

ORDINANCE NO. 6469

AN ORDINANCE REPLACING SUBCHAPTER 9.36 AND AMENDING SECTION 1.01.020 OF THE HILLSBORO MUNICIPAL CODE RELATED TO SPECIAL EVENT PERMITS.

WHEREAS, subchapter 9.36 of the Hillsboro Municipal Code requires a special event permit for the use of the right-of-way for special events; and

WHEREAS, other provisions of the Code as well as state law require permits for other events that utilize public spaces other than the right-of-way as well as certain events that occur on private property; and

WHEREAS, because of these different requirements, individuals and entities wishing to organize events in the City often have to acquire multiple permits; and

WHEREAS, to the extent feasible, the City desires to consolidate the permitting of these types of events into one permit in order to make the process more streamlined and efficient for both the public and City staff.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. The definition of the term “Special Event” in Section 1.01.020 of the Hillsboro Municipal Code is repealed and replaced as follows:

SPECIAL EVENT, any group activity that is conducted: (1) in whole or in part on city property or on public rights-of-way and has an estimated peak attendance of fifty (50) or more persons; or (2) on private property and (i) will have a direct and significant impact on ordinary traffic congestion or traffic flow to and from the event over public rights-of-way; or (ii) will significantly affect public rights-of-way near the event; or (iii) could affect the need for city-provided emergency services such as police, fire or medical aid to provide services at a higher than normal level. A special event also includes any group activity where the activity or the use of materials or equipment to support the activity requires approval of a City Board or Commissions, or City staff; a permit under the fire code; or approval of the Community Development Department, including but not limited to events that use amplified sound or live music in City parks; are held in City parks during the hours when the park is closed to the public; involve vending activities in City parks; utilize non-motorized vehicles in otherwise prohibited areas of City parks; expect participation by fifty (50) or more persons in unreserved areas of City parks; will serve alcoholic beverages on City property; will display fireworks; will use open flames, such as candlelight vigils; will use propane or other flammable materials for cooking; are open to the public but require ticketed admissions; will use a tent larger than four hundred (400) square feet; or will construct temporary structures such as a stage or a band shell.

Section 2. Subchapter 9.36 of the Hillsboro Municipal Code is hereby repealed and replaced as set forth in Exhibit A, which is incorporated as if fully set forth herein.

Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

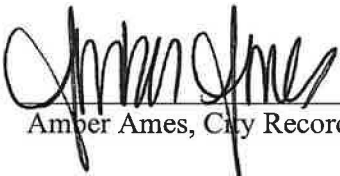
First approval of the Council on 7th day of May 2024.

Second approval and adoption by the Council on this 21st day of May 2024.

Approved by the Mayor this 21st day of May 2024.



Steve Callaway, Mayor

ATTEST: 

Amber Ames, City Recorder

EXHIBIT A

Subchapter 9.36 SPECIAL EVENT PERMIT

9.36.000 Purpose

9.36.010 Definitions

9.36.020 Permit required and Exemptions

9.36.030 Application for permit

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9.36.050 Issuance of permit

9.36.060 Scope and requirements of permit

9.36.070 Denial of permit

9.36.080 Appeal

9.36.000 Purpose

The city encourages special events that foster the betterment of the community, the promotion of cultural diversity, and the promotion of commerce within the city. Gatherings of persons, outside the normal day to day activity of a property, facility, or location, may place unique demands on public resources and pose a potential danger to public health, safety and welfare. In order to plan for these demands, ensure public safety, avoid negative impacts to the Hillsboro community, and provide clarity on requirements for specific events, it is necessary that the city receive advance notice of these events. The provisions of this chapter are intended to address these concerns and are not intended to place unnecessary burdens on any right of association, assembly, or freedom of expression.

9.36.010 Definitions

The following definition applies unless inconsistent with the context:

ORGANIZER, for the purpose of this subchapter, is a person which conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

9.36.020 Permit required and Exemptions

A. An Organizer wishing to hold a special event in the city must apply for and obtain a special event permit.

B. It is unlawful to conduct a special event in the city without first obtaining a special event permit.

C. The manager may exempt the following events from the permitting process if a permit is not necessary to protect the public health and safety:

1. Events held by the city or another governmental agency acting within the scope of their authorized function;
2. Contractual agreements between the City and other entities that address the requirements of a special event permit;
3. Impromptu or quickly organized events that have as a primary purpose lawfully engaging in free speech activities; and
4. Funeral processions.

9.36.030 Application for permit

A. An application for a special event permit must be on the form provided by the city and include any fee as set by council resolution. The manager may waive the required fee if doing so is in the public interest.

B. The manager will be responsible for creating and updating the city provided form, which may require information deemed necessary to review the application, including but not limited to the following:

1. The names, addresses and telephone numbers of the persons applying as organizers or to act as primary contacts or sponsors for the special event;
2. The date(s) proposed for the special event;
3. A description of the event, including information about the use of any fireworks, drone shows, open flames, construction of stages or other temporary structures, the use of tents, or the use of sound amplification or live entertainment;
4. The estimated peak number of attendees as well as an estimate of total attendees;
5. The proposed times for commencing and ending the special event each day it is to be held, including set up or break down times, if applicable;
6. The proposed location(s) for the special event, including a specific address where applicable;

