

(Published in The Journal Record January 2, 2014)

ORDINANCE NO. 24,802

AN ORDINANCE RELATING TO STREETS AND SIDEWALKS, AMENDING CHAPTER 50 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, BY REPEALING ARTICLE VIII OF SAID CHAPTER 50 PERTAINING TO PARADES AND STREET MEETINGS, ENACTING A NEW ARTICLE VIII OF SAID CHAPTER 50 PERTAINING TO OUTDOOR SPECIAL EVENTS, PROVIDING FOR PERMITS, PROVIDING FOR DEFINITIONS, PROVIDING FOR APPLICATION PROCEDURES, PROVIDING FOR PERMIT REGULATIONS, PROVIDING FOR DEPARTMENTAL REVIEW, PROVIDING FOR REVOCATION; PROVIDING FOR FIRST AMENDMENT ASSEMBLY PERMITS, AMENDING CHAPTER 60 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, PERTAINING TO THE GENERAL SCHEDULE OF FEES BY REPEALING ARTICLE VIII OF TITLE 50 OF SAID CHAPTER 60, BY ENACTING A NEW ARTICLE VIII OF TITLE 50 OF SAID CHAPTER 60 PERTAINING TO PERMITS FOR SPECIAL OUTDOOR EVENTS.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Chapter 50, Article VIII of the Oklahoma City Municipal Code, 2010, as amended, is hereby repealed in its entirety.

SECTION 2. That Chapter 50 of the Oklahoma City Municipal Code, 2010, as amended, is hereby amended by the enactment of a new Article VIII of said Chapter 50, pertaining to Outdoor Special Events to read as follows:

CHAPTER 50

STREETS AND SIDEWALKS

* * *

ARTICLE VIII

OUTDOOR SPECIAL EVENTS

§ 50-261 Permit Required.

(1) It shall be unlawful for any person or authority to engage in the conduct of any Outdoor Special Event on private and/or public property, except Events involving the expression of 1st Amendment speech provided for in Chapter 50, Section 50-267 of this Code, without first obtaining a permit from the Special Event Permit Coordinator and paying the fee established in Chapter 60, the General Schedule of Fees. The form for the Special Event Permit shall be provided by the City Manager or his designee, in accordance with guidelines approved by the City.

(2) Any Special Event utilizing all or a portion of any public right-of-way shall also obtain a Revocable Right-of-Way Use Permit from the City and pay the fee established in Chapter 60, the General Schedule of Fees. Provided, however, Revocable Right-of-Way Use Permits for Minor Events may be issued administratively by the City Engineer or his/her designee.

(3) Vendors participating in a permitted Event shall not be required to obtain an Outdoor Sellers Permit. Licenses or additional permits may be required depending on the activities conducted at the Event.

(4) The Special Event Permit may be issued for multiple dates of the same reoccurring Event provided no changes are made to the Site Plan or number of vendors and all dates occur within 12 months.

§ 50-262 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them by this section, except where the context clearly indicates a different meaning:

(1) *Athletic Event* means an athletic activity involving running, walking and/or cycling and associated activities conducted over, under, upon and/or across a public right-of-way.

(2) *Carnival* means any public amusement show including rides, games and/or sideshows.

(3) *Festival* means a public celebration featuring cultural exhibitions, competitions, performances, art, merchandise and/or vendor sales.

(4) *Minor Event* means an Event which meets all of the following criteria:

- (a) involves the closing of less than one city block;
- (b) is less than 24 hours in duration, including setup and teardown time;
- (c) involves less than 500 participants; and
- (d) has no impact on City services.

