

**Proposed for May 15, 2023**  
**CITY OF CARVER**  
**CARVER COUNTY, MINNESOTA**

**ORDINANCE NO. 04-2023**

**AN ORDINANCE CREATING CHAPTER 10, ARTICLE VIII OF THE  
CARVER CITY CODE REGARDING LARGE EVENT PERMITTING**

THE CITY COUNCIL OF THE CITY OF CARVER, CARVER COUNTY, MINNESOTA,  
DOES ORDAIN:

**SECTION 1.** The City Council of the City of Carver hereby creates Chapter 10, Article VIII as follows:

**Sec. 10-340. INTENT AND PURPOSE.**

It is the intent of this article to regulate the time, place, and manner of certain large events in order to promote the health, safety, and welfare of all residents and visitors of the city by ensuring that such events do not create disturbances, become nuisances, threaten life, health, or property, disrupt traffic, or threaten or damage property. It is not the intent of this article to regulate in any manner the content of speech or infringe upon the right to assemble, except for regulating the time, place, and manner of speech and assembly, and this article should not be interpreted or construed otherwise.

**Sec. 10-341 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*LARGE EVENT.* Any concert, parade, fair, show, festival, carnival, rally, party, run, street dance, race, walk, athletic event, or other organized form of entertainment, gathering, or celebration that requires public street closure or is expected to host 150 or more individuals and is to be held in whole or in part upon publicly owned property or public right-of-way.

*SPECIAL SERVICES.* The allocation of public resources including, but not limited to, city personnel, city equipment, rights-of way control or closures, or city facilities for use in conjunction with a specific event or activity.

**Sec. 10-342 PERMIT REQUIRED.**

- (a) *Permit required; adherence.* It is unlawful for any person or organization to sponsor, organize or conduct a large event requiring a permit pursuant to this article unless a valid large event permit has been issued for the event. Additionally, it is unlawful for any permittee or organizer of any large event to violate any terms or conditions of a city-issued large event permit issued for such event.

- (b) *Exceptions.* A large event permit is not required for: (i) funeral processions, which are inherently transitory in nature; (ii) events that are wholly regulated by the city through another regulatory tool, such as a conditional use permit or facility or park shelter rental process that does not require any additional special services; (iii) activities held in public parks or on public athletic fields solely for purposes of youth or adult recreation; (iv) events or community festivals that are organized and facilitated by or in conjunction with the city, such as Steamboat Days, the fire department's annual open house, and Night to Unite; and (v) the use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.
- (c) *Other permits or licenses required.* The issuance of a large event permit under this article does not replace or otherwise exempt an applicant or event organizer or participant from obtaining any other permit, license, or approval that may be required for activities associated with a large event, including, but certainly not limited to, licenses or permits related to alcoholic beverages, mobile food units, transient merchants, pyrotechnic displays, or right-of-way obstructions.

#### **Sec. 10-343 PERMIT APPLICATION.**

- (a) *Application; fee.* An application for a large event permit must be made on a form provided by the city and must disclose all information required on said form. An application fee, as established and provided in the city's fee schedule, must also accompany such applications at the time of submission.
- (b) *Time for filing.* A large event permit application must be filed with the city at least 45 days in advance of the date in which the large event is to occur.

#### **Sec. 10-344 PERMIT REVIEW.**

- (a) *Staff review.* The city clerk, or its designee, will distribute copies of all completed applications to department heads and law enforcement for input and recommendations related to public health, safety, and welfare. City staff may thereafter recommend any terms and conditions deemed reasonably necessary to further public health, safety, and welfare in order to aid in the permit decision process. City staff will also determine an estimated cost associated with any special services that may be required for the event. An application that is deemed incomplete will be returned to the applicant with information regarding what required information is missing.
- (b) *Administrative review; appeal.* The city clerk, or its designee, will review and either approve or deny the permit application administratively. A denial may be based on any one or more of the reasons provided in subsection (e) of this section. An applicant may appeal an administrative decision regarding a permit application to the city council by providing written notice of appeal to the city clerk within 5 business days of such decision.

