

AN ORDINANCE AMENDING THE BEAVERTON CITY  
CODE, TITLE 7, CHAPTER 7.05, TO MODIFY  
REGULATIONS THAT ALLOW USE OF CITY PROPERTY  
AND PUBLIC RIGHT-OF-WAY FOR SPECIAL EVENTS

**WHEREAS**, the City initiated a text amendment to the Beaverton City Code identifying certain changes to existing regulations that pertain to Special Events identified in Chapter 7.05; and,

**WHEREAS**, Chapter 7.05 of the Beaverton City Code allows limited use of public right-of-way and limited use of certain city properties for Special Event purposes; and,

**WHEREAS**, proposed modifications to Chapter 7.05 are intended to detect early identification of potential problems that may occur prior to events, thereby allowing the City to address and resolve these problems in advance of the event date; and,

**WHEREAS**, proposed modifications to Chapter 7.05 introduce flexibility to current rules specific to event duration at the north and south plazas of the Round; and,

**WHEREAS**, proposed modifications to Chapter 7.05 introduce approval criteria and appeal procedures to ensure a fair and consistent approach for evaluating Special Event proposals; and

**WHEREAS**, proposed modifications to Chapter 7.05 introduce modifications to fee regulation to ensure a fair and consistent approach for collecting fees based on current legal standards; and

**WHEREAS**, the Beaverton City Council held a public hearing on May 2, 2017, to consider the proposed amendments and at the conclusion of this hearing expressed support of the certain modifications to existing regulation; and

**WHEREAS**, the Beaverton City Council considered these modifications for First Reading of an Ordinance on June 6, 2017, and voted in support; now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** The Beaverton City Code, Section 7.05 is amended to read as set out in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.

**Section 2.** All Beaverton City Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

**Section 3.** Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or

otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.


First reading this 6 day of June, 2017.

Passed by the Council this 13 day of June, 2017.

Approved by the Mayor this 14 day of June, 2017.

ATTEST:

APPROVED:

  
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CATHERINE JANSEN, City Recorder

  
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DENNY DOYLE, Mayor

New text is shown highlighted in grey.  
Text to be removed is shown struck-through.

**Section 1: The Beaverton City Code, Title 7, Chapter 7.05. Use of City Property and Public Right-of-Way for Special Events, will be amended to read as follows:**

**Title 7 LICENCES, PERMITS, AND BUSINESS REGULATION**

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**Chapter 7.05 Use of City Property and Public Right of Way for Special Events.**

**7.05.005 Scope.**

No person shall occupy public right-of-way or City-owned property for a "special event" as defined in this chapter without a current, valid City permit for the event [BC 7.05.005, added by Ordinance No. 4588, 7/18/12]

**7.05.010 Definitions.**

As used in this chapter, a "special event" is an assembly or gathering of persons for entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person other than the City that may involve use or closure of public right-of-way or City-owned property, control over vehicle and pedestrian access to the special event location, use of sound amplifying devices, use of public personnel or resources for emergency response or any combination of those elements. [BC 7.05.010, added by Ordinance No. 4588, 7/18/12]

**7.05.015 Time, Place and Manner Limitations on Special Events.**

A. A person may apply for the use of City property, public right-of-way or both, ~~for the private event for up to one time in any three month period at the same location. Any such use shall be limited to no more than three consecutive days in any seven day period per event and limited to the hours of operation allowed in the City Development Code for principally permitted uses within the zoning district at the location of the event, or limited to the hours between 7:00 a.m. and 10:00 p.m., whichever is the greater limitation.~~

B. The City may restrict the date and duration of event proposals that are shown to conflict with other permitted events. The City may also limit the duration of certain events to ensure space availability for other events. Limits to event duration apply to the following City properties:

1. North and South Plaza at the Round. During the period of May 15 through September 15, one private event shall be limited to no more than four consecutive days, and no more than 12 days total during that period. During the period of

September 16 through May 14, one private event shall be limited to no more than 7 consecutive days in any 30 day period.

2. Public right-of-way. One private event shall be limited to no more than three consecutive days in any 30 day period.
3. All other City property. One private event shall be limited to no more than three consecutive days in any 30 day period.

