

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF INTRODUCING A SPECIAL ) ORDINANCE NO. 21-04  
EVENTS WHILE REPEALING PARADES, TITLE 10, )  
CHAPTER 8, TRAFFIC AND PARKING, AMENDING )  
SIGNAGE, LIMITED COMMERCIAL USES, AND )  
OUTDOOR MERCHANDISING OF TITLE 17 ZONING )  
OF THE CANNON BEACH MUNICIPAL CODE )

WHEREAS, the Cannon Beach Comprehensive Plan directs the City to continue to plan for a balance between the residential and resort elements of the community. In achieving this balance, the emphasis will be placed on managing the resort aspects of Cannon Beach in a manner that is not disruptive to the residential character of the community; and

WHEREAS, the Cannon Beach Comprehensive Plan states that due to the increasing number of tourists that visit the Cannon Beach area, there is an increasing pressure placed on the City police force, as well as other City services; and

WHEREAS, the Comprehensive Plan also states the social values which will be encouraged in the town's civic life are: A sense of safety. A high level of community interaction. Diversity of individuals and families. Friendliness. Arts as an integral part of the life of the community. A commitment to civic affairs. A sense of retreat for residents and visitors; and

WHEREAS, the City of Cannon Beach currently administers events, farmer's markets and non-profit sales through site specific city manager approvals through limited standards in various parts of the municipal code and wishes to consolidate these permitting requirements; and

WHEREAS, the City of Cannon Beach is currently administering outdoor merchandising under the land use section of the municipal code, with conflicting language to other sections of the code, while the language provided would consolidate these concerns; and

WHEREAS, the Cannon Beach Planning Commission held Joint Work Sessions with the Parks Committee in March, July, September and October to review the draft language to incorporate changes to the ordinance and duly noticed public hearings were held December 17, 2019, rendering a final recommendation to approve, by a six to one vote, on January 23, 2020;

WHEREAS, the Cannon Beach Common Council held public work sessions in February, March and October, 2020 and a duly notice Public Hearing on February 11, 2020, to consider the Special Events and Outdoor Merchandising Ordinance;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH AMENDS THE CANNON BEACH MUNICIPAL CODE OF THE STATE OF OREGON REQUIRING THE

INTRODUCTION OF A NEW CHAPTER TO PERMIT SPECIAL EVENTS, INCLUDING SECTIONS PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, PERMIT REQUIREMENTS, EXCEPTIONS, A SPECIAL EVENTS COMMITTEE, APPLICATION, FEES, POLICE PROTECTION AND OTHER EMERGENCY SERVICES, RELEASE AND INDEMNIFICATION REQUIREMENTS, INSURANCE REQUIREMENTS, MAJOR SPECIAL EVENT SIGNAGE, NOTIFICATION, SPECIAL EVENT PERMIT STANDARDS FOR REVIEW, CONDITIONS, NOTICE OF DENIAL OF APPLICATION, ALTERNATIVES TO PERMIT APPLICATION, APPEAL PROCEDURE, NOTICE TO CITY AND OTHER OFFICIALS, SPECIAL EVENTS CALENDAR, CONTENTS OF PERMIT, VIOLATIONS, REVOCATION OF PERMIT AND SEVERABILITY, WHILE REPEALING TITLE 10, CHAPTER 8, TRAFFIC AND PARKING, ON PARADES, AND AMENDING TITLE 17 ZONING, CHAPTER 4, DEFINITIONS, ON SIGNAGE, ALONG WITH CHAPTER 22, LIMITED COMMERCIAL ZONE, PROHIBITING MOBILE FOOD VENDING WAGONS AND CHAPTER 90, GENERAL REQUIREMENT AND REGULATIONS, ON OUTDOOR MERCHANDISING BY DELETING THE CURRENT TEXT AND REPLACING IT WITH THE FOLLOWING:

## **SECTION 1**

### **INTRODUCTION OF NEW CHAPTER 04.01 SPECIAL EVENTS**

#### **04.01.010 Purpose and intent.**

The city recognizes that special events enhance the city's lifestyle, and benefit area residents, visitors, and businesses through expression, recreation, or entertainment that are not normally a part of governmental services. However, the city also recognizes that special events, if unregulated, can have an adverse effect on the public health, safety and welfare due to noise, traffic, safety, and health hazards. The purpose and intent of this chapter is to set forth reasonable regulations by establishing a process for permitting special events within the city, to protect the rights and interest granted to special event permit holders, to ensure the health and safety of attendees at special events, to prohibit illegal activity from occurring within special event venues, and to minimize any adverse effects from special events while ensuring the orderly and efficient use of public property and city services. It is further intended to create a mechanism for cost recovery for special events without having an adverse effect on those special events that contribute to the community. It is also the intent of this chapter to protect the rights of citizens to engage in protected free speech and allow for the least restrictive and most reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services.

#### **04.01.020 Definitions.**

Except where the context otherwise requires, for the purposes of this chapter, the following definitions apply:

"Affected parties" means businesses and residents located within 100 feet of the area around the special event that are likely to experience impact from the special event.

"City manager" means the city manager or authorized designee.

"Demonstration" means any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons or of or on behalf of any organization or class of persons or for the purpose of attracting attention to such assembly.

"Event" includes a special event or a demonstration.

“Event coordinator” means any person who conducts, manages, promotes, organizes or solicits attendance at a special event.

“Expressive activity” includes conduct, the sole or principal object of which is to express opinion, views, or ideas, and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature.

“Major event” means a special event that requires a traffic control plan, closes a city street or is anticipated to attract more than 200 individuals or require more city resources than minor, as determined by an initial review by the city recorder.

“Minor event” means a special event that does not require a traffic control plan or closure of a city street.

“Public works director” means the director of public works or authorized designee.

“Permittee” means a person to whom a special event permit has been issued.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Police chief” means the chief of police or authorized designee.

“Private property permit” means an administrative minor event permit issued by the community development director for a function that is to be held entirely on private property, is not zoned for assembly and does not: require a use of public property in a manner that impacts or restricts the public’s normal and typical use of such property; or impede the normal or usual traffic regulations or controls; or require the provision of extraordinary city services and is not governed by this chapter.

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

“Signage” definitions can be found in Title 17.04.525 CBMC.

“Sound-amplifying system” means any system, apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of human voice, musical tone, vibration or sound wave.

“Special event” means:

1. Any organized formation, parade, procession or assembly consisting of 50 or more persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street, which does not comply with normal or usual traffic regulations or controls; or
2. Any commercial or noncommercial organized assemblage of 50 or more persons at any public park, public water way, street, or sidewalk which is to gather for a common purpose under the direction and control of a person; or

3. Any other activity conducted by a person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of city public safety services in response thereto.

4. Examples of special events include concerts, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as marathons and running events, bicycle races or tours, tournaments), or spectator sports (such as football, baseball and basketball games).

“Special event permit” means a permit as required by this chapter.

“Spontaneous demonstration” is an event occasioned by news or affairs coming into public knowledge and initiating a peaceful public response.

“Street” means any place or way set aside for or open to the general public for purposes of vehicular traffic, including but not limited to any berm or shoulder, parkway, public parking lot, right-of-way, alley or median.

“Third-Party” means any individual or entity who does not have a direct connection with the application, yet provides a good or service required by the application, such as a vendor of a booth at a market or fair.

“Vendor” means any person or entity offering something for sale at an event.

#### **04.01.030 Permit required.**

A. A Special Events Permit is required for all activities which organize or assemble 50 or more persons in a space not zoned for assembly or which have the potential to impact public property, facilities or services.

B. No person shall engage in or conduct any special event unless a special event permit is issued for that event by the city.

C. All special events conducted in City Parks are exempt from Chapter 12.42 Park Code.

#### **04.01.040 Exceptions to special event permit requirement.**

A special event permit is not required for any of the following:

A. Any activity within the scope of a conditional use permit, other land use approval or a private property permit given or required for that use; or

B. A short-term demonstration, by 50 or fewer persons that does not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:

1. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and

2. The chief of police is notified at least 12 hours in advance of the commencement of the demonstration; or

C. Lawful picketing; or

D. Funeral processions by a licensed mortuary; or

E. Activities conducted by a government agency acting within the scope of its authority.

#### **04.01.050 Application.**

A. A person requesting a special event permit shall file an application, certified by affidavit on forms provided by the city recorder. The city recorder shall forward private property permit applications for events of more than fifty on any residentially zoned private property or minor event applications to the community development director for review and determination. The city recorder may make a determination, upon review of the application, that the proposed event is a major event, and such applications shall be sent to the special events committee for review and recommendation to the city manager.

