

ORDINANCE NO. 701

AN ORDINANCE REPEALING WILSONVILLE CODE CHAPTER 5, SECTIONS 5.530 TO 5.550 AND CHAPTER 6, SECTIONS 6.100 TO 6.175 AND ADOPTING NEW SECTIONS 6.100 TO 6.175 RELATING TO THE USE OF PUBLIC LANDS, PARKS, AND FACILITIES FOR HOSTING LARGE SPECIAL EVENTS AND THE USE OF PUBLIC STREETS, RIGHTS-OF-WAY, SIDEWALKS AND BIKEWAYS FOR HOSTING SPECIAL EVENTS THAT WILL SUBSTANTIALLY IMPEDE THE FLOW OF VEHICULAR, PEDESTRIAN, OR BICYCLE TRAFFIC.

WHEREAS, the City recognizes the intrinsic value of public events, large and small, that bring people from the community together for celebration, recreation, exercise, debate, and enjoyment of public spaces; and

WHEREAS, certain large events conducted within the City annually have contributed to the economic development, tourism, and quality of life experienced in Wilsonville; and

WHEREAS, the City currently has in place a reasonable and equitable reservation system for use of certain park areas, public structures, and building rooms and provides for permitting of some special event use of City streets, sidewalks, and bikeways; and

WHEREAS, certain of the City's public parks can accommodate large assemblages, hereinafter referred to as Large Special Events, of two hundred and fifty (250) or more persons; and

WHEREAS, the City finds from its experience that these large events are likely to create additional needs and impacts upon City services, resources, and public property and upon adjacent and nearby streets, sidewalks, and bikeways, as well as on the traveling public and neighboring properties beyond those generally associated with smaller assemblages; and

WHEREAS, the City finds from experience that there are requests for special events, that require the special use of public streets and rights-of-way, sidewalks, and bikeways for assemblages such as parades, marches, block parties, foot and bicycle races, and spontaneous responses to current events which could be accommodated by a reasonable and uniform permitting system; and

WHEREAS, the City of Wilsonville recognizes and supports the public's right of assembly and free speech and to utilize public facilities and rights-of way for such purposes; and

WHEREAS, the City has an important and compelling governmental interest in protecting property, public safety, health, and welfare and controlling use of streets and other public facilities and venues; and

WHEREAS, the City also has an important and compelling interest in regulating the needs and impacts of Large Special Events and in maintaining public property and facilities in an attractive and intact condition for the general public's use and enjoyment; and

WHEREAS, the City also has an important and compelling interest in obtaining notice of Large Special Events to ensure additional safety and other services that may be necessary due to the nature of the event and/or its size are provided; and

WHEREAS, the City desires to establish reasonable and uniform regulations governing the permitting and manner of operation of Large Special Events and the Special Use of public streets, sidewalks, rights-of-way, and bikeways; and

WHEREAS, establishing these regulations will not only protect public property but will also protect surrounding businesses, neighbors, residents, the traveling public, and those with mobility handicaps from potentially adverse primary and secondary effects; and

WHEREAS, the City finds it is reasonable and necessary to provide a permit system for Large Special Events and Special Use of public property, streets, rights-of-way, sidewalks, and bikeways and to charge a reasonable fee to recover costs of administering such a permit; and

WHEREAS, the City recognizes the importance of providing public services for any Special Events at a minimal cost to the public and will endeavor to communicate effectively with event organizers to streamline the process and to accommodate a reasonable level of service in support of such events, provided that such services do not place an unreasonable burden on the fiscal wellbeing of the city.

NOW, THEREFORE, THE WILSONVILLE CITY COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 5, Sections 5.530 to 5.550 are repealed. A new Special Use of Street and Sidewalks Permit will be added to Chapter 6 to govern the use of streets, sidewalks, rights-of-way and bikeways for Special Events to replace these repealed sections.
2. Chapter 6, Sections 6.100 to 6.175 are repealed. New Sections 6.100 to 6.175 are adopted to govern the use of streets, sidewalks, rights-of-way and bikeways as well as assemblages of two hundred and fifty (250) or more persons. Sections 6.100 to 6.175 will read as follows:

SPECIAL EVENTS

6.100 Purpose.

- (1) Reasonable and Uniform Regulation. The City recognizes the inherent value in special events that bring the public together and enhance the standard of living within the community. In order to better facilitate these events, it is the purpose of this section to streamline the process through establishing clear, understandable, reasonable and uniform regulations governing the permitting of assemblages, hereinafter referred to as Special Events, within the City on City streets, sidewalks, and other public facilities and venues in a manner which will protect the rights of surrounding businesses, neighborhoods, residents, and the traveling public while providing those who desire to conduct or patronize Special Events the opportunity to do so.

