

ORDINANCE NO. 1960

**AN ORDINANCE REPEALING ORDINANCE 767 AND ADOPTING REGULATION
OF PARADES AND SPECIAL EVENTS**

WHEREAS, the City of Blytheville previously adopted Ordinance 767 on August 8, 1967, and the City Council recognizes there is a need to update to bring it up to date, and

WHEREAS, this Ordinance shall be known as the "Blytheville Parade and Special Events Ordinance" and shall govern the use of streets and public rights-of-ways within the corporate limits of Blytheville for parades, athletic events or races, block parties, special events, and entertainment district activities as defined hereinafter. These regulations are promulgated pursuant to A.C.A. 27-49-106 (b) (3) and establish the standards for the issuance of parade and special event permits in order to recover the cost thereof and to preserve and protect the public health and safety, and

WHEREAS, the City of Blytheville desires to repeal said Ordinance and adopt the following,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLYTHEVILLE, ARKANSAS THAT:

Sec. 1 – Definitions – The following words, terms, and phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning.

"Administrative Authority" means such city officials, employees, staff committees, or agents designated by the Mayor to administer this Ordinance.

"Applicant, Host, Sponsor, Promoter, Permittee" means any person, firm, or organization who seeks an event permit to conduct, host, sponsor, promote, or permitted person of an event herein referred to as sponsor.

"Sidewalk" means any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

"Street" means highway, roadway, alleyway as a place set aside or open to the general public for purposes of vehicular traffic, including berm or shoulder parkway, right-of-way, or median strip thereof.

"Parade" means any march, procession, pageant, review, ceremony, or exhibition consisting of persons, animals, motorized or self-propelled vehicles, or any combination thereof, which is conducted upon any city, street sidewalk, alley, public right-of-way , or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual, normal and free pedestrian or vehicular use , or does not comply with normal traffic laws and controls herein referred to as event.

"Festival" means a periodic celebration or program of events or entertainment usually having a specified focus or theme conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the normal public use.

"Run/Walk, Athletic Event, or Race" means any occasion in which a group of persons collectively engage in a sprot or form of physical exercise conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the normal and free pedestrian or vehicular use, or does not comply normal traffic laws and controls, including, but not limited to, foot races/walks, bicycle races, motorized or self-propelled vehicle races, or any similar type activity herein referred to as event.

"Exhibition or Expo" means a public display or demonstration of items, skills or works of interest, such as but not limited to an Auto Show or Trade Fair which may be conducted at a public or private indoor or outdoor facility or conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

"Non-Profit Fund Raiser" means the raising of funds for a nonprofit organization including but not limited to organizations operated exclusively for religious, public safety, literary, educational purposes, political organizations, social welfare organizations, civic leagues, social clubs, labor organizations, and business leagues by solicitation of funds or sale of items where participation may be taken as a charitable tax deduction by the person incurring the cost conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

"For -Profit Venture" means any event, activity, or enterprise entered into for profit for the benefit, advantage, or pecuniary gain of an individual, business or organization including an agreement (written or oral) between parties for the sharing of profits or losses conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

"March or Demonstration" means any meeting or gathering of a group exercising their constitutional right usually, but not limited to a political, social, or religious interest conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

"Rally" means any meeting gathering of an enthusiast group with interest in a particular subject conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

“Entertainment or Concert” means a live, staged musical performance, comedy act, dramatic performances or other specialty act featuring any number of performers for which a ticket is sold with the purpose of profit or non – profit fundraising by a promoter conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

“Block Party” means a festive gathering for all residents on a block of street in a residential neighborhood, typically requiring a closure of a street or portion thereof to the general public and use of the street for the festive activities including, but not limited to, barbecues, picnics, music, games, block dances or similar activities conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

“Fair or Carnival” means a traveling business providing ~~commercial~~ entertainment consisting of sideshows, concessions rides games of chance, and other amusements conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

“Arts and Crafts Fair” means any gathering for display, trade or sale articles of artistic quality or effect or handmade workmanship conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal public use.

