

CITY OF ORONO
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 244

**AN ORDINANCE AMENDING ARTICLE VI SPECIAL EVENTS AND ARTICLE VIII
ADMINISTRATIVE OFFENSES AND PENALTIES
OF THE ORONO CITY CODE**

THE CITY COUNCIL OF THE CITY OF ORONO ORDAINS:

SECTION 1. Article VI of the Orono City Code is amended as follows:

ARTICLE VI. - SPECIAL EVENTS

Sec. 66-191. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Road Race or Tours means any organized event that requests alterations to the traffic control features of public roads, including, but not limited to alteration of stop, yield, or merge signs, or requests of dedicated use of traffic lanes.

Fireworks means the display of any composition or device that meets the definition of fireworks as set forth in the Minnesota Statutes 624.20. ~~any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks as defined by Minn. Stat. § 624.20.~~

Special Service in this chapter means traffic control, crowd control, or the display of City of Orono or Long Lake, including police, fire, or public works resources, vehicles or equipment.

Open House Home Tour means an event hosted over multiple days or weekends for the purpose of promoting homes for sale and or craftsmanship, provided that the event is likely to generate parking needs for more than 20 vehicles on city streets at any one time. This may include remodeling home tours, builders home tours, artesian tours and similar but does not include brokerage open houses.

ParadeParade means any movement of vehicles, persons or animals, in any combination, which either moves together andeither moves together or as a body so as to impede or affect the free and unobstructed flow of vehicular or pedestrian traffic, or which moves so that some part is in violation of one or more traffic laws or regulations.

~~Private event~~ means any private function or special event that exceeds normal levels of city public service and requires special service from city departments and/or mutual-aid agreements or requires 20 or more on street parking spaces at the same time.;

~~Special event~~Special Event means any Road Race or Tour, Fireworks, Private Event, Parade, any non-city event using city property, provided that the event is likely to generate parking needs for more than 20 vehicles on residential streets at any one time or is otherwise likely to impede or affect the free and unobstructed flow of vehicular or pedestrian traffic ~~marathon run, block party, fishing contest, parachute jump, hot air balloon event, carnival, open house held as part of a home tour~~Open House Home Tour, or Estate Sale, or any other activity or event which in some way impedes or affects the free and unobstructed flow of vehicular or pedestrian traffic, generates parking needs for more than 20 vehicles off the site at any one time on residential streets, not including a public access to Lake Minnetonka, or requires the posting of no parking signs to maintain compliance with traffic laws and regulations.

(Code 1984, § 6.08(1); Ord. No. 48 3rd series, § 1, 8-25-2008; Ord. No. 57 3rd series, § 1, 4-27-2009)

Cross reference— Definitions generally, § 1-2.

Sec. 66-192. - Impeding prohibited.

It is unlawful for any person to hamper, obstruct, or impede, or interfere with any ~~parade, parade assembly, special event~~Special Event or any person, animal or vehicle participating in a ~~parade or special event~~Special Event.

(Code 1984, § 6.08(5)(A))

Sec. 66-193. - Driving vehicles between ~~parade~~Parade units.

It is unlawful for any person to drive a vehicle between the vehicles or persons comprising a ~~parade~~Parade or ~~special event~~Special Event when such ~~parade~~Parade or ~~special event~~Special Event is in motion, except by direction of police officers directing traffic.

(Code 1984, § 6.08(5)(B))

Sec. 66-194. - Unauthorized entering.

It is unlawful for any person to enter into a ~~parade~~Parade or ~~special event~~Special Event without prior authorization from the person in charge of the event.

(Code 1984, § 6.08(5)(C))

Sec. 66-195. - Removal of obstructions of traffic.

In any case where vehicles or parking by an activity obstructs traffic, regardless of whether or not the activity required a permit. The City may ticket that person and all the cars that

constitute the traffic hazard. Vehicles that constitute a hazard may be towed at the owner's expense if so ordered by the police officer.

(Code 1984, § 6.08(6))

Secs. 66-196—66-220. - Reserved.