- (c) *Conditions; inspections.* Upon permit approval, the city may impose reasonable conditions concerning the time, place, and manner of the large event, and other such conditions deemed reasonably necessary to protect the safety of persons and property and the control of traffic, provided that such conditions do not unreasonably restrict the right of free speech. Such conditions will depend on each individual event and may include, without limitation, restrictions on permissible street closures, requirements related to on-site staff and personnel (e.g. event staff, security personnel), restrictions on event hours, requirements related to the provision of public restroom facilities, and requirements related to waste management and event cleanup. City personnel and law enforcement may inspect large event areas prior to, during, and after any event to ensure compliance with any permit condition.
- (d) *Insurance requirement; exceptions.* Following permit approval, and no later than 20 days prior to the special event, the applicant must provide the city with evidence of insurance in the form of a properly executed certificate of insurance that the city is protected as an additional insured under a comprehensive public liability insurance policy against all liability or claims which might arise out of the holding of the large event, with insurance coverage to be in amounts not less than \$1,000,000.00 for injury or damage to any person or property and not less than \$1,500,000.00 in the aggregate amount for any number of claims arising out of a single occurrence. Certain events may, in the sole discretion of the city upon consultation with its attorney or insurance advisor, be exempt from such requirements if (i) no food or beverages are distributed or sold at the event; (ii) the event is held during daylight hours; and (iii) all other city requirements and conditions are strictly adhered to.
- (e) *Permit denial; revocation.* The city may deny an application for a large event permit, or revoke a previously issued permit as authorized in section 10-346(a), for any one or more of the following reasons:
- (1) Any information in the application was false, misrepresented, or incomplete;
  - (2) The event would substantially or unnecessarily interfere with traffic in the city, would interfere with access to the fire station or fire hydrants, or would unreasonably interfere with access to businesses or residences in the immediate vicinity of the event, and there are not sufficient resources available to mitigate such interferences;
  - (3) The event is of the size or nature that requires the diversion of so many law enforcement officers to properly police the event, site, and contiguous areas that allowing the event would unreasonably deny law enforcement protection to the remainder of the community;
  - (4) The proposed date and time of the event conflicts with a previously scheduled event and sufficient city resources are not available for both events without unnecessarily interfering with police, fire, water, public works, or other services to the community;
  - (5) The location of the event will substantially interfere with construction or maintenance work scheduled to take place upon or along public property or right-of-way;
  - (6) The event would likely endanger public safety or health, or otherwise would likely constitute a public nuisance;
  - (7) The event would substantially or unnecessarily interfere with police, fire, water, public works, or other services to the city as a whole and there are not available at the time of the proposed event sufficient city resources to mitigate the disruption;

- (8) The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled prior to the event;
- (9) The event would likely cause significant damage to public property or facilities;
- (10) The event would engage in or encourage participants to engage in illegal acts; or
- (11) The applicant, responsible party, or the person on whose behalf the application is submitted has on prior occasions made material misrepresentations regarding the nature and extent of special services required for an event in the city, or has violated the terms of a prior event permit in the city or similar permit in another community.

**Sec. 10-345 SPECIAL SERVICES; REIMBURSEMENT.**

- (a) *Special services not guaranteed or required.* Although the city will make reasonable efforts to provide special services for large events regulated in this article, nothing contained in this article shall be interpreted to guarantee or otherwise require the city's provision of special services for any particular event, nor shall the city's inability to provide such special services excuse any large event from strictly adhering to any and all laws, rules, regulations, and permit conditions.
- (b) *Special service reimbursement.* The actual cost incurred by the city to provide special services to accommodate any large event, including, but certainly not limited to, those related to any conditions imposed by the city, must be reimbursed to the city in its entirety. Fixed rates charged for city personnel or other special services may be set by the city council and included in the city's fee schedule. Nothing contained herein shall preclude the city from contributing toward the cost of special services for certain large events in its sole discretion and in accordance with all requirements related to public purpose expenditures.
- (c) *Special service deposit.* If special services are required and anticipated during any large event, the applicant will be notified at the time of permit issuance and must deposit with the city the estimated cost of such special services no less than 20 days before the event. A failure to adhere to this requirement shall be grounds for permit revocation, as authorized in section 10-346(a).
- (d) *Final accounting.* Upon completion of a large event, the city will provide a detailed account of all special services provided and determine the final required reimbursement figure using applicable rates, fees, and charges in accordance therewith. The city will then provide the permit holder with a copy and invoice for any remaining fees owed, if any, which shall be due and payable immediately upon receipt. If any portion of the deposit required in subsection (b) of this section remains following the event, such overage will be returned to the permittee.

**Sec. 10-346 ENFORCEMENT AND PENALTY.**

- (a) *Revocation.* A large event permit may be revoked by the city manager, or its designee, at any time for failure to comply with the provisions of this article, for failure to comply with any terms or conditions of any permit issued pursuant to this article, or for any other violation of state or local law related to the large event.

- (b) *Injunction.* The provisions of this article may be enforced by injunction in any court of competent jurisdiction.
- (c) *Public nuisance.* The holding of a large event in violation of any provision or condition contained in this article will be deemed a public nuisance and may be abated as such, in the city’s discretion.
- (d) *Misdemeanor.* Violation of any provision of this article is a misdemeanor. Violators shall be subject to a fine or imprisonment as specified by state statute. Each day in which a violation continues to occur shall constitute a separate offense.

**SECTION 2.** The City Council of the City of Carver hereby amends Appendix A of the City of Carver Code of Ordinances, which contains the city’s fee schedule, by adding the following:

<b>Large Event Permits/Special Service Reimbursement</b>		
Application Fee	\$25.00	
Road Closure Signs	\$10.00	Each
Detour Signs	\$10.00	Each
Barricades	\$8.00	Each
Cones	\$3.00	Each
Public Services Labor	\$51.00	Per Hour/2 Hour Minimum
Street Closure Notification	Cost	Administrative Staff Time/Postage – Copies per Fee Schedule
Administrative Staff Time	\$29.45/Hour	

**SECTION 3.** This ordinance shall take effect and be in force after its passage and publication in accordance with state law.

Adopted by the Carver City Council this 15th day of May 2023.

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Courtney Johnson, Mayor

Attest:

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Vicky Sons-Eiden, City Clerk