

CITY OF DOVER

SUMMARY OF ORDINANCE 106

AN ORDINANCE FOR THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REGULATING AND RESTRICTING SPECIAL EVENTS AND ACTIVITIES WITHIN THE CITY LIMITS OF DOVER; PROVIDING DEFINITIONS; ESTABLISHING APPLICATION REQUIREMENTS AND A PERMITTING PROCESS; PROVIDING EXCEPTIONS TO PERMIT REQUIREMENTS; PROVIDING A TEMPORARY VENDOR LICENSE PROCEDURE; PROVIDING AN ALCOHOLIC BEVERAGE CATERING PERMIT PROCEDURE; REQUIRING DAMAGE AND CLEANING DEPOSITS; REQUIRING INSURANCE RESPONSIBILITIES; PROVIDING FOR FEES TO BE SET BY RESOLUTION; PROVIDING APPEAL PROCEDURE; PROHIBITING DISCRIMINATION; ESTABLISHING RESPONSIBLE PARTY; PROVIDING AUTHORITY TO HALT AND/OR CANCEL; PROVIDING FOR VIOLATION AND PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance Number 106 of the City of Dover, Bonner County, Idaho, and adopted May 13, 2008 is as follows:

- SECTION 1: Provides for definition of terms.
- SECTION 2: Provides for application requirement.
- SECTION 3: Provides for exceptions to Permit requirement.
- SECTION 4: Provides for application form.
- SECTION 5: Provides for Temporary Vendor permit requirement.
- SECTION 6: Provides for Alcoholic Beverage Catering Permit requirement.
- SECTION 7: Provides for standards of issuance.
- SECTION 8: Provides for application denial.
- SECTION 9: Provides for Permit process.
- SECTION 10: Provides for damage and cleaning deposits.
- SECTION 11: Provides for insurance requirements.
- SECTION 12: Provides for fees to be set by City Council by Resolution.
- SECTION 13: Provides for Permit denial.
- SECTION 14: Provides for appeal procedures.
- SECTION 15: Prohibits discrimination.
- SECTION 16: Provides for applicant/sponsor responsibility.
- SECTION 17: Provides for authority to halt or cancel.
- SECTION 18: Provides for penalties for violation.
- SECTION 19: Provides for severability clause.
- SECTION 20: Provides for effective date.

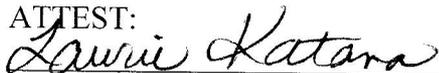
A full text of Ordinance Number 106 is available from the City Clerk and can be provided upon request during normal business hours.

Dated this 13TH day of May, 2008.

City of Dover, Bonner County, Idaho


Paul "Randy" Curless, Mayor

ATTEST:


Laurie Katana, Clerk-Treasurer

CERTIFICATION OF LEGAL ADVISOR

I, the undersigned Legal Counsel for the City of Dover, of Bonner County, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 106 of said City and that the same is true and complete and provides adequate notices to the public of the contents of said Ordinance.

Dated this 22 day of May, 2008.



Art Bistline, Legal Counsel

CITY OF DOVER

ORDINANCE NO. 106

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REGULATING AND RESTRICTING SPECIAL EVENTS AND ACTIVITIES WITHIN THE CITY LIMITS OF DOVER; PROVIDING DEFINITIONS; ESTABLISHING APPLICATION REQUIREMENTS AND A PERMITTING PROCESS; PROVIDING EXCEPTIONS TO PERMIT REQUIREMENTS; PROVIDING A TEMPORARY VENDOR LICENSE PROCEDURE; PROVIDING AN ALCOHOLIC BEVERAGE CATERING PERMIT PROCEDURE; REQUIRING DAMAGE AND CLEANING DEPOSITS; REQUIRING INSURANCE RESPONSIBILITIES; PROVIDING FOR FEES TO BE SET BY RESOLUTION; PROVIDING APPEAL PROCEDURE; PROHIBITING DISCRIMINATION; ESTABLISHING RESPONSIBLE PARTY; PROVIDING AUTHORITY TO HALT AND/OR CANCEL; PROVIDING FOR VIOLATION AND PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dover City Council has determined certain rules and regulations be set into place for special events and activities within the City Limits of Dover to promote and protect the health, safety and general welfare of its citizenry.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, IDAHO AS FOLLOWS:

SECTION 1. Definitions. In construing the provision of this Ordinance, the following definitions shall apply:

- a. **"Special Event"** shall mean any preplanned single gathering, event or series of related consecutive daily gatherings or events, commercial or noncommercial in nature, expected to attract or cause one hundred (100) or more persons at any session as participants or spectators. Such an event shall include, but not be limited to, displays, exhibits, exhibitions, fairs, festivals, sporting events, parades, performances and contests within the City limits of Dover.
- b. **"Sporting Event"** shall mean any organized competitive recreational physical activity engaged in for pleasure including league play, contests and tournaments within the City limits of Dover.
- c. **"Parade"** shall mean any dash, demonstration, march, marathon, parade, procession, public assembly, race, rally, or like activity consisting of persons, animals, or vehicles or a combination thereof within the City limits of Dover, with the intent of attracting public attendance.
- d. **"Applicant"** shall mean the sponsoring entity whether such sponsoring entity is an individual person, firm, partnership, company, corporation, joint venture, association, or other legal entity of any type.
- e. **"Sponsor"** shall mean any and each person making application to the City, and thereby becoming responsible for a special event, a sporting event and/or a parade within the City limits of Dover.
- f. **"Food Concessions"** shall mean carts or like devices, stands, and/or semi-permanent structures from which food and non-alcoholic beverages are sold.
- g. **"Temporary Vendor"** shall mean any vendor(s) whether owner or otherwise, who engages in a temporary business of selling and delivering goods, wares, merchandise, food, beverages and services.

SECTION 2. Special Event Application Required. City Council approval is required prior to any event that necessitates street closure, off-site parking, amplified entertainment, pyrotechnic displays of any kind, or expected crowd attendance in excess of one hundred (100) people daily. The City Council may, from time to time, permit a special event within the City limits of Dover.

- a. All requests for a special event within the City limits must first be submitted to the City Clerk on a permit application form provided by the City Clerk at least forty-five (45) days but no more than ninety (90) days prior to the date requested for the special event.
- b. A nonrefundable application fee of Fifty Dollars (\$50.00) to cover the expenses incidental to processing the applications shall be paid to the City at the time of filing the application. (The fee will be refunded only if the application is withdrawn on the same date it is submitted.) This fee amount may be subsequently amended by Resolution of the City Council.
- c. The Applicant/Sponsor shall adhere to and be bound by any commitments made in an application submittal.

SECTION 3. Exceptions to Permit Requirement.

- a. Functions put on by the City of Dover solely on its own property.
- b. Government agencies acting within the scope of their function.
- c. A funeral or wedding procession.
- d. Temporary sales conducted by businesses on private property, such as holiday sales, grand openings and anniversary sales.
- e. Church activities, which occur less than twice per year i.e. annual rummage sale or picnic.
- f. Parties or gatherings at a private residence, garage/yard sales and estate sales (unless it is an auction). Please Note: Events on private property shall be considered special events if one hundred (100) or more people participating in the event will occupy adjacent public streets or public property during the event. The City does not allow street closures in a residential area, unless it is a dead-end or cul-de-sac and signatures of agreement are provided from all residents affected by the street closure.

SECTION 4. Special Event Application Form. Each permit application shall be completed in full to the satisfaction of the City Clerk and any applicable City Departments, Law Enforcement Agency, Fire District and/or Ambulance Service.

- a. Information may be requested for the permit application, through written or oral inquiries communicated from the City Clerk addressed to the Applicant/Sponsor. The time for reviewing the application prior to City Council considerations may be extended, based on the time it takes the Applicant/Sponsor to respond satisfactorily to any inquiry.