~~DIVISION 2. PERMIT~~

Sec. 66-221. - Required.

A permit shall be obtained from the city by any person who will be holding or sponsoring a ~~parade, private event or~~ Special Event on City property, or the owner or their agent for any Special Event on private property. The permit requirements set forth in chapter 38, article V, apply in addition to all licensing requirements.

(Code 1984, § 6.08(2); Ord. No. 48 3rd series, § 2, 8-25-2008) Sec. 66-222. - Exceptions.

The following are not required to apply for permits under this division:

- (1) Funeral processions;
- (2) A governmental agency acting within the scope of its functions;
- ~~(3) An occasional private party that is held on private residential lots that does not require special service from a city department.~~

(Code 1984, § 6.08(7); Ord. No. 48 3rd series, § 3, 8-25-2008) Sec. 66-223. - Application.

- (a) Application for a ~~parade or~~ Special Event permit shall be made to the city at least ~~14-21~~ days in advance of the date on which the ~~parade or special event~~ Special Event is to occur unless waived by the city administrator or designee if, after due consideration of the date, time, place, and nature of the ~~parade or~~ Special Event, ~~the anticipated number of participants,~~ and the city services required in connection with the event, the city administrator or designee determines that the waiver will not present a hazard to public safety.
- (b) The applicant shall complete an application ~~fill out a form as offered provided~~ by the city administrator or designee, and may include the following ~~stating the~~:
 - (1) Applicant's name, address, and telephone number (including the telephone number(s) in which the applicant can be reached on the day of the ~~parade~~ Parade or ~~special event~~ Special Event);
 - (2) Proposed ~~parade~~-route or location of ~~special event~~ Special Event;
 - (3) Time of commencement and termination and date when the ~~parade or~~ special event Special Event is to occur;
 - (4) Anticipated number of participants;
 - (5) Shuttle bus plan for participants and location of off-site parking ~~for open houses~~;

- (6) Site plan locating buildings, driveways, local streets, parking location, temporary structures (tents) (including size), temporary restrooms, stage and location of speakers, or any cordoned off area(s) for ~~special event~~Special Events;
 - (7) Signature of the owner of the property on which the ~~special event~~Special Event is to be held;
 - (8) ~~Proof of written notice to all property owners within 350 feet of the location on which a special event is to be held at least ten days prior to the special event. The notice must contain the date, time, and location of the special event; and~~
 - ~~((89))~~ Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the ~~parade or special event~~Special Event, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article.
- (c) —The application shall be executed by the individual applying for the permit or the duly authorized agent or representative of the sponsoring organization. The permit requirements set forth in this section apply in addition to all requirements in section 38-802.

(Code 1984, § 6.08(2); Ord. No. 57 3rd series, § 2, 4-27-2009)

Sec. 66-224. - Application review and issuance.

(a) —The city administrator or designee shall forthwith refer all applications for ~~parade~~Parades and ~~special event~~Special Events to the police chief or designee and to other city departments as deemed necessary.

(b) The police chief or designee shall review each application to determine whether and to what extent additional police protection is reasonably necessary and to what extent the ~~parade~~Parade or ~~special event~~Special Event will interfere with the safe and orderly movement of vehicular and pedestrian movement on public streets.

(c) —The Police Chief ~~city administrator~~ or designee shall issue the permit as provided for herein, unless grounds exist for denying the permit under section 66-225.

(d) The City Council shall review all special events requesting the use of city land. The City administrator or their designee may refer any Special Event Permit to the City Council for their review.

(e) The applicant shall provide notice of the date and time and contact information for the Special Event to all property owners within 500 feet of the property hosting a Special Event. The City Administrator may accept alternative methods of notification, unless an alternative notification method has been approved by the City Administrator where appropriate given the scope of the Event.

(f) Additional Regulations for those Special Events that employ Fireworks.

1. The Fire Chief shall review all applications involving Fireworks for compliance with applicable state codes, and forward a recommendation to the City Council.

2. The City Council shall review all applications involving Fireworks.

3. Notice of the date, time, and contact information shall be provided to all property owners within 1,000 feet of the launch site of the fireworks.

