

**ORDINANCE NO. 171-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIAMS, CALIFORNIA ADDING CHAPTER 9.16 TO THE WILLIAMS MUNICIPAL CODE RELATING TO SPECIAL EVENTS**

**WHEREAS**, the City Council of the City of Williams desires to allow festivals, concerts, sporting events, parades, and other special events within the City limits in order to promote civic and cultural pride and community involvement; and

**WHEREAS**, the use of City streets and other City-owned or controlled property by large groups causes wear and tear on such property and requires City staff time to provide coordination; and

**WHEREAS**, such special events have a tendency of exposing neighboring residents to excessive noise and traffic; and

**WHEREAS**, the City Council wishes to ensure that such special events are conducted in a safe and orderly fashion to benefit all those who live in and visit the City of Williams by requiring that such events follow uniform licensing procedures; and

**WHEREAS**, uniform procedures promote and protect the rights of those organizing special events, those participating in them and those living and working nearby.

**THE CITY COUNCIL OF THE CITY OF WILLIAMS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 9.16 is hereby added to the Williams Municipal Code to read as follows:

**Chapter 9.16**

**SPECIAL EVENTS**

**Sections:**

- 9.16.010 Intent and purpose.**
- 9.16.020 Special events defined.**
- 9.16.030 Additional definitions.**
- 9.16.040 Permits required – Exemptions.**
- 9.16.050 Application procedure.**
- 9.16.060 Contents of application form.**
- 9.16.070 Action on application.**
- 9.16.080 Grounds for denial of application for permit.**
- 9.16.090 Permit conditions.**
- 9.16.100 Appeal procedure – Waivers.**
- 9.16.110 Permit issuance.**
- 9.16.120 Indemnification agreement.**

- 9.16.130 Insurance.**
- 9.16.140 Public services fees.**
- 9.16.150 Cleanup deposits for certain special events.**
- 9.16.160 Duties of Permittee.**
- 9.16.170 Unlawful to sponsor, authorize or participate in an event without a permit or notice.**
- 9.16.180 Unlawful to exceed scope of permit.**
- 9.16.190 Revocation of permit.**
- 9.16.200 Annual event permit.**
- 9.16.210 Violation – Penalty.**

**9.16.010 Intent and purpose.**

The intent of this chapter is to provide a regulatory framework for permitting special events. The use of City streets or other City-owned or controlled property and private property by large groups causes wear and tear on such property. Further, it requires City staff time to provide traffic enforcement and to ensure proper crowd control. Such uses also subject neighboring residents to excessive noise and traffic, particularly when the property or facility is small or the use is intense. As such, the purpose of this chapter is to ensure that special events are conducted so as not to violate any other ordinance or regulation of the City or cause any detrimental effects to surrounding properties and the community. The provisions set forth in this chapter shall establish criteria for characterizing events as "special events" and standards and conditions for approving and permitting such special events.

It is also the intent of the City Council to protect the rights of its citizens to engage in protected free speech and expressive activities. Consequently, it is not the intent of this chapter to regulate conduct, the sole or principal objective of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas, which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

**9.16.020 Special events defined.**

A. As hereinafter mentioned in this chapter, “special event” means, including but without limitation, any assembly or congregation of persons, display, entertainment or demonstration, that is likely to meet any one or more of the following criteria:

1. Be attended by fifty (50) people or more; or

2. Obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or otherwise fails to comply with traffic laws and controls.

B. In order to estimate the necessary level of public services necessary for each special event, the City Administrator shall characterize each event as provided in this section. All special events shall fall within one of the following categories:

1. A category one event is generally any special event that is reasonably expected to attract between fifty and ninety-nine people.

2. A category two event is generally any special event that is reasonably expected to attract between one hundred and one to four hundred and ninety-nine people.

3. A category three event is generally any special event that is reasonably expected to attract more than five hundred people.

**9.16.030 Additional definitions.**

“Annual permit” means an annual special event permit granted for more than one special event occurring within a twelve calendar month period.

“Applicant” means any person requesting a permit to conduct or sponsor an event governed by this chapter. Applicants must be eighteen years of age or older.

“Block party” means a special event that is stationary and generally limited to one or more specific streets or city blocks.

“Category one notice” means the notice submitted to the city’s police department pursuant to Section 9.16.040 of this chapter that notifies the city of an upcoming category one event.

“Chief of police” means the Williams Police Chief or his/her designee.

“City Administrator” means the Williams City Administrator or his/her designee.

