

BILL NO.19 – 2019

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADDING
ARTICLE 961 RELATING TO SPECIAL EVENT ACTIVITY PERMITS,
DEMONSTRATIONS, AND USE PERMITS TO THE CODIFIED ORDINANCES
OF THE CITY OF BETHLEHEM

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Article 961 of the Codified Ordinances of the City of Bethlehem titled “SPECIAL EVENT ACTIVITY PERMITS, DEMONSTRATIONS, AND USE PERMITS” is hereby enacted as follows:

961.00-STATEMENT OF PURPOSE: This Ordinance is intended to (1) consolidate and further codify the existing permit application, issuance, and revocation process concerning the use of public property for selected events, including but not limited to Demonstrations, festivals, parades, block parties, and temporary occupancies of streets, sidewalks, parks, traditional public forums, and other public places, organized, promoted, sponsored, and/or conducted by persons other than employees and officials of the City of Bethlehem, (2) coordinate such use among applicants therefor and various City departments and bureaus, (3) set forth rules of conduct and indemnification concerning such use, (4) give designated City employees and officials the power to issue rules, regulations and conditions considered reasonably necessary and incidental to such use, and (5) create a system of penalties for violating the provisions of this Ordinance and any rules, regulations and permit conditions.

961.01-DEFINITIONS

"ALCOHOLIC BEVERAGES" shall mean any beverage with an alcoholic content of more than two percent (2%);

“APPLICANT” shall mean any person, as defined by this Article, but shall not include the City, or any of its departments, commissions, or boards, or persons elected, appointed, or in the employ of the City while acting in such elected, appointed, or employed capacity.

"CITY" shall mean the City of Bethlehem;

“CITY CENTER PLAZA” shall mean any property contained within the block area bounded on the north side by Church Street and on the south, west and east sides by the perimeter street of New Street;

"CITY PROPERTY" means all City streets, alleys, sidewalks, parks, plazas, and public right of way and spaces that have been constructed or maintained for the primary use and benefit of the public, including those that constitute traditional public forums, designated public forums, or limited public forums. The term "City Property" shall not include the interior spaces of City Hall, or other City buildings, or any of, but not limited to, the following property owned or leased by the City: (1) grounds utilized for the maintenance of public works, water or sewer service, recycling, or parking areas incidental to municipal business by City employees or members of the public; (2) storage of municipal property; (3) grounds providing housing, exercise, or quiet spaces for animals used by City personnel in the performance of municipal functions; or (4) the fenced-in area surrounding the Star of Bethlehem on South Mountain. The term "City Property" does not include property which fails to qualify as a traditional public forum but is owned or leased by the City to any authority or commission of the City, any college or university, the Commonwealth, a county, school district, another political subdivision, or a nonprofit organization.

"DEMONSTRATION" shall mean a parade, march, public assembly, meeting or gathering, rally or protest event, political rally or event, speechmaking, marching, the holding of vigils or religious services, and all other like forms of conduct, the primary purposes of which is expressive activity or the communication of expression of views or grievances, that: (1) is engaged in by more than five (5) persons and the conduct of which shall occur in whole or in part on City Property and has the effect, intent or propensity to draw a crowd or onlookers; or (2) will occur upon any City street, sidewalk, or alley without compliance with the normal and customary traffic regulations or controls governing such places. The term "Demonstration" shall not mean the casual use of City Property which does not have an intent or propensity to draw a crowd or onlookers, or a residential block party governed by the City's block party permitting process.

"DEMONSTRATION SPONSOR" means the person or entity which is responsible for the staging or production of a Demonstration. Such sponsor can be the same or different from the person or entity who is the applicant.

"DIRECTOR" shall mean the City of Bethlehem Director of Public Works for any Activity Permit or Use Permit pertaining to City Property except, when involving a Permit pertaining to Park property under City Article 941, it shall mean the Director of the Bureau of Recreation. Director also shall mean a person appointed by the Mayor with Permitting authority occasioned by the absence or unavailability of a Director. The term "Director" shall also include any person designated by the Director to perform any activity or thing required or authorized by this Article to be done by the Director.