B. Major special event applications shall be filed at least 90 days and not more than one year before the special event is proposed to commence and minor special event applications shall be filed at least 30 days prior to the special event, except an application for a spontaneous demonstration held to react to a current event, which shall provide a minimum of two working-days notice, or where of urgent nature, shall inform the city manager or city recorder as soon as practicable. The minimum notice requirement may be waived by the city manager or city recorder upon written finding that the limited scope of the event, both in size and magnitude, allows it to be adequately reviewed in the remaining time, so that the city can make any preparations necessary to provide personnel or other city services to minimize the obstruction to pedestrian and other traffic and to otherwise protect the participants and the public.

C. The application for all special event permits is included in the Special Events Application Handbook and available at City Hall.

D. Applicants for a repeated event held on private property may file up to four annual special event applications identifying the event dates for one calendar year.

#### **04.01.060 Special Events Review Process.**

A. The special events review process shall consist of the city recorder, community development director, fire chief, police chief, public works director, emergency manager or their designated representatives. The city recorder shall coordinate the review process.

B. The special events review process is charged with reviewing and providing recommendations to the city manager regarding the approval or modification of an application for a major special event permit based upon the information required in the application with regard to considerations of public safety, traffic flow and control, the disruption to residences and businesses; and availability of resources of city personnel and equipment to adequately ensure the public health, safety and welfare.

C. The special events review process shall not recommend for approval a new event for the date, time and location of a previously established reoccurring event unless the applicant for the previously established reoccurring event notifies the city of their intent to not hold the event or no application has been received by the city for that recurring event by the application filing date.

#### **04.01.070 Fees.**

A. Event Fee. A nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its reasonable and necessary costs in receiving, processing and reviewing applications for permits to hold a major or minor event, must be paid to the City of Cannon Beach when an application is filed.

B. If the application includes the use of any city facility and/or property, or if any city services are required for the special event, the applicant must agree to pay for the services in accordance with a schedule of service costs approved by city council resolution.

C. Third Party Fee. If the permittee provides for or allows third party vendors to participate in the special event, the permittee shall pay an additional nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its actual and necessary costs in receiving, processing and reviewing the application that includes third party vendors. The amount of the additional fee shall be established by resolution of the city council and shall be based on whether the application is for a major or minor event.

D. All official City functions and any registered 501(c)3 or 501(c)6 non-profit are exempt from fees.

#### **04.01.080 Police protection and other emergency services.**

A. The police chief will determine whether and to what extent additional police protection, civilian traffic control personnel, private security and volunteer staff are reasonably necessary to ensure traffic control and public safety for the special event. The police chief will base this decision on the size, location, duration, time and date of the special event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked off from use by the public, and the need to detour or preempt pedestrian and vehicular travel from the use of public streets and sidewalks. If police protection and/or other emergency and safety services or equipment is deemed necessary for the special event, the police chief shall prepare a written estimate of the cost of extraordinary city services and equipment required in writing. The applicant will be billed for services after the event.

B. When the police chief is determining the size of the event and the security needed to protect participants and spectators, the estimate, based upon reasonably known information, of participants shall be determinative. The numbers of persons attending in response to an event, to heckle, protest or oppose the sponsor's viewpoint shall not be considered in the cost of providing police protection.

#### **04.01.090 Release and indemnification requirement.**

Permittee shall enter into an agreement with the City agreeing to waive and release the City of Cannon Beach and its officers, agents, employees and volunteers from and against any and all claims, costs, liabilities, expenses or judgments including attorney's fees and court costs arising out of the activities of this special event or any illness or injury resulting therefrom, and hereby agree to indemnify and hold harmless the City of Cannon Beach from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the city or its employees.