“Fire chief” means the Chief of the Williams Fire Protection Authority or his/her designee.

“Normal business operations” means any activity conducted solely by the business operator and is consistent with the activity for which the business is licensed. “Normal business operations” does not include any activity

promoted, either fully or partially, by someone other than the licensed business operator or when the establishment is rented out.

“Organizer” means any person who is conducting, sponsoring or organizing a special event.

“Parade” means a special event in which the assembly moves along a pre-established route on city streets but may also be attended by spectators.

“Participant” means a spectator, fan, supporter or any other person attending for the purpose of watching and/or participating in the special event.

“Permit” means either a special event permit or annual permit granted pursuant to this chapter.

“Permit application fee” means the fee to be paid by the applicant at the time the application for a permit is filed with the City Administrator.

“Permittee” means any person or organization that has been issued a permit by the city.

“Person” means any individual, firm, partnership, association, corporation, company or organization of any kind.

“Public Works Director” means the Williams Public Works Director or his/her designee.

“Right-of-way” means the dedicated portion of any street or road within the city.

**9.16.040 Permits required – Exemptions.**

A. Except as otherwise provided herein, all special events occurring within the city shall be prohibited unless a permit, properly issued by the City Administrator, has first been obtained.

B. Exemptions. A permit is not required for the following:

1. Governmental agencies acting within the scope of their authorized function;

2. An event held on private property, provided such event does not involve one or more of the following:

a. the sale of food or beverages, including, but not limited to, alcohol;

- b. the use of sound-amplification equipment;  
or
- c. requires the use of or impacts public property or facilities and requires the provision of City traffic control or other public safety services.

3. Any parade or assembly of pedestrians organized for the purpose of exercising First Amendment rights and involving a procession of persons walking on sidewalks and obeying all traffic and other laws.

C. Category One Events. A permit may not be required for category one events held:

1. On city property, excepting in the public right-of-way. In the case of category one events in the public right-of-way, organizers shall submit an application in accordance with Section 9.16.050 of this chapter; or

2. At a private facility that was constructed for the purpose of conducting the type of activities that are contemplated for the special event for up to five hundred participants, for an event that would otherwise require a special event permit under subsection (B)(2) of this section..

3. Category One Notice. For category one events held at private facilities as described in subsection (C)(2) of this section, the owner of the facility, or the occupants making it available, shall submit a category one notice to the City Administrator. Such notices shall be filed no later than sixty days before the special event. Category one notices shall include the name, telephone number and address of the organizer(s), the time, date, location and brief description of the event and the projected attendance. The City Administrator shall review all category one notices, with input, if needed, from the Chief of Police and/or the Fire Chief. If the special event is deemed a category one event, no further action shall be required. If, however, the special event is upgraded to either a category two or category three event, the organizer(s) shall be required to submit a permit application pursuant to Section 9.16.050 of this chapter.

**9.16.050 Application procedure.**

A. Except as otherwise provided herein, all applications for permits shall be filed with the City Administrator not less than sixty calendar days or more than twelve months before the scheduled event.

B. Notwithstanding the foregoing, the City Administrator shall consider an application that is filed after the filing deadline if:

1. The event involves an activity organized for the purpose of exercising First Amendment rights; or

2. The City Administrator finds good cause for the delay as set forth in subsection (C).

3. A category one notice was timely filed but the Chief of Police, Public Works Director, Fire Chief, or City Administrator later characterizes the event as a category two or category three event.

C. The City Administrator shall, for good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other city services for the event. The applicant may demonstrate good cause by showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file an application within the time prescribed.

D. The application for a permit shall be accompanied by a nonrefundable permit application fee in the amount set by City Council resolution. This non-refundable fee shall cover the approximate costs of processing and investigating special events applications and administering the special events permit program.

**9.16.060 Contents of application form.**

A. The application for a permit shall include the following information:

1. Written proof of consent by the owners of the property where the special event is to be held;

2. The name, address and telephone number of the applicant and an alternate contact person;

3. The location of the event, including its boundaries and site plan drawings;

4. The name, address, and telephone number of the organization, and the authorized representative of the organization if an organization sponsors the proposed event;

5. The nature and purpose of the event, including a list of all planned activities that are contemplated for the special event;

6. The name, address and telephone number of the person(s) who will be present and in charge of the event on the day of the special event;

7. Date and estimated starting and ending times of the special event, including set-up and cleanup time;

8. The estimated number of participants of the special event;

9. The type and estimated number of vehicles, animals and structures which will be used at the special event, and whether there will be water aid stations at the special event;

