

CITY OF MANASSAS PARK - STAFF REPORT/RECOMMENDATION

REQUESTING DEPARTMENT: Community Services

MEETING DATE: August 29, 2023

SUBJECT/TOPIC: Amend Chapter 17.1 to allow for large gatherings in city parks.

BACKGROUND: As we begin to ramp up our Downtown Events Portfolio, it was recommended that we create a permitting and approval process for outside organizations wishing to utilize city parks specifically for large gatherings. The intent is to protect public safety, ensure parks and other city-owned property are available for their intended use, to coordinate multiple uses of space, to ensure financial accountability for damage to public facilities, and to protect the operation of government.

STAFF RECOMMENDATION: That the Governing Body adopt an Ordinance to amend Article II, Parks Operation of Chapter 17.1 of City Code, as presented and subject to final City Attorney review.

CITY MANAGER APPROVAL: Required: <input checked="" type="checkbox"/> Not Required: <input type="checkbox"/>	<u>Laszlo A. Palko</u> Laszlo A. Palko City Manager
CITY ATTORNEY APPROVAL: Required: <input type="checkbox"/> Not Required: <input type="checkbox"/>	<u>Dean H. Crowhurst</u> Dean H. Crowhurst

ATTACHMENTS:

- 1) Ordinance to amend Article II, Parks Operation, of Chapter 17.1 of the City Code of the City of Manassas Park, Virginia to require a permit for large gatherings in city parks.

ORDINANCE 23-1700-1124

CITY OF MANASSAS PARK

Motion: Vice Mayor Mensing

Second: Councilmember Carrera

Date: August 29, 2023

AN ORDINANCE

TO AMEND ARTICLE II, PARKS OPERATION, OF CHAPTER 17.1, PARKS AND RECREATION, OF THE CODE OF THE CITY OF MANASSAS PARK, VIRGINIA, TO PROVIDE FOR THE USE OF CITY PARKS FOR LARGE GATHERINGS THROUGH THE ISSUANCE OF A PERMIT THEREFOR BY THE CITY MANAGER OR HIS DESIGNEE

BE IT ORDAINED by the Governing Body of the City of Manassas Park, Virginia, that:

1. Article II, Parks Operation, of Chapter 17.1, Parks and Recreation, of the Code of the City of Manassas Park, Virginia, is hereby amended to add a new Section 17.1-29 to read as follows:

“17.1-29. - Permit for large gatherings on and within city parks and other city-owned property.

- (a) *Purpose.* The purposes of this section are to protect public safety, to ensure parks and other city-owned property are available for their intended use, to coordinate multiple uses of space, to ensure financial accountability for damage to public facilities, and to protect the operation of government. In any application of this section to expressive behavior, the intent of this section is to be consistent with constitutional guarantees of free expression and freedom of assembly by providing reasonable, content-neutral, and narrowly tailored time, place, and manner restrictions that serve the purposes of this section, while preserving ample alternative channels of communication.
- (b) *Permit required for use of city parks and other property for large gatherings.* Unless otherwise specifically provided by this section or other law, no gathering of more than 200 persons (referred to in this section as an “event”) shall be conducted, allowed, or maintained on or within a public park or on other city-owned property without first obtaining a permit therefor issued by the city manager or his designee. This permit requirement shall not apply to any planned gathering held on or within city park facilities pursuant to a valid rental agreement with the city’s parks and recreation department.
- (c) *Application.* An application for a permit to use city parks or other city-owned property for an event shall be filed with the city manager or his designee not less than thirty (30) days in advance of the proposed date of the event and shall set forth:
 - (1) The name of the applicant;
 - (2) The requested date, time, duration, nature, and location of the event;
 - (3) An estimate of the number of persons expected to attend;
 - (4) A statement or description of equipment and facilities to be used; and

(5) Any other information required by the permit application form.

The city manager or his designee is authorized to consider applications filed less than thirty (30) days in advance of the proposed date of an event upon a showing of good cause by the applicant.