#### **04.01.100 Insurance requirements.**

Whenever a special event requires a permit under the provisions of this code, the sponsor, promoter or person conducting the special event shall provide evidence of commercial general liability insurance in a form acceptable to the risk manager (and additional coverage(s) as appropriate for the activities of the event). The policy shall name the City of Cannon Beach as an additional insured, and shall have a coverage amount to be determined by the risk manager according to the size and risk factors of the event. When determining the size of the event and the risk to participants and spectators, the estimate of participants shall be determinative for this purpose. The person conducting the special event shall not be required to insure any risk arising from persons attending in response to an event, to heckle or oppose the sponsor's viewpoint. The insurance company or companies shall meet the requirements established by city council resolution for all insurance required by the city. The insurance policy required by this section shall not be cancelled, limited or not renewed without 30 days' prior written notice being given to the city.

#### **04.01.110 Special event signage.**

A. The permittee for a Major Special Event shall post street closure notification signs at locations approved by the city manager. The street closure notification shall:

1. include the name of the event, date, time and location of the closure;
2. not exceed 16 square feet in sign area with a minimum letter size of four inches;
3. be posted on every street on which more than two intersections will be closed, and every secondary arterial, major arterial, or prime arterial that will be closed as a result of the special event;
4. be posted a maximum of 10 days and a minimum of 7 days prior to the scheduled closure; and
5. be removed within 24 hours following the conclusion of the event.

B. The permittee for a Major Special Event may post a maximum of eight signs that promote the event at locations approved by the city manager. Event promotion signs shall meet the following conditions:

1. Shall not exceed 16 square feet in sign area;
2. Shall not be posted more than 16 days prior to the event;
3. Shall be freestanding or attached to approved signage locations; and
4. Shall be removed 24 hours following the event.

C. The permittee for a Major Special Event shall post traffic control and/or directional signs the day or days of the special event as required by the permit. Traffic control and/or directional signs shall meet the following conditions:

1. The location of all traffic control and/or directional signs shall require approval of the city public works director; and

2. Traffic control and/or directional signs shall not be posted more than four hours prior to the start of the special event and shall be removed not more than two hours after the conclusion of the special event. Any sign(s) left out after two hours may be removed by city staff and disposed of without compensation to event organizer.

D. The permittee for all Special Event permits may post signs and banners during the special event at the special event venue.

1. All venue sign(s) with more than 16 square feet of sign area or signs that are more than four feet above ground level shall be identified on the event site plan;

2. All venue signage and/or banners shall be less than 50 total square feet of temporary sign area;

3. All directional signs must be under six square feet in sign-face and are considered incidental;

4. One non-motion-activated inflatable sign, not to exceed a footprint area of 80 square-feet, or height of sixteen feet, may be conditionally approved and is not be included in the signage total square-footage; and

5. All signage shall be removed by the applicant within 2 hours after the closing of the event.

6. No banners will be permitted across a public right-of-way.

E. Signs stating "No Parking/Tow Away" shall be posted 72 hours in advance of the event start time and removed no more than two hours post event.

F. Any sign posted in the City pursuant to this section shall be exempt from any further regulation under Chapter 17.56 of this code.

#### **04.01.120 Notification.**

A. The applicant for the following events, shall sponsor a meeting for all affected parties. This meeting must be held not more than 180 days prior or less than 80 days prior to the special event date:

1. A first-time Major Special Event;

2. A Major Special Event that has not been held for more than two years; and

3. Any event at a city facility.

C. All applicants for a Special Event permit identified in section A., above, shall notify all affected parties within 100 feet from the property boundaries of the proposed location, along with the Cannon Beach Chamber of Commerce, via the United States Postal Service or by direct distribution not more than 15 days prior or less than 10 days prior to the special event date, with information concerning the event and information on how to contact the applicant and the special events committee before and after the event.



D. The City shall make sure all special events are posted on the City's website, at City Hall and at area Post Offices 7 days prior to the special event date with information concerning the event and information on how to contact the applicants and the special events committee before and after the event.