10. A description of any sound-amplification equipment and the times during which such equipment will be used at the special event, and a sound plan that describes measures to be taken by the applicant to ensure compliance with all applicable City laws, rules and regulations regarding amplified sound and music;

11. Whether any food or nonalcoholic beverages will be sold or consumed at the special event and, if so, proof of compliance with all applicable local, state and federal laws, rules and regulations, including proof that the applicant has obtained all necessary permits;

12. Whether any alcoholic beverages will be sold or consumed at the event and, if so, proof of compliance with all applicable laws, rules and regulations of the California Department of Alcoholic Beverages Control;

13. Expected parking requirements and parking plan for the special event;

14. The plan for cleanup after the special event, including any contracts to effectuate the cleanup;

15. Proof of liability and property insurance as required by 9.16.130 of this chapter;

16. A description of the sanitary facilities that will be available to serve the participants of the special event.

B. Supplemental Information. The applicant shall provide any supplemental information that, under the particular circumstances of the special event, the City Administrator finds reasonably necessary to determine whether to approve or conditionally approve a permit application.

**9.16.070 Action on application.**

A. The City Administrator shall approve, conditionally approve or deny all category one event applications no later than ten (10) calendar days after receiving a complete application. Denials shall be based on one or more of the grounds specified in Section 9.16.080 of this chapter. In the event of special circumstances, as determined by the City Administrator, the time limits for such a determination may be reasonably extended.

B. The City Administrator, upon concurrence of the Chief of Police and Fire Chief, shall approve, conditionally approve or deny all category two and three event applications no later than fifteen (15) calendar days after the City Administrator receives a complete application. Denials shall be based on one or more of the grounds specified in Section 9.16.080 of this chapter. In the event of special circumstances, as determined by the City Administrator, the time limits for such a determination may be reasonably extended.

C. If the application is denied, the City Administrator shall inform the applicant of the grounds for denial in writing and of the right of appeal. If the application is conditionally approved, the City Administrator shall inform the applicant of any permit conditions at the time the application is approved, and of the right of appeal from the permit conditions. If the City Administrator refuses to consider a late application, the City Administrator shall inform the applicant of the reason for the refusal and of the applicant's right of appeal.

D. The written determination shall further state that the applicant has the option of appealing the decision directly to the City Council.

**9.16.080 Grounds for denial of application for permit.**

A. The City Administrator shall approve an application for a permit unless he/she determines, from a consideration of the application and other pertinent information, that:

1. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;

2. The application is incomplete or the applicant failed to complete the application after having been notified of the additional information or documents required;

3. The applicant undertook a prior special event without a required permit or otherwise in violation of this chapter;

4. The applicant failed to pay the additional costs of a prior special event charged pursuant to Section 9.16.140(c) of this chapter;

5. Another permit application has been received prior in time, or has already been approved, to hold another event at the time and place requested by the applicant, or so close in time and/or place as to cause undue traffic congestion, or the city's police department is unable to meet the needs for police services for both events;

6. The concentration of persons, animals and vehicles at the site of the event, or the assembly and disbanding areas around the event, will either prevent proper police, fire or emergency medical services to areas contiguous to the event or will exceed the capabilities of the police, fire or emergency medical services needed to adequately protect the participants from the conduct of others;

7. The size of the event will require diversion of so great a number of city police officers and other public employees to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the city. Nothing herein authorizes denial of a permit when additional peace officers or approved private security forces to supplement these peace officers or approved private security forces would be available to the city, if requested by the city in advance of the event. Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable conditions can be imposed to allow for adequate protection of participants with the number of police officers available to police the event;

8. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit;

9. The event will occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and

the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof;

10. Given the name of the special event, and/or the past history of the applicant, sponsors and/or participants, the City Administrator reasonably determines that the event presents a substantial risk to the health, safety and welfare of the participants and/or local residents that cannot be adequately mitigated using available public resources; or

11. The applicant failed to comply with the California Fire Code and/or the State Fire Marshal requirements during previous special events.

B. When the grounds for denial specified in subsection (A) of this section can be corrected by altering either the staffing for, or the date, time, duration, route or location of the event, the City Administrator shall, instead of denying the application, conditionally approve the application upon the applicant's written acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modifications of the applicant's proposed event as are necessary to achieve compliance with this chapter.