(2) Rights to Speech and Assembly. This Section seeks to accommodate public rights of speech and assembly consistent with the governmental interest in protecting property, public safety, health, and welfare, by establishing procedures, terms, and conditions for conducting Special Events. This Section seeks to impose reasonable time, place, and manner controls in an appropriate and limited manner upon events and facility use for which permits are required. This section shall be administered in a manner that seeks to allow for expression, assembly, and exercise of religious rights in accordance with applicable constitutional and statutory limits and controls. It shall be administered in a manner that recognizes that the community values the various and diverse types and sizes of events as enhancing the quality of life of the community.

6.105 Definitions.

(1) “Bikeway” or “Bike lane” means any place or way set aside or open to the general public for purposes of bicycle traffic, including, but not limited to, paved and unpaved paths, trails, and medians.

(2) “City” means the City of Wilsonville in Oregon.

(3) “Permit” means permission from the City for conducting a Special Event pursuant to this Section.

(4) “Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.

(5) “Sidewalk” means any area or way set aside or open to the general public for purposes of pedestrian traffic, whether paved or not, and including, but not limited to, when combined with a bikeway.

(6) “Sign” and all variations and subcategories of the word “sign” have the meanings established in Wilsonville Code Chapter 4.

(76) “Special Event” means aAny celebration, gathering, assembly of persons, meeting, program, or similar occasion which may include but not necessarily be limited to entertainment, dancing, music, dramatic productions, parades, exhibitions, sports competitions, sale of merchandise or food, or any combination thereof.

(87) “Spontaneous Reaction to Fast-Breaking Events” means a public reaction to a documented publicly known occurrence within the previous 72 hours—such as assembling to mourn a death of a president or to rally over the national 9/11 tragedy—for which applying for and enforcing a permit would be impractical.

(98) “Street” means any place or way set aside or open to the general public for purposes of vehicular or bicycle traffic, including any berm or shoulder, parkway, right-of-way, bicycle lane, or median strip thereof.

6.110 Special Use of Streets, Sidewalks, Rights-of-way, and Bikeways Permit

(1) Special Use of Streets and Sidewalks Permit. No person shall organize or participate in a special event which may unreasonably disrupt or interfere with vehicular, bicycle, or pedestrian traffic without obtaining a Special Use of Streets and Sidewalks Permit. A Large Special Events Permit will also be needed if the event is likely to draw two hundred and fifty (250) or more people. (See Wilsonville Code 6.115.)

(2) Exceptions.

(a) Funeral Processions. Funeral processions are exempt from Special Use of Streets and Sidewalks Permit requirements.

(b) Advertising Vehicles. Advertising vehicles operating under other provisions of the Wilsonville Code are exempt from the Special Use of Streets and Sidewalks Permit requirements.

(c) Spontaneous Reactions to Fast-Breaking Events. The City recognizes that from time to time there is a need for persons to spontaneously assemble, walk, and march to react to an event within the previous 72 hours—such as mourning the death of a President or to reacting to an event such as the 9/11 tragedy. In such documented and publicly known events, applying for a permit would not be practical and enforcement would also be impractical and therefore is not required. Nevertheless, under the circumstances, the following are reasonable conditions to be imposed.

(i) Method of Assembly. If the event consists of ~~five hundred (500) or fewer~~ people and the participants assembling, marching, and/or walking, they should do so in groups of fifty (50) or fewer, two (2) abreast (to create space between groups) and give way to others they encounter on the public way and obey all traffic regulations, obey all park regulations, and do not obstruct traffic flow.

