

Chapter 5.24 OUTDOOR FESTIVALS

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5.24.010 Festival defined.

For the purposes of this chapter, unless otherwise apparent from the context, "festival" means and includes any gathering of individuals for the purpose of participating in street dances, outdoor "rock" dances and similar musical or theatrical type performances which are of a periodic nature and to which the public is admitted with or without the payment of an admission charge.

(Prior code § 5-5.01)

5.24.020 Licenses—Required.

Any person desiring to operate, maintain, conduct, advertise or sell or furnish tickets or other types of written authority for admission to a festival within the city shall first obtain a license from the city to operate or conduct such festival.

(Prior code § 5-5.02)

5.24.030 Licenses—Applications—Form—Fees.

Applications for licenses to conduct festivals shall be made in writing to the council accompanied by a fee of one hundred dollars (\$100.00) which shall be subject to waiver as set forth in this chapter, but which, unless waived, shall be a nonrefundable application fee filed with the city clerk. Such application shall contain as much of the following information as the nature of the proposed activity may require:

- A. The name, age, residence, mailing address and telephone number of the applicant. If the application is made by a partnership, the names and addresses of all general partners shall be listed. If the application is made by a corporation, the application shall be signed by the president and attested by the secretary thereof, shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application;

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- B. The location and the legal description of the place or premises where the festival is proposed to be conducted, including all areas to be used for parking or other uses incidental to the festival. The applicant shall submit proof of ownership of such place or premises or the written consent of the owners thereof for the proposed use;
- C. The dates and the hours during which the festival is to be operated;
- D. An estimate of the anticipated number of participants, spectators and other persons attending the festival for each day it is conducted;
- E. A detailed explanation of the applicant's program and arrangements for security, public safety, water supply, food supply, sanitation facilities, emergency medical services, vehicle access and parking facilities, on-site traffic control, overnight accommodations in the event participants or spectators are expected to remain in the area for more than one day, lighting the festival areas and the cleanup of the festival areas and removal of rubbish after the festival ends; and
- F. A detailed explanation of the applicant's plan for police protection during the festival, with particular emphasis on the control of the illegal use of alcohol and drugs.

(Prior code § 5-5.03)

5.24.040 Licenses—Applications—Filing.

The application required by the provisions of this chapter shall be filed with the city clerk at least thirty (30) days prior to the date of the proposed festival. The city clerk shall review the application and, if complete, shall submit it to the council at its next regular meeting. No license shall be issued by the city clerk until he or she is authorized to do so by resolution of the council made at a regular meeting of the council.

(Prior code § 5-5.04)

5.24.050 Licenses—Applications—Investigations—Hearings—Notices.

- A. Hearings—Time—Notices. Upon the receipt of the application and fee, if applicable, for the license required by the provisions of this chapter, the council shall set a time and date for a public hearing to be held at a regular meeting of the council not less than five days and not more than thirty (30) days, thereafter, but in no case less than fifteen (15) days prior to the proposed festival and shall notify the applicant of the hearing not less than five days prior to the time and date of the proposed hearing.
- B. Investigations and Reports. The chief of police shall be directed to investigate the matter and to report in writing to the council the results of his or her investigation and his or her recommendations prior to the public hearing.
- C. Notices to County and State Agencies. Copies of the application and notice of hearing shall be forwarded to the county sheriff and health officer and to the Highway Patrol of the state for their information.
- D. Hearings—Decisions. The council, at the scheduled public hearing, shall consider all documents submitted and such further matter that may be presented and shall thereafter take appropriate action to either refuse to issue the license, grant the license without conditions imposed or impose conditions which shall be met before the license may be granted.

(Prior code § 5-5.05)

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5.24.060 Licenses—Conditions—Bonds.

- A. Conditions. If conditions are imposed by the council upon the issuance of the license required by the provisions of this chapter, the applicant shall furnish to the city clerk proof that all such conditions have been met and that the required security, if any, has been given before the license may be issued by the city clerk.
- B. Bonds. The security which the council may require may include the posting of an indemnity bond and/or performance bond in favor of the city in connection with the operation of the festival. Such bond shall be prepared by a corporate bonding company authorized to do business in the state by the Department of Insurance in an amount determined by the council. The bond shall indemnify the city and its council, agents, officers and employees against any and all losses, damages or injuries to either persons or property which may arise from the operation of the festival and shall further indemnify the city and owners of property affected by the operation of the festival against the costs of the cleanup and removal of debris and rubbish attributable to the festival activity.

(Prior code § 5-5.06)

5.24.070 Licenses—Issuance—Fees.

Upon determining that the council has authorized the issuance of the license required by the provisions of this chapter and that all the conditions, if any, have been met, the city clerk shall collect a fee of one hundred fifty dollars (\$150.00) per day for each day the festival is to be conducted, unless such fee is waived by the council and shall issue a license to the applicant for the dates and locations the council has approved and authorized.

(Prior code § 5-5.07)

5.24.080 Licenses—Fees—Waivers.

The application and license fees required by the provisions of this chapter may be waived at the discretion of the council for a neighborhood or community benefit organization or for an organization having a charitable, religious or eleemosynary purpose provided the net proceeds from the operation of the festival do not inure to the benefit of any person.

(Prior code § 5-5.08)

5.24.090 Licenses—Suspension or revocation.

- A. Suspension. The chief of police may suspend the operation of and close any festival prior to the expiration of the license issued pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder or serious breach of the peace when, in his or her opinion, it may become necessary to prevent injuries to persons or property.
- B. Revocation. The council shall have the right to immediately revoke any license issued pursuant to the provisions of this chapter if:
 - 1. The licensee fails, neglects or refuses to perform any of the conditions imposed upon the granting of the license;
 - 2. The licensee permits the festival to be conducted in a disorderly manner or permits any person to remain on the premises while under the influence of liquor or drugs;
 - 3. The licensee violates or attempts to violate the laws of the state, the county or the city; or

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4. The licensee makes or is found to have made, a false or fraudulent statement of material fact in the application for the license or in the documents required to be submitted pursuant to the provisions of this chapter.
- C. Revocation—Notices. Written notice of such revocation shall be forwarded by the city clerk to the chief of police and to the licensee at the address shown in the application. Such revocation shall be effective immediately upon the order being made by the council.

(Prior code § 5-5.09)

5.24.100 Licenses—Nontransferable.

No license issued pursuant to the provisions of this chapter shall be transferred to any person or to any location not specified in the application and approved by the council.

(Prior code § 5-5.10)