- (5) *Major Event* means any Event other than an approved Minor Event.
- (6) *Organizer* means the person or entity in charge of organizing and conducting a permitted Special Event.
- (7) *Private Property Events* means Events conducted solely on private property, not open to the public and not requiring the use of any public right-of-way.
- (8) *Parade* means an organized procession upon a festive or ceremonial occasion.
- (9) *Public Right-of-Way* means any street, sidewalk, alley and/or easement dedicated to the public use.
- (10) *Outdoor Special Event or Event* means a temporary public assembly outside the confines of an enclosed structure on private and/or public property including but not limited to Carnivals, Festivals, Parades and Athletic Events; but shall not include Special Events in parks pursuant to Chapter 38 of this Code.
- (11) *Site Plan* means a diagram approximately to scale depicting all public rights-of-way sought to be closed and utilized for the conduct of the Event, the location of any structure, stand, tent, vehicle, sign, restroom facilities, trash receptacles and/or displays to be used while conducting the Event.
- (12) *Special Event Site* means geographic limits of all activities conducted as a part of the Special Event. For Athletic Events, it includes the route of the Event.
- (13) *Traffic Control Plan* means the method of providing traffic control through and around the Special Event Site showing the placement of all necessary temporary traffic control devices.
- (14) *Vendor* means any person or entity engaged in the provision of merchandise, services or food and beverages for a fee at any Special Event or tickets therefore.

§50-263 Application Procedure.

- (a) *Contents of Application.*

Applicants for a Special Events Permit under this division shall file with the Special Event Permit Coordinator a verified application on a form to be furnished by the Event Permit Coordinator.

- (b) The complete application shall be received by the Special Event Permit Coordinator not less than the following days prior to the commencement of the Event:

Major Events (75) days
Minor Events (30) days
Private Property Events (30) days

(c) Applications will be processed in the order in which complete applications are received. If a scheduling conflict occurs, preference will be given to long standing annual Events on the customary date.

§ 50-264 Permit Regulations.

(a) The Permit shall be subject to, and subordinate to, any franchise for the use of the public rights-of-way previously or subsequently granted by The City to any public utilities, firms or corporations, and the Permit shall further be subject to, and subordinate to, the right and power of The City to construct, operate and maintain any public utilities or public facilities in, above and under the public right-of-way.

(b) During the Permit period, Organizer will be authorized to limit motorized-vehicle access to the Event Site by the placement of temporary barricades as illustrated on the approved Traffic Control Plan.

(c) No fee may be charged for admission to an Event Site conducted on public rights-of-way.

(d) The Organizer is authorized to limit and regulate temporary exhibits, promotional activities, peddlers, entertainers and vendor sales within the Event Site; provided, free unregulated access to permanent businesses and operations of such businesses on private property within or adjacent to the Event Site shall not be inhibited.

(e) The Organizer shall not make or suffer any use of occupancy of the Event Site contrary to any law, state statute or City ordinance currently in effect or hereafter adopted. At all times during the operation of the Event, the Organizer shall comply with all requests and requirements made by representatives of the City Manager, Chief of Police, Fire Chief, and/or Director of Public Works of The City with respect to security, surveillance and public safety, traffic control, barricades, pedestrian matters, fire safety and all matters related thereto; and at all times the foregoing City officials and their designated agents shall be allowed to fully inspect the operation of the Event and the Event Site. Organizer shall also comply with the following requirements:

- (1) All lane and street closure locations authorized under the Permit are shown on the Event Traffic Control Plan. All closures shall be in full conformance with the requirements of the current edition of the Manual on Uniform Traffic Control Devices. The placement of traffic control devices shall be reviewed by a prequalified contractor and the City Engineer or his/her designee.
- (2) The Organizer must, if applicable, contact the Oklahoma City Police Department for escort or traffic control.

- (3) Trespassing Special Events onto private property is not permitted. This requirement shall in no way limit permissive use of private property.
- (4) There shall be no damage, drilling, painting or construction upon City streets, sidewalks or other public property unless specifically authorized in writing by the Director of Public Works or his/her designated agent.

(f) The Organizer shall bear, pay and discharge all taxes, assessments, duties, impositions and burdens whatsoever assessed, charged or imposed within or upon and in connection with the use of the Event Site by Organizer except as may be exempted by local, state or federal laws or regulations and to deliver to The City the proper and sufficient receipts and other evidence of the prompt payment and discharge of same, if any.

(g) Subject to compliance with all provisions of Section (e)(1), Organizer is authorized to install, place and maintain improvements within the Event Site during the term of the Event, and such installation, placement and maintenance, as well as removal of improvements within the Event Site shall be at the sole risk and expense of Organizer.