"HINGE BLOCK" shall mean any property to the rear of the structure having frontage upon the south side of Broad Street between Guetter Street and Main Street, the east side of Main Street between Broad Street and Walnut Street, the north side of Walnut Street between Main Street and Guetter Street and the west side of Guetter Street between Walnut Street and Broad Street, as indicated on a map entitled "Layout Plan, Sun Inn Courtyard";

"PARK" shall mean any land or facility owned or leased by the City of Bethlehem and designated or used for park, active or passive recreation, gardening, or open space

purposes;

“PAVILION” shall mean any open park structure used for picnics, parties, and social occasions;

“PERMIT” shall mean a Special Event Activity Permit or a Use Permit;

“PERMITTEE” shall mean a person to whom a Permit has been issued;

“PERSON” shall mean, and without regard for gender, any natural individual, firm, trust, partnership, association, corporation, company or other organization or artificial entity of any kind, in his, her, or its own capacity or an administrator, conservator, executor, trustee, receiver, or other representative appointed by a court. Whenever the word “person” is used in any section of this ordinance prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners (both general and limited) or members thereof and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section;

“SPECIAL EVENT ACTIVITY” shall mean any event, activity, or Demonstration which occurs on private property and is open to the general public and requires approval from the City Fire Department, Bureau of Health, Inspections Bureau, or Zoning Officer, or occurs on City Property in one or more of the following circumstances:

1. the event, activity, or Demonstration is expected or will occur on one or more City street, sidewalk, lane, alley, pavement, footway or right-of-way and which affects or restricts pedestrian and/or vehicular traffic;
2. the event, activity, or Demonstration will make use of the Hinge Block or the Center City Plaza on account of any organized activity or event;
3. the event, activity, or Demonstration will make use of a City park on account of any organized activity or event;
4. the event or activity will make use of the Bethlehem municipal golf course, inclusive of its buildings and land, i.e. collectively presently known as the “Bethlehem Golf Club”, on account of any organized activity or event other than golf outings and tournaments to the extent the proposed activity or event is not governed by the terms and conditions of any lease or license agreement between the City and the operator of the restaurant at the municipal golf course;
5. the event, activity, or Demonstration will be open to the public and will make use of the interior, exterior, and/or accessory lands of the properties known as 100 Illick’s Mill Road, the Earl E. Schaffer Ice Rink, or the Charles Brown Ice House on account of any organized activity or event (For nonpublic events at one of these locations, see 961.02.C);

6. any event, activity, or Demonstration involving City services such as the electrical bureau, fire department, EMS bureau, police department, or public works department;
7. any event, activity, or Demonstration which will include but not be limited to fireworks, special effects (fire twirling, pyrotechnics, welding or any type of open flame), parade, half/full marathon, festival, celebration, street race/5k, parking lot/street celebration (private event), or walk/run;
8. camping on any City Property.

A special event activity shall not include an event or activity occurring entirely within a building for which all certificates of occupancy have been duly acquired, regardless of whether the event or activity is open to the general public, and the occupancy of such building during such event or activity shall adhere to the governing terms and conditions of such certificate(s) of occupancy.

“SPECIAL EVENT ACTIVITY PERMIT” shall mean written approval in a form or agreement issued by the City to authorize the Permittee to conduct a Special Event Activity on City Property.

“USE PERMIT” shall mean written approval in a form or agreement issued by the City to authorize the Permittee to conduct a qualifying Special Event Activity under § 961.03 on City Property.

961.02—SPECIAL EVENT ACTIVITY PERMIT REQUIRED

- A. A person intending to conduct any Special Event Activity as defined in this Article on City Property is required to apply for and secure issuance of a Special Event Activity Permit from the Director, subject to the City’s authority to grant, revoke or deny a Permit as appropriate under this Article or other applicable law or ordinance.
- B. A Special Event Activity Permit is not required for activities authorized by Article 721.05 (relating to sidewalk vendors), 721.06 (relating to sidewalk sales and outdoor dining) or 721.08.
- C. A Special Event Activity Permit shall not be issued for any event, activity, or Demonstration proposed to occur at any City-owned pavilion or portion thereof.
- D. A Special Event Activity Permit shall not be required for any event or activity which is not open to the general public but will make use of the interior, exterior, and/or accessory lands of the properties known as 100 Illick’s Mill Road, the Earl E. Schaffer Ice Rink, or the Charles Brown Ice House on account of any organized event or activity. For such events or activities at these premises, the party seeking use shall be required to execute an agreement with the City which shall make such party responsible for complying with the requirements of Article 941.06(a)(3).