**9.16.090 Permit conditions.**

The City Administrator may condition the issuance of a permit by imposing reasonable restrictions on the time, place and manner of conducting the event as are necessary or appropriate to protect persons and property, and to control traffic, provided that such restrictions shall not unreasonably interfere with the right of free speech. Such conditions may include, but are not limited to, the following:

A. Alteration of the staffing for, or the date, time, route or location of the event;

B. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;

C. Requirements for provision of first aid and sanitary facilities, including the presence of emergency medical services personnel for all category two or three events;

D. Requirements for use of event monitors and providing notice of permit conditions to participants;

- E. Approval of any proposed private security forces;
- F. Restrictions on the number and type of vehicles, animals or structures at the event;
- G. Compliance with animal protection ordinances and laws;
- H. Requirements for use and provision of garbage containers, cleanup and restoration of city property;
- I. Restrictions on the time and use of amplified sound;
- J. Permit applications for block-parties may be conditioned on notice and approval by at least fifty percent of the residents on the affected street(s);
- K. Compliance with any relevant ordinance or law, including obtaining any legally required permit or license;
- L. Adequate proof of payment of the public service fees pursuant to Section 9.16.140 of this chapter; and
- M. Adequate proof of compliance with the cleanup requirements set forth in Section 9.16.150 of this chapter.

**9.16.100 Appeal procedure – Waivers.**

A. The applicant may appeal to the City Council the refusal to consider a late application, the denial or conditional approval of a permit, any condition imposed on a permit not required by state or federal law, or a determination that the applicant’s insurance coverage does not comply with the requirements specified in Section 9.16.130 of this chapter.

B. The applicant may request a waiver from the City Council regarding the amount of fees imposed pursuant to Section 9.16.140 of this chapter, cleanup deposits imposed pursuant to Section 9.16.150 of this chapter, or the indemnification/bond requirement imposed pursuant to 9.16.120 of this chapter if a nonprofit organization sponsors or co-sponsors the special event with the city or other public agency, or if the primary purpose of the event is First Amendment expression and the cost of paying the fees, posting a bond, or entering into an indemnification agreement is or may be so financially burdensome that it would constitute an unreasonable burden on the exercise of rights protected by the First Amendment.

C. All appeals and/or requests for waivers shall be filed with the City Clerk no later than five (5) days following the notice of decision by the City Administrator.

D. Any hearing before the City Council shall be held, and final decision rendered, no later than fifteen calendar days following the appeal filing.

**9.16.110 Permit issuance.**

A. The City Administrator shall issue the permit after the application has been approved, the applicant has agreed in writing to comply with all of the terms and conditions of the permit, and the requirements of this chapter respecting indemnification, insurance, police, traffic-control, fees and cleanup deposits have been fully satisfied.

B. Notwithstanding subsection (A) of this section, the City Administrator shall not withhold the issuance of a permit if the applicant has requested a waiver from the City Council pursuant to 9.16.100 for a special event in which the primary purpose is First Amendment expression. In such cases, a permit shall be issued that is conditioned on the applicant's compliance with the City Council's fee determination prior to the event.

**9.16.120 Indemnification agreement.**

Prior to the issuance of a permit, the applicant shall execute an agreement to reimburse the city for all the costs and expenses that the city incurs as a result of the event, insofar as permitted by law. The agreement shall provide that the applicant agrees to defend, protect, indemnify and hold the City, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of applicant, its officers, agents or employees, in connection with the permitted event or activity.

**9.16.130 Insurance.**

A. The Permittee of an event must possess or obtain public liability insurance to protect against liability for personal injury and property damage arising from the event. Coverage shall be a comprehensive general liability insurance policy. Minimum limits required:

1. One million dollars for each occurrence combined single limit bodily injury and property damage; and

2. If food or nonalcoholic beverages are to be sold or served at the event, the policy must also include an endorsement for products liability in an amount of not less than one million dollars; and

3. If alcoholic beverages are to be sold or served at the event, the policy must also include an endorsement for liquor liability in an amount not less than one million dollars; and

4. If the event involves the use of licensed motorized vehicles, the policy must also include an endorsement for automobile liability in an amount not less than one million dollars.