“Event or Special Event” means and includes but is not limited to any parade, festival, run/walk, athletic event or race, exhibition, non- profit fund raiser, for-profit venture, march/demonstration, rally, entertainment/concert, block party, fair/carnival, arts/crafts fair, or any such activity conducted upon any city park, street, sidewalk, alley, public right-of-way, or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual normal and free pedestrian or vehicular use or does not comply with normal traffic laws and controls or which requires , in the judgement of the Chief of Police, the deployment of police officers for crowd control , vehicle , and/or pedestrian traffic control and other purposes herein referred to as event.

“Permit” means the authority and permission granted by the administrative authority to conduct a parade or special event upon the street and public right- of - ways of the City of Blytheville in accordance with these regulations and any conditions that may be imposed by the administrative authority relative to a particular parade or special event.

“Permittee” means the person, firm, or organization to whom a parade or special event permit has been issued pursuant to these regulations.

Sec. 2 - Permit required Any person, firm, or corporation desiring to conduct or sponsor a parade or special event, as defined by this ordinance, shall first obtain a permit form the city collector or administrative authority in accordance with the requirements of this ordinance.

No parade or special event may be conducted without an approved permit.

Sec. 3 – Permit Application Applicants desiring to conduct a parade or special event must complete an event permit application on such form(s) as may be prescribed by the administrative authority. All applications should be completed and returned to the administrative authority not less than forty-five (45) business days prior to the date of the event or parade. The forty- five (45) day advance application deadline may be waived by the city in the event of extraordinary circumstances of little impact on public safety or convenience. Applications can be obtained on the cityofblytheville.com website. The permit application must include the following information:

1. Name, address, and telephone number of event contact person or persons;
2. Description of any organization involved;
3. Overall purpose of the event including primary target audience;
4. Date and time from start to end of the event including time required for set-up/tear-down;
5. Location of event or parade route, street names, and block numbers involved;
6. Identification of any parking or other non-traffic public right-of-way for concessions;
7. Estimated number of participants, sponsors, or units involved;
8. Estimated number of person or spectators expected to attend the event;
9. Fees that will be charged for attendance or participation, if any;
10. Use of revenues made from event, if any;
11. Description of assistance requested from city personnel, if any;
12. Security plan including the number and proposed location of all security personnel.

Sec. 4 -Review of the Event Application Permit applications shall be reviewed by the administrative authority and all applicable city departments. The administrative authority and all applicable city departments will recommend:

1. The permit be issued
2. Object to the issuance of the permit
3. Request a modification of the event prior to the issuance

Sec. 5 – Issuance of the Event Application If there are no objections and all fees, deposits, or payments have been made by the applicant, sponsor, host, promotor, or promotor to the city then

the administrative authority will issue the permit and notify all applicable city departments that the permit has been issued. If the issuance of the permit is objected to by any applicable city department the administrative authority will contact the applicant with the objections. If the issuance of the permit is conditional on modifications to be made to the event by any applicable city department the administrative authority will contact the applicant with the requested modifications to the event. If the application is withdrawn at any time no further action is necessary. If the applicant agrees to modify the event as requested and all fee, deposits, or payments have been made to the city the administrative authority will issue the permit.

Sec. 6 – Appeal Procedure Any applicant shall have the right to appeal the denial of any event permit. Any applicant shall have the right to appeal any requested modifications to any event prior to the issuance of any permit. The appeal will be heard at the next available City Council Committee meeting corresponding with the applicable city department or departments objecting to the issuance of a permit or requesting modification to the event prior to the issuance of the permit. The administrative authority will provide the applicant with the corresponding meeting dates and times and will notify the applicable department or departments of the applicant's intent to appeal.