(ii) Notification to the City. Reasonable attempts should be made to contact the City so that it may be informed of the event's occurrence and direct City resources as appropriate.

(iii) Notification to Participants. It is the responsibility of the event organizer to inform all event participants of the above conditions so that vehicular, bicycle, and pedestrian traffic are not impeded. If the above conditions are not followed and traffic flow is impeded, the City will take appropriate action, up to and including ~~to~~ ending the event.

(c) Events That Will Not Disrupt Vehicular, Bicycle, or Pedestrian Traffic. Use of streets or sidewalks that will not block, stop, or impede traffic flow do not need a Special Use of Streets and Sidewalks permit. An event will not need a permit so long as:

- (i) The event is conducted entirely on sidewalks or other pedestrian rights-of-way and does not spill over into City Streets in a way that would be a hindrance to vehicle traffic or would constitute a safety risk for attendees;
- (ii) The event is not situated in such a way so as to block through-travel of pedestrians and/or bicycles and a path large enough to accommodate handicapped pedestrian travelers can quickly be cleared; and
- (iii) Event organizers comply with all requests from City personnel and law enforcement to modify the configuration of the event so as to create a minimum disturbance to vehicular, bicycle, and pedestrian traffic.
- (iv) The event does not last more than 72 hours.

6.115 Large Special Events Permit

- (1) Large Special Events. Except for assemblies to walk or march under the provisions of 6.110(2)(c), no person may engage in or conduct any event, entertainment, amusement, or assembly or use any public facility for purposes other than governmental operations of the City if the event is likely to draw two hundred and fifty (250) or more persons or involves complex organization and coordination from multiple City agencies such as the fire department, the sheriff's office, state police, public works, etc., unless that person has a current and valid permit issued in accordance with this section.

6.120 Permit Applications for Special Use of Streets and Sidewalks and Large Special Events.

- (1) Application Timeline.

(a) Large Special Events. Whenever reasonable, written application for ~~Special Use of Streets and Sidewalks or~~ Large Special Events permits, which may also need to be accompanied by a Special Use of Streets and Sidewalks permit application, shall be made to the City ninety calendar (90) days prior to the date upon which such event is scheduled to be held. The City will make every attempt to quickly accommodate Special Events held in response to fast-breaking events, for which ninety (90) days notice is impossible or otherwise impracticable. Written notice of approval or disapproval of said application shall be given the applicant no later than fifteen calendar (15) days after the application has been filed.

(b) Events that Only Require Special Use of Streets and Sidewalks Permits. Small scale events that only require a Special Use of Streets and Sidewalks Permit but do not require a Large Special Events permit should be made to the City thirty (30) calendar days prior to the date the event is scheduled to be held. Written notice of approval or disapproval of the application will be given to the applicant no later than (7) calendar days after the application has been filed.

(2) Expedited or Extended Application Review.

(a) Expedited Review. Upon request of an applicant, the City may agree to an expedited application review when the applicant demonstrates that compliance with the standard review process (1) is not required due size, to location, duration, or other appropriate factors indicating that public safety, health, welfare, fiscal wellbeing, and convenience would not be affected by expedited review or (2) would substantially burden protected rights, including speech and assembly, as to matters of public concern and the expedited review process would allow reasonable review to address substantial matters of public safety, health, welfare, fiscal wellbeing, and convenience

(b) Long-Standing Community Events. The City recognizes that there are certain special events held on a recurring basis that have become important features of community life in Wilsonville. Organizers of these events have demonstrated a history of responsible event management and a commitment to work with the City to ensure that City resources are used efficiently. Events designated by the City Council as Long-Standing Community Events shall be entitled to an expedited review process so long as the nature of the event remains substantially similar. This dispensation shall not be based on the content of the event, but is solely a recognition of the cooperative relationship event organizers have developed with the City and the known history of the services required. The designation of long standing community events may be designated by the ~~Community Permit Coordinator~~City Manager who will review the list of long-standing community events on an annual basis and revise it as needed to reflect the City's goal of promoting community and diversity. as some may be discontinued by their organizers and replaced by others from time to time that recur over a period of two or more years, but eCurrently they the list of long-standing community events includes: (fill In)

(b) Extended Review. Upon determination that the size, location, duration, or other appropriate factors that affect public safety, health, welfare, fiscal wellbeing, and convenience require more intensive review of an application, the City, after notice to the applicant, may extend the standard review time, of fifteen calendar (15) days, by a period not to exceed 7 calendar days.