4. A policy or certificate of insurance on which the city, its agents and employees, are additional insureds, providing public liability insurance providing umbrella or all perils coverage in the amount of \$1,500,000.00.

Sec. 66-225. - Denial of permit.

(a) The city administrator or designee may refuse to issue a ~~parade or special event~~ Special Event permit to the applicant for any of the following reasons:

- (1) The conduct of the ~~parade or special event~~ Special Event will substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location.
- (2) The conduct of the ~~parade or special event~~ Special Event will require the diversion of an amount of city resources necessary to maintain adequate city function, in the sole discretion of the City Administrator or their designee.
- (3) The ~~parade~~ Parade or Road Race or Tour is not scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays ~~in~~ route.
- (4) Adequate sanitation and other required health facilities are or will not be available.
- (5) Sufficient parking near the site of the ~~parade~~ Parade or special event Special Event has not been provided to accommodate the number of vehicles reasonably expected, or the applicant has not provided a plan that is sufficient to shuttle visitors to and from a ~~special event~~ Special Event.
- (6) The application fails to comply with relevant provisions of section 38-802.
- (7) ~~An investigation revealed that the~~ The applicant falsified information on the application.
- (8) Failure of the applicant to pay the required fee.
- (9) ~~Failure of the applicant or the owner of the property on which the special event~~ Special Event is to be held to sign the application.
- (10) The special event has failed to obtain state or county required permits, including but not limited to Fire, Health, or Liquor permits.
- (11) The completed application was not received 210 or more days before the event.

(b) The city administrator or designee shall act promptly upon a timely filed application for a ~~parade~~ Parade or special event Special Event permit, but in no event shall grant or deny a permit less than 48 hours prior to the ~~parade~~ Parade or special event Special Event and shall include reasons for denial.

(Code 1984, § 6.08(4); Ord. No. 57 3rd series, § 2, 4-27-2009; Ord. No. 178 3rd series, § 5, 10-10-2016)

Sec. 66-226. - Payment of expenses.

The applicant for a ~~parade, a special event~~Special Event, or a ~~private event permit~~ shall pay an application fee as determined from time to time by the City Council~~service charge for the governmental services provided to enforce this article;~~ and the city may, as a condition of approval of the permit, require that the applicant deposit money with the city in a sum equal to the estimated service charge to be incurred by the city. Service charges include all city staff and resource time or city consultant time necessary. The city may certify to the county auditor any unpaid service charges which shall be collected together with property taxes levied against the property.

(Code 1984, § 6.08(8); Ord. No. 48 3rd series, § 4, 8-25-2008)

Sec. 66-227. - Fees.

All permits provided for in this division shall be issued only upon payment in full of permit fees and other costs fixed and determined by resolution.

(Code 1984, § 6.08(9))

Sec. 66-228. - Prohibitions.

The following prohibitions shall apply to all ~~parades and special event~~Special Events:

- (1) It shall be unlawful for any person to stage, present, or conduct any ~~parade or special event~~Special Event without first having obtained a permit as herein provided.
- (2) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed ~~parade~~Parade or ~~special event~~Special Event to ~~knowingly~~ fail to comply with any condition of the permit.
- (3) It shall be unlawful for any person to engage in any ~~parade~~Parade or ~~special event~~Special Event that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property.
- (4) The following Special Event types and locations shall be prohibited:
 - a. ~~Closed~~Closed Road Races
 - b. ~~Events~~Events using Trunk Highways
 - c. ~~Events~~Events on Big Island.

(Ord. No. 57 3rd series, § 3, 4-27-2009)

Sec. 66-229. - Revocation of permit.

The city administrator or designee shall have the authority to revoke a ~~parade~~Parade or ~~special event~~Special Event permit instantly upon violation of the conditions or standards for issuance as set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of ~~police services~~ for the ~~parade~~Parade or ~~special event~~Special Event would have an immediate and adverse effect upon the welfare and safety of persons or property.