961.03—USE PERMIT REQUIRED

A person intending to conduct a Special Event Activity as defined in this Article on City Property is required to apply for and secure issuance of a Use Permit from City Council and not a Special Event Activity Permit from the Director in either of the following circumstances, subject to the City's authority to grant, revoke or deny a Permit as appropriate under this Article or other applicable law or ordinance:

- A. the event or activity is open to the general public and will involve furnishing of alcohol and is one for which a special event activity permit is required; or
- B. the event or activity is expected or will run for 3 days or more regardless of whether it is open to the general public and is one for which a special event activity permit is required.

961.04 -- REGULATIONS APPLICABLE TO PERMITTED SPECIAL EVENT ACTIVITIES AND USES.

All Permittees under this Article shall be required to comply not only with the rules and standards of this Article but also with regulations issued by the Director and the rules and standards set forth in Articles 721, 941 and 951.

961.05-RESPONSIBLE CITY OFFICIAL.

- A. Any person wishing to conduct a Special Event Activity under this Article is required to obtain the appropriate Permit by filing an application to the Director who shall thereupon review and approve or disapprove all applications in accordance with the terms of this ordinance and all other City ordinances, but such approval shall not constitute approval under any special ordinances or codes pertaining to zoning, health, fire, building, mechanical, electrical, and/or plumbing.
- B. After submission of an application, the applicant is obligated to immediately provide the City in writing with any new, different or altering information, regardless of when acquired, so that the information furnished by the applicant to the City remains current, true, correct, and complete with respect to the special event activity at all times prior to and during the special event activity.
- C. Order of processing. The City shall process applications in the order that the City received them. The City shall allocate the use of a particular City Property or a part thereof among competing applicants in the order of receipt of fully-completed applications together with the required application fee. The City shall have priority use of the requested City Property where the proposed Demonstration conflicts or interferes with a previously scheduled event or with an annual or otherwise regularly-held event or ceremony that is sponsored by or on behalf of the City.
- D. The application fee for a Permit application shall be fixed by resolutions of City Council, which fees may be amended from time to time as Council may determine.
- E. The Director shall have the power to establish all application forms, rules and regulations concerning all procedures and aspects of the matters for which a Permit may issue. The forms may seek such information as may be needed to make the findings required by

Article 961.06, as well as address any issues pertaining the Standard Conditions of any permit and/or potential Special Conditions of any Permit.

F. In addition to the provisions of 961.05.D, the following shall apply to an application for a Special Event Activity Permit in connection with a proposed Demonstration:

1. The application shall be submitted to the City at least five (5) business days prior to the proposed date and time of the Demonstration. However, the City will accept applications less than five (5) days prior to the proposed date and time of the Demonstration, provided, however, that the proposed Demonstration is in response to something which occurred within seven (7) days prior to the submission of the application (e.g., a march or rally that is timed to coincide with a recent or future political or other announcement, decision, determination, or declaration by a local, state, or federal official).
2. Where the applicant seeks: (1) the City to provide special or technical services for purposes of assisting in the production or staging of the Demonstration. (2) to use and/or rent City-owned equipment for the production or staging of the Demonstration, and/or (3) to erect fixed structures upon City Property, e.g., sound stage or canopies or tents, the application shall be submitted to the City at least sixty (60) business days prior to the proposed date and time of the Demonstration. Absent extraordinary circumstances, the City will not accept applications meeting the criteria of this subsection beyond this sixty (60) day deadline.
3. An application shall be deemed submitted on the date it is received by the City or, if received on a holiday or after normal business hours, on the next business day that is not a holiday.
4. The name, address, e-mail address, if available, day-time telephone number, and fax number, if available, of the applicant.
5. The name of the person who will be in charge of the Demonstration on-site.
6. The name, address, e-mail address, if available, day-time telephone number, and fax number, if available, of the Demonstration Sponsor.
7. The date, time, duration, and location of the proposed Demonstration including all set up and take down time.
8. An estimate of the approximate number of persons who are reasonably expected to attend the Demonstration.
9. If the Demonstration will include a march or parade, a detailed description of the proposed route of the march or parade (with assembling, starting, and ending points) and the proposed starting and ending times for the march or parade.