Sec. 7- Administrative Permits The administrative authority may issue permits for or the Chief of Police may approve minor parades, marches, or demonstrations involving twenty-five (25) or fewer pedestrians marching along a route that has minimal disruption with the usual, normal, and free pedestrian or vehicular use. The administrative authority may issue permits for or the Parks Activities Coordinator may approve minor event involving twenty-five (25) or fewer participants in City Parks.

Sec. 8 – Event Regulations The following regulations shall govern all special events conducted pursuant to this Ordinance:

1. Street Closure – No street shall be closed completely for more than one (1) time within a 24-hour time period unless permitted.
2. Parking or Non-Traffic Areas – Parking lanes or other non- traffic areas of public rights-of-way shall not be utilized for any event concessions, staging, or other such activities unless specifically approved as part of the event application.
3. Undue Disruption – No event shall be permitted when, in the opinion of the administrative authority, Chief of Police, Fire Chief, Street Dept. Director, or the City Council, such event would unduly disrupt the flow of traffic, cause an undue hardship on local commerce, or the traveling public, subject to reasonable time, place, and manner restrictions.
4. Routing Signage – Signage advising the public of street closings and alternate routes may be required at the discretion of the administrative authority or applicable department.

5. Promotional Signage- Any directional or promotional signage placed within the public rights-of-way shall adhere to any or all city ordinances and be so placed more than 72 hours prior to the event and must be removed within 25 hours after the event.
6. Alcoholic Beverages – The use or sale of alcoholic beverages of any special event must be conducted in accordance with the rules and regulations and under the proper permit of the Arkansas Alcoholic Beverage Control Division of the Department of Finance and Administration.
7. Security – Each event sponsor shall be responsible for providing, at their expense, such security personnel as may be required by the Chief of Police. In this regard, the event sponsor may be required to submit a security plan to the Blytheville Police Department not less than fifteen (15) business days prior to event. Should, in the opinion of the Chief of Police, the event so merit, the Chief may require that all security personnel be certified law enforcement officers.
8. Sanitation- The event sponsor shall provide, at the sponsor's expense, such sanitation facilities (trash collection/porta-potties) as maybe needed to service the planned event. Arrangements for trash collection shall be made with the City of Blytheville Public Works Department not less than ten (10) business days prior to the event.
9. Supervision Required – Sponsors must provide adequate supervision of group activities to ensure that orderly conduct is maintained at all times. At all assemblies of minors, there must be at least one adult for every 15 minors.
10. Breakage- Breakage or damage of any public amenities must be paid by the event sponsor at replacement cost.
11. Liability Insurance – If insurance is for event participants, spectators, personal property, etc., the event sponsor will be responsible for such insurance. The city does not provide liability insurance for the benefit of the event sponsor or any event participants. The final decision for the need of liability insurance shall be determined by the City Attorney. If liability insurance is required, it shall be in the minimal amount of \$300,000 or up to a maximum of \$500,000.
12. Admission Fees- Gate or admission fees, if any, charged to event participants or attendees by any sponsor must be approved by administrative authority.
13. Utilities- Should any utilities be required for the special event, arrangements for such utilities must be made with the applicable utility company and or applicable city department and the cost thereof paid by the event sponsor. Any such utility installations must be made in accordance with applicable building codes and accomplished by properly licensed trade persons.
14. City Personnel – Request for assistance for personnel must be approved by administrative authority. Such assistance requests should be part of the initial application. City personnel assistance will be provided only if resources and time constraints permit and only on a very limited basis. No other employee, official, committee, board, or council may commit to or approve the use of any city personnel.
15. Event Clean-Up Event sponsors shall be responsible for clean-up of all litter, debris, signs, and other materials not less than 24 hours following the event.

16. Notification- Sponsors of events which require the closure of street(s), within an area zoned residential, shall hand deliver or regular mail a notification, to all address within the event area, describing the nature of the event, activities planned during the event along with date and time frame for the event, the event area is described as any address that falls within the street closures.