B. Insurance required pursuant to this section shall be maintained for the duration of the event shall:

1. Name the city, its officers, employees and agents on the policy or by endorsement as additional insureds;

2. Be a primary policy and not contributory or in excess of any policy of the city; and

3. Declare all deductibles on the policy.

C. For annual permits issued pursuant to Section 9.16.200 of this chapter:

1. The insurance policy shall also be endorsed to state that coverage shall not be suspended, voided, cancelled or terminated by either party, reduced in coverage or in limits except after thirty days prior written notice by certified mail, return receipt requested, has been given to the city; and

2. In addition to any other remedy the city may have, if the Permittee fails to maintain the insurance coverage as required in this section, the city may, in its sole and absolute discretion, obtain such insurance coverage that the Permittee fails to maintain in a form and amount substantially the same as is required herein. The Permittee shall be required to reimburse the city for such insurance prior to the next event held pursuant to its annual permit.

D. The City Administrator shall approve all deductibles on the policy.

E. The requirement as to types, limits, and the city's approval of insurance coverage that the Permittee maintains are not intended to, and

shall not in any manner, limit or qualify the liabilities and obligations that the Permittee assumes pursuant to this chapter.

F. A copy of the policy or a certificate of insurance, together with all necessary endorsements, must be filed with the City Administrator no less than ten days before the date of the event, unless the City Administrator, for good cause, waives the filing deadline. The City Administrator shall not issue the permit until after the insurance policy or certificate of insurance, together with all necessary endorsements, have been filed with the city and approved by the City Administrator.

**9.16.140 Public services fees.**

A. Upon approval of an application for a permit, the City Administrator shall provide the Permittee with a statement of the estimated cost of providing police, fire, emergency medical services and other city employees for public safety at the event. The Permittee shall bear the cost of such services and shall remit payment to the city no later than five days before the special event.

B. The City Council shall establish the public service fees for each special event category as described in Section 9.16.020 of this chapter by resolution. The amount of such fees shall be based on the city's actual cost of providing the required number of police and other city employees necessary to ensure the safety of both the participants and the community.

C. If the actual cost of public services for the event is less than the estimated cost, the city will promptly refund the difference to the Permittee. If the actual cost for public services is more than the estimated cost, the difference shall become due and payable to the city upon the Permittee's receipt of a statement of the cost.

**9.16.150 Cleanup deposits for certain special events.**

A. The city shall require the applicant for an event in public facilities or on public property or rights-of-way involving the sale of food or beverages, erection of structures, horses or other large animals, or water aid stations to provide a cleanup deposit prior to the issuance of a permit. As an alternative to such deposit, the applicant may provide a written contract for event cleanup.

B. The city shall return the cleanup deposit after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.

C. The city shall bill the Permittee for the actual cost for cleanup and restoration, and apply the cleanup deposit, or a portion thereof toward payment of the bill, if the public facilities, public property or rights-of-way utilized during the event have not been fully cleaned or restored. If the Permittee disputes the bill, the Permittee may appeal to the City Administrator within five days after receipt of the bill. Should there be any unexpected balance on deposit after completion of the work, the City shall refund this balance to the Permittee. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the city upon the Permittee's receipt of the bill.

**9.16.160 Duties of Permittee.**

A. Each Permittee shall comply with all terms and conditions of the permit.

B. Except as provided in subsection (D) of this section, each Permittee shall ensure that the person in charge of any special event shall carry the permit on his/her person or otherwise have the permit immediately available upon demand.

C. Each Permittee shall ensure the area used for the permitted event is immediately cleaned and restored to the same condition as existed prior to the event.

D. Annual permits shall be posted in a location specified by the City Administrator.

E. Each Permittee shall comply with all applicable local, state and federal laws, rules and regulations, including, but not limited to, this chapter, the California Fire Code and all State Fire Marshal requirements.

**9.16.170 Unlawful to sponsor, authorize or participate in an event without a permit or notice.**

A. It is unlawful for any person to sponsor or conduct a special event requiring a permit under 9.16.040 of this chapter, unless a permit has been issued for the event.

B. It is unlawful for any person to sponsor, authorize or conduct a special event requiring a category one notice unless such notice is timely provided to the City Administrator.

C. It is unlawful for any person to participate in a special event with the knowledge that the city has not issued the sponsor of the event the required permit.

D. It is unlawful for any owner or occupant of a facility to make such facility available to a special event without providing category one notice, if applicable, or requiring the organizers to obtain a permit.

**9.16.180 Unlawful to exceed scope of permit.**

The permit authorizes the Permittee to conduct only the event(s) described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the Permittee to willfully violate the terms and conditions of the permit, or for any participant with knowledge thereof to willfully violate the terms and conditions of the permit.

