

Article V. Special Events

Sec. 45-48. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively assigned to them by this Section 45-48:

- (a) Applicant. The authorized agent of the sponsor who completes the application and acts as primary contact for the special event.
- (b) Block party. A neighborhood gathering of persons residing in one city block or two adjacent city blocks where the street or alley sought to be closed for the gathering is completely residential in nature and where the area to be used for the gathering does not cover an area greater than one city block in length (two block faces adjoining one street constitutes one city block) and that is approved by all abutting property owners.
- (c) Community festival. A public gathering of persons for social, recreational, or artistic purposes sponsored by a civic, charitable, educational, or other not-for-profit organization.
- (d) Commercial film production. The filming, electronic, magnetic, digital, or other recording or a moving image by a person, business, or other entity for a market audience with the intent of generating income. Examples include, but are not limited to, feature film, videography, television broadcast, or documentary, or other similar projects. Commercial filming activities may include the advertisement of a product or service, or the use of actors, models, sets, or props. Commercial film production does not include non-commercial filming/photography conducted solely for personal or family use or for news purposes, unless the filming is impeding access to public property.
- (e) Commercial film production – low impact. A low impact commercial film production includes less than five crew and less than ten talents, no trucks or commercial vehicles, and only two personal vehicles allowed.
- (f) Commercial film production – high impact. A high impact commercial film production includes more than five crew, more than ten talents, and more than two personal vehicles.
- (g) Event participants. A person in attendance at an event, including spectators, vendors, event staff, city staff, and all other people present for the purpose of the special event.
- (h) Funeral procession. Two or more vehicles that identify themselves by using regular lights and by keeping themselves in close formation, one of which contains the body of a deceased person, enroute to or from a funeral ceremony or a graveside service.

- (i) Parade. An organized procession of persons or vehicles, other than a funeral procession, proceeding on a street.
- (j) Public assembly. Any meeting, demonstration, picket line, rally or gathering of more than 25 persons for a common purpose as a result of prior planning and held on public streets, sidewalks, walkways, alleys, right-of-way, or on any publicly owned property which interferes with normal vehicular or pedestrian traffic.
- (k) Race. All types of organized contests of speed or endurance run on or across streets or sidewalks and shall include, without limitation, walking, running, bicycle, ski, dog sled, automobile, motorcycle, wheelchair, roller ski, inline skate, and skateboard races.
- (l) Special event. A sponsored event held on public streets, sidewalks, walkways, alleys, right-of-way, or any other publicly owned property, which interferes with normal vehicular or pedestrian traffic and may require the use of city services. Special events include, but are not limited to, community festivals, commercial film productions, block parties, parade, races, and public assemblies.
- (m) Sponsor. The person or organization responsible for the special event to be held.

Sec. 45-49. Special events committee.

A city of Duluth special events committee is hereby established to carry out the provisions of this Article. The special events committee shall consist of one representative each from the police; fire; administrative services; property, parks, and libraries; street maintenance and public works and utilities departments. The city's chief administrative officer, or designee, shall serve both as a member of the committee and as the committee's chairperson. The special events committee may be convened or disbanded at the discretion of the chief administrative officer.

Sec. 45-49.1. Special events committee authority.

The special events committee shall have the following powers and authority:

- (a) Interpret and administer this article;
- (b) Represent the city in discussions and in maintaining agreements with the person(s) who represent the special event;
- (c) Coordinate with city departments and other governmental agencies for the provision of governmental services for such special events;

- (d) Determine the terms and conditions, appropriate fees, and the time(s), place, and manner of the special event;
- (e) Approve or deny special event permits;
- (f) Convene meetings with event sponsors and community stakeholders to review the impacts of proposed special events; and
- (g) Adopt policies and procedures for administering this Article as necessary.

Sec. 45-50. Permits required.

No person or organization shall hold a special event, as defined in this Article, without having first secured a permit to conduct such special event from the city.

Sec. 45-50.1 Applications.

- (a) Applications for special event permits shall be made in the office of the City Clerk on forms provided by the Clerk.
- (b) Applications for a special event permit shall contain the following information:
 - (1) The name, address, email address, and telephone number of the applicant;
 - (2) The name, addresses, and telephone numbers of the sponsor and the responsible officers for sponsoring organization;
 - (3) The requested date or dates of the special event and the hours of each day the event will be taking place;
 - (4) The nature and purpose of the event including a description of activities taking place during the event;
 - (5) The number of event participants reasonably anticipated to be in attendance;
 - (6) A description of any sound amplification equipment and locations of points of origin of amplified sound to be used in connection with the event;
 - (7) A designation of any public facilities or equipment to be utilized, including whether temporary rest rooms will be provided by the event sponsor;
 - (8) If applicable, documentation indicating approval by abutting property owners; and
 - (9) Any additional information that the special event committee determines reasonably necessary for a fair determination as to whether a permit should be issued.
- (c) Permit applications shall be filed as follows:

- (1) At least 14 days in advance of a proposed block party or low impact commercial film production of fewer than 50 event participants.
- (2) At least 30 days in advance of the proposed event for any special event of more than 50 participants but fewer than 500 participants.
- (3) At least 90 days in advance of the proposed event for any special event of more than 500 event participants.
- (4) The special events committee may waive the minimum filing periods set forth above and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the special event, the committee determines that the waiver will not present a hazard to public health, safety and welfare, or quality of life.

Sec. 45-50.2. Permit fees and event services fee.

- (a) Permit application fee. A nonrefundable fee to cover administrative costs of processing the permit shall be paid to the city by the applicant when the application is filed. The City Council shall establish permit application fees in accordance with Section 31-6(a) of this Code for the following types of special events;
 - (1) Block parties;
 - (2) Community festivals, public assemblies, parades and races sponsored by a civic, charitable, educational, or other not-for-profit organization;
 - (3) Commercial film production – low impact;
 - (4) Commercial film production – high impact; and
 - (5) All other special events.
- (b) Event services fee. If a special event requires the city to allocate, deploy, or use any city resource in connection with a special event, the special events committee shall determine the reasonable cost of allocating such city resources. An event services fee equal to this reasonable cost shall be paid by all applicants for a special events permit at least five (5) days prior to the scheduled start date of the event.
 - (1) If, after the special event has been completed, the reasonable monetary value of the city resources actually deployed and/or used by the city exceeded the event services fee paid, the sponsor shall pay to the city the additional monetary value of those resources.

- (2) In any case where any payment for a special event permit is not made when due, a penalty fee set in accordance with Section 31-6(a) of this Code shall be added to the fee.
- (c) Event services fee – daily rate. Event services fees may be established in the form of a daily rate for both low impact and high impact commercial filming productions. Daily rate fees shall be set in accordance with Section 31-6(a) of this Code.
- (d) Event services fee caps. An event services fee cap may be established for the following types of special events:
 - (1) Block parties;
 - (2) Community festivals; and, public assemblies or parades, sponsored by a civic, charitable, educational, or other not-for-profit organization.
- (e) Event Services fee caps shall be set in accordance with Section 31-6(a) of this Code and upon recommendation by the special events committee based on annual costs incurred by the city for the allocation, deployment, and use of city resources for special events. The special event fee cap shall further increase annually by the implicit price deflator (IPD).

Sec. 45-50.3 Special event permit standards for issuance.

- (a) The special events committee shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:
 - (1) The conduct of the special event will provide for the safe and orderly movement of other pedestrian or vehicular traffic;
 - (2) The conduct of the special event will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto that the deployment of police services for the proposed special event would have an immediate and adverse effect upon the welfare and safety of persons and property;
 - (3) The concentration of vehicles, persons, or animals will not duly interfere with property, fire, and police protection of, or ambulance service to, areas contiguous to such event;
 - (4) The conduct of the special event is not reasonably likely to cause injury to persons or property and will not, on its face, violate any federal, state, or municipal law, regulation, or ordinance;
 - (5) Where applicable, the conduct of the special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to such special event when applicable;
 - (7) There are sufficient parking spaces near the beginning and end sites of the event to accommodate the number of vehicles reasonably expected;
 - (8) The applicant has paid all fees required by this Article;
 - (9) No special event permit application for the same time and location is already granted or has been received and will be granted;
 - (10) No special event permit application for the same time but different location has already been granted has been received and will be granted, and the city resources required for that prior special event are so great that, in combination with the subsequent proposed permit, the resulting deployment of city services would have an immediate an adverse effect upon the welfare and safety of persons and property;
 - (11) The conduct of the special event will not interfere with previously scheduled construction or maintenance projects upon or along streets or sidewalks;
 - (12) The conduct of the special event will not substantially impair the city's ability to effectively respond to unforeseen emergencies or severe weather conditions; and
 - (13) No prior history of inadequate management of the same or similar event that resulted in extraordinary city resources being expended.
- (b) In determining whether to grant or deny a permit, the special events committee shall not consider:
- (1) The content of the speech, message, views, or expression or the special event or its participants;
 - (2) The potential conduct of spectators or other nonparticipants in response or reaction to the content of the speech, message, views, or expression of the special event or its participants.
- (c) The special event committee may, in granting a permit, also impose reasonable time, place, and manner restrictions on the special event in accordance with the law.
- (d) No permit shall be granted that allows a special event to occur between the hours of 11:00 p.m. and 6:00 a.m.