(3) Requirements for Permit Approval. Permits shall not be denied providing the conditions enumerated in Section 6.125 are met by the applicant and the permit fee as required by Section 6.130 is paid. Decisions to issue, deny, or conditionally approve permits shall not be based on the content of a message associated with the event absent a compelling governmental interest. Notwithstanding that general standard, protections otherwise applicable to speech and assembly are limited and may not extend to speech or assembly that is intended to or has the result of causing public alarm, disruption of peaceful assemblies or government processes, falsehood, or other forms of expression that are not protected under the laws or constitution of Oregon or the United States.

- (4) Non-Discrimination. The City shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Section based upon political, religious, ethnic, race, disability, sexual orientation, or gender-related grounds or other criteria that would be considered a violation of state or federal law.
- (5) Application Forms. The City shall create and provide application forms for Special Use of Streets and Sidewalks and Large Special Events permits. The application shall request information designed to allow the City to act on the application in an informed manner to determine if the application meets the requirements of this Section, and to allow the City to determine what requirements, if any, should be imposed as a condition of issuance of the permit. The City may amend any application form in whole or in part on such notice as is deemed appropriate under the circumstances, provided that an amendment shall not apply to an application made prior to the City's formal notice of any proposed amendment to the application form.

6.125 Permit Conditions for Special Use of Streets and Sidewalks and Large Special Events.

- (1) Permits Non-Transferable. All Special Use of Streets and Sidewalks and Large Special Event Permits are issued in the applicant's name as an individual, or a representative or agent of a company, organization, or other entity for a specific purpose, at a particular location, and for a specific date(s) and time(s). Such permit cannot be assigned, sold, lent, leased, or otherwise transferred even though the name of the applicant, or name of the company, organization, or other entity represented by the applicant may change.
- (2) Facility Use Agreement. The City of Wilsonville reserves the right to cancel or change facility use agreements when deemed necessary by the City. Failure to comply with park or facility use policies will be grounds for cancelling the park or facility use agreement and denying future applications. Additional limits may apply subject to the nature of the event activity.
- (3) Location. No permit for Special Use of Streets and Sidewalks or Large Special Events shall be granted unless said event is to be held in those areas of the City zoned or otherwise designated for parks and recreation. If the event is to be held on private property and there is a substantial risk that spill-over effects of the event will burden City resources beyond their day-to-day levels, written consent to the use of the property for such purpose together with evidence of ownership of the property and an accompanying description of the property to be used for the proposed event must accompany a permit application.
- (4) Special Events Checklist. Permits for Special use of Streets and Sidewalks and Large Special Events shall require provision of adequate coverage, when applicable, of the items indicated on the Special Events Checklist provided by the City, which shall include, but not be limited to the following:
 - (a) Location Description. A description of all public property that will be used in the hosting and conducting of an event must accompany all application materials. If the

event will be conducted on private property and it is likely that the event will have spill-over effects, due to its size, that tax City resources beyond their ordinary and normal scope, a description of the private property is required as well.