**9.16.190 Revocation of permit.**

A. The City Administrator, Chief of Police, Public Works Director, and/or the Fire Chief may revoke a permit upon a finding that any term, condition, restriction or limitation of such permit has not been complied with, including the timely payment of all required deposits, or if he/she finds that, as a result of changed circumstances, any one or more of the grounds for denial specified in Section 9.16.080 of this chapter, are present. Notice of such action revoking a permit shall be delivered in writing to the Permittee by personal service or by registered mail. Appeal to the City Council from any such revocation may be taken as specified in Section 9.16.100 of this chapter.

B. The City Administrator, Chief of Police, and/or the Fire Chief may revoke a permit and close a special event prior to the expiration of the permit in the event of the occurrence of a riot, major disorder or serious breach of the peace or a violation of the permit when, in his/her opinion, it is necessary to prevent injury to persons and/or to property.

**9.16.200 Annual event permit.**

A. Annual permits shall be available for a series of similar special events sponsored by the same person in the same twelve month calendar period. Except as otherwise provided in this section, annual permits shall be subject to the same rules and regulations applicable to individual permits.

B. Applications for annual permits shall be submitted not less than ninety days before the first scheduled event of the calendar year. An annual permit application shall be accompanied by a nonrefundable permit application fee in the amount set by City Council resolution. This nonrefundable fee shall cover the actual costs of processing and investigation special events applications and administering the special events permit program. The application shall also include the information required by Section 9.16.060 of this chapter.

C. For sporting events, the application shall also include a list of all anticipated activities not related to game play held before, during or after each event that would otherwise be deemed a special event. The information required pursuant to 9.16.060 of this chapter, shall also be provided for all such anticipated activities. By way of example, and not limitation, such additional activities may include: pyrotechnics displays, vehicular races/demonstrations or other hazardous activities, concerts and animal exhibitions. The City Administrator, Chief of Police, Public Works Director, and/or Fire Chief can prohibit, restrict or place conditions on such additional activities as provided in Sections 9.16.080 and 9.16.090 of this chapter, pursuant to any applicable federal, state or local law or regulation.

D. The City Administrator shall approve, conditionally approve, or deny an annual permit application no later than thirty calendar days after receiving the completed application in accordance with the procedures set forth in Sections 9.16.050 and 9.16.060 of this chapter.

E. The Permittee shall be responsible for the city's costs in providing a level of public services (police, fire, emergency medical services and parking) necessary to ensure the health, safety and welfare of both the participants and the community. Upon approval of the annual permit, the City Administrator shall provide the Permittee with a statement of the estimated cost of providing such services for each event. The estimated cost for an initial annual permit shall be based on the applicant's projected attendance for its first year of operations. Thereafter, the estimated cost shall be based on the city's costs actually incurred in the previous year, modified as necessary to account for changes in the size, scope or numbers of anticipated events during the term of the permit.

F. The Permittee shall be required to comply with the cleanup requirements set forth in Section 9.16.150 of this chapter.

G. The annual permit shall authorize the Permittee to conduct only such event(s) as is described in the permit, and in accordance with the terms and conditions of the annual permit. It is unlawful for the Permittee to willfully violate the terms and conditions of the annual permit, or for any participant with knowledge thereof, to willfully violate the terms and conditions of the annual permit. Should the holder of an annual permit desire to conduct an activity that would otherwise be deemed a special event but is not authorized by the annual permit, the Permittee shall be required to obtain an individual special event permit for the unauthorized activity.

H. The City Administrator shall issue the annual permit after the application has been approved, the applicant has agreed in writing to

comply with all of the terms and conditions of the permit, and the requirements of this chapter respecting indemnification, insurance, public services and cleanup deposits have been fully satisfied.

**9.16.210 Violation – Penalty.**

All violations of the provisions of this chapter are misdemeanors.

**Section 3. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4. Effective Date.** This ordinance shall become effective on January 1, 2010.

**Section 5. Publication.** The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be posted in three public places within the City of Williams.

**Introduced** at a regular meeting of said City Council on the 21st day of October, 2009.

**MOVED, PASSED, AND ADOPTED** at a regular meeting of the City Council on the 4th day of November, 2009, by the following vote:

Ayes:	Mayor Ash and Councilmembers Troughton, Jr., Barker, Fulcher, and Johnson.
Nays:	None.
Absent:	None.
Abstain:	None.

City of Williams

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By Patricia Ash, Mayor

ATTEST:

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Rene L. Miles, City Clerk

APPROVED AS TO FORM:

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Ann M. Siprelle  
Best Best & Krieger LLP