#### **04.01.130 Special Event Permit Standards for Review.**

A. Prior to issuing a Minor Special Event or Private Property Event permit the Community Development Director shall require the application meet the following standards of review:

- i. the event has the written approval of the owner and lessee of the property on which it is to take place;
- ii. the event is limited to the prescribed time period indicated on the application, not to exceed 72 hours, for no more than four occasions per year, with at least 30 days between occurrences, at each property;
- iii. the event does not conflict with another special event scheduled within 150 feet of the property for the same time period;
- iv. the event is limited to no more than the permitted fire safety allowances for the site at any one time;
- v. the event will not impede pedestrian or vehicle traffic, and any outdoor merchandising meets the following standards:
  - a. all goods must be placed within the prescribed boundaries shown on the event site plan, which maintains at least 42" of clear pedestrian access through all public through-fares;
  - b. all events are limited to the hours of 7 AM to 10 PM;
  - c. County Health Department approved food carts or trucks may operate under a Cannon Beach business license, subject to having written permission from the property owner attached to the application; and,
  - d. other than through approved vendors, no further sales shall take place;
- vi. Where any voice or music is proposed to utilize a sound-amplifying system, the location is appropriate and in no case shall a speaker be located within 300' of a residential structure;
- vii. Any use of a sound-amplifying system will be for a specified period, beginning no earlier than 7 AM and ending no later than 10 PM; and,
- viii. All farmers markets are limited to food, specific food related items and cut flowers.

B. Prior to issuing a Major special event permit the City Manager shall require the application meet the following standards of review:

- i. The applicant has provided the required application, indemnification agreement and endorsement(s), insurance certificate, or security deposit for police and emergency services and equipment within the times prescribed;

- ii. The applicant has provided for the services of a required number of police officers, fire and/or emergency personnel, private security, civilian traffic controllers or event volunteers/staff to ensure the safety of the event;
  - iii. The applicant has provided adequate sanitation and other required health facilities on or adjacent to any public assembly area;
  - iv. The applicant has provided sufficient off-site parking or shuttle service, or both, required to minimize any adverse impacts on public parking and traffic circulation in the vicinity of the special event;
  - v. The applicant has obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur;
  - vi. The use or activity does not present an unreasonable danger to the health or safety of the applicant, other users of the site, or the public;
  - vii. The special event will not create the imminent possibility of violent disorderly conduct likely to endanger public health, safety and welfare or to result in property damage;
  - viii. The special event will not substantially interfere with the normal access and function of businesses and/or residences during any period in a manner, which will have adverse impact on the reasonable use or access to those areas;
  - ix. The special event will not require the diversion of police employees from their normal duties, preventing reasonable police protection to the remainder of the city; and
  - x. The conduct of the special event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic, including public transportation, contiguous to its route or location, except as authorized by the permit.
2. An application shall not be denied or have conditions based upon the message, content or viewpoint of the event sponsor.

#### **04.01.140 Conditions.**

The decision-making body may condition the granting of a special event permit, as necessary, to protect the public health and safety and to effect the purpose of this title. Such conditions may include parameters associated with the minor and major standards of 4.01.130.

#### **04.01.150 Notice of denial of application.**

The city manager shall act promptly upon a timely filed application for a major special event permit and shall make a determination not less than 28 calendar days prior to the major event. The community development director shall act promptly upon a timely filed application for a minor special event and will make a determination not less than 15 calendar days prior to the minor event. The applicant will be notified within two working days of said determination.

If the city manager does not act on a special event application at least 28 calendar days prior to the major event, and if the community development director does not act on a special event application at least 15 days prior to the minor event, the application shall be deemed denied.

#### **04.01.160 Alternatives to permit application.**

The city manager, in denying an application for a special event permit, may authorize the conduct of the special event at a date, time, location, or route different from that named by the applicant, and shall propose alternative measures, which would cure any defects in the application. An applicant desiring to accept the modifications to the application shall, within five days after notice of the action of the city manager, file a written notice of acceptance with the city manager.

#### **04.01.170 Appeal procedure.**

A. Any applicant has the right to appeal the denial of a special event permit to the city council. The denied applicant must make the appeal within five days after receipt of the denial by filing a written notice with the city clerk and a copy of the notice with the police chief. The city council shall act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal, or at the next available meeting for which a decision can be reached, which the decision will be final.

B. In the event that the city council denies an applicant's appeal, the applicant shall be afforded prompt judicial review of that decision through a writ of review as provided by Oregon Revised Statutes.