- b. The application for a special event shall also include any and all information for extra conditions, such as any of the following extra conditions that apply to the special event and/or activities at the special event:
- i. **Hanging of banners.** Not more than one (1) banner per one hundred (100) feet of road frontage, and banner shall be setback at least thirty (30) feet from any public street. A maximum of five (5) banners may be used. Banners may be placed not more than five (5) days prior to event;
 - ii. **Display of portable signs.** Signs shall not exceed six (6) sq.ft. and shall be setback at least thirty (30) feet from any public street;
 - iii. **Display of balloons.** Balloons shall be no larger than thirty-six (36) inches in diameter;
 - iv. **Building stages.** Stages shall be setback at least thirty (30) feet from any public street. A Safety Inspection and/or certification showing safety standards have been met, shall be required;
 - v. **Setting-up tents.** Tents shall be setback at least thirty (30) feet from any public street. A Safety Inspection and/or certification showing safety standards have been met, shall be required;
 - vi. **Electricity needed.** The City of Dover will bill the Applicant/Sponsor for any usage of power used during the special event;
 - vii. **Food concessions sales.** A Temporary Food Handlers License issued by Panhandle Health District will be required for submittal along with a Temporary Vendor Permit from the City prior to City approval of the special event permit;
 - viii. **Alcoholic beverage sales.** A Temporary Alcoholic Beverage Permit from the City will be required for submittal along with State and County Liquor Licenses prior to City approval of the special event permit;
 - ix. **Vendors on site.** An Idaho State Sellers or Vending Permit will be required of all vendors for submittal along with a Temporary Vendors Permit issued from the City prior to City approval of the special event permit;
 - x. **Rides and/or amusements.** Mechanical amusement devices shall comply with all state laws and required licensing. Proof of licensing shall be submitted prior to City approval of the special event permit;
 - xi. **Fireworks.** The pyrotechnic company hired shall comply with all state laws and required licensing. Proof of licensing and any County Sheriff and/or Fire District permits applicable shall be submitted prior to City approval of the special event permit;
 - xii. **Amplified announcements and/or music.** The City Council will make a decision regarding amplification on a case by case basis;
 - xiii. **Closure of any public streets.** The Applicant/Sponsor shall be solely responsible for renting, placing and removing any barricades or traffic control devices used. If a street is closed for the event, the Applicant/Sponsor will be required to provide a possible detour route to be approved by the City; and
 - xiv. **Any other extra condition** needed at the special event to assure the health, safety and enjoyment of participants, attendees, spectators, private property owners or residents in the City of Dover.
- c. The special events application shall be submitted with any documentation required along with any permits or licenses from the City as may be required, depending on each special event application circumstance.

SECTION 5. Temporary Vendor Permit Required. Any vendor who wishes to engage in the temporary business of selling and delivering goods, wares, merchandise, food concessions and

services at a special event must first obtain a Temporary Vendor Permit from the City by applying for such permit on an application form furnished by the City Clerk. Said vendor must also show proof of issuance of a State of Idaho Vendor or Seller Permit.

- a. Temporary permits shall not be valid for more than five (5) consecutive days.
- b. A non-refundable fee of Ten Dollars (\$10.00) per day shall accompany the application.
- c. Upon submittal of application with fees and approval by the City Clerk, a Temporary Vendor Permit shall be issued.
- d. The permit shall show the applicant's name and address, the sponsor of the special event, the name of the special event, the location of the retail site, the type of product(s) to be sold and the dates and times approved for such permitted sales.
- e. The permit shall be exhibited in a conspicuous place at all times during hours of operation.
- f. All trash or debris accumulating within twenty (20) feet of any retail site shall be collected by the vendor of that retail site and deposited in trash containers.
- g. All vendors selling food concessions must provide trash receptacles adjacent to or as a part of their retail site.
- h. All vendors selling food concessions must provide proof of a Panhandle Health District Permit for Food Handlers.

SECTION 6. Alcoholic Beverage Catering Permit Required. Any vendor who wishes to engage in the temporary business of selling, distributing, transferring or dispensing alcoholic beverages at a special event must first obtain an Alcoholic Beverage Catering Permit from the City by applying for such permit on an application form furnished by the City Clerk.

- a. Vendor must submit copies of Liquor Licenses from both the State of Idaho and Bonner County.
- b. Permits shall not be valid for more than three (3) consecutive days.
- c. A non-refundable fee of Twenty Dollars (\$20.00) per day shall accompany the application.
- d. Upon submittal of application, approval from Bonner County Sheriff, approval by City Council and proof of Liability Insurance in accordance with Section 11.a. of this Ordinance, an Alcoholic Beverage Catering Permit shall be issued by the City Clerk.
- e. The permit shall show the applicant's name and address, the sponsor of the special event, the name of the special event, the location of the retail site, the type of permit approved, and the dates and times approved for such permitted sales.
- f. The permit shall be exhibited in a conspicuous place at all times during hours of operation.

- g. All trash or debris accumulating within twenty (20) feet of any retail site shall be collected by the vendor of that retail site and deposited in trash containers.
- h. All vendors selling alcoholic beverages must provide trash receptacles adjacent to or as a part of their retail site.

SECTION 7. Standards for Issuance. The purpose of these regulations is to set forth the standards of issuance.

- a. Assure that public safety personnel such as police, fire, and ambulance services are available;
- b. Assure that public safety personnel such as police, fire and ambulance services are not unreasonably inhibited in their ability to travel on and to public streets or property;
- c. Assure that traffic on public streets is not unreasonably disturbed or disrupted by the special event;
- d. Assure that private business activities, private property owners or residents in Dover are not unreasonably impacted by the special event;
- e. Assure that public safety can be maintained; and
- f. Assure that public and private property can be protected from harm.