- (b) Route. If a part or whole of the event will involve the use of public streets, bikeways, rights-of-way, and/or sidewalks, a Route map for the event must be attached.
- (c) State Highways. Events utilizing areas around ramps to state highways must apply for and coordinate closures with the state of Oregon.
- (d) Time Restrictions. Permits are issued with a set start and end time. These will not be changed without permission of the City. Resumption of normal traffic in these areas will occur at the end time specified on the event permit.
- (e) Other Permits. Event organizers are responsible for ensuring all applicable permits are in place prior to the event and paying the appropriate fees.
- (f) Sanitary Facilities. Event organizers are responsible for the provision of adequate sanitary facilities relative to the number of projected attendees. ~~All sanitary facilities being provided for Special Events must meet all ADA regulations~~ OAR 333-039-0005 provides the guidelines for the number and locations of toilets, to be that 1 out of 6 must meet ADA regulations, and no less than 1 toilet meeting ADA regulations will be provided at any mass gathering.-
- (g) Waste Removal. Event organizers are responsible for waste removal from public property and rights-of-way included within or immediately adjacent to the event location. Adequate waste receptacles shall be placed throughout the event area to prevent littering. Recyclable container receptacles shall be provided as part of the waste management plan. Waste disposal containers provided must be adequate to contain the waste generated by the event. Additional waste containers must be provided by event organizers when event activities will generate waste beyond the capacity of the waste receptacles provided for normal capacity of the rented shelter or facility.
- (h) Vendors. All vendors wishing to carry on business during a Special Event must have a current valid Business License issued by the City of Wilsonville in compliance with Wilsonville Code 7.300 et seq. All vendors must clearly display their business license at their vendor site.
- (i) Food Safety. Event organizers are responsible for the sanitary service of all concessions. All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the proper means for preparing, keeping, and serving the food as determined by the Clackamas or Washington County Health Department as appropriate. Events serving food must register with the Clackamas or Washington County Health Department, as appropriate, and follow all

rules and responsibilities for safe handling. All vendors serving food must clearly display their license from the Health Department at their vendor site.

- (j) Fire Protection Plan. If the event will involve the use of tents or awnings, no permit shall be granted hereunder unless the applicants have shown that Tualatin Valley Fire and Rescue has approved fire protection devices and equipment available for and at the location of the assembly.
- (k) Public Safety. Event Organizers are responsible for the behavior and safety of their guests, including safe access and egress to and from the event. A security plan must be prepared for Special Events over the capacity of the facility, park, or shelter housing the event. A Safety Plan must also be prepared for events that will use streets, bikeways, rights-of-way, and sidewalks.
- (l) Parking Facilities. Event Organizers are responsible for ensuring that there will be adequate parking available for the anticipated number of event participants. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time to or from the parking area. If the parking available at the event location is inadequate for the event, a plan for a shuttle service or off-site parking must be included.
- (m) Special Equipment. Additional special equipment (dunk tanks, inflatables, stages, etc.) must be placed in locations that are safe for the attendees and do not damage park or facility grounds. Amplified music must be modified to a level that does not disturb other park or facility users or nearby residents. All special equipment that will be used must be listed on the Large Special Events Permit Application.
- (n) Use of Alcohol. Alcohol is not permitted in public parks or facilities except in designated areas and by special request. A copy of the required documentation and license(s) issued by the Oregon Liquor Control Commission must accompany the Large Special Events Permit Application. Failure to provide this documentation will result in the City's refusal to allow alcohol to be served at the Event. All events serving alcohol are required to insure the event as outlined below in subsection (o).
- (o) Insurance and Indemnity. Event organizers must agree to ~~the~~ hold the City, its agents, officials, and employees harmless from and against all damages, including reasonable attorney's fees, to persons or property, all expenses and other liability that may result from permitted activities. Moreover, event organizers must maintain public liability and property damage insurance that protects the event organizers, and any independent contractors or third party vendors as well as the City and its officers, agents, and employees from any and all claims, demands, actions, and suits for damage to property and personal injury, including death, arising due to the permitted activities. The insurance shall provide coverage in amounts sufficient to meet the minimum tort claim liability insurance requirements as established by the Oregon Legislature.

6.130 Permit Fees for Special Use of Streets and Sidewalks and Large Special Events.

- (1) Fees. Such fees which are reasonable to compensate the City for costs directly associated with the event shall be paid at the time of application for the Special Use of Streets and Sidewalks or Large Special Events Permit. The City Manager is responsible for adopting a progressive fee schedule that reflects the size and nature of the event and the nature of the burden allowing the event to occur on City property places on City resources.
- (2) Fee Waivers. Long-Standing Community Events, as described in 6.120(2)(b) and to which the City contributes grants or sponsorship may be granted a fee waiver, in whole or in part, relative to their continued contribution to economic development, tourism, and quality of life in Wilsonville. Waivers will be determined by the City Manager and reviewed on an annual basis.

