

**ORDINANCE NO. 2019 - 24**

**AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES; AMENDING CHAPTER 17 OF THE SEARCY CODE OF ORDINANCES; PROVIDING FOR PERMITTING FOR CERTAIN EVENTS AND THE USE OF CITY PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City of Searcy wishes to provide for the permitting of special events that utilize City property or that consume City resources; and

WHEREAS, in light of the need for these changes, and the need to provide certainty with respect to the use of City property, the Searcy City Council declares that an emergency exists and that the need to provide for the public peace, health, safety and welfare dictates that the provisions of this ordinance shall be in full force and effect from and after its adoption.

NOW, THEREFORE, be it ordained by the City Council of the City of Searcy, Arkansas, to wit:

Section 1. The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding certain section to Chapter 17 of the said code, which said section shall read as follows:

“17-21-1. Requirement of Permit for Certain Events.

- A. A special event permit shall be required to hold a special event, as defined in this Chapter that makes use of public rights-of-way, City streets, sidewalks, alleys or easement.
- B. A special event permit shall be required to hold outdoor public events on private property and on other City-owned properties.

17-21-2. Definitions. As used in this chapter:

“City” is the city of Searcy, Arkansas.

“Chief of Police” is the chief of police for the city or his or her designee.

“Special Event” is any march, demonstration, walk, run, bike ride/race, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, or within the parks within the city with an intent of attracting public attention that substantially interferes with the normal flow or regulation of traffic upon the streets, and/or public parks.

“Event” is a planned public or social occasion.

“Special Event Permit” is a permit as required by this chapter.

The “Code Enforcement” office is the department responsible for the issuance of any and all permits required under this chapter.

“Person” is any person, firm, partnership, association, corporation, company or organization of any kind.

“Sidewalk” is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

“Street” is any place or way set aside or open to the general public for purposes of vehicular traffic,

including any berm or shoulder parkway, right-of-way, or median strip thereof.

17-21-3. Exceptions. This chapter shall apply to every special event and to every event except the following:

- A. Funeral processions/proceedings by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment;
- B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- C. City of Searcy acting within the scope of its functions;
- D. Private gatherings, affairs or activities on private property that may inadvertently interfere with the normal flow or regulation of traffic upon the public streets;
- E. Peaceful and non-violent political speeches, gatherings, rallies or protests conducted in a manner so as not to disturb the peace, prevent other parties from the free exercise of their free speech and/or rights to access public properties and the conduct of which does not block the streets and/or roadways in such a manner as to adversely affect the free passage and transport of others;
- F. Main Street Searcy events;
- G. White County Fair and the White County Fair Parade conducted by the White County Fair Board.
- H. School events held on school property

17-21-4. Application for permit.

- A. A person seeking a Special Event Permit shall file an application provided by the City of Searcy with the Code Enforcement office and the application shall be signed by the applicant.
- B. For Special Events, an application for a permit shall be filed with the Police Department at least 45 business days and not more than 180 days before the Special Event is proposed to commence.
- C. The application for a Special Event permit shall set forth the following information:
  - 1. The name, address, and telephone number of the person, group of persons, firm, partnership, association, company or organization seeking to conduct such Special Event;
  - 2. The requested date of the Special Event;
  - 3. The route to be traveled, including the starting point and the termination point;
  - 4. The approximate number of persons who, and animals and vehicles which will constitute such Special Event and the type of animals and description of the vehicles;
  - 5. The hours when such Special Event will start and terminate;
  - 6. A statement as to whether the Special Event will occupy all or only a portion of the width of the streets proposed to be traversed;
  - 7. The approximate number of participants (spectators are by definition not participant(s));
  - 8. The approximate number of spectators;

- 9. A designation of any public facilities or equipment to be utilized; and
- 10. A waste plan
- D. Payment of the fee in the amount of \$100; and
- E. The payment of any other sums, if any, that may be required under this chapter.

**17-21-5. Police Protection:**

- A. The Chief of Police or his designee shall determine whether and to what extent additional police protection is reasonably necessary for the Special Event for traffic control and public safety.
- B. The Chief of Police or his designee shall base this decision on the size, location, duration, time and date of the event, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel may police the event. If additional police protection for the special event is deemed necessary by the Chief of Police or his designee, he or she shall so inform the applicant for the permit.

**17-21-6. Fire Support:**

- A. The Searcy Fire Department may, but shall not be required to, assess safety issues regarding fire, buildings, tents and the physical safety of all those involved in your event. Any applicant shall be required to specify if any of these conditions exist:
  - 1. Tents or canopies larger than 225 square feet (15x15)
  - 2. Propane is used for cooking
  - 3. Changes are made to building exits or when the character or use of a facility is altered
  - 4. Liquid or gas-fueled vehicle or equipment, for display or competition, inside a tent or building
  - 5. Candles, open flame devices, flammable or combustible liquids or gases
  - 6. Pyrotechnics/special effects
  - 7. Cryogenics
  - 8. Anytime a material, occupancy load or operation is introduced into a tent or building that could possibly pose a hazard
  - 9. Special amusements are provided, such as haunted houses

None of the elements listed in this section may be employed during the Special Event absent a specific waiver by the Fire Marshal and the Mayor of the City of Searcy. Notwithstanding the use of any of these elements, the City may restrict the use of any of the elements referenced in this Section or require any conditions upon the use of these elements that might be reasonably determined to be necessary by the City.