SECTION 8. Application Denial. The City Clerk may deny an application if:

- a. The application does not comply with the provisions of this Ordinance; or
- b. If the applicant, sponsor, and/or the person on whose behalf the application is made:
 - i. Has made material misrepresentations regarding the nature or scope of a special event previously permitted;
 - ii. Has violated the terms of prior permits; or
 - iii. Has failed to clean-up litter and/or damaged City property and not paid in full for such clean-up and/or damage.

SECTION 9. Permit Process. Any special event permit issued pursuant to this Ordinance, shall be considered temporary and vests no permanent rights to the Applicant/Sponsor. Each special event permit shall be valid for a specific period of time and for a specific purpose as indicated on each permit application.

- a. All properly submitted applications shall be presented by the City Clerk to the City Council for consideration at the next regular scheduled City Council Meeting.
- b. There shall not be permitted more than two (2) special events per year per Applicant/Sponsor, with one (1) additional event being held strictly for charity purposes, with ALL proceeds going to the charity. (This event may not be used to promote merchandise or services located at the event or for sponsors of the event).

- c. There shall be a minimum of thirty (30) days between each event per Applicant/Sponsor.
- d. Any special event shall not last more than five (5) consecutive days, including set-up and take-down.
- e. No permit shall be issued for a special event to commence before seven o'clock (7:00) a.m. (each day) and all special events shall close down (each day) prior to eleven o'clock (11:00) p.m.
- f. Applicant/Sponsor shall assure to the satisfaction of the City Council that: 1) participants are not in possession of firearms or other weapons unless specifically approved by Law Enforcement, 2) do not intend to engage in violence or other unlawful conduct, and 3) do not intend to incite others to do so.
- g. The permit may limit or condition the number of participants, length, time and location, or the manner of the special event.
- h. The application for permit will be approved or denied by City Council at the next regular Council Meeting after submittal of the application to the City Clerk.
- i. The City Clerk shall notify the Applicant/Sponsor by phone, facsimile or certified mail of any notice of denial or conditional approval and the reason(s) for denial or conditions as soon as practical upon the City Council's decision.
- j. Applications approved for permit by the City Council shall be considered a Written Agreement between the City and the Applicant/Sponsor of the special event as of the date of approval by the City Council.

SECTION 10. Damage and Cleaning Deposits.

- a. Prior to the issuance of any permit, the Applicant/Sponsor is required to submit to the City Clerk, a cash deposit in the amount of Two Hundred Fifty Dollars (\$250.00) as a Damage Deposit to cover any possible damage to City property resulting directly from the special event or having been caused during the course of the special event.
- b. Any special event involving the sale of food or beverages for immediate consumption, erection of structures, the use of horses or other large animals, water aid stations, or any other activity within the special event likely to create a substantial need for clean-up, the Applicant/Sponsor may be required to submit a cash deposit in the amount of Two Hundred Dollars (\$200.00) to the City Clerk as a Cleaning Deposit.
- c. The clean-up of litter resulting from the special event pursuant to this provision shall be limited to that litter occurring within a one (1) block radius of the location of the special event unless the litter is clearly identified as not resulting from the special event.
- d. If the Applicant/Sponsor fails to clean-up all litter on any public or private property, which results from any activity at the special event within twenty-four (24) hours

after the end of the special event, the City may cause such litter to be cleaned up and pay for the clean-up out of the deposit.

- e. Such deposits will be retained in full by the City Clerk until the special event has concluded and any applicable clean-up costs and/or damage costs have been assessed.
- f. After the assessment by the City, any remainder of the funds deposited shall be refunded to the applicant without interest.
- g. If the cost of the clean-up and/or damage to City property exceed the amounts of funds on deposit, the Applicant/Sponsor shall be billed for the balance and required to pay all associated excess costs to the City.

SECTION 11. Insurance Requirements.

- a. Proof of general liability insurance from an insurance company authorized to do business in Idaho. The City shall be named as an additional insured. Comprehensive general liability shall be a minimum combined single limit of not less than one million dollars (\$1,000,000.00) for bodily or personal injury, death or property damage or loss as the result of any one occurrence or accident, regardless of the number of persons injured or the number of claimants.
- b. If sponsor-operated motor vehicles are involved, proof of comprehensive automobile liability insurance from an insurance company authorized to do business in Idaho. This coverage shall be a combined single limit for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) for bodily or personal injury, death, or property damage or loss as the result of any one occurrence or accident, regardless of the number of persons injured or the number of claimants.

SECTION 12. Fees. Permit fees shall be set by the City Council by Resolution and may be subsequently amended by Resolution by City Council.

