

## Exhibit A

### Chapter 923 Special Event Permits

#### **923.01 Definitions**

For purposes of this Chapter, the following definitions shall apply:

- (A). “Appeal Team” means: the interdepartmental team comprised of representatives of City departments that participate in review and approval of Special Event applications.
- (B). “Commercial Activity” means: the ordinary activities of trade and commerce where the profit motive is the primary purpose. Commercial Activity does not include sales of materials which are intended to convey information and ideas, or which espouse causes or beliefs protected by the First Amendment of the U.S. Constitution, whether in the form of books, pamphlets, buttons, bumper stickers, t-shirts or the like.
- (C). “Department” means: the Department of Recreation and Parks.
- (D). “Director” means: the Director of the Department of Recreation and Parks.
- (E). “Expressive Activity” means: an activity the sole and principal conduct of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, views, or ideas.
- (F). “Law Enforcement Officer” has the same meaning as in Section 2301.01.
- (G). “Person” means: any natural person or any legal entity defined as a person in Section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.
- (H). “Special Event” means: any temporary, planned recreational event which is located wholly or partially on public property which requires coordination of City resources beyond what is normally provided. Special Event includes, but is not limited to, concerts, festivals, tournaments, residential block parties, waterway activities, timed or competitive races, fundraising runs and walks, non-motorized vehicle rides, parades, private functions and ceremonies as further defined in rules and regulations promulgated by the Director. A Special Event does not include a Spontaneous Event, regular vehicular traffic, lawful picketing, or a funeral procession.
- (I). “Spontaneous Event” means: an event occasioned by recent news or current affairs coming into public knowledge no more than seven (7) days prior to the event and consisting primarily of Expressive Activity on City property open to the public, streets, public thoroughfares, and/or shared use paths.
- (J). “Residential Block Party” means: an event that involves the closure of one (1) or more lanes of a public street between one (1) or more intersections for the common purpose of the residents of the public street(s), other than for a Commercial Activity.
- (K). “Street Closure” means: the closing of one (1) or more lanes of a public street between one (1) or more intersections for the common purpose of the community at large, other than for Commercial Activity.
- (L). “Rolling Closure” means: the temporary closure of one or more streets or intersections to accommodate a Special Event where streets are closed and reopened by the Division of Police in a manner which allows event participants to safely pass a designated point on a route.

#### **923.02 Authority**

- (A). The Director shall have the authority to promulgate reasonable rules and regulations to carry out the provisions of this chapter, including application requirements and provisions for interdepartmental review.
- (B). Every law enforcement officer may enforce the provisions of this chapter as well as rules adopted by the Director pursuant to this chapter.

#### **923.03 Special Event permit requirements**

- (A). No person shall use any public street or bring about a Street Closure or Rolling Closure for the purpose of holding a Special Event without first applying for and obtaining a permit from the Department.
- (B). No person shall bring about a Street Closure or Rolling Closure for the purpose of holding a Special Event without first closing the public street by the use of traffic barricades meeting the standards set forth by the Director of the Department of Public Service, or their designee.
- (C). No permit shall be issued by the Department for a Special Event requiring a Street Closure or Rolling Closure without first obtaining the documented approval of the Department of Public Safety and the Department of Public Service.
- (D). No Special Event permit shall be issued for more than five (5) consecutive days without prior, written permission from the Director.
- (E). No Special Event permit shall be issued allowing for conduct between the hours of 12:01 a.m. and 6:00a.m. without prior, written permission from the Director.
- (F). In addition to the requirements of this Chapter, Special Events taking place in city parks, and/or on waterways must adhere to the laws set forth in City Code Chapters 919 and 921 and Section 2323.54, as applicable.

#### **923.04 Standards for issuance of a Special Event permit**

The Director may issue a Special Event permit when, from the consideration of the application and from other information as may otherwise be obtained, it appears that:

- (A). The conduct of the Special Event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic in or contiguous to the route or location of the Special Event.
- (B). The concentration of persons, animals, and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the City.
- (C). The conduct of the Special Event will not result in noise at a level inappropriate to the area surrounding the Special Event.
- (D). The applicant has secured the police officers and fire personnel required under Section 923.07 and prepaid the expense therefore.
- (E). The applicant has complied with the rules and regulations required to obtain the type of permit requested.
- (F). The Special Event is not to be held for the primary purpose of engaging in Commercial Activity.
- (F). The Special Event will not interfere with previously scheduled activities or events, or with scheduled maintenance or repair work on the streets or thoroughfares requested to be used or closed.
- (G). The applicant has met the requirements of all relevant applications and paid the required fees.
- (H). The applicant has executed the indemnity agreement required under Section 923.06.