7. A traffic control plan that addresses likely traffic impacts to result from the proposed special event, including a parking and overflow parking plan if necessary, and a route map for event-based shuttle services, if applicable;
8. A plan relating to the provision of sanitation facilities for use by the attendees;
9. Information relating to the provision of equipment and services to protect special event attendees and the general public health and safety, including the provision of first aid or emergency medical services or the need for additional police or fire personnel;
10. If the special event is in any way mobile, a description and map of the proposed route;
11. Whether food and/or alcoholic beverages are expected to be sold, served or otherwise made available or consumed by attendees of the special event;
12. Evidence that an organizer has received the approval of all other local, state or federal regulatory agencies that have jurisdiction over the activities anticipated to be conducted at the special event, such as liquor commission approval for an event to include alcoholic beverage sale or consumption or a permit to use the public rights-of-way of another jurisdiction such as Washington County or the State;
13. Evidence of a rental agreement or other authorization to use the property where the special event is to be held, if applicable;
14. Whether there will be a fee, charge or cost imposed for participation in the special event; and
15. Evidence of the organizer's ability to acquire any required insurance as required by HMC 9.36.060(B) as well as evidence that the insurance will include the city, its elected and appointed officials, officers, employees, agents and volunteers as additionally named insureds if the special event will be held on City property or within the public rights-of-way.

9.36.040 Timeline for a special event

- A. Completed applications for a special event permit must be filed with the manager no less than 60 days prior to the proposed beginning date for the special event as set forth below, except as set forth under HMC 9.36.040(B) and (C).
- B. The manager may act upon an application for a special event permit filed less than 60 days if review of the application will not unduly burden City staff time and resources.
- C. Completed applications for a permit that covers more than one substantially similar special event, as permitted by HMC 9.36.050, must be filed with the manager no less than 90 days prior to the first special event covered by the permit.

D. An application for a special event permit is not complete until the applicant has provided all of the information required by the form created and updated by the manager under HMC 9.36.030 and such additional information or evidence the manager may reasonably request.

E. The City will not deem the date for a special event as scheduled until the special event permit has been formally issued.

9.36.050 Issuance of permit

A. Except as may be provided elsewhere in this subchapter, the manager will take final action on a completed application for a special event permit as soon as practicable and in no more than 15 business days after receipt of a completed application unless extended by the manager for an additional 15 business days because additional review is required due to the complexity of the application.

B. The manager is not required to take final action on an incomplete special event permit application or a special event application that does not comply with HMC 9.36.040(A).

C. The issuance of a special event permit does not relieve any person involved in the special event from meeting any requirements or obligations imposed by other local, state or federal laws.

D. The manager may issue a permit that covers more than one substantially similar special event, which occurs at the same location but on multiple different days. Such permits may be issued on an annual basis or a shorter time period, such as a monthly basis, and may, at the manager's discretion, be automatically renewed if there is no need to update the permit requirements to protect the public health and safety.

9.36.060 Scope and requirements of permit

A. The manager may approve, approve with conditions or deny an application for a special event permit.

B. The organizer shall obtain insurance coverage required by the manager. In determining the required type and amount of insurance coverage, the manager will consider, consistent with recognized insurance and risk management standards, whether the proposed special event falls into a demonstrated high or low risk category. If a special event will occur on City property or in a public right-of-way, the required insurance shall name the city, its elected and appointed officials, officers, employees, agents and volunteers as additionally named insureds.

C. Decisions by the manager under HMC 9.36.060(A) approving a permit will be in writing and may contain information or conditions relevant to the special event on:

1. The location or specific route if mobile;

2. The dates and starting and required ending times;
 3. The minimum and maximum speeds for involved vehicles, whether motorized or non-motorized;
 4. The portion of the right-of-way or City property to be used or occupied, if any;
 5. The anticipated number of persons, animals, vehicles, or equipment for musical and sound production expected to participate or be utilized during the event;
 6. The amount and type of insurance coverage required;
 7. The traffic control plan, including the type, number and location of traffic control devices and personnel as well as parking and overflow parking requirements, and shuttle service, where applicable;
 8. The intended provision of equipment and services to protect attendees, participants, spectators and the general public health and safety, including the provision for medical and sanitation services; and
 9. Such other information or conditions that the manager believes necessary to protect the public health and safety, including a requirement that an organizer be present during its operating hours.
- D. The issuance of a special event permit confers the right to control and regulate activities within the special event venue consistent with the terms of the special event permit only.
- E. Issuance of a special event permit neither obligates nor requires the city to provide any support to the special event.

9.36.070 Denial of permit

- A. The manager may deny a special event permit:
1. For failure to comply with HMC 9.36.030, 9.36.040(A), or 9.36.060(B);
 2. For failure to comply with the conditions of a previously issued special event permit;
 3. Because the proposed special event conflicts with an activity already scheduled;
 4. For failure to demonstrate a right to use the property where the special event is proposed to occur;
 5. Because the special event may violate public health or safety regulations; or

6. Because an organizer demonstrates an unwillingness or inability to conduct the proposed special event pursuant to the terms of this subchapter or other applicable law.

B. The manager will give written notice of denial of an application for special event permit to an applicant at the address listed on the application and set out in brief the reason for said denial.

9.36.080 Appeal

A. An applicant for a special event permit may appeal its denial or conditional approval by filing an appeal which must:

1. Be written;
2. Include a copy of the manager's decision;
3. Include a short statement why the decision is illegal, erroneous or otherwise improper;
4. Be addressed to the council; and
5. Be filed with the city recorder within seven business days of the date the manager's decision is mailed.

B. Upon receipt of a properly filed appeal of an application for a special event permit, the council will:

1. Consider the appeal within 21 days;
2. If deemed appropriate by the council, hear argument and consider new evidence from the applicant as well as from city staff or interested persons;
3. Issue a decision either orally or in writing to affirm, reverse or modify the manager's decision.

C. The decision of the council is final and may only be reconsidered by writ of review.