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**CITY OF HOMER
HOMER, ALASKA**

City Manager

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ORDINANCE 10-03(A)

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AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, ADOPTING HOMER CITY CODE CHAPTER 19.02,
LARGE SPECIAL EVENTS, REQUIRING PERMITS FOR
LARGE SPECIAL EVENTS IN THE CITY, AND
AUTHORIZING CHARGES FOR CITY SERVICES REQUIRED
FOR LARGE SPECIAL EVENTS.

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WHEREAS, The City of Homer desires to attract and support special events for the
community supporting cultural and recreational opportunities as a means of encouraging
economic development; and

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WHEREAS, The City of Homer, Alaska, from time to time may be the location for a
large special event such as a parade, performance, concert, sporting event, fair, ceremony or
other public assembly at which 500 or more people congregate; and

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WHEREAS, The City has a population of approximately 5,400, and the presence of an
additional 500 or more people attending a large special event will have a substantial impact on
the City, including traffic, and the demand for services and facilities, including parking,
sanitation facilities and refuse disposal; and

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WHEREAS, The City may be required to expend its resources to provide additional
services or facilities that are necessary to preserve public health, safety and convenience during a
large special event; and

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WHEREAS, The cost to the City of delivering services may be reduced by advanced
planning through verification of items such as permits, bonding, insurance coverage, plan
review, security requirements, sanitation preparation, and external agency approvals; and

WHEREAS, The small scale of the City government and infrastructure, and the limited
routes for ingress to and egress from the City (and particular areas within the City, such as the
Homer Spit), make planning to provide for public health, safety and convenience during a large
special event particularly important; and

WHEREAS, It is in the best interest of the City and its residents that the City regulate
large special events through a permitting process, and that the City receive compensation for
additional services or facilities that it must provide because of a large special event.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 19.02, Large Special Events, is adopted to read as follows:

47 Chapter 19.02
48 Large Special Events

49 Sections:

- 50 19.02.010 Definitions
51
52 19.02.020 Permit required
53 19.02.030 Permit application
54 19.02.040 Action on permit application
55 19.02.050 Denial of permit application
56 19.02.060 Revocation of permit
57 19.02.070. Payments for city services and facilities
58 19.02.080 Insurance
59

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61 19.02.010 Definitions. As used in this chapter, the words and phrases defined in this
62 section shall have the meaning stated.

63 “*Anticipated attendance*” means the largest number of persons, including participants
64 and spectators, that the city manager reasonably expects to congregate at a single time and
65 location during a special event.

66 “*Demonstration*” means an assembly of persons for purposes of expressive activity that
67 occupies, or travels on, any street in a manner that does not comply with generally applicable
68 traffic regulations; or occupies a public park or other public facility or property.

69 “*Expressive activity*” means conduct, the principal object of which is to communicate
70 opinions, views or ideas, and for which no fee or donation is required to attend or participate, and
71 includes public oratory, picketing and distribution of literature.

72 “*Large special event*” means a special event having an anticipated attendance of 500 or
73 more persons.

74 “*Special event*” means a parade, performance, concert, sporting event, fair, ceremony or
75 other public assembly, for which persons congregate in a street, park or other public or private
76 property in the city.

77 “*Sponsor*” means the person or persons who organize, present or promote a special
78 event.

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80 19.02.020 Permit required. a. No sponsor may promote, advertise or sell admission to a
81 large special event without first having obtained a permit from the city under this chapter.

82 b. The following are exempt from the permit requirement of this section:

83 1. a funeral procession.
84 2. a special event that is held entirely within a dwelling and the lot on which the
85 dwelling is located.

86 3. a special event that is held within a permanent facility, such as an auditorium,
87 theater, church or athletic field, that is specifically designed and intended for the activities
88 comprising the event, and that:

89 i. has the capacity to accommodate the anticipated attendance at the
90 special event, including compliance with maximum occupancy permitted by state or local
91 fire officials; and

92 ii. has sufficient off-street parking to accommodate the anticipated
93 attendance at the special event, according to the standards prescribed in HCC Title 21.

94 4. a special event that is sponsored by a duly organized neighborhood or
95 homeowners' association, occurs entirely within the area where the association's members
96 reside, generates minimal traffic outside that area, is attended only by the association's members
97 and their guests, and does not benefit any other organization.

98 5. an event that is sponsored by or under the control of the city.

99 6. a demonstration, provided that the chief of police is notified of the route or
100 location of the demonstration at least 48 hours before the commencement of the demonstration.

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102 19.02.030 Permit application. a. The sponsor shall submit an application for a permit for
103 a large special event to the city manager on a form provided by the city. The sponsor shall
104 submit the application not less than 120 days before the commencement of the large special
105 event.

