



Legislation Text

File #: Ord 13-62, **Version:** 2

Amending Chapter 366 of the Saint Paul Legislative Code to require recycling at all community festivals.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Chapter 366 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 366.01. Permits, exceptions and special options.

(a) *Permit required.* No person or organization shall use any public street, sidewalk or alley for a block party or community festivals in the city without a permit.

(b) *Exception to fee, insurance and indemnity requirements.* Because the policy of the city is to encourage the holding of small block parties that do not adversely impact traffic, parking and public safety, the provisions of sections 366.03, 366.04(a), 366.04(c) and 366.04(d) 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 street, sidewalk or alley involved is totally residential in nature and does not cover an area greater than one (1) city block in length (two (2) block faces constitute one (1) block in length) and does not encompass an intersection;
- (3) The event is held between the hours of 8:00 a.m. and sunset; and
- (4) Application for a permit is made at least thirty (30) calendar days prior to the event; provided, however, that the time limit may be waived by the chief of police in his or her discretion upon a determination of hardship to the applicant and no adverse effect on public health, safety or welfare.

(c) *Special option for city parks.* A person or organization authorized by the department of parks and recreation to use city park property need not apply for a permit, as described herein, so long as the block party or community festivals will occur wholly on park property (excluding parkways adjacent to public streets), and the number of people expected to attend is five thousand (5,000) or less. Nothing herein is intended to prohibit such a person or organization for applying for a permit under this chapter even though eligible for the foregoing special option.

(d) *Not exclusive permit.* Permits issued hereunder do not supersede or stand in lieu of permits issued under Chapter 366A of this Legislative Code relating to parades, races and public assemblies, which shall be obtained for all activities, functions and events required by that chapter. Applicants for Chapter 366A permits shall be required to meet only the terms and conditions of that chapter for 366A permits without regard to their entitlement or lack of entitlement to a permit hereunder.

Sec. 366.02. Definitions.

- (a) The term "block party" shall mean a neighborhood gathering of persons residing in one (1) city block or two (2) adjacent city blocks where the street or alley sought to be closed and used 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 (1) city block in length (two (2) block faces adjoining one (1) street constitutes one (1) city block).
- (b) The term "community festival" shall mean a public gathering of persons for social, recreational artistic purposes whose location can be predetermined and fixed.

Sec. 366.03. Permit fees; determination of number of blocks; traffic-control fee.

- (a) The fee for a permit shall be fifty dollars (\$50.00) for events not more than one (1) city block in length and twenty-five dollars (\$25.00) for each additional block included within the area of the block party or community festival up to a maximum fee of two hundred dollars (\$200.00).
- (b) The determination of the number of blocks shall be based on the estimate of the committee set out in section 366.04(e) of this chapter after consultation with the organizers of the event. Fees collected shall not be refundable.
- (c) In addition to the fee for processing the permit, applicants for a permit hereunder shall be required to submit, before the permit is issued, a traffic-control fee in an amount established by the chief of police or his or her designee. The traffic-control fee shall cover the cost to the city of providing sufficient officers to regulate traffic and maintain public order. The costs of the police officers services will be determined at the established formula rates. The established formula rate for regular on-duty officers is regular salary, plus regular fringe benefits, plus regular worker compensation. The established formula rate for overtime officers is overtime salary, plus overtime fringe benefits, plus overtime worker compensation. All formula salary and fringe benefit rates are established at the ten year rate for each officer's rank, as found in the current city police federation agreement plus the current worker compensation rates for the police department. The number of sufficient officers under any permit, shall be determined by the police chief or his or her designees, based on consideration of the following information, which the applicant is required to submit, and which shall serve as standards to guide his or her discretion:
 - (1) The proposed route or location for the block party or community festival;
 - (2) The time of day that the event is to take place;
 - (3) The date and day of the week proposed;
 - (4) The general traffic conditions in the area requested, both vehicular and pedestrian, with special attention being given to the rerouting of vehicles or pedestrians normally using the requested area;
 - (5) The number of marked and unmarked intersections along the route requested, together with the traffic-control devices present;
 - (6) If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic-control devices are taken into consideration;
 - (7) The estimated number of participants and vehicles;
 - (8) The estimated number of viewers;

- (9) The nature, composition, format and configuration of the block party or community festival
- (10) The anticipated weather conditions;
- (11) The estimated time or duration of the block party or community festival
- (12) The plan of the applicant for emergency medical services for participants in the event; and
- (13) Provisions arranged for and made by the applicant for handicapped parking.

Sec. 366.04. Requirements for a permit.

- (a) *Application; time limit.* Application for a permit shall be submitted to the police department at least sixty (60) calendar days prior to the event. The time limit may be waived by the police chief or his or her designee upon submission of proof of extreme hardship on the part of the applicant.
- (b) *Consent.* All applications shall be accompanied by the written consent of sixty (60) percent of property owners or tenants (if the property is not owner-occupied) of property adjacent to the portion of the public street, sidewalk or alley sought to be used for the block party or community festival. If it is not practicable to obtain the written consent of sixty (60) percent of property owners or tenants for block parties or community festivals larger than three (3) city blocks in length, the council may waive the consent requirement upon a written petition submitted to the police chief, which petition sets forth why the written consent of sixty (60) percent of property owners or tenants is not practicable. The police chief shall then forward the petition to the city council for its consideration. No permit shall be granted without such consent being filed with the police department unless waived by the council as provided above.
- (c) *Insurance.* All applications shall be accompanied by evidence in the form of a properly executed certificate of insurance that the city is protected as an additional insured under a comprehensive public liability insurance policy against all liability or claims which might arise out of the holding of the block party or community festival, the insurance coverage to be in the amounts not less than three hundred thousand dollars (\$300,000.00) for injury or damage to any person or property and not less than one million dollars (\$1,000,000.00) in the aggregate amount for any number of claims arising out of a single occurrence.
- (d) *Indemnity agreement.* Applications shall be accompanied by either:
 - (1) A written agreement by the person or persons seeking the permit that he, she or they will defend, hold harmless and indemnify the city, its employees, agents and officers against all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by the block party or community festival, which by agreement shall also provide for the repair of or payment for damages to public property; or
 - (2) Evidence in the form of a properly executed certificate of casualty and property damage insurance which will insure all public or city property within the area of the block party or community festival, against loss. This certificate shall be accompanied by a written agreement that the person(s) will indemnify the city up to the amount of any deductible applicable to such casualty and property damage insurance; or
 - (3) Upon a showing of financial hardship, a block party or community festival, which is no