(h) Organizer shall bear, pay and discharge any and all obligations, costs, fees or expenses incurred by Organizer for the construction, erection and removal of any improvements and/or services provided within the Event Site or connected with the Event, and shall bear, pay and discharge all costs or expenses incurred by Organizer in connection with the maintenance or repair of any such improvements within the Event Site during the term of the Permit.

(i) Organizer shall dismantle and remove any improvements and shall clean up all trash and debris from the Event Site generated by the Event as provided in the Revocable Right-of-Way Use Permit within the term of the Permit. In the event the Organizer fails to fulfill these obligations in a timely manner, The City shall have the right to do or have done such work and recover the cost of such work from Organizer. Further, failure of Organizer to comply with the provisions of this section shall constitute grounds for denial of subsequent Permit requests.

(j) The Organizer shall indemnify and hold The City of Oklahoma City and public trusts of which it is the sole beneficiary, harmless from all claims, suits, actions or judgments, including but not limited to all expenses, attorneys' fees, witness fees, and all other costs of defending any such action or claim or appeals therefrom, arising out of any defect of the Event Site or from the maintenance, operation or conduct of the Event by Organizer, its agents or employees or its invitees, vendors or licensees.

(k) For Major Events occupying all or a portion of public rights-of-way, Organizer shall obtain and maintain in effect an insurance policy with Comprehensive General Liability coverage sufficient to pay The City's maximum liability under the Governmental Tort Claims Act (51 Okla. Stat. §§ 151 *et seq.*) as it may be amended from time to time, covering any alleged liability and costs of defense of The City for any claim under any theory arising in connection with the Event. Said coverages shall be effective

during the entire term of the Permit on an occurrence basis. Said insurance policy shall name The City of Oklahoma City and public trusts, of which it is the sole beneficiary, as additional insured and provide that coverage cannot be canceled or materially modified except upon 10 days' prior written notice to The City of Oklahoma City of said cancellation or modification. Organizer shall pay any and all insurance deductibles that are required to be paid under the insurance policy. An original certificate of insurance with proof of receipts of premium showing compliance with all of these terms and conditions shall be delivered to The City 15 days prior to the Council consideration of the Revocable Permit.

(1) Organizer shall assume full responsibility for ensuring the protection of all City property within the Event Site, including but not limited to streets, sidewalks, trees, plants, shrubs, buildings, and the like. Any damage which may occur to City property will be the responsibility of Organizer if the same occurs within the Event Site during the term of the Event and as a result of the Event. This section specifically excludes normal wear and tear as determined by the Director or Public Works.

§ 50-265 Departmental Review.

All applications for Revocable Right-of-Way Use Permits shall be reviewed and recommendations made by the Police Department, the Fire Marshal's Office, the Development Services Department and the Traffic Management Division or the Public Works Department.

§ 50-266 Revocation.

(a) Any Special Event Permit issued under the terms of this Article may be revoked by the City Manager or his/her designee, the Police Chief or his/her designee, and/or the Fire Marshal or his/her designee for grounds, including but not limited to the following:

- (1) fraud, misrepresentation or any false statement contained in the application for the Permit;
- (2) the Organizer conducts the Event for which the Permit has been issued in an unlawful manner or in such a manner as to constitute a breach of the peace;
- (3) the conduct of the Event has caused, will cause or will have the effect of an imminent threat to the public health, safety and/or general welfare; and/or
- (4) the Organizer has failed to comply with all the terms and conditions of the Revocable Right-of-Way Use Permit.

(b) Upon revocation of the Permit, the Organizer shall immediately terminate the conduct of the Event, and dismantle and remove any improvements and/or obstructions

located in any public rights-of-way and the Event Site, and return the public rights-of-way to the original condition before the Event.

(c) Revocation for cause shall constitute grounds for denial of subsequent Permit requests.

§ 50-267 First Amendment Assembly Permit.

(a) *Purpose.* The purpose of requiring a permit for any assembly occurring on public property is to ensure that public safety and order is maintained when large groups of individuals congregate together.

(b) *Permit Required.* It shall be unlawful for any person to engage in any assembly on public property without first obtaining an Assembly Permit, if the assembly consists of 25 or more people, or the assembly will impede or obstruct normal vehicle traffic or pedestrian use of any street or sidewalk.

(1) For the purposes of this division, “assembly” shall mean any group of people congregating, standing, or moving together on public property for the sole purpose of exercising their First Amendment rights.