106 b. An application for a permit shall include:

107 1. The name and mailing address of each sponsor of the large special event;

108 2. For any sponsor who is not a natural person, the form of the sponsor entity, the
109 state in which the entity is organized, the names of the principal officers of the entity, and proof
110 that the entity is in good standing in its state of organization and qualified to conduct its activity
111 in the state of Alaska.

112 3. The name of an individual who will be the on-site point of contact for the
113 sponsor at all times from the commencement of on-site preparation for the large special event
114 until all on-site clean-up and restoration work is completed after the conclusion of the large
115 special event, and that individual's 24-hour telephone number(s), in case of emergency;

116 4. A detailed description of the large special event;

117 5. A map locating the large special event, and depicting the layout of all large
118 special event activities that will occur on public streets or other public property, if requested by
119 the city manager; and

120 6. Any additional information requested in the permit application or by the city
121 manager, including without limitation plans for parking, traffic control, sanitation and security as
122 appropriate to the nature of the large special event.

123 c. An application shall be accompanied by the application fee that the city council
124 establishes from time to time by resolution.

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126 19.02.040 Action on permit application. a. The city manager may approve an application
127 for a permit for a large special event upon finding that approval of the large special event will not
128 be detrimental to the public health, safety or convenience. Grounds for denying a special event
129 permit include without limitation those stated in HCC § 9.02.050.

130 b. The city manager may approve an application for a permit for a large special event
131 subject to conditions or stipulations regarding the time, place and manner of the large special

132 event that the city manager determines to be reasonably necessary to protect public health, safety
133 and convenience, including without limitation the following:

134 1. Alteration of the time, place, and manner of the large special event proposed in
135 the application.

136 2. Conditions concerning the area of assembly and disbanding of a large special
137 event occurring along a route.

138 3. Conditions concerning accommodation of pedestrian or vehicular traffic,
139 including restricting the large special event to only a portion of a street or right-of-way.

140 4. Requirements for the use of traffic cones or barricades.

141 5. Parking requirements.

142 6. Requirements for the provision of first aid or sanitary facilities.

143 7. Requirements for security measures.

144 8. Requirements for use of event monitors and providing notice of permit
145 conditions to event participants.

146 9. Requirements for use of garbage containers, cleanup, and restoration of City
147 property.

148 10. Restrictions on the use of amplified sound and compliance with noise
149 ordinances, regulations, and laws.

150 11. Notice to residents and businesses regarding any activity which would require
151 street closure.

152 12. Restrictions on the sale and consumption of alcoholic beverages.

153 13. Provision of insurance as required by HCC § 9.02.080.

154 c. The city manager may condition approval of a permit for a special event that imposes
155 substantial demands on city services or facilities on the sponsor's payment for the necessary
156 additional city services or facilities, and provision of a bond as required by HCC § 9.02.070.

157 d. The granting of a permit under this chapter does not exempt the large special event or
158 its sponsor from:

159 1. Requirements for any business license or other permits which may be
160 prescribed by any federal, state or local statutes, ordinances, rules or regulations.

161 2. Compliance with any other applicable federal, state or local statutes,
162 ordinances, rules or regulations.

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164 19.02.050 Denial of permit application. a. The reasons why the city manager may deny
165 an application for a permit for a large special event include without limitation the following:

166 1. The large special event will disrupt traffic within the city beyond practical
167 solution.

168 2. The large special event will create a likelihood of endangering the public safety
169 beyond practical solution.

170 3. The large special event will interfere with access to emergency services.

171 4. The location or time of the large special event will cause undue hardship or
172 excessive noise levels to businesses or residents in the vicinity of the event location.

173 5. The large special event will require the diversion of City resources that would
174 unreasonably interfere with the maintenance of regular city service levels.

- 175 6. The application contains incomplete or false information.
176 7. The sponsor fails to provide proof of the insurance required by Section
177 19.02.080.
178 8. The sponsor will not provide adequate garbage and debris removal.
179 9. The sponsor will not provide adequate temporary sanitary facilities.
180 10. The sponsor will not provide adequate parking.

181 b. The city manager will notify the sponsor in writing of the denial of an application for a
182 permit for a large special event, with a statement of the reasons for the denial. The sponsor may
183 appeal the decision of the city manager to the city council by filing with the city clerk a written
184 notice of appeal, stating the grounds for the appeal, not later than 15 days after the city manager
185 mailed notice of the denial.
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187 19.02.060 Revocation of permit. a. The city manager may revoke a permit for a large
188 special event for any of the following reasons:

189 1. The large special event is conducted in a manner that fails to comply with a
190 condition of the permit, or that violates any applicable federal, state or local law.

191 2. The sponsor fails to make any payment required under this chapter when the
192 payment is due.

