

## Title 12

### **STREETS AND SIDEWALKS**

#### Chapters:

12-1 Use of Public Streets

12-2 Special Events Permits

## Chapter 12-1

### USE OF PUBLIC STREETS

#### Sections:

- 12-1-1 Fire Explosives
- 12-1-2 Playing Ball Prohibited
- 12-1-3 Mailboxes
- 12-1-4 Violations; Penalty

12-1-1 Fire Explosives. The exploding of any firecrackers, fireworks, dynamite, torpedo canes or other pyrotechnics upon any street or upon any public property within the limits of the Town of Alberton or premises where any ball game or any public entertainment is being held is hereby prohibited.

12-1-2 Playing Ball Prohibited. Playing ball upon Railroad Avenue in the Town of Alberton is hereby prohibited.

12-1-3 Repealed

12-1-4 Violations; Penalty. Any person violating any provision of this chapter shall, upon conviction thereof, be punished as set forth in section 1-8 of this code.

*AMENDMENTS: Deleted section 12-1-3 Free Passage of any Street, 12-1-4 Animals attached to Vehicles Prohibited, 10/26/94 deleted from 12-1-1 the word premises on the second line and replaced with the words public property. Final reading December 4<sup>th</sup>, 1998 Added 12-1-4 Mailboxes and definition. Final reading December 6, 2001. Repealed 12-1-3 Mailboxes 8-6-2002.*

## Chapter 12-2

### SPECIAL EVENTS PERMITS

#### Sections:

- 12-2-1 Definitions
- 12-2-2 Purpose
- 12-2-3 Permit Application Procedure
- 12-2-4 Standards for Reviewing Permit Applications
- 12-2-5 Appeal Procedure
- 12-2-6 Duties of Permit Holders
- 12-2-7 Exceptions
- 12-2-8 Violation

#### 12-2-1 Definitions.

(1) “Political Event” is an event whose primary purpose is to exercise freedom of speech, assembly, and association rights under the Constitutions and laws of the United States or Montana, such as political protests, demonstrations, or rallies in support of political candidates, laws, government policies, etc.

(2) “Town Property” includes all buildings, structures, streets, sidewalks, parks, fixtures, furnishings, etc. which belong to or are controlled by the Town of Alberton, Mineral County, or the State of Montana.

(3) “Religious Event” is an event whose primary purpose is to exercise freedom of religion, speech, assembly, and association rights under the Constitutions and laws of the United States or Montana, such as revivals, concerts, conferences, demonstrations, etc.

(4) “Special Event” means any festival, large group gathering, organized protest or rally, sporting event or contest, commercial gathering or convention, and any other event which is likely to create a disruption, hindrance, or damage to town streets, sidewalks, rights-of-way, and property.

#### 12-2-2 Purpose. The purpose of this Ordinance is to ensure the Town of Alberton

(1) is adequately protected from liability incurred as a result of Special Events;

(2) has an opportunity to review and ensure that all planned activities are conducted at a time, place, and in a manner that will not create a major disruption of traffic, hinder emergency responders, cause physical damage to the Town’s streets or other town property, or otherwise create a hazard to public health and safety;

(3) is secured against any property damage or litter left as a result of the special event; and

(4) has a clear procedure and standards for approving or disapproving of permit applications.

12-2-3 Permit Application Procedure. The following procedure will apply to permits for Special Events which an applicant desires to hold on town property:

(1) The Town Clerk shall make permit applications available to the public.

(2) Once a permit applicant has submitted an application to the Town Clerk, the Clerk shall review the application for consistency with Section 12-2-4 below.

(3) If the Town Clerk feels it is necessary, the Clerk may forward the application to the Fire Department, the Sheriff's Department, or the Planning Department for review and comment concerning any danger posed to public health and safety or to town property as a result of the applicant's planned activities.

(4) If any of the requirements of Section 12-2-4 are not met, the Town Clerk shall deny the application.

(5) Within seven business days, not including the date of application's submission, the Town Clerk shall notify the applicant whether the application has been approved or denied. Such notification will be considered timely if mailed by U.S. Mail on the seventh business day.

(6) If the application is denied, the Town Clerk shall state to the applicant in writing the reason for the denial.

12-2-4 Standards for Reviewing Permit Applications. The following standards shall be applied to determine whether a permit should be approved or denied:

(1) No Special Event permit shall be issued for use of streets, sidewalks, or other town property between the hours of 11 p.m. and 7 a.m.

(2) No Special Event permit shall be issued if one of the event's activities or aspects would violate Town or County Ordinances, or Montana State Law, include obscenity laws.

(3) No Special Event permit shall be issued if one of the event's activities or aspects would create a substantial hazard to public health or safety, including the hindrance of emergency traffic and responders, or is likely to result in damage to town property.

(4) No Special Event permit shall be issued if one of the event's activities or aspects coincides in time and place with another Special Event previously authorized by permit or with street or utility maintenance or construction that has already been scheduled for that time and place.