#### **04.01.180 Notice to city and other officials.**

Immediately upon the issuance of a special event permit, the city recorder shall send a notice thereof to the city manager, the city attorney, the police chief, the fire chief, the public works director, the community development director, chamber of commerce and the manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route or location of the proposed special event.

#### **04.01.190 Special events calendar.**

The city shall maintain a special events calendar. Events for which permit applications have been filed shall be registered on the special events calendar as "approved" or as "pending."

#### **04.01.200 Violations.**

A. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute a misdemeanor punishable by a fine of up to \$1,000.00, or by imprisonment in the county jail for a term not exceeding six months, or by both:

1. To stage, present, or conduct any special event without first having obtained a permit under this chapter;
2. To hamper, obstruct, impede, or interfere with any special event or with any person, vehicle or animal participating or used in the special event;

3. To carry any sign, poster, plaque, or notice, whether or not mounted on a length of material, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

4. For any person participating in any special event to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one and one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object may not exceed three-fourths inch in its thickest dimension.

B. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute an infraction and shall be punished as provided for by law:

1. To participate in a special event for which the person knows a permit has not been granted;

2. To knowingly fail to comply with any condition of the permit;

3. For a participant in or spectator at a special event to knowingly violate any conditions or prohibitions contained in the special events permit;

4. For any driver of a vehicle to drive between the vehicles or persons of a special event when the vehicles or persons are in motion and are conspicuously designated as a special event;

5. The police chief may prohibit or restrict the parking of vehicles along a street constituting a part of a special event if the police chief posts or cause to be posted signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of the posted signs.

C. The police chief may, when reasonably necessary, waive parking regulations along a street constituting a part of a special event.

#### **04.01.210 Revocation of permit.**

The police chief may revoke a special event permit without prior notice upon violation of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health, safety and welfare of persons or property. Written notice of the revocation setting forth the reasons therefore, shall be hand delivered or mailed to the applicant at the address provided on the application.

#### **04.01.220 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause or phrase contained in it irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

## **SECTION 2**

## To Repeal Chapter 10.08 TRAFFIC AND PARKING

### Article II. Traffic

#### **~~10.08.120 Parade permit—Required.~~**

~~— No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit. A permit is required for a procession using the public right of way that consists of twenty or more persons or three or more vehicles. (Ord. 89-8 § 27)~~

#### **~~10.08.130 Parade permit—Application.~~**

~~— A. — Application for a parade permit shall be made to the city manager at least thirty days before the date of the parade unless the time limit is waived by the city manager.~~

~~— B. — The application shall be signed by the person designated as chairperson for the parade and shall include the following:~~

- ~~— 1. — The name and address of the person responsible for the parade;~~
- ~~— 2. — The date of the parade;~~
- ~~— 3. — The desired route, including assembling and dispersal points;~~
- ~~— 4. — The number of persons, vehicles and animals that will participate;~~
- ~~— 5. — The proposed starting and ending time. (Ord. 89-8 § 28)~~

#### **~~10.08.140 Parade permit—Issuance or denial.~~**

~~— A. — The city manager shall issue a parade permit conditioned on the applicant's written agreement to comply with terms of the permit unless the city manager finds that:~~

- ~~— 1. — The time, route and size of the parade will disrupt the movement of other traffic to an unreasonable extent;~~
- ~~— 2. — The parade is of a size or nature that requires the diversion of so great a number of law enforcement officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable law enforcement protection to the jurisdiction;~~
- ~~— 3. — The parade will interfere with another parade or other activity for which a permit has been issued;~~
- ~~— 4. — Information contained in the application is found to be false or a material detail is omitted;~~
- ~~— 5. — The applicant refuses to agree to abide by or comply with all conditions of the permit.~~

~~— B. — If one or more of the conditions listed in subsection A other than subparagraph 5 exists, the city manager may include provisions in the permit that are necessary to alleviate the conditions, including, but not limited to:~~

- ~~— 1. — Requiring an alternate date;~~
- ~~— 2. — Requiring an alternate route;~~

~~— 3. — Restricting the size of the parade.~~

~~— C. — The city manager shall notify the applicant of the decision within five days after receipt of the application.~~