SECTION 13. Permit Denial. City Council may deny a permit:

- a. If it is determined that the special event would unreasonably disrupt traffic or public services;
- b. If sufficient safety personnel support is not available to assist in the conduct of the special event;
- c. If adequate support facilities, including, but not limited to, parking, refuse collection, sanitation, and/or lighting are not available for the special event;
- d. If conflict exists with the requested event and other approved and previously scheduled events;
- e. If there is clear and convincing evidence that the applicant (not opponents of the applicant) intends to engage in violence and that the time, place, and manner of the special event cannot be adjusted so as the City will be able to control such potential violence without injury to bystanders, participants, or public safety personnel; or

- f. If the Applicant/Sponsor fails to demonstrate compliance with all applicable provisions of Federal, State, County or Local law, including the requirements of this Ordinance.

SECTION 14. Appeal Procedure. Any Applicant/Sponsor shall have the right to appeal the Clerk's denial of an application.

- a. The Applicant/Sponsor shall make any appeal to the City Council within two (2) business days after receipt of the denial by filing a written notice of appeal with the City Clerk setting out the reasons in writing.
- b. The City Council will consider the appeal at a regular or special Council Meeting and reach a determination in accordance with Section 2 of this Ordinance.

SECTION 15. Discrimination Prohibited.

- a. There shall be no discrimination in granting, denying, or conditionally granting permits under this Ordinance based upon statutorily protected or constitutionally guaranteed rights.
- b. The terms and conditions of a permit (including providing insurance) shall not infringe upon rights of petition, assembly, or free expression protected by the first amendment of the United States Constitution and/or the Idaho Constitution.
- c. If an Applicant/Sponsor asserts in writing that a term or condition proposed by the City Council, the City Clerk, or any designee of the City infringes upon a constitutional right, the City Council, the City Clerk or designee of the City shall have the burden of showing that the proposed term or condition is a reasonable time, place and manner restriction.

SECTION 16. Applicant/Sponsor Responsibility. The Applicant/Sponsor shall be the responsible party for the special event and all activities within the special event. The Applicant/Sponsor shall be responsible to ensure, to the best of their ability, that the participants and spectators comply with all permit conditions, with all policies, rules and regulations adopted by the City by Ordinance or Resolution, and with all federal, state and local laws.

SECTION 17. Authority to Halt or Cancel. Any activity within the special event or the entire special event may be halted and/or cancelled; or the entire permit may be revoked immediately by the Mayor, Law Enforcement or City designee:

- a. If any special event occurs without the required permits;
- b. If any sponsor(s) or person(s) in charge of, or responsible for an activity within the special event, knowingly fails to comply with any condition(s) of the permit;
- c. If any participant fails to conform to any condition(s) of the permit;
- d. If any activity within the special event, based upon competent evidence, would bring about violence which would, with reasonable certainty, result in injury to the public or to public safety personnel; or which would result in damage to City or private property; or

- e. If an imminent risk of violence arises during the course of the special event; or
- f. If an imminent risk to public health and safety arises during the course of the special event.

Any cancellation, order to halt or permit revocation shall be communicated to the Applicant/Sponsor as soon as possible after such determination has been made. If any special event and/or activity within the special event fails to cease after revocation of the permit or an order to halt, the Applicant/Sponsor, as the responsible party, will be in violation. Such violation will be enforced by the Bonner County Sheriff Department.

SECTION 18. Penalties for Violation. Any person who violates or fails to comply with any of the provisions of this Ordinance or who, having obtained a permit, fails to comply with the conditions set forth in the approved permit is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both.

SECTION 19. Severability. The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or the application of such provision to a person or circumstance is declared to be invalid for any reason such declaration shall not affect the validity of the remaining portions of this Ordinance.

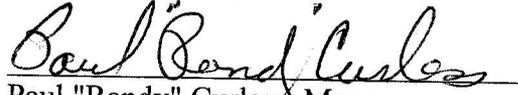
SECTION 20. Effective Date. This Ordinance shall be in full force and effect upon passage and publication provided by law.

Upon suspension of the rules and a motion and second to approve the foregoing the following vote was recorded:

Councilwoman Burge	aye
Councilwoman Becker	aye
Councilman Janish	aye
Councilman Collins	Resigned from City Council

PASSED AND ADOPTED BY THE DOVER CITY COUNCIL AND APPROVED BY THE MAYOR THIS 13th DAY OF MAY, 2008.

BONNER COUNTY, IDAHO
CITY OF DOVER


Paul "Randy" Curless, Mayor

ATTEST:


Laurie Katana, City Clerk-Treasurer