17. Time Frame and Duration – Events which require the closure of street(s), within an area zoned residential, shall only be permitted to operate between the hours of 8:00 am and 7:00 pm and shall not last more than six (6) hours which included one (1) hour for set up and one (1) hour for take down.

18. Signatures Required- Sponsors of events which require the closure of a street(s), within an area zoned residential, shall collect a signature from an adult household member, from each occupied address within the event area, described as any address that falls within the street closures. The signature collection form must include the following:

1. Date and time frame of the event
2. Purpose of the event
3. Planned event activities
4. Statement of support by signing this form you support the issuance of a permit
5. Signature, address, and date signed

19. Restrictions – Events which require the closure of a street(s), within an area zoned residential, shall be considered an event held for those that reside in the event area. Events which require the closure of a street(s), within an area zoned residential shall not be advertised or promoted on electronic, print, social, or other form of media that invites, encourages, or entices the general public to attend. Food, alcohol, and merchandise sales are prohibited as well as food and merchandise vendors. This does not prohibit residents of the event area from preparing food, consuming alcohol, or conducting yard sales as prescribed by the laws of the State of Arkansas and City of Blytheville. Port-A-Potties are prohibited at events which require the closure of a street(s), within an area zoned residential. All restroom facilities must be provided by the residents within the event area. The event area is described as any address that falls within the street closures. All other applicable laws of the State of Arkansas and City of Blytheville are in full force and effect.

20. Parking Zoned Residential – Parking for attendees and participants of events which require the closure of a street(s), within an area zoned residential, must take place within the event area. Sponsors of events which require the closure of a street(s), within an area zoned residential, are responsible to ensure that at least one (1) lane of traffic remains open at all times for emergency services. The event area is described as any address that falls within the street closures.

21. Unauthorized Areas- It shall be unlawful to conduct the closure of a street(s) leading to or from any church, hospital, nursing home, asylum, public school, medical, or psychological clinic unless they are a part of the event. It shall be unlawful to conduct any permitted event within six hundred (600') of any church, hospital, nursing home, asylum, public school, medical or psychological clinic unless they are a part of the event.

Sec. 9 – Traffic Safety and Ancillary Equipment Traffic safety equipment (i.e., cones and barricades) shall be placed at such locations as directed by the police department. Sponsor or Permittee shall be responsible for obtaining, placing, removing, and returning traffic safety equipment. Event sponsors shall also be responsible for the provision of any ancillary equipment (i.e., sound systems, podiums). The city shall not be responsible for providing any traffic safety equipment or ancillary equipment

Sec. 10 – Permit Fees, Deposits, and Costs All event costs including, but not limited to, solid waste disposal, general clean-up, repair, fire and police services, barricades, and event security shall be the responsibility of the permittee. All applicants shall pay such application fees and estimated support costs as may be established by the resolution of the City Council. Event fees shall not be refundable and deposits will be returned upon satisfactory clean-up and payment of all city imposed fees and costs by the permittee. The Mayor may waive fees, deposits, and/or other costs on a case-by-case basis. No other employee, official, committee, board, or council may waive fees, deposits, and/or other costs.

Sec. 11 -Other Regulations In the conduct of the event, the permittee shall comply with all other applicable laws, codes, and ordinances. In the event is a conflict between this ordinance and any other laws, codes, or ordinances, the stricter standard shall apply.

Sec. 12 – Exceptions The following activities are exempt from the provisions of this ordinance but must comply with all other applicable laws, ordinances, or regulations:

1. Funeral processions;
2. School events conducted under the authority of the Arkansas Activities Association;
3. Special events held on city- owned property, including city parks and plazas, municipal airport, and the civic/convention center/building, grounds/parking lots that are conducted in accordance with the policies and procedures of the particular facility;
4. Events conducted on private property or the property of government agencies.