### **923.05 Spontaneous Event**

- (A). No Special Event permit shall be required for a Spontaneous Event as defined in Section 923.01.
- (B). To help ensure public safety, the organizer of a Spontaneous Event is not required, but is encouraged, to notify the Columbus Division of Police of the date, time, place, and estimate of the number of persons who will be participating in the event.
- (C). The Columbus Division of Police may order the organizer of a Spontaneous Event to use an alternate time, route, venue, or manner of conducting the Spontaneous Event for the safety of the event and the general public, but shall not issue orders that prevent the event from occurring. These changes may occur due to the following:
  1. The event will unreasonably disrupt traffic within the City;
  2. The event will unreasonably interfere with access to police or fire stations, or other public safety facilities;
  3. The event has been proposed for a time and place for which a Special Event permit has already been approved;
  4. The proposed location of the event could not physically accommodate the number of estimated participants.
- (D). This section shall not be construed to prevent the enforcement of other provisions of the Columbus City Codes or the Ohio Revised Code.
- (E). Spontaneous Events that are outside of the defined seven (7) day period may be required to complete the Special Event permit process if the event otherwise meets the requirements set forth in Section 923.03.

### **923.06 Indemnification and hold harmless agreement**

The applicant for a Special Event permit shall agree, in writing, to indemnify and hold the City of Columbus, its officers, directors, employees, agents, boards, and commissions, harmless from liability and defend it against claims of injury or damage to persons or property arising from the issuance of the Special Event permit and from the negligent acts of the applicant or conduct of the participants of the Special Event.

### **923.07 Division of fire and division of police personnel**

In reviewing the application for a Special Event permit, the Director of the Department of Public Safety shall determine if personnel from the Division of Fire and/or the Division of Police are necessary for the safe conduct and operation of the Special Event. In making the determination, the Director of the Department of Public Safety shall consider the time, date, route, duration, and size of the Special Event; the likelihood of fires or explosions occurring during the Special Event; the need for emergency and medical services; the anticipated number in attendance at the Special Event by both participants and observers; and the ability of the Division of Fire and Division of Police to respond to a call for service from a location outside of the Special Event footprint.

If the Director of the Department of Public Safety determines that Division of Fire and/or Division of Police personnel are necessary for the safe conduct and operation of the Special Event, then the applicant for the Special Event permit shall be informed of the necessary number of Division of Fire and Division of Police personnel and the cost to secure same. The Director of the Department of Public Safety's decision regarding the necessary number of Division of Fire and/or Division of Police personnel required for a Special Event shall be final.

### **923.08 Clean-up costs and city services**

The applicant shall provide for the collection and removal of all trash, garbage, and litter caused by or arising out of the Special Event. A service fee may be assessed for any clean-up costs incurred by the City as a result of the Special Event.

### **923.09 Notice of disapproval of application for a permit**

If the Director disapproves an application, the Director shall make a reasonable effort to notify the applicant of the reason for disapproval by phone, email, or regular mail, within twenty-four (24) hours of the disapproval.

### **923.10 Appeal of permit disapproval**

- (A). If a Special Event application is disapproved, the applicant may appeal to the Appeal Team.

- (B). The applicant must provide written notification that it intends to appeal the disapproval to the Director no later than seven (7) business days after the applicant is notified that the application was disapproved.
- (C). The Appeal Team shall act on the appeal within seven (7) business days and may uphold, modify, or reverse the denial.
- (D). In considering the appeal, the Appeal Team shall apply the criteria provided for in Sections 923.03 through 923.05.

**923.11 Severability**

The provisions of this chapter shall be deemed severable; and, if any such provision shall be held unconstitutional by a court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

**923.99 Violations-Penalties**

- (A). Whoever recklessly violates Section 923.03 (A) is guilty of conducting a Special Event without a permit, a misdemeanor of the fourth degree.
- (B). Whoever recklessly violates Section 923.03 (B) is guilty of conducting a Special Event without proper barricades, a misdemeanor of the fourth degree.
- (C). Whoever knowingly violates any term or condition stated in a Special Event permit issued to that person is guilty of conducting a Special Event in violation of a permit, a misdemeanor of the fourth degree.
- (D). Organizational criminal liability as provided for in Section 2301.23 applies.