6.135 Permit Review.

- (1) Decision to Grant, Deny, or Grant with Conditions. Upon receipt of a permit application, the City will determine whether to grant, deny, or grant with conditions the requested permit. In making this determination, the City may consider any of the following:
 - (a) Whether the application has been fully completed and executed;
 - (b) Whether the application contains any material falsehood or misrepresentation;
 - (c) Whether the applicant is legally competent to contract, sue, and be sued;
 - (d) Whether the applicant has, on prior occasion, damaged public property and not paid, in full, for such damage;
 - (e) Whether a permit to use the same location, on the same date and at the same time has already been granted to another party;
 - (f) The potential for the event to substantially interrupt the safe and orderly movement of other pedestrians or vehicular traffic contiguous to the route or location;
 - (g) The potential for the event to require the diversion of so great a number of municipal police officers to properly police the event as to prevent normal police protection of the City;
 - (h) The potential for concentration of persons, animals, and vehicles at the event location which would unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the event area;
 - (i) The potential for the conduct of the event to cause injury to persons or property; or

(j) Any other consideration specific to the circumstances that would place an undue burden on public safety, health, welfare, fiscal wellbeing, or convenience and that cannot reasonably be accommodated.

(2) Alternative Proposals and Denials. If the event cannot be conducted without endangering public safety or seriously inconveniencing the general public, as determined by the City, the City may:

(a) Propose an alternate location/route;

(b) Propose an alternate date;

(c) Propose such other conditions that may be reasonable and prudent to mitigate any danger or inconvenience to the general public; or

(d) Deny the permit

(3) Notification of Decision. The City shall notify the applicant of the decision to grant or deny a permit within fifteen calendar (15) days of receipt of the application, unless the application is subject to expedited or extended review under 6.120(2).

6.140 Permits Revocable.

(1) Revocation for Cause. The City may suspend or revoke any permit issued under this Section upon finding any violation of this Section, the terms or conditions imposed in the permit, or for any other action deemed detrimental to public health and safety. Such revocation shall take effect immediately, and the City shall promptly notify the permittee of the revocation. After revocation, the permittee may not conduct the event, or if the event has commenced, shall immediately cause the event to be terminated in a safe, proper manner.

(2) Revocation due to Emergency. If a public emergency arises where municipal resources required for the emergency are so great that deployment of municipal personnel, equipment, or services for an event would have an immediate and adverse effect upon welfare and safety of persons or property, the City may suspend or revoke the permit and the permittee shall comply with such directives as the City may impose.

6.145 Hours of Operation.

(1) Hours of Operation. No Special Event shall be conducted in the City during the hours of 12:01 a.m. and 9:00 a.m. The participants shall be required to have cleared the permitted area and its immediate environs no later than 1:00 a.m. of the day following the permitted event. Event organizers shall be permitted to begin setting up for the day's event at 7:00 a.m. Event organizers may request special permission to begin setting up for the event the night before if morning set up is impracticable.

6.150 Special Use of Streets and Sidewalks and Large Special Events Signs and Street Banners

~~(1) Planning Director Approval Required. Signs advertising or pertaining to any Special Event taking place within the City shall require the approval and permitting of the Planning Director, or designee, according to the established signage permit procedures and fees. (See Wilsonville Code 4.156).~~

~~(2) Temporary Sign Permit. The Planning Director, or designee, may issue a temporary signage permit for Special Events signs through the administrative review process of Sections 4.030.~~

~~(a) Four Permits Per Year. Such permits shall be limited to four (4) or fewer events per year.~~

~~(b) Sign Size. Special Events signs shall not exceed six (6) squared feet in size and are limited to thirty (30) inches or less in height.~~

~~(c) Sign Placement. Special Events signs may be located on site, off site, or within City rights of way, excluding those areas listed in 4.156(.10)(A.)(4.)~~

~~(d) Special Conditions. The Planning Director, or designee, may attach conditions to any sign permit to ensure compliance with the purposes and specifications of this Code.~~

~~(3) Public Events Banners. The purpose of the Public Events Banner Program is to provide publicity for community events of general interest to the citizens of Wilsonville and to provide a more festive character to the City's downtown area, while maintaining design standards that provide for continued quality of life within Wilsonville.~~

