinance shall be undertaken with a purpose to inhibit the exercise of freedom of speech.