longer than three (3) days in duration may submit a petition to the police chief or his or her designee for a waiver of the requirements of subsections (1) and (2) above.

(e) *Review and recommendation.* Each application for a permit shall be referred to a committee consisting of representatives from the departments of fire, police, parks and recreation, safety and inspections and public works for its review and recommendation as to whether the requested use will unnecessarily interfere with public travel on the street or alley proposed to be used and if there are other health and safety issues which need to be addressed. Such committee may also recommend terms and conditions necessary in its judgment to protect the public peace, health and safety, including limiting the portion of the street or alley that may be used for the event, the hours thereof, and the type and number of blockades or warning devices that are to be provided for the safety of motorists and the protection of those persons participating in the block party or community festival.

(f) *Notification.* The committee shall have discretion to require the permittee to give notice to any property owner or organization which may be affected by such block party or community festival and/or to any neighborhood or community-based organization through or in whose organizational area the block party or community festival may take place.

Sec. 366.05.4. Issuance of permit; conditions.

The committee shall have the power to recommend and the council, upon notice and hearing, shall have the power to impose reasonable conditions upon any permit issued under this chapter in response to multiple resident complaints about the orderliness, safe operation and impact on the surrounding neighborhood of any block party or community festival, and such conditions shall not be construed as adverse actions as defined in Section 310.01. Such conditions may include, but are not limited to, time, manner and place restrictions on the sale of alcoholic beverages, the furnishing by the applicant(s) of security services for the event and restrictions on the location and use of loudspeakers. In deciding whether or not to impose conditions, the council may consider the hardship to the block party or community festival organizers in meeting the conditions before the event. Nothing herein shall be construed to allow noncompliance with the noise ordinance.

Sec. 366.05.2 6. Appeal procedure.

(a) Any applicant shall have the right to appeal the denial of a block party or community festival permit to the city council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the chief of police and a copy of the notice with the city clerk. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(b) In the event that the city council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

Sec. 366.05.37. Licensed vendors; restrictions.

No person who is licensed under Chapter 331A with the following licenses: Customer appreciation - Food sales, Food give-away, Mobile food cart, Mobile food vehicle, Mobile food cart/vehicle nonprofit, Retail food establishment - Temporary, Special event food sales - 1 to 3 days, Special event food sales - 4 to 14 days, Special event food sales - Annual, Special Event food sales -

Extension, Special event food sales - Nonprofit or licensed under Chapter 345 shall operate his or her business within two thousand (2,000) feet of any area for which a permit has been issued under this chapter, except when such licensee has obtained written permission from the organizers of the event.

Sec. 366.08. Recycling required.

The purpose of this section is to have recycling options that are proportional to trash collection services.

(a) Any person or organization holding a community festival must provide for the collection and proper disposal of recyclable material separate from non-recyclable materials. Recyclable materials may include but are not limited to: metal, glass or plastic food and beverage containers, corrugated cardboard, boxboard, plastic film or other packaging, or miscellaneous paper

(b) Sixty (60) days prior to the event the event applicant must provide a written plan to the city for review and approval demonstrating how the event applicant will comply with the recycling requirements and waste reduction objectives outlined in this subdivision. At a minimum the Waste Management Plan will detail: efforts to reduce waste by evaluating the potential waste stream (types of trash, recyclable and/or organic [food waste and compostable] materials) generated at the event, a plan for collection and proper disposal of all materials, how education and signage (posted for staff, volunteers and attendees) will be addressed as well as the name of trash/recycling/organics service provider(s).

(c) Arrangements must be made for the delivery of all recyclable material to a valid recyclable materials processing facility, transfer station or drop off center promptly after completion of the festival. Where applicable, arrangements must be made for the delivery of all organic materials to an appropriate organic materials processing facility or transfer station.

(d) Within thirty (30) business days following the community festival the permit holder must submit the following: a valid recyclable materials processing facility, transfer station, or recycling drop off center weight ticket; photographs; or other written evidence acceptable to the city, verifying that all recyclable materials were delivered to an appropriate disposal facility. Where applicable, within thirty (30) business days following the community festival, the permit holder must submit the following: a valid organic materials processing facility or transfer station weight ticket; photographs; or other written evidence acceptable to the city, verifying that all organic materials were delivered to an appropriate disposal facility Failure to comply with any part of this section may result in forfeiture of the security posted or additional fees being charged.

Sec. 366.069. Hours.

No block party shall commence before 8:00 a.m. nor continue after 11:00 p.m.

Sec. 366.0710. Violation; penalty.

Any person who violates any provision of this chapter or who violates any condition or requirement of a permit issued pursuant to this chapter shall be guilty of a misdemeanor.

SECTION 2

This Ordinance shall take effect ~~and be in force thirty (30) days following its passage, approval and publication~~ on January 1, 2015.