~~(a) Public Works Plan. Public Event Banners will be allowed according to a plan set out by the Public Works Department.~~

~~(b) Installation. Public Event Banners shall be installed only by City Public Works Employees~~

~~(c) Design. The architecture and design of the banners may include, as design elements, the name of the sponsoring organization; the name, location, and date(s) of the event; and the logo of the event. The exact architecture and design specifications for Public Events Banners are determined by the planning department. These specifications must be met before a banner will be approved for installation.~~
~~(1) Signs That Do Not Require a Permit. The following signs associated with a Special Use of Streets and Sidewalks or Large Special Event, for which a valid permit has been granted, do not require a separate sign permit:~~

~~(a) Signs Generally Allowed. Temporary signs on private property not exceeding the exempt temporary sign allowances for lawn and rigid signs established in Wilsonville Code Section 4.156,~~

(b) Signs Allowed for Large Special Events and Limitations. For Large Special Events, temporary signs, including banners, a-boards, lawn signs, or other signs, on any public property described in the location description submitted with the event permit application as long as such signage:

(i) Does not exceed twenty-four (24) square feet per sign;

(ii) Does not unreasonably impede pedestrian, bicycle, or vehicle traffic or circulation;

(iii) Does not damage landscaping, buildings, or structures;

(iv) Is not attached to lamp posts, permanent sign posts, power poles, or similar public structures;

(v) Is securely attached so as to withstand the wind and other elements;

(vi) Does not have guywires, strings, ropes, or other mechanisms securing the sign that could be a safety hazard; and

(vii) Does not otherwise create a nuisance or hazard.

(c) Wayfinding Signs for Large Special Events. For Large Special events, in order to assist the public in wayfinding, up to ten (10) lawn signs in the public right-of-way are allowed provided that:

(i) Such signs are placed no more than fourteen (14) calendar days prior to the beginning of a permit period and are removed within twenty-four (24) hours of the end of the event period;

(ii) Except as noted in (iii) below, such signs meet all size, location, placement, spacing, and other non-duration related requirements for temporary lawn signs in the right-of-way in Wilsonville Code Section 4.156;

(iii) When a Large Special Event is held in Memorial Park or the Town Center area, allowed lawn signs may be placed in the otherwise prohibited non-ODOT, non-median landscaped areas of right-of-way on Wilsonville Road and Town Center Loop East and West so long as the sign will not damage landscaping or irrigation, or otherwise have a negative impact on right-of-way maintenance, do not obstruct vision clearance, and written approval is obtained from the adjacent property owners with maintenance responsibilities for the landscaping in the right-of-way; and

(iv) The number of wayfinding signs may be restricted to fewer than ten (10) if the City deems it necessary because multiple events are being held on the same day and there is a need to protect rights-of-way from becoming confusing, distracting, overly cluttered, or in any way hazardous to the traveling public.

(2) Banners on Public Lights and Other Poles. The purpose of the public pole banner program is to provide publicity for community events of general interest to Wilsonville residents and visitors and to provide a more festive character to the City's Town Center area, while maintaining design standards that provide for continued quality of life within Wilsonville.

(a) Public Works Plan. Banners on public light and other poles will be allowed according to a plan set out by the Public Works Department.

(b) Installation. Banners on public light and other poles shall be installed by City Public Works employees only.

(c) Design. The architecture and design of the banners may include, as design elements, the name of the sponsoring organization; the name, location, and date(s) of the event; and the logo of the event. The exact architecture and design specifications are determined by the Public Works Department.

(3) Other Signs. All other signs, not specifically lists in (1) and (2) above shall be governed by Wilsonville Code Chapter 4, including Section 4.156, and may require a sign permit through the Planning Division.

(4) Sign Enforcement. In addition to the applicable enforcement provisions of this Chapter, the enforcement provisions of Chapter 4 shall apply to sign violations.

6.155 Interim and Final Appeals.

(1) Right to Appeal. Any person aggrieved and directly affected by a decision of the City, or designee, may file an interim or final administrative appeal.