10. A statement describing the proposed conduct of applicant and its invitees, such as whether they will carry signs, distribute literature, make speeches, or debate with members of the public.
11. A statement of any equipment or facilities which are owned by the applicant or Demonstration Sponsor that are expected to be used.
12. A statement of any equipment or facilities that the applicant or Demonstration Sponsor desires to rent from the City.
13. Whether the Demonstration is an event which has been planned in response to a specific occurrence, and, if so, shall briefly describe such occurrence.
14. Whether the Demonstration is likely to utilize or create amplified noise and, if so, shall briefly describe the number and type of loudspeakers or audio amplification equipment that will be used;
15. A Certification that the applicant and Demonstration Sponsor:
 - a. Will comply with all statutes, ordinances, and regulations applicable to the Demonstration;
 - b. Will instruct its members and invitees who participate in the Demonstration that it is a crime to engage in fighting or threatening words or behavior; to make unreasonable noise; use obscene language or make obscene gestures; or create a hazardous or physically offensive condition by any act which serves no legitimate purpose; and
 - c. Will instruct its members and invitees who participate in the Demonstration of the requirements of Section 14 of this Ordinance (Prohibition on carrying or possessing specified items while attending or participating in any Demonstration).

961.06-STANDARDS FOR ISSUANCE. The Director shall issue a Special Event Activity Permit when he finds that all of the following requirements have been met:

- A. The proposed event, activity, or Demonstration on City Property will not unreasonably interfere with or detract from the general public access or use of the City Property;
- B. The application (including any required attachments and submissions) is fully completed and executed;
- C. The application contains no material falsehoods or misrepresentations;
- D. The applicant has tendered the required application fee. In the case of a Demonstration, an applicant may ask for the application fee to be waived by presenting a sworn or verified affidavit which contains sufficient credible information to enable the City to determine the applicant is financially unable to pay the fee. If the applicant submits a

verified affidavit for this purpose, the affidavit must state that the factual information contained therein is true and correct to the best of his/her information and belief, and that false statements made therein are subject to the penalties of 18 PaCS § 4904, relating to unsworn falsification to authorities;

- E. The proposed event, activity, or Demonstration will enhance the appearance of the public property upon which it occurs; generate citizen interest and participation, stimulate commerce, directly or indirectly; promote community spirit; and/or constitute a peaceful, orderly exercise of freedom of speech as protected by the First Amendment of the United States Constitution;
- F. The proposed event, activity, or Demonstration will not unreasonably interfere with or detract from the promotion of public health, welfare, or safety;
- G. The proposed event, activity, or Demonstration is scheduled for a time during which a sufficient number of police officers can be scheduled to patrol and protect lawful participants and non-participants in the Activity when balanced with other demands for police protection throughout the City at the time of the proposed event, activity, or Demonstration;
- H. The concentration of persons, vehicles, or things at specified location(s) of the proposed event, activity, or Demonstration and any assembly and disbanding areas, including any adjacent areas, will not prevent proper fire and police protection or emergency medical service;
- I. The City has not revoked a Permit previously issued to the Applicant or another person or entity with which the applicant is associated for a substantially similar proposed event, activity, or Demonstration in the previous 12-month period;
- J. The proposed event, activity, or Demonstration will not interfere with the customary functions and uses of, and/or ingress and egress to and from, buildings or property that are immediately adjacent to the specified location in ways that cannot be sufficiently controlled through conditions or restrictions attached to the Permit;
- K. The applicant, or the person or entity on whose behalf the application for a Permit was made, has reimbursed the City for requested City personnel or requested City equipment utilized, expenses or damage incurred in connection with a previously-issued Permit of any type;
- L. The proposed event, activity, or Demonstration will not take place or rely upon access to (1) the interior spaces of City Hall, or other City buildings, or any of, but not limited to, the following property owned or leased by the City: (2) grounds utilized for the maintenance of public works, water or sewer service, recycling, or parking areas incidental to municipal business by City employees or members of the public; (3) storage of municipal property; (4) grounds providing housing, exercise, or quiet spaces for animals used by City personnel in the performance of municipal functions; (5) the

fenced-in area surrounding the Star of Bethlehem on South Mountain; and/or (6) property owned or leased by the City to any authority or commission of the City, any college or university, the Commonwealth, a county, school district, or another political subdivision;