Sec. 66-230. – Penalties

(a) ~~On a finding that if an applicant, permit holder, or any person-licensee has failed to comply with any provision of an applicable statute, rule or ordinance relating to alcoholic beverages, Article VI Special Events, the city may impose an administrative penalty as set forth in the chart in clause (c) of this Section, revoke the license, suspend the license, impose a civil penalty of up to \$2,000.00 for each violation, or impose any combination of these sanctions. Conviction of a violation in a court of law is not required in order for the council to impose the civil penalty imposition of an administrative penalty. Appeals of an administrative penalty issued pursuant to this section shall be heard in accordance with the procedure set forth in Article VII Administrative Offenses and Penalties.~~

~~Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time. The council may act as the hearing body under that act, or it may contract with the office of hearing examiners for a hearing officer. Non-payment of the penalty is grounds for suspension or revocation of the license.~~

(b) Multiple violations are computed by checking the time period of the three (3) years immediately prior to the date of the most current violation.

(c) The presumptived penalties for violations are as follows:

<u>1st Violation</u>	<u>\$250.00</u>
<u>2nd Violation</u>	<u>\$500.00</u>
<u>3rd Violation</u>	<u>\$1,000.00</u>

1 st violation	\$250.00 plus costs
2 nd violation	\$500.00 plus costs

3 rd violation	\$1,000.00 plus costs
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SECTION 2. Article VIII of the Orono City Code is amended by adding and striking text as follows:

-ARTICLE VIII. - ADMINISTRATIVE OFFENSES AND PENALTIES

DIVISION 1. - IN GENERAL

Sec. 66-250. - Administrative offenses.

The Orono City Council has determined to enforce certain offenses within the City of Orono as administrative offenses. Those offenses to be enforced as administrative offenses shall be determined by resolution of the city council as recommended by the chief of police. These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(Ord. No. 121 3rd series, § 1, 12-9-2013)

Sec. 66-251. - Violation/penalty.

Any person violating one of the administrative offenses within the City of Orono shall be subject to the scheduled administrative penalty. The city council shall determine the administrative penalties and both the administrative offenses and the penalty amount may be amended, from time to time, by resolution of the city council.

(Ord. No. 121 3rd series, § 1, 12-9-2013)

Sec. 66-252. - Enforcement.

Any member of the police department or any other person employed by the city with authority to enforce the city Code may issue administrative violations under this article.

Notice shall be given to the violator setting forth the nature of the offenses, the date, time of the violation, the name of the official issuing the citation and the amount of the scheduled penalty.

(Ord. No. 121 3rd series, § 1, 12-9-2013)

Sec. 66-253. - Payment.

Once notice of an administrative violation is given, the person responsible for the violation shall, within 14 calendar days of issuance of the notice, pay the stated violation penalty to the City. At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the city council to contest the request for payment of the penalty. After a hearing before the council, the council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the council.

(Ord. No. 121 3rd series, § 1, 12-9-2013)

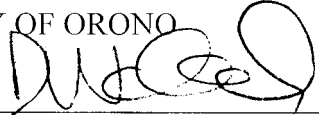
Sec. 66-254. - Failure to pay.

~~If a violator fails to pay the penalty imposed by this administrative citation, or if the violator wishes to contest the citation, or the situation that created the violation remains uncorrected, then the matter shall be processed as an article violation or criminal offense through the Hennepin County District Court System~~ the City may issue a petty misdemeanor or misdemeanor citation for the violation of the ordinance. A person convicted of a violation of this Ordinance shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000.00, imprisonment for a term not exceeding 90 days, or any combination thereof; provided, however, that if the violation is declared to be a petty misdemeanor, the penalty shall be a fine not to exceed \$300.00. Additionally, a person convicted of a violation of this article shall pay the costs of prosecution. The city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the city for the alleged violation.

(Ord. No. 57 3rd series, § 3, 4-27-2009)

SECTION 3. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 13th day of April, 2020, by the City Council of the City of Orono.

CITY OF ORONO
BY: 
Dennis Walsh, Mayor

ATTEST:



Anna Carlson, City Clerk