- (d) *Issuance; grounds for denial.* The city manager or his designee shall, without unreasonable delay and subject to the provisions of this section, issue a permit on proper application unless:
- (1) A prior application for a permit for the same time and place or overlapping times and places has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;
 - (2) It reasonably appears that the event will incite a riot, threaten tangible public or private property, or otherwise present a clear and present danger to the public health, safety and/or welfare;
 - (3) The event is of such nature or duration that it cannot reasonably be accommodated along the particular route or in the particular location applied for, considering such things as damage to city streets and/or sidewalks, impairment of a protected area's atmosphere of peace and tranquility, conflict with events already granted permits in nearby areas, and interference with program activities or impairment of public facilities; or
 - (4) The application is for a route/location and/or duration that exceed(s) the reasonable needs of the applicant. In cases covered under this paragraph (4), the city manager or his designee shall issue a permit for such route/location and or duration as is needed for the size of the applicant's event.
 - (5) The needs of the city preclude allowing the event.
 - (6) The event would violate subsection (g) below.
- (e) *Bond.* As a condition of permit issuance for an event, the city manager or his designee may require the filing of a bond, payable to the City of Manassas Park, in an amount adequate to cover costs such as restoration, rehabilitation, and cleanup of the public areas used and other costs resulting from the proposed use. In lieu of a bond, a permittee may elect to deposit with the city cash equal to the amount of the required bond.
- (f) *Litter and refuse.* No event in which the participants litter city parks shall be held unless the person or group holding the event ensures the city that such littering or refuse caused by the event shall be cleaned up immediately upon the termination of the event.
- (g) *Disclaimer regarding views expressed.* Any permit issued pursuant to this section shall clearly state that the views expressed are those of the event participants and not necessarily those of the city.
- (h) *Obscenity or immorality.* No obscene or immoral event shall be held in the city.
- (i) *Notice of denial.* If a permit is denied, the applicant shall be so informed in writing with the reason for the denial set forth.

- (j) *Authorized locations.* The city manager or his designee shall determine the availability of city parks requested for events on a case-by-case basis. City parks may be designated as not available if activities related to an event would:
- (1) Cause injury or damage to the city streets, sidewalks or neighboring areas;
 - (2) Unreasonably impair the atmosphere of peace and tranquility maintained in residential, commercial, natural or historic areas or zones;
 - (3) Unreasonably interfere with any interpretive, visitor service or other program activities, or with the governmental, proprietary or administrative activities of the city;
 - (4) Substantially impair the operation or public use of public areas or services of the city;
or
 - (5) Present a clear and present danger to the public health, safety and/or welfare.
- (k) *Conditions.* The city manager or his designee may impose conditions on the permit which are reasonably consistent with protection and use of city parks and neighboring areas for the purposes for which they are established. The city manager or his designee may also impose reasonable limitations on the equipment used and the time, duration, and location for each event.
- (l) *Term.* No permit shall be issued for a period in excess of one (1) day, provided that permits may be extended for like periods upon a new application, unless another applicant has requested the use of the same route/location for the same time.
- (m) *Obstructing pedestrians or vehicles; harassment.* It is prohibited for persons engaged in activities covered under this section to obstruct or impede pedestrians or vehicles outside the event location or to harass individuals with physical contact.
- (n) *Local, state and federal laws.* All persons engaged in activities covered under this section shall comply with all applicable local, state and federal laws and regulations.
- (o) *Revocation.* The city manager or his designee is authorized to revoke a permit under any of those conditions listed in subsection (c) above that constitute grounds for denial of a permit, for violation of subsection (l) or (m) above, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing with the reason for revocation clearly set forth, except under emergency circumstances when an immediate verbal revocation or suspension may be made, to be followed by written confirmation sent no later than two (2) business days following revocation.
- (p) *Violation of terms of permit.* Violation of the terms and conditions of this section or of a permit issued in accordance with this section may result in the suspension or revocation of the permit. More than one (1) violation of the terms and/or conditions of this section or of section 24-5 or of a permit issued pursuant to this section or pursuant to section 24-5 within a one-year period shall result in the suspension of the privilege to apply for a permit for a period of one (1) year commencing on the date written notice of the violation is given by the city manager or his designee.
- (q) *Date of application; overlapping applications; city priority.* No permit shall be granted for any event beginning more than four (4) months after the date of application. If there are two (2) or more equally timely applications for overlapping locations, then the city

manager or his designee will attempt to accommodate all applicants' needs. If this is not possible, the permit for the overlapped location shall be awarded by lot.

(r) *City priority in emergency; cancellation of permit.* Notwithstanding anything to the contrary in this section, in the event of an emergency the city shall have priority over any permittee for the use of city parks. Upon the approach of any emergency vehicle, the participants in an event shall break ranks or maneuver so as to allow such vehicle to continue on its way. For large, extensive, or prolonged emergencies the city manager or his designee shall be authorized to cancel an event. If an event is cancelled because of an emergency, the city manager or his designee will work with the permittee in an effort to reschedule the event.

(s) *Appeals.* Within five (5) business days following any adverse decision in the application of this section, an applicant may file an appeal with the city manager. After appropriate notice to interested parties, the city manager shall hear and decide the appeal. Within three (3) business days following the city manager's decision on the appeal, an applicant may further appeal any adverse decision to the governing body. After appropriate notice to interested parties, the governing body shall hear and decide the appeal at its next regularly-scheduled public meeting.

2. All sections of the Code of the City of Manassas Park, Virginia that are inconsistent with and/or in conflict with this Ordinance are hereby repealed.
3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.
4. This Ordinance shall be effective upon its adoption.

Approved August 29, 2023

Jeanette Rishell

Lana A Conner, City Clerk

Ayes: Mensing, Carrera, Amaya, Hampton, Javed, Moore, Rishell

Nays: None

Absent: None

Abstain: None