- M. The proposed event, activity, or Demonstration is not deemed unsuitable or potentially harmful to the City Property so to present a risk of property damage or a substantial deprivation of the rights of others to reasonable access and/or use thereof;
- N. The proposed Demonstration, if any, is not proposed to occur at the Bethlehem Golf Club;
- O. The proposed Demonstration, if any, is expected to occur on City Property that qualifies as a public forum as protected by the First Amendment of the United States Constitution;
- P. The specified location, or some improvement or condition thereof, poses no threat to the safety of participants in the proposed event, activity, or Demonstration ;
- Q. The proposed event, activity, or Demonstration is not expected to have an articulable adverse impact upon the natural environment of the specified location or its neighboring areas;
- R. The proposed event, activity, or Demonstration or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- S. The proposed event, activity, or Demonstration will not involve a violation of this or any other ordinance of the City or other applicable laws or regulations, such as the PA Liquor Code and PA LCB regulations;
- T. The proposed event, activity, or Demonstration will not entail unusual, extraordinary or burdensome expense or demands upon the City police, fire, emergency medical services, or other City operations;
- U. The proposed event, activity, or Demonstration will not conflict or interfere with the orderly movement of vehicular or pedestrian traffic, or the rights of persons to reasonably access, use, and/or enjoy their places of residence or business, or other significant governmental interest. To effectuate this, the City may, in its discretion, issue a Permit under this ordinance with conditions and restrictions intended to implement these purposes, but such conditions or restrictions shall:
 - 1. be limited only to the time, place or manner of the proposed event, activity, or Demonstration and narrowly tailored to serve significant governmental interest(s);
 - 2. allow a reasonable alternative opportunity for the communication or expression of views and grievances as may be affected by the imposed conditions and restrictions.
- V. The specified location(s) has/have not been reserved for another use at the day and hour requested in the application, which other use is either a regular known event or has been identified in a previously-received application;

W. All rules and regulations of the City and standard conditions of the Permit are likely to be met by the applicant and participants.

961.07-CONDITIONS OF PERMIT.

A. Standard Conditions. It is the obligation of the applicant to comply with all of the following standard conditions of each Permit issued by the Director or City Council.

1. The Permittee, participants, and vendors, if any, in the proposed event, activity, or Demonstration for which the Permit was issued remain in continual compliance with all applicable statutes, ordinances, rules and regulations as though the same were inserted in Permits, as well as all lawful orders or directives of any City police officer reasonably necessary to ensure the protection or safety of property or persons.
2. The Permittee shall remain in continual compliance with all insurance requirements of the City;
3. The Permittee shall not transfer or assign the Permit without the City's written permission, and subject to additional conditions as the City may require.
4. The Permittee shall not consume alcohol so as to become intoxicated, and/or engage in indecent language and/or disorderly conduct, and shall exclude anyone from the areas authorized by the Permit who does.
5. The Permittee shall only furnish and/or permit the consumption of alcohol in accordance with the approved Rules and Regulations for the type of permit issued by the Director, which type shall be identified in the permit, and shall require everyone using the areas authorized by the permit to do the same.
6. The Permittee shall place all refuse, rubbish, litter and recyclables in receptacles provided for that purpose, and shall require everyone using the areas authorized by the Permit to do the same. In the event of default by Permittee, the City may, in its sound discretion, perform such clean-up and the Permittee shall remit payment for such work within 30 days of being billed therefor at the City's cost.
7. The Permittee shall not furnish food, beverage, or any other thing in a glass container within the areas authorized to be used by the Permit, and shall exclude anyone from the areas authorized by the Permit who does.
8. The Permittee shall not move, remove, attach things to, alter, etc. any trees, sidewalks, light standards, bollards or any other public street fixtures, except as authorized in the Permit.
9. Each Permittee shall pay rental fees for any and all equipment agreed to be provided by the City in connection with such Special Event Activity within 30 days of being billed therefor at the City's cost.