**B.C.** In the case of any conflict between the provisions of this chapter and any other local law, the more restrictive provision(s) shall control. [BC 7.05.015, added by Ordinance No. 4588, 7/18/12]

#### **7.05.020 Permit Application.**

A person who seeks to use public right-of-way or City property for a special event shall formally apply for a permit for such use by submitting the following information:

- A. The proposed time, place and hours for the special event;
- B. The area of public right-of-way or City property to be occupied for the applicant's use;
- C. The location of any streets or intersections where the applicant proposes to restrict access by pedestrians, vehicles or both during the event while complying with the requirements of the Americans with Disabilities Act;
- D. Provisions for emergency response services for the event;
- E. The proposed type and location of sound amplification and lighting, if any;
- F. The proposed type and location of facilities for on-site food preparation and consumption and for mobile food sales, if any;
- G. Provisions for waste disposal and for toilet facilities;
- H. Proof of liability insurance for the event in types and amounts that the City may require;
- I. The form of security that the applicant shall furnish to guarantee payment of the cost to the City to clean and restore the site upon the applicant's failure to do so;
- J. The dimensions, location and duration of any signage that the applicant proposes for the event. [BC 7.05.020, added by Ordinance No. 4588, 7/18/12]
- K. The form of agreement as administered by the Beaverton Police Department to pay for police services as determined necessary.

L. For street closures, the City may require the event organizer to notify residents and businesses in the surrounding area as to where and when the event is to occur. When notice is required by the City, the event organizer shall inform residents and businesses in writing at least twenty (20) days prior to the date of event and shall provide the City with proof that notice has been issued.

#### **7.05.025 Approval Criteria.**

Special Event permits may be issued on evidence provided by the applicant that demonstrates the following criteria are satisfied:

- A. The permit application provides information about the event, consistent with direction provided in 7.05.020.
- B. The proposed special event will continue to provide access to affected right-of-way, City property, adjacent property, public transit systems, or all.
- C. The proposed special event will ensure access of emergency response services to the event.
- D. The proposed special event use will not create a significant adverse impact to the public health, safety and welfare of the community.
- E. The location is available for use and the event will not conflict with another permitted event.

#### **7.05.030 Issuance of Permit – Fees – Fee Waiver.**

A. The City on receipt of an application for a special event permit shall review the application for conformance to the requirements of this chapter and any other relevant federal, State and local laws and may deny an application for which the information and other material required is incomplete or not acceptable.

The City in its sole discretion may impose conditions on the permit to ensure compliance with relevant law and ensure public access to the right-of-way or City property or adjacent areas, to ensure the availability of emergency response services to the event, to alleviate the nuisance effects of sound and light generated by the event, and to generally protect the public health, safety and welfare.

The City may charge a fee for its review of the application and for issuance of a permit for the event intended to recover the City's costs related to the application and the event itself. Those costs may include but are not limited to the cost amount of staff time to review the application and the costs of any City-provided traffic control, emergency response, restrooms, waste disposal, set-up and so forth similar support services. The City also may charge the applicant the reasonable rental value of the City property.

~~B. The Mayor upon request of an applicant may waive some or all of the permit fee on finding that the applicant or event provider is a recipient of City social service funding, or that the City or other local government is a sponsor of or participant in the event. The~~

~~Mayor's decision to deny a permit or a request for fee waiver may be appealed to the City Council whose decision on the appeal shall be final. [BC 7.05.030, added by Ordinance No. 4588, 7/18/12]~~

#### **7.05.035 Appeal of the Permit Decision**

An applicant may appeal a staff decision denying a Special Event Permit to the City Council. The applicant may initiate the appeal process by filing a notice of appeal within five business days of the date of the challenged decision.

The notice of appeal must include at least the following:

- A. The name, contact information and signature of the applicant.
- B. A statement explaining why staff erred in concluding the standards in Section 7.05.025 have not been met and identifying any evidence relied upon to support the claim of error.
- C. An appeal fee established by resolution of the City Council.

Within seven (7) business days after a notice of appeal is received, the staff will determine whether it contains the information necessary to process. If not, the appeal may be dismissed without review by the City Council.

A hearing on an appeal of a special events permit will be scheduled within 30 days after the notice is filed or, if after 30 days, at the next scheduled City Council meeting. The appellant shall be provided notice of the appeal hearing date at least 14 days before the scheduled hearing. The appellate decision making authority on appeal of Special Event decisions shall be the City Council. No additional written or oral evidence may be presented at the hearing. The City Council will make its decision based on the record, including the notice of appeal filed by the applicant. At the conclusion of the hearing, the Council will affirm or reverse the decision under appeal, with or without conditions or changes.