Sec. 13 – Penalty The penalty for violation of this code shall, upon conviction in the Blytheville District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Blytheville Code of Ordinances as may now or hereafter be enacted by the Blytheville City Council or District Court. In this regard, it shall be unlawful for a permittee or sponsor to violate, disobey, or refuse to comply with the provisions of this ordinance or any ruled or regulations promulgated pursuant thereto. Any permittee or sponsor who violates or refuses to comply with the provisions hereof may be denied any future event permit.

Sec. 14- Permit Fee Permit Fee is \$100.00 and security deposit is \$500.00. Permit fees are due upon the filing of the event application but will be refunded should the permit not be approved. Security deposits are due upon approval of the event application. Permit fees and security deposits may be paid at the City Collector's office. No permit will be issued prior to receiving all deposits, fees, or costs, Deposits will be refunded following the activity if all requirements of this and any other applicable city ordinances have been met. The City reserves the right to charge for damages to public property as may result from the sponsor's event. It is the intent of this resolution that no other fees or charges, other than those enumerated in Sec. 14 hereof, shall be assessed for parades or events approved in accordance with this ordinance however, the City reserves the right to impose other fees and service charges as authorized by this ordinance in unusual or especially costly circumstances as may be determined by City Council.

Sec. 15- Sponsor Responsibilities Such sponsor as shall make application for the event permit and shall be responsible for the coordination of all event activities within the district including but not limited to:

1. Ensure that all participants and concessionaires obtain and comply with all applicable state and local permits including but not limited to alcohol permits from the Arkansas Beverage Control Commission (ABC);
2. Supervision, control, and approval of any concessions within the district;
3. Provision of adequate security, solid waste collection, restroom facilities, barricades, fencing (if required), post-event clean-up, and any other conditions or requirements as may be imposed by the city as part of the special event application approval process;
4. Identification of all security personnel on a clearly distinguishable manner and provision of signage advising persons of ABC requirements regarding leaving designated areas with alcoholic beverages;
5. Designation of a contact person(s) who shall be readily available to city officials, police and fire personnel, and other emergency personnel during the event.
- 6.

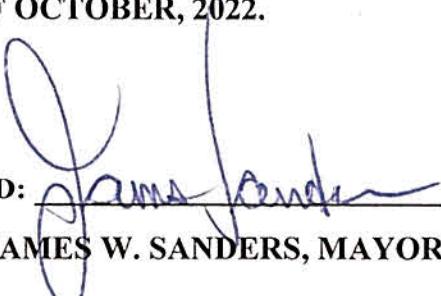
Sec 16-Concessionaires Temporary concessionaires, vendors, bands, entertainment, groups, etc., (hereinafter termed concessionaires) shall be permitted with the district during a special event provided such concessionaires are under the control of the event sponsor. The sponsor shall provide to the city a listing of all approved concessionaires not less than five (5) days prior to the commencement of the special event. Concessionaire booths, stands, displays, stages, seating, and other ancillary equipment shall be arranged as to maintain a clear path through the district for emergency personnel and vehicles. The city reserves the right to limit the number and arrangement of concessionaires and ancillary equipment place with the public rights-of-way for public safety purposes. Approved concessionaires operating within the district during a special event shall be considered exempt from the requirements of the transient merchant ordinance and the sign code.

Sec. 17 - Revocation of permit Any person, firm, or corporation violating these guidelines may be barred from participation in future event. In addition to the fines and penalties imposed by the special event ordinance, the permit of any sponsor found to be in violation of these guidelines may be revoked

Sec. 18 – Repealing Clause All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of their conflicts.

Sec. 19- Emergency Clause This Ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and its citizens; therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage.

ADOPTED BY THE CITY COUNCIL THIS 18TH DAY OF OCTOBER, 2022.

APPROVED: 

JAMES W. SANDERS, MAYOR

ATTEST: Melody Lawson

MELODY LAWSON, CITY CLERK/TREAS.