10. Each Permittee shall reimburse the City an amount equal to all personnel costs for services that are specifically requested from the City for the purpose of enabling or providing support services for the Special Event Activity, including, but not limited to, costs for public safety, public health, sanitation, and Department of Public Works personnel. In the case of a Permit-authorized Demonstration, this section shall not be construed to apply to City police costs associated with traffic and crowd control.
 11. Following the conclusion of a Special Event Activity, the Permittee shall pay the City for the repair and/or replacement costs (as determined by the City in its sole discretion) of City Property, both real and personal, including City Property as defined by this ordinance, that is (a) not returned, (b) returned in an unacceptable condition (reasonable wear and tear excepted), or (c) otherwise damaged during the course of the Special Event Activity.
 12. Following the conclusion of a Permit-authorized Activity, the Permittee shall pay the City for the repair and/or replacement costs (as determined by the City in its sole discretion) of City Property, both real and personal, leased by the City to any authority or commission of the City, any college or university, the Commonwealth, a county, school district, or another political subdivision to the extent such property is (a) not returned, (b) returned in an unacceptable condition (reasonable wear and tear excepted), or (c) otherwise damaged during the course of the Special Event Activity.
 13. Liability of Permittee. The Permittee shall be liable for any loss, damage or injury sustained by any person or the City by reason of the negligence of the person or persons to whom such Permit has been issued.
 14. The City shall not be responsible for damages, accidents or incidents which occur as a result of activities during the event period and nothing in this ordinance or in issuing any Permit shall be deemed to waive the City's immunities, defenses and privileges existing at law or in equity.
 15. Nothing in this Article shall relieve a person desiring to engage in a permitted event, activity, or Demonstration under this Article, including those open to the public on private property and/or those occurring on City Property which are or are not open to the public, from having to acquire both (a) a permit under this Article and (b) the consent of the recipient of a previously-issued Special Event Activity Permit or Use Permit where the applicant desires to use an area subject to a previously-issued Special Event Activity Permit or Use Permit, provided the basis upon which such consent is given or withheld complies with and respects the rights and privileges secured by the First Amendment of the United States Constitution applicable to uses open to the public on private property and/or those occurring on City Property regardless of whether the use is open to the public.
- B. Special Conditions authorized. The Director or City Council may attach additional special conditions to any Permit which are consistent with the above Standard Conditions for the purpose of minimizing adverse effects of the permitted event, activity, or Demonstration upon the public health, welfare, or safety, reasonable access to and the

quiet enjoyment of any residential or commercial neighborhood, parking, and/or police, fire, emergency medical, or other City operations.

961.08-NOTICE OF ADVERSE DECISION.

- A. The Director shall, in accordance with the applicable Rules and Regulations, either issue or deny the Permit in the manner allowed by this Article. In the case of a denial or revocation, the Director shall promptly apprise the applicant in writing of the reasons for such action.
1. An applicant who is denied a Permit by the Director, or a Permittee whose Permit has been revoked or who wishes to challenge a condition or restriction attached to the Permit other than a condition or restriction attached by City Council, may file a written appeal (the "Appeal") to the Mayor of the City of Bethlehem.
 2. The Appeal must be filed within forty-eight (48) hours (exclusive of weekends and days during which City Hall is closed) of the written notice of the Permit denial, Permit revocation, or an adverse condition or restriction, and must state succinctly under oath the grounds upon which the denial, revocation, condition, or restriction should be reversed or modified. The Appeal must be accompanied by copies of the application for a Permit, the written response from the Director, and any other papers or documentation material to the determination. A copy of any Appeal to the Mayor shall be exclusively and personally served upon the City Law Bureau during normal business hours.
 3. The Mayor shall respond to the appeal by promptly affirming, modifying, or reversing the Permit denial, condition, restriction, or Permit revocation and give prompt notice of the decision to the Applicant.