~~— D. — If the city manager proposes alternatives or refuses to issue a permit, the applicant may appeal the decision to the governing body. (Ord. 89-8 § 29)~~

**10.08.150 Parade permit — Appeal.**

~~— A. — An applicant may appeal the decision of the city manager by filing a written request of appeal with the city council within five days after the city manager has proposed alternatives or refused to issue a permit.~~

~~— B. — The governing body shall schedule a hearing, which shall not be later than the second regular meeting following the filing of the written appeal, and shall notify the applicant of the date and time. (Ord. 89-8 § 30)~~

**10.08.160 Parade offenses.**

~~— A. — No person shall unreasonably interfere with a parade or a parade participant.~~

~~— B. — No person shall operate a vehicle that is not part of a parade between the vehicles or persons in the parade. (Ord. 89-8 § 31)~~

**10.08.170 Parade permit — Revocation.**

~~— The city manager may revoke a parade permit if circumstances clearly show that the parade no longer can be conducted consistent with public safety. (Ord. 89-8 § 32)~~

**SECTION 3**

**To Amend TITLE 17 ZONING**

**Chapter 17.04 Definitions**

**17.04.525 Sign or sign related definitions.**

The following definitions pertain to signs:

A. “Abandoned sign” means a sign pertaining to a use or lot where the message of the sign no longer pertains to a use or activity occurring on the lot;

B. “Awning sign” means a sign that is placed on a temporary or movable shelter supported entirely from the exterior wall of a building;

C. “Bench sign” means a sign painted on or attached to a bench;

D. “Building frontage” means an exterior building wall facing a street, parking lot or pedestrian walkway;

- E. “Business frontage” means the lineal frontage of a building or portion thereof devoted to a specific business and having an entrance open to the general public;
- F. “Corner sign” means a sign that is placed on a lot so as to be visible from two public streets;
- G. “Freestanding sign” means a sign on a frame, pole or other support structure which is not attached to any building or permanent structure;
- H. “Frontage” means the single full surface of a building facing a given direction;
- I. “Incidental sign” means a sign, other than a temporary or lawn sign, which does not require a permit;
- J. “Lawn sign” means a temporary freestanding sign made of rigid materials;
- K. “Permanent sign” means a sign attached to a building, structure or the ground in some manner, having a sign face area of four square feet or more and made of materials intended for more than short-term use;
- L. “Projecting sign” means a sign attached to and projecting out from a building face or wall and generally at right angles to the building;
- M. “Readerboard sign” means a sign which can accommodate changeable copy;
- N. “Sandwich board sign” means a sign not supported by a structure in the ground, nor attached to or erected against a structure, and capable of being moved;
- O. “Sign” means any identification, description, illustration, symbol or device which is affixed upon a building, structure or land and whose primary purpose is to convey a message;
- P. “Site frontage” means the length of the property line parallel to and along each public right-of-way;
- Q. “Temporary sign” means a sign, such as a banner, not permanently attached to a building, structure or the ground and posted for no longer than seventy-two hours, without a special events permit, or authorized under an approved sign permit;
- R. “Undeveloped site” means a lot with no permanent structure which contains a use permitted by the zone in which it is located;
- S. “Wall graphic” means a painting or other graphic art technique which is applied directly to the wall or face of a building or structure;
- T. “Wall sign” means a sign attached to or erected against the wall of a building with the sign face in a parallel plane of the building wall;
- U. “Window sign” means a sign permanently painted on, etched on or affixed to the window pane of a building. (Ord. 89-29 § 1; Ord. 88-1 § 1; Ord. 86-16 § 1 (90); Ord. 86-04 § 1 (90))

## SECTION 4

### To Amend TITLE 17 ZONING

#### Chapter 17.22 Limited Commercial (C1) Zone

##### 17.22.040 Prohibited uses.

In a C1 zone the following uses are prohibited:

- A. Amusement arcade;
- B. Drive-in restaurant, formula food restaurant, or mobile food vending wagon, except those operating under the terms of a special events permit;
- C. Other drive-in facilities such as a car wash;
- D. Private parking lot. (Ord. 97-13 § 3; Ord. 94-06 § 2; Ord. 88-12 § 2; Ord. 79-4 § 1 (3.080)(2a))

## SECTION 5

### To Amend TITLE 17 ZONING

#### Chapter 17.90 General Requirements and Regulations

##### 17.90.150 Outdoor merchandising.

A. Purpose. The purpose of this section is to ensure that certain commercial activities are carried out in a manner that is aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use.