17-21-7. Electricity Plan:

- A. The use of generators, electrical wiring and extension cords during your event may require an inspection and permit issued by the Inspection Department. The site plan with the application packet for the special event shall include the location of any elements that will utilize any electrical service and designate whether the electricity shall either be generated by generators to be provided by the applicant or whether electrical power is requested to be provided by the City. Event producers may use the City's active electrical outlets for minimal requirements only upon the request to the City and which shall be subject to a separate fee of not less than \$50 nor more than \$300 per outlet for the duration of the Special Event; however, additional permits may be required. The event producer is responsible to ensure proper usage of all electrical services, and is responsible for all electrician fees, including fees for servicing/repairing blown electrical services due to improper use of electrical supply.

17-21-8. Waste Plans:

- A. A waste plan is required for all events. The plan can be a map or a detailed description but must be provided with the application for the Special Event and shall include where and when waste services will be available. The City may, upon a review of the application require the applicant to contract for trash removal and portable restroom services. In the event that the City requires the applicant to contract for waste removal and for the provision of portable restroom facilities, the City shall require that copies of the contracts be included with the waste plan prior to consideration for approval and the City may direct that additional waste receptacles or portable restroom facilities be placed at the sole cost, fee and expense of the applicant.
- B. The event producer is responsible for the removal of all trash immediately following each event. Failure to clean up after the event may require the City to contract for clean-up services. In the event that the City is required to engage in any cleanup efforts after a special event, the applicant shall be barred from consideration for any future special event until such payment arrangements have been made in full, including a penalty for late payment in the amount of an additional 50% over and above the actual costs incurred by the City. Recycling is not required, but is encouraged. The applicant shall only place waste receptacle and portable restroom facilities as, and in places directed by, the Searcy Sanitation Department.

17-21-9. Standards for issuance

- A. The Chief of Police or his designee, shall approve or deny a permit as provided for herein when, from a consideration of application and from such other information as may otherwise be obtained, it finds that:
  - 1. The conduct of the Special Event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
  - 2. The conduct of the Special Event will not require the diversion of so great a number of City Police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;

3. The concentration of persons, animals, and vehicles at public assembly points of the Special Event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;
4. The conduct of the Special Event is not reasonably likely to cause injury to persons or property;
5. The Special Event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
7. There are sufficient parking places near the site of the Special Event to accommodate the number of vehicles reasonably expected;
8. The applicant has secured the police protection, if any, required under this Chapter;
- 9.. Such Special Event is not for the primary purpose of advertising any product, goods or event that is primarily for private profit and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;
10. No Special Event permit application for the same time and location is already granted or has been received and will be granted;
11. No Special Event permit application for the same time but not location is already granted or has been received and will be granted, and the police resources required for that Special Event are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;
12. No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed Special Event would have an immediate and adverse effect upon the welfare and safety of persons and property;
13. No Special Event application shall be considered that is less than 45 days from the proposed event.

No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk or right-of-way unless advance approval for the erection or placement of the structure is obtained.

17-21-10. Nondiscrimination.

- A. The City shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related grounds.

17-21-11. Notice of denial of application:

- A. The Police Department shall act promptly upon a timely filed application for a Special Event permit. If the Police Department, after consultation with the Chief of Police or his designee, disapproves the application, it shall notify the applicant either by telephone,

facsimile, personal delivery or certified mail prior to the event and state the reasons for the denial.

17-21-12. Alternative permit:

- A. The Police Department, after consultation with the Chief of Police or his designee, in denying an application for a Special Event permit, may authorize the conduct of the Special Event at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 48 hours after notice of the changes to the permit, file a written notice of acceptance with the Code Enforcement office.
- B. An alternate Special Event permit shall conform to the requirements of, and shall have the effect of, Special Event permits issued under this chapter.

17-21-13. Appeal procedure:

- A. Any applicant shall have the right to appeal the denial by the Chief of Police of a Special Event permit to the Mayor.

17-21-14. Duties of permittee:

- A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The Special Event chairperson or other person heading such activity shall carry the Special Event permit upon his or her person during the conduct of the Special Event Assembly.

17-21-15. Prohibitions; Penalties. The following prohibitions shall apply to all Special Events:

- A. It is unlawful for any person to stage, present or conduct any Special Event without first having obtained a permit as herein provided;
- B. It is unlawful for any person to participate in a Special Event for which the person knows a permit has not been granted;
- C. It is unlawful for any person in charge of, or responsible for the conduct of, a duly licensed Special Event to knowingly fail to comply with any condition of the permit;
- D. It is unlawful for any person to engage in any Special Event activity that would constitute a substantial hazard to the public health, safety or welfare, or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- E. It is unlawful for any person to ride, drive or cause to be ridden or driven any animal or any animal drawn vehicle upon any public street, unless specifically authorized by the permit; and
- F. Violation of this chapter shall be punishable by fines and costs no less than \$200 nor greater than \$500. Any subsequent violation of this Chapter within 12 months shall be punishable by a fine and costs of not less than \$500 and not more than \$1,000 and may be subject to a period of incarceration of not more than 30 days.

17-21-16. Public conduct during parades or special events.

- A. No person shall unreasonably hamper, obstruct or impede, or interfere with any Special Event or with any person, vehicle or animal participating or used in a Special Event.
- B. No driver of a vehicle shall drive between the vehicles or persons comprising a Special Event when such vehicles or persons are in motion and are conspicuously designated as a Special Event.
- C. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a Special Event. The Chief of Police or his designee shall post signs to that effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

17-21-17. Revocation of Permit.

- A. The Chief of Police or his designee shall have the authority to revoke a Special Event permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the Special Event would have an immediate and adverse effect upon the welfare and safety of persons or property.”

Section 2. The provisions of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their term.

Adopted this 10<sup>th</sup> day of September, 2019.

The City of Searcy, Arkansas:

/s/ Kyle Osborne  
Mayor of Searcy

Attest:

/s/ Jerry Morris  
City Clerk