961.09-GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT

With or without advance notice to the applicant, the City may revoke a Permit where it determines that the Permittee does not intend to comply with, cannot comply with, or has violated any of the conditions or restrictions applicable to the Permit, including but not limited to the following:

- A. Failure of the Applicant to obtain any Permits or licenses that are legally required by any City ordinances or other governmental bodies in connection with the described Activity;
- B. Failure of the Applicant to remit any required user fee(s) for City-owned equipment;
- C. Failure to comply with the Permit or any attached condition or restriction;
- D. Failure to provide accurate or truthful information on the application for Permit. Any Permit revoked for this reason shall be grounds for disqualification of the applicant or another person or entity with which the applicant is associated for a substantially similar Activity for a new Permit for a period of one year;

- E. Transferring, assigning, or attempting to transfer or assign the Permit without the City's written permission. Any Permit revoked for this reason shall be grounds for disqualification of the applicant and the Demonstration Sponsor for a new Permit for a period of one year.

961.10-SPECIAL RULES PERTAINING TO DEMONSTRATIONS.

- A. No person shall carry or possess the following items or articles while attending or participating in any Demonstration as defined hereinabove:
1. Any length of lumber, wood, wood lath, or particle board unless that object is 1/4 inch or less in thickness and 2 inches or less in width; if the item not generally rectangular in shape, such object shall not exceed 3/4 inch in its thickest dimension. Both ends of the lumber, wood or wood lath shall be blunt;
 2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding 3/4 inch in its thickest dimension and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permissible under this subsection shall be blunt;
 3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material Permit ted under this section, unless, such sign, poster, banner, plaque or notice is constructed solely of soft material, such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than 1/4 inch in thickness;
 4. Baseball or softball bats, regardless of composition or size; provided, however, that such items are permissible when configured of cardboard, foam or paper for expressive purposes;
 5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
 6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
 7. Weapons such as knives, swords, sabers or other bladed devices, axes, hatchets, ice picks, razor blades, nun chucks or martial arts weapons of any kind, box cutters, conducted electrical weapons (CEWs), including, but not limited to, tasers or stun guns, metal/composite/wooden knuckles, or any chain greater than 20 inches in length or greater than 1/4 inch in diameter; provided, however, that such items are permissible when configured of cardboard, foam or paper for expressive purposes;
 8. Balloons, bottles or any other container such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseating, sickening or irritating to any of the senses, with intent to throw, drop,

pour, disperse, deposit, release, discharge or expose the same in, upon or about any Demonstration as defined hereinabove;

9. Glass bottles, whether empty or filled;
 10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other combustible fuel sources;
 11. Shields made of metal, wood, hard plastic or any combination thereof;
 12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings;
 13. Explosives, fireworks, sparklers, and smoke-generating devices;
 14. Devices or any matter which deliberately creates or projects unreasonably disruptive odors or irritants to bodily health outside the City Property authorized to be used by the Permit.
- B. When feasible, excluding exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by posted signs, or by amplified announcement.
- C. Authorized peace officers, or employees, agents or representatives of the City, shall be exempt from the provisions of this section when such officers, employees, agents or representatives of the City are engaged in official business of the City.
- D. Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility.

961.99-VIOLATIONS.

- A. A person commits a summary offense violation of this Article if he or she:
1. engages in conduct without a Permit but for which a Permit is required by this Article;
 2. fails to produce and exhibit any Permit from the Director after claiming to have been issued a Permit, provided the person making the request is a City employee or law enforcement officer and is making the request for the purpose of enforcing compliance with the Permit or any ordinance or statute;
 3. fails to comply with the terms and conditions of a Permit issued under this Article; or
 4. violates any provision of this Article.
- B. The penalties for violating this Article shall be as follows:
- First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

Each 24-hour period that a person who engages in conduct in violation of this Article shall be considered a separate violation punishable in accordance with this Section.

SECTION 2. All Ordinances and sections of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by _____

PASSED finally in Council on this day of , 2019.

President of Council

ATTEST:

City Clerk

This Ordinance approved this day of , 2019.

Mayor