



ORDINANCE NO. 2015-2779

AN ORDINANCE ESTABLISHING A UNIFIED, SINGLE PERMIT FOR USE OF THE CULTURAL DISTRICT FESTIVAL STREETS WITHIN THE CITY, REPLACING SEPARATE PERMITS REQUIRED ELSEWHERE IN THE NEWBERG MUNICIPAL CODE

RECITALS:

1. The Newberg Cultural District is a partnership of the City of Newberg, the Chehalem Park and Recreation District, the Chehalem Cultural Center and the Newberg Public Library.
2. An Intergovernmental Agreement (IGA) between the City of Newberg and the Chehalem Park and Recreation District created the Newberg Cultural District in 2013. The IGA formally establishes an executive board made up of representatives from the City, CPRD, the Library, the Cultural Center and the neighborhood. The purpose of the Executive Board is to manage rental and use of outdoor spaces and activities of the Cultural District, as well as work with traffic and parking impacts for events within the Library and Cultural Center.
3. In 2013-14, Sheridan Street, between Blaine Street and School Street, was designed and constructed to serve both as a local street and a public event space. This space hosts both public and private events, as well as public festivals such as the *Tunes on Tuesday* summer concert series.
4. The IGA provides that a single application for reservations for the outdoor space be used, but acknowledges that a variety of permits may be required for outdoor events and uses.
5. It is the council's intent that the Sheridan Festival Street be frequently utilized for the benefit of the citizens of Newberg. In order to facilitate use of Sheridan Street, the city desires to create a simplified and unified permitting system.
6. Currently, an event in the Cultural District may require multiple city permits, in addition to county and state permits. For example, an event may need one permit to close the street, one for amplification of music, one for temporary merchants, one for dancing, and one for serving of alcohol.
7. Processing of multiple permits is an inefficient use of city human resources and an unnecessary burden on citizens.
8. This ordinance protects the public's health, safety and welfare.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

SECTION 1. Title 12 Streets and Sidewalks hereby adds a new section 12.05.240, establishing a unified permit for the Cultural District festival street as follows:

12.05.240 Permit for use of the Cultural District Festival Street

It is the intention of the city to create a single, unified permit for use of the Newberg Cultural District Festival Street. Holders of the festival street permit shall not be required to obtain separate permits (block party, noise, parade/special event, or temporary merchant), notwithstanding the code provisions requiring such permits. This permit is in addition to any rental or use agreement between the applicant and the Cultural District Executive Board or designee. The festival street permit shall be issued according and subject to the following procedures:

- A. The Newberg Cultural District Festival Street is defined as the following area, and this area only: East Sheridan Street between North School and North Blaine streets; and North Howard Street between East Hancock and East Sheridan streets. Events beyond this area will be subject to general code permit requirements.
- B. The city manager shall designate a festival street permit administrator. The administrator will review applications, submitted on a form supplied by the city, and issue permits in conformance with code provisions. The administrator may condition such permit on evidence of compliance with federal, state, or municipal law. Decisions of the administrator shall be appealable to the City Manager, whose decisions shall be final.
- C. Festival street permit applications shall be made not less than 10 business days prior to the event and shall be accompanied by an application fee, should the City Council set such fee by resolution.
- D. Applications submitted less than 10 business days prior to the event shall be processed at the sole discretion of the administrator. If a late application is accepted and a permit issued, the applicant shall pay a late fee, should the City Council set such fee by resolution.
- E. The administrator shall ensure that notification of the closure and the nature of the event will be given to residents or operators of facilities on the street(s) to be closed and the following city of Newberg departments: Police Department, Fire Department, Engineering Division, Planning (Community Development), Public Works-Maintenance, and the City Manager's Office.
- F. Property owners immediately adjacent to the street to be closed may appeal the closure to the administrator, who shall consider the basis of appeal and render a decision. Such decision shall be in the sole discretion of the administrator.
- G. A permit issued under this section shall be equivalent to a permit issued under NMC 8.15.150.C.2, but all other applicable provisions of NMC 8.15.150 that are not in conflict with this ordinance, shall apply.
- H. A permit issued under this section shall be equivalent to a permit issued under NMC 2.15.470.C and the chief of police shall designate the festival street permit administrator to make street closures decisions for the festival street in conjunction with issuance of permits under this section.
- I. A permit issued under this section shall be equivalent to a license issued under NMC 5.25.010, but all other applicable provisions of NMC Chapter 5.25 that are not in conflict with this ordinance, shall apply.

- J. Temporary merchants operating in the Festival Street pursuant to a permitted event shall be considered exempt under NMC 5.15.100.C, but shall otherwise comply with NMC 5.15.
- K. All applicants for a permit under this section for an event serving food, alcohol, or both, shall obtain the required permits from the OLCC, Health Department, or other agency. Copies of such permits shall be provided to the administrator upon request. Failure to provide proof of such permits may be cause to revoke any permit granted under this section.
- L. A permit issued under this section may be revoked by the City Manager or designee in the case of an emergency or safety hazard.
- M. Nothing in this section affects the city's ability to protect the public against harmful acts or effects under remedies supplied in other sections of this code or other applicable provisions of law.

SECTION 2. Subsection 5 is added to Section 8.15.150.C to read as follows:

5. Permits for use of the Newberg Cultural District Festival Street are issued pursuant to NMC 12.05.240.

SECTION 3. Subsection D is added to Section 2.15.470 to read as follows:

D. Permits for closure of the Newberg Cultural District Festival Street are issued under NMC 12.05.240.

SECTION 4. Subsection D is added to Section 5.25.020 to read as follows:

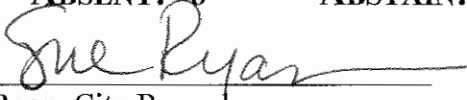
D. Permits for use of the Newberg Cultural District Festival Street for a public dance are issued under NMC 12.05.240.

SECTION 5. Unless amended above, all remaining provisions of the NMC remain in full force and affect.

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

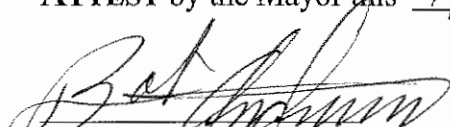
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: March 19, 2015

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of February, 2015, by the following votes: **AYE: 6 NAY: 0 ABSENT: 0 ABSTAIN: 0**



 Sue Ryan, City Recorder

ATTEST by the Mayor this 17 day of Feb., 2015.



 Bob Andrews, Mayor