(5) If street use is likely to be slowed or disrupted as a result of the event, no Special Event permit shall be issued unless the permit applicant attaches to the application a traffic control plan to address the needs of through-traffic and emergency responders. If the Town Clerk deems it necessary, the Clerk may

submit the application to the Fire Department, Sheriff's Department, Planning Department, or other appropriate public safety agencies to verify that the applicant's plan adequately protects the public.

(6) No Special Event permit shall be issued unless the permit applicant affirms on the application that no speech, conduct, or advertisement planned in the normal course of the event violates Town or County Ordinances or Montana State Law, particularly as it relates to criminal, consumer protection, and obscenity laws.

(7) No Special Event permit shall be issued unless the permit applicant specifies on the application the time and place they wish to hold the event, the number of people likely to attend, and indicates the form and manner of the event. (i.e. protest, parade, festival, demonstration, concert, commercial promotion or convention, etc.)

(8) If a parade is part of the event, no Special Event permit shall be issued unless the permit applicant specifies the permit route and the estimated time that the route will be utilized by event vehicles, staff, and floats. If the Town Clerk deems it necessary, the Clerk may submit the application to the Fire Department, Sheriff's Department, Planning Department, or other appropriate public safety agencies to verify that the applicant's plan adequately protects the public.

(9) No Special Event permit shall be issued unless the permit applicant tenders with the application the permit fee of \$ 30.00. Non-profit organizations are not required to pay this fee.

(10) No Special Event permit shall be issued unless the permit applicant affirms on the application that they will secure the insurance required under Section 12-2-6(1) below.

(11) No Special Event permit shall be issued unless the permit applicant agrees on the application to the following: "I/We, the permit holder(s), hereby agree to hold the Town of Alberton harmless and agree to indemnify the Town for any and all claims arising out of loss, damage, or injury to persons or property occurring during the course of or pertaining to the Special Event, whether caused by Town agents or my/our agents."

(12) No Special Event permit shall be issued for an event where more than 20 people are likely to attend unless the permit applicant tenders with the application a Clean-Up and Damage Deposit of \$100.00.

12-2-5 Appeal Procedure. An applicant whose permit has been denied or revoked may appeal in writing to the Mayor, or if the Mayor is unavailable or in the case of a permit revocation issued by the Mayor, to the Town Council President who must issue a decision within 24 hours after the appeal is submitted to the Town in writing.

12-2-6 Duties of Permit Holders. It is the duty of permit holders to

(1) Obtain liability insurance for the Special Event. Such insurance shall provide coverage for the permit holder and shall name the Town of Alberton as an additional insured. Such insurance must provide the following minimum coverage: \$750,000 per claimant and \$1,500,000 per occurrence. It is the duty of permit holders to deliver *proof in writing generated by the insurer* either by mail, fax, or email of such insurance to the Town *within five business days prior to the event*. If the permit holder fails to deliver said proof to the Town within this time period, the permit will be automatically revoked.

(2) Carry a copy of the permit at all times during the Special Event and to comply with all permit conditions and instructions and to comply with the laws of the Town, County, and State.

(3) ensure planned and foreseeable event conduct by vendors, advertisers, performers, etc. taking part in the Special Event do not violate any provision of Town or County Ordinances or Montana State Law, including obscenity laws. Failure to do so may result in the revocation of the permit by the Town Clerk or the Mayor. Such revocation must explain the reason for revocation in writing.

(4) to inspect any vehicles or parade floats used in the course of the event and prevent the use of any vehicle or parade float which poses a substantial risk of harm to bystanders.

(5) remove all trash, advertisements, structures, vehicles, and litter immediately after the Special Event is over and to repair any damage to town structures, sidewalks, streets, or other town property that occurred as a result of the Special Event. If the permit holder fails to do so within 24 hours of the end of the event, the Clean-Up and Damage Deposit shall be forfeited to the Town and permit holder will be liable to the Town for all clean up or repair costs not satisfied by the deposited amount.

#### 12-2-7 Exceptions.

(1) Liability insurance shall not be required for Political or Religious Events.

(2) No permit is required for sidewalk picketing or protests when such activities do not interfere with vehicle traffic and do not significantly obstruct pedestrian traffic.

(3) Upon written agreement of both the Mayor and Council President, the insurance amount required under Section 12-2-6(1) above may be reduced to \$750,000 per claimant and \$1,000,000 per occurrence.

12-2-8 Violation. Violation of these provisions is punishable by a fine of up to \$500.

Passed by the Town Council on first reading April 15, 2008.

Passed, adopted and approved on second reading May 6, 2008.

TOWN OF ALBERTON:

BY: \_\_\_\_\_  
Joe Hanson, Mayor

ATTEST:

BY: \_\_\_\_\_  
Diane Jodsaas, Town Clerk