(2) Any event requiring the full closure of any public right-of-way shall also obtain a Revocable Right-Of-Way Use Permit pursuant to Article VIII of Chapter 50. However, if the proposed assembly is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely Revocable Right-Of-Way Use Permit application and the imposition of the time requirement would place an unreasonable restriction on the free speech rights of the applicant, the person or entity seeking to close the public right-of-way may seek an Administrative Revocable Right-Of-Way Use Permit by submitting a copy of their application to the Special Event Permit Coordinator and by paying the applicable fee, if any.

(c) *Application Procedure.* Every person and/or entity seeking an Assembly Permit shall file with the Special Event Permit Coordinator an application on a form to be furnished by the Event Permit Coordinator. The complete application shall be filed with the Special Event Permit Coordinator at least 48 hours (exclusive of weekends and holidays) prior to the commencement of the assembly.

(d) *Permit Regulations.* The following regulations apply to any Assembly Permit:

(1) The Permit shall be subject to, and subordinate to, any franchise for the use of the public rights-of-way previously or subsequently granted by The City to any public utilities, firms or corporations, and the Permit shall further be subject to, and subordinate to, the

right and power of The City to construct, operate and maintain any public utilities or public facilities in, above and under the public right-of-way.

- (2) Access to public buildings, permanent businesses, and operations of such businesses on private property within or adjacent to the assembly shall not be obstructed.
- (3) Access to the public streets and sidewalks shall not be prevented.
- (4) There shall be no damage, drilling, painting, construction, or placement of any structures upon City streets, sidewalks or other public property unless specifically authorized in writing by the Director of Public Works or his/her designee.

(e) *Denial/Revocation* An application for an Assembly Permit shall be denied and/or an Assembly Permit shall be revoked by the Special Event Permit Coordinator or his/her designee if one of the following circumstances is met:

- (1) 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 reasonably permit multiple occupancy of the particular place;
- (2) the activity intended or engaged in by the applicant/permittee is prohibited by law; or
- (3) the applicant is seeking a permit for a location that is not owned by the City.

(f) *Appeal.* In the event that an application for an Assembly Permit is denied or an Assembly Permit is revoked, the applicant or permittee will be given written notice of the reason for the denial/revocation. The applicant or permittee may submit a written appeal to the City Manager or his/her designee within seven days after receiving notice of the denial/revocation. The City Manager or his/her designee will review the appeal and issue a written response to the applicant/permittee within one business day of receiving the appeal.

§ 50-268 Disturbing Meetings.

No person shall disturb or disquiet any peaceable, public or religious meeting held upon any of the streets, alleys, parks or public places within the City, or make any loud or unusual noise, or, by any rude conduct, annoy the speaker or any other person gathered at such a meeting.

SECTION 3. That Chapter 60 of the Oklahoma City Municipal Code, 2010, as amended, is hereby amended by repealing Article VIII of Title 50 of said Chapter 60 of the Oklahoma City Municipal Code, 2010, pertaining to parades or public meetings on City streets.

SECTION 4. That a new Article VIII of Title 50, Section 60-50-56 of said Chapter 60 of the Oklahoma City Municipal Code, 2010, General Schedule of Fees is hereby enacted to read as follows:

CHAPTER 60

GENERAL SCHEDULE OF FEES

* * *

TITLE 50

* * *

ARTICLE VIII

Section 60-50-56. OUTDOOR SPECIAL EVENT PERMITS.

Application Fee.....	\$25.00
1 Vendor.....	\$0.00
2-10 Vendors.....	\$150.00
11-24 Vendors.....	\$200.00
25-50 Vendors.....	\$250.00
More than 50 Vendors.....	\$300.00
Revocable Rights-of-Way Use Permit.....	\$75.00

INTRODUCED and **CONSIDERED** in open meeting of the Council of The City of Oklahoma City this 3rd day of December, 2013.

PASSED by the Council of The City of Oklahoma City this 31st day of December 2013.

SIGNED by the Mayor of The City of Oklahoma City this 31st day of December 2013.

THE CITY OF OKLAHOMA CITY

ATTEST:

Frances Kersey
City Clerk

s/b Mick Cornett
MAYOR