(2) Interim Appeal. Prior to a final decision by the City, an applicant who claims that delay, imposition of conditions, or other action by the City violates any applicable law, or unreasonably and improperly interferes with constitutionally protected rights, may file an interim appeal as follows:

(a) Notice to the City. The applicant shall notify the City in writing of the claim specifying in detail the basis for the claim. The City shall review the notice and determine if administrative action will adequately resolve the problem.

(b) Written Appeal. If the applicant is not satisfied by such administrative action, the applicant may file a written appeal within 48 hours to the City Manager, with a copy to the municipal clerk specifying the grounds for the appeal. The City Manager shall review the appeal to determine if it will be heard or if the grounds for appeal are not property set forth.

(c) Hearing by City Manager. If the City Manager determines that the appeal will not be heard, the applicant shall be notified within 24 hours of such decision. If the

appeal proceeds, the City Manager shall schedule a hearing on the matter no later than five (5) calendar days following the filing of the appeal providing such notice to the applicant and the public as is deemed appropriate under the circumstances. At the hearing, the City Manager shall hear the applicant, City staff, and such other persons as may be allowed to speak. Within 48 hours after the hearing, the City Manager shall issue its decision in writing and shall notify the applicant.

- (3) Appeal of Final Action. The applicant or any person directly affected by final administrative action on an application may file a written appeal with the City Council, with a copy to the municipal clerk not later than seven (7) calendar days after the final action. The appeal shall state with specificity the grounds for the appeal. The City Council may deny an appeal without hearing if it determines on the face of the appeal that it has no merit and shall notify the appellant and other directly affected parties within 48 hours after such a determination. If the appeal proceeds, the City Council shall schedule a hearing no later than the second regularly scheduled Council Session following the receipt of the notice of appeal. The appeal hearing shall be limited to the grounds stated in the appeal unless the City Council, for good cause, determines to hear other issues or concerns. The appellant, applicant, City staff, and other persons directly affected may speak or submit evidence at the hearing. The City Council may determine who is permitted to participate in the hearing. The City Council shall issue its decision on the appeal, stating the reasons for its decision, within seven (7) calendar days after the hearing.
- (4) Judicial Appeal. Any person aggrieved by a decision under this Section may appeal from the decision to a court with appropriate jurisdiction in accordance with applicable statutes or court rules. Any person who is granted standing to file internal appeals must first exhaust such administrative remedies prior to seeking judicial relief.

6.160 Offenses Against Events.

- (1) Conducting a Non-Permitted Event. No person shall stage, present, or conduct any event for which a permit is required by this Section without first having obtained a permit.
- (2) Participating in Non-Permitted Event. No person shall participate in an event which that person:
 - (a) knows is required to have a permit under this Section; and
 - (b) knows or should know that the required permit was not obtained.
- (3) Failure to Comply with Permit Conditions. No Person who is the agent or representative of a permittee shall knowingly fail to comply with any term or condition of the permit.
- (4) Interfering with an Event. No person shall unreasonably interfere with a Special Event or any person, vehicle, or animal participating or used in the event.
- (5) Driving Through Events. No person shall operate a vehicle that is not part of a Special Event between the vehicles or persons participating in the Event.

6.165 Failure to Comply.

(1) Failure to Comply. Compliance with the terms and conditions of Sections 6.100 to 6.175 shall constitute the minimum health, sanitation and safety provisions, and failure to comply with the terms and conditions shall constitute a public nuisance and the sponsors of said event shall be subject to all criminal and civil remedies as such.

6.170 Penalties.

(1) Penalties. Any person who shall violate or fail to comply with the provisions of Sections 6.100 to 6.175, or, who having obtained a permit hereunder, shall willfully fail to continue to comply with the terms and conditions hereunder, or who shall counsel, aid or abet in violation of these Sections, shall upon a first conviction thereof, be guilty of a violation pursuant to Section 1.012, and upon a subsequent conviction thereof, be guilty of a Class C Misdemeanor pursuant to Section 1.011.

6.175 Severability.

(1) Severability. If any provision of this Section is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 5th day of January, 2012, and scheduled for second reading at a special meeting of the City Council on the 19th day of January, 2012, commencing at the hour of 7 p.m. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2012, by the following votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

| Council [President](#) Nunez

Councilor Hurst

Councilor Goddard

Councilor Starr