

# ORDINANCE #208 CITY OF DETROIT OUTDOOR MASS GATHERING ORDINANCE

**THE CITY OF DETROIT HEREBY ORDAINS:** An ordinance be established for Outdoor Mass Gatherings.

**Section 1:** Title – Outdoor Mass Gathering Ordinance

**Section 2:** Purpose and Authority

WHEREAS, the inhabitants of the City of Detroit are concerned about serious public health and safety problems that may result when crowds assemble for any organized event. Such assemblies may lead to serious problems involving public health and safety.

WHEREAS, matters relating to waste disposal, potable water, first aid, obstruction and damage to roads and highways, violation of alcohol and controlled substance laws, and destruction of both public and private property.

THEREFORE, the following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety, and hereby repeal and replace any and all other ordinances of the City of Detroit which are inconsistent herewith.

**Section 3:** Permit Required

No person, entity or group of any kind shall sponsor, promote, conduct or permit any type of outdoor mass gathering where there is an excess of 100 people for five (5) or more hours without procuring a permit from the City of Detroit. However, an outdoor mass gathering shall not include an event of any size that is sponsored, promoted, conducted, sanctioned, or permitted by the State of Oregon or the City of Detroit.

**Section 4:** Permit request deadline

Any person, entity or group seeking issuance of an assembly permit must make an application to the City of Detroit no later than thirty days (30) prior to the event at a scheduled City Council meeting.

**Section 5:** Issuance or Denial

The City of Detroit shall issue a permit for an outdoor mass gathering unless it finds the standards in this ordinance are not met. When considering the issuance of a permit, the City of Detroit may seek advice from the Marion County Sheriff Department, Fire Chief, Code

Enforcement Officer, Health Officer, and such other officials or persons it deems necessary.

The City of Detroit in denying a permit shall find that one or more of the standards set forth in this ordinance have not been met.

#### **Section 6: Permit Procedures**

A. Within fourteen (14) days after consideration of the Permit Application, the City of Detroit shall either;

- (1) Issue a permit to the operator;
- (2) Deny a permit to the operator, which denial shall be in writing and shall set forth the reasons for such denial; or
- (3) If the City of Detroit fails to either issue the permit or send notice of denial, a permit shall be deemed to have been denied.

B. Appeal. Any person or entity aggrieved by the decision of the City of Detroit may appeal to the Detroit Municipal Court.

#### **Section 7: Permit Fees**

There shall be paid, at the time of processing the application for an assembly permit, a fee of \$150.00. The fee may be waived at the discretion of the City of Detroit.

#### **Section 8: Contents of Request**

No permit shall be granted by the City of Detroit unless the applicant satisfies the City of Detroit that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to insure the public health, welfare, and safety of attendees and the general public.

#### **Section 9: Standards for Issuance**

The City of Detroit shall issue a permit to the applicant in the event that the City of Detroit determines that the applicant has the ability to comply with and complies with the following standards, considering the size, duration and nature of the proposed event. The applicant shall:

- A. Furnish to the City of Detroit a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities and available parking;
- B. Determine to the City of Detroit's satisfaction that adequate supplies of potable water shall be available and reasonably spaced throughout the area;
- C. Determine that adequate toilet facilities shall be available;

D. Determine that the area to be used is adequately equipped with containers for disposal of solid waste and garbage, and that provisions are made for the removal and disposal of such solid wastes and garbage;

E. Determine that adequate parking facilities are available in the area in which the event is to be held;

F. Determine that adequate first aid facilities shall be provided;

G. Determine that the event will not impair the safe and orderly flow of traffic on public ways;

H. Determine that adequate police protection shall be provided;

I. Determine that adequate fire protection shall be provided;

J. Make any additional determination reasonably necessary for the City of Detroit to find that the applicant shall continue to comply with the standards set forth above for issuance of the permit as of the date of the event.

K. Guarantee that the event will not exceed current noise limits and curfews, and will not disturb the peace of the City of Detroit. Please refer to ordinance #29 section 29-15.

#### **Section 10: Liability Insurance**

Prior to receiving a valid permit from the City of Detroit, the applicant shall furnish to the City of Detroit, a Certificate of Insurance, issued by a company licensed and admitted to the State of Oregon, with the City of Detroit listed as additional insured, providing coverage of at least \$300,000.00. The insurance policy in question shall contain a provision requiring at least fourteen (14) days notice to be given the City of Detroit prior to cancellation of all or part of the policy. If such cancellation occurs prior to the event, the permit issued by the City of Detroit for this event is void.

#### **Section 11: Private Landowner Authority**

In the event that private property is to be used in connection with such event, the applicant shall file, with the City of Detroit, adequate proof that the applicant has the authority, from any landowner upon which the event is to be held, to use the property.

#### **Section 12: Duties of Permittee**

A. The permittee shall comply with all conditions of any permit hereunder and with all applicable local, state and federal laws and ordinances.

B. The permittee or its designated agent shall make available to any Municipal Officer, the Code Enforcement Officer or any member of the Detroit City Council any permit issued hereunder during the entire course of the event.

#### **Section 13: Violation and Penalties**

Any person, persons or entity found guilty of violating this ordinance or who fails to comply with any stated permit condition or restriction commits a civil offence. Upon conviction, the guilty party or parties shall be punished pursuant to the City of Detroit's municipal code. Monetary penalties are assessed on a per day basis and are civil penalties. The penalty for a specific violation is \$250.00 for every day the violation exists.

**Section 14: Revocation**

The City of Detroit shall have the authority to revoke any permit issued hereunder in consequence of a violation of any conditions of the permit or any noncompliance with the standards for issuance of a permit.

**Section 15: Savings Clause**

If any Section or part thereof, sentence clause or phrase of this Ordinance shall be held to be unconstitutional or invalid the remaining provisions thereof shall, never the less, remain in full force and effect.

**Section 16: Enforcement**

The Code Enforcement Officer or any law enforcement officer shall be responsible for the enforcement of this Ordinance.

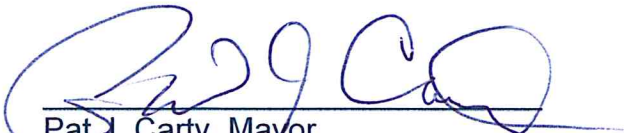
**Section 17: Emergency Clause**


It being necessary for the peace, health, safety and sound development of the City of Detroit, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the council and signature by the Mayor and Police Commissioner.

First read for the record in full on April 10, 2007  
Second reading by title only on April 10, 2007


**Passed by the Detroit City Council and signed by the Mayor and Police Commissioner this 10<sup>th</sup> day of April, 2007.**

Ayes: 7 Nays: 0 Absent: 0

  
Pat J. Carty, Mayor

  
Richard W. Jolin, Police Commissioner

Attest:  
  
Christine Pavoni, City Recorder

Approved as to form:  
  
Wallace W. Lien, City Attorney