Sec. 45-50.4. Permit revocation.

The chief administrative officer, or designee, shall have the authority to revoke a special event permit immediately upon violation of the conditions or standards for issuance as set forth in this chapter

or when a public emergency arises where the public resources required for that emergency are so great that deployment of services for the special event would have an immediate and adverse effect upon the welfare and safety of persons or property.

Sec. 45-51. Nondiscrimination.

The special events committee shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Article based upon speech content or upon political, religious, ethnic, race, disability, sexual orientation, or gender related grounds.

Sec. 45-52. Hold harmless, defend, and indemnify.

As a condition to the issuance of any permit under this Article, the applicant shall agree to defend, indemnify, and hold harmless the city, its officers, employees, and agents for any and all suits, claims, or liabilities caused by or arising out of any use authorized by any such permit.

Sec. 45-53. Insurance required.

Before any permit under this Article becomes effective, the applicant shall file with the City Clerk certificates or policies of comprehensive general liability insurance, approved as to form by the City Attorney covering the sponsor's activities and operations under the permit. Such insurance shall name the city of Duluth as an additional insured and shall contain a provision requiring ten days written notice by the insurer to the city before cancellation of such policy. Limits of insurance coverage will be determined by the City Attorney at the time of the application.

Sec. 45-54. Notice to abutting property owners.

- (a) Upon issuance of a special event permit, the permittee shall notify all occupants and building managers of property directly abutting the event location/route of the special event by leaflet at least forty-eight (48) hours, but not more than seven (7) days, before the event date(s) indicated on the special event permit.
- (b) In the case of a residential building containing three (3) units or less, a leaflet shall be distributed to each unit. In the case of a residential building or facility containing more than three (3) units, a leaflet shall be prominently posted in the lobby or common entryway. Leaflets shall also be distributed to nonresidential abutting properties.
- (c) The leaflet shall briefly describe the nature of the special event, shall identify the name and telephone number of the permittee and the date and time of the special event, shall contain a

map of the route, and shall describe all restrictions upon traffic and parking on or crossing the special event location/route.

- (d) Prior to distribution of the leaflet, the applicant shall file a copy of the leaflet with the mayor's office, the city council, and the city clerk's office.

Sec. 45-55. Exceptions.

- (a) Exception to insurance and indemnity requirements. The requirements of the article regarding insurance and indemnity shall not apply to block parties or community festivals that meet the following characteristics:

- (1) No food or beverages are sold to the public;
- (2) The area used for the event is completely residential in nature and does not cover an area greater than one city block in length, does not encompass an intersection, and the event is approved by all abutting property owners.
- (3) The event is held between the hours of 8:00 a.m. and sunset; and
- (4) The application for a permit is filed in accordance with the requirements of §45-50.1(c).

- (b) This article does not apply to:

- (1) Events occurring solely within the Duluth Entertainment Convention Center, Bayfront Festival Park, Wheeler Athletic Complex, or Spirit Mountain Recreation Area;
- (2) Events occurring solely on property managed by the Duluth Parks Department;
- (3) A government agency acting under the scope of its authority;
- (4) Funeral processions; and
- (5) National Night Out neighborhood gatherings.

- (c) Provision of in-kind city services.

- (1) A special event that meets the following criteria as determined by the special events committee may qualify for the provision of in-kind city services:
 - i. Includes over 25,000 event participants; and
 - ii. Provides an estimated and demonstrable economic impact of over \$5,000,000 to the regional economy and generates regional, statewide, or national recognition; and
 - iii. Is sponsored by a civic, charitable, educational, or other not-for-profit organization; or
 - iv. Is a commercial film project – high impact, that qualifies for state of Minnesota or St. Louis County film production incentives.

- (d) Special events that qualify for the provision of city in-kind services under Section 45-55(c) shall be required to enter into a written agreement with the city in order for the event to proceed. The city may provide in-kind services for such event pursuant to such written agreement and at the sole discretion of the city.

Sec. 45-56. Appeal to City Council.

- (a) Any person aggrieved by a decision of the special events committee may appeal such decision to the city council by filing written notice of appeal together with the applicable appeal fee with the City Clerk within ten days after receiving notice of such decision. Failure to file a timely, written appeal or to pay the appeal fee shall render the decision of the committee final.
- (b) The council shall thereafter hear the appeal as soon as practicable and shall, after taking into consideration all information submitted to the committee and hearing the testimony of any parties deemed relevant, either affirm, reverse, or modify the committee's decision.