B. All uses in the C1, C2 and RM zones shall be conducted entirely within a completely enclosed building except that the outdoor storage, display, sale or rental of merchandise or services may be permitted where the standards of subsection D of this section are met. The following uses and activities, subject to applicable conditions, are exempt from this prohibition:

1. The sale of living plant materials and cut flowers;
2. Outdoor seating in conjunction with a restaurant;
3. ~~Christmas~~ Holiday tree sales lot;
4. The dispensing of gasoline at a service station;
5. Newspaper vending machines subject to subsection (E)(1) of this section;
6. The sale of goods and services by a nonprofit organization are subject to Chapter 04.01.130 ~~to subsection (E)(2) of this section~~;
7. Automatic teller machines, subject to the design review requirements of Chapter 17.44;
8. Telephone booths, subject to the design review requirements of Chapter 17.44;
9. Live music and other outdoor performances, subject to Chapter 04.01.130 ~~subsection (E)(3) of this section~~; and



10. Farmers' market, subject to Chapter 04.01.130 subsection (E)(4).

C. The prohibition on the outdoor storage or display of merchandise in conjunction with a commercial use applies to the general type of merchandise which is sold within the business premises, not just specific merchandise styles or brands.

D. The outdoor storage, display, sale or rental of merchandise or services may be permitted where:

1. The outdoor area in which the merchandise or service is stored, displayed, sold or rented is accessible only through a building entrance; or

2. The outdoor area is screened from a public street or adjacent property in a manner approved by the design review board; or

3. The outdoor activity is permitted through a special event permit.

E. ~~The following additional requirements are applicable to certain types of outdoor merchandising:~~

~~1. Newspaper vending machines: Newspaper vending machines, placed on a public sidewalk, shall be located so that the use of the sidewalk by handicapped persons is not impeded. This standard shall be met by maintaining a minimum, unobstructed sidewalk width of four feet.~~

~~2. Nonprofit organization sales: The sale is authorized by a site specific use permit granted by the city manager after finding that:~~

~~a. The sale has the approval of the owner or lessee of the property on which it is to take place;~~

~~b. The sale will be located in a manner that will not interfere with pedestrian or vehicular traffic;~~

~~c. The sale will not interfere with the operation of adjacent businesses;~~

~~d. The sale shall be held no more than twice a year; and~~

~~e. The sale shall be for a specified period of time. The duration of the sale shall not exceed one day.~~

~~3. Live music or outdoor performances: The music or outdoor performance complies with the following:~~

~~a. The event has the approval of the property owner or lessee of the property;~~

~~b. The location of the music will not interfere with pedestrian traffic or the operation of adjacent businesses;~~

~~c. Where the music is proposed to be amplified by electronic means, the location is appropriate;~~

~~d. The hours proposed for the live music are appropriate to the location; and~~

~~e. The live music will be for a specified period of time.~~

~~4. Farmers' market: The farmers' market is approved by a site specific authorization made by the city manager after finding that the following standards are met:~~

~~a. The location will not unduly interfere with pedestrian or vehicular traffic;~~

- ~~— b. — The location will not unduly interfere with the operation of adjacent businesses;~~
- ~~— c. — The farmers' market is conducted for a specified period of time, including hours of operation;~~  
~~and~~
- ~~— d. — The farmers' market is limited to food, specific food related items and cut flowers.~~

F. For the purposes of this section, the free distribution of merchandise with a special events permit, is not considered outdoor merchandising ~~and is prohibited~~.

**ADOPTED by the Common Council of the City of Cannon Beach this 18 day of May, 2021,**  
**by the following roll call vote:**

**YEAS:**

**NAYS:**

**EXCUSED:**

\_\_\_\_\_  
Sam, Steidel, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Bruce St. Denis, City Manager

\_\_\_\_\_  
Ashley Driscoll, City Attorney