193 3. A condition or event occurs that would constitute a ground for denying the
194 permit under HCC § 9.02.050.

195 b. Except in the circumstances described in subsection (c) of this section, the city
196 manager shall not revoke a permit without first providing notice and an opportunity for a hearing
197 under this subsection. The city manager shall notify the sponsor of the grounds for revoking the
198 permit, and of the sponsor's right to request a hearing on the revocation. The sponsor may
199 obtain a hearing on the revocation by requesting the hearing in writing at the office of the city
200 manager within the time prescribed in the revocation notice.

201 c. If the city manager determines that the grounds for revoking a permit constitute an
202 immediate danger to public health or safety, the city manager may revoke the permit without
203 prior notice or hearing. Promptly after revoking a permit under this subsection, the city manager
204 shall give the sponsor notice in accordance with subsection (b) of this section, and schedule a
205 hearing on the revocation.
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207 19.02.070. Payments for city services and facilities. a. If the city manager determines
208 that a large special event will require additional support services or facilities from the police,
209 fire, administrative, or any other city department, the city manager shall so notify the sponsor,
210 with an estimate of the cost of such additional services. Within 15 days after such notice, but not
211 less than two weeks before the large special event commences, the sponsor shall pay to the city
212 an amount equal to 50 percent of such estimated cost. The sponsor shall pay to the city the
213 remainder of the total actual cost of such additional services or facilities within 30 days after the
214 last day of the large special event.

215 b. In addition to requiring payment for additional city services or facilities under
216 subsection (a) of this section, the city manager may require a sponsor to submit to the city a
217 deposit to cover the estimated cost of cleaning and restoring city property after a large special

218 event. Any required deposit must be submitted to the city at least two weeks before the date the
219 large special event commences. The deposit shall be refunded to the sponsor to the extent that it
220 is not applied to pay the cost of cleaning and restoring city property used during the large special
221 event.

222 c. If the city manager has cause to doubt a sponsor's financial capability to pay any
223 amount required under this section, the city manager may require the sponsor to provide a
224 performance bond before issuing the permit for the special event.

225 d. All payments required under this section shall be made by cashier's check or wire
226 transfer, unless the city manager approves another payment method.

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228 19.02.080 Insurance. a. The city manager may require that the sponsor of a large special
229 event shall acquire and maintain in force at all times from the commencement of on-site
230 preparation for the large special event until all on-site clean-up and restoration work is completed
231 after the conclusion of the large special event, insurance coverages including the following:

232 1. Comprehensive commercial general liability with coverage limits up to
233 \$2,000,000 combined single limit per occurrence and aggregate, including premises-operations,
234 independent contractors, products/completed operations, broad form property damage, blanket
235 contractual and personal injury endorsements.

236 2. Comprehensive automobile liability covering all owned, hired and non-owned
237 vehicles that the sponsor uses in connection with the large special event, with coverage limits up
238 to \$1,000,000 per occurrence.

239 3. Worker's compensation insurance as required by AS 23.30.045 for all
240 employees of the sponsor and its contractors engaged in work on the large special event.

241 b. Each policy of insurance required under this section shall name the city as an insured
242 and contain an appropriate waiver of subrogation in favor of the city.

243 c. The sponsor shall furnish certificates of the insurance required under this section to the
244 city at least 30 days before the commencement of on-site preparation for the large special event.
245 Each certificate must provide for 30 days' prior notice to the city of cancellation, nonrenewal or
246 material change.

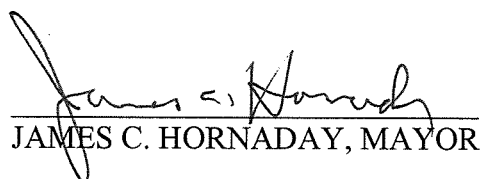
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248 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

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250 Section 3. This ordinance is of a permanent and general character and shall be included
251 in the City code.


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253 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of

254 January 2010.

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256 CITY OF HOMER

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259 JAMES C. HORNADAY, MAYOR
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ATTEST:

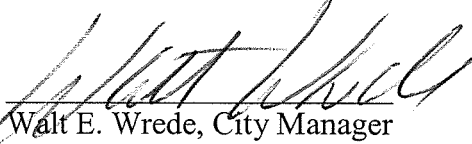


JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

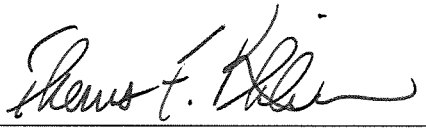
First Reading: 1/11/10
Public Hearing: 1/25/10
Second Reading: 1/25/10
Effective Date: 1/24/10

Reviewed and approved as to form:



Walt E. Wrede, City Manager

Date: 1/27/10



Thomas F. Klinkner, City Attorney

Date: 2-4-10

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