

**ORDINANCE NO. 868**

**AMENDMENT TO ORDINANCE NO. 856**

**PROVIDING FOR THE USE OF CITY-OWNED PROPERTY BY PARTIES OTHER THAN THE CITY OF RED LODGE.**

**WHEREAS**, the streets, sidewalks, alleys, parks, publicly-owned buildings or vacant land or other public areas of The City of Red Lodge are held by the City for the benefit of the public; and

**WHEREAS**, on occasion parties other than the City of Red Lodge may wish to use such areas for specific uses; and

**WHEREAS**, it is the position of the City that such uses may benefit the residents and property owners of The City of Red Lodge; and

**WHEREAS**, negative affects of such uses can be avoided or mitigated;

**NOW THEREFORE**, The City of Red Lodge hereby approves on Ordinance as follows:

Use of a City street, sidewalk, alley, park other than Lions Park, or publicly-owned building or vacant land by a party other than The City of Red Lodge for a commercial use or special event shall be prohibited unless such use has been specifically approved in advance by The City of Red Lodge as follows:

1. An applicant shall submit a request for a proposed use to the City through written application specifying such use, whether alcohol is anticipated to be served, the anticipated period of time of such use, the number of people anticipated to participate, potential negative effects such as traffic, noise, trash or need for restrooms, and how they will be mitigated, and a map showing the area of the proposed use.
2. At the time an application is approved, an applicant other than a not-for-profit organization shall pay a non-refundable fee of \$10 per day or \$150 per calendar month, for use of each area of 120 square feet or less for the period(s) defined in the application, up to the maximum amount of \$100 per day; in all cases, in the event alcohol is anticipated to be served or used, the applicant shall pay an additional fee of \$100.
3. The applicant, including a not-for-profit organization, shall submit with the application a commitment of insurance with indemnification of The City of Red Lodge in the amount of One Million Dollars (\$1,000,000) for liability in connection with the proposed use. Additional liability coverage shall be required in the event alcohol is intended to be served or used, per City Ordinance No. \_\_\_\_\_.
4. The applicant shall provide with the application evidence of notification of each property owner or its authorized representative abutting and within one hundred (100) feet of the proposed use for their written consent or comment prior to the date of approval.
5. The applicant shall provide acknowledgment of and signed agreement to the proposed use from the City Police Department, City or equivalent Fire Department and Ambulance service.


6. The applicant shall attach a copy of its City business license to the application unless exempt from the requirement of such license.
7. The City shall have the right to impose any condition pertaining to public health, safety and welfare upon its approval of an application, and shall retain the right to revoke an issued permit for just cause including but not limited to failure to meet any condition. Failure to obtain approval in advance shall result in the City's right to cause cessation of the activity.
8. Upon approval of the application, the applicant shall provide cash or check in the amount of \$75 towards cleanup and maintenance of the area proposed to be used. Such payment shall be refunded upon verification by the City that the area is trash-free and has been restored to its condition prior to the use by 8 a.m. the following day of each day of use. Upon such verification, the applicant's deposit will be refunded the first City business day at the end of the permitted period.

Use of the area of a City sidewalk within five (5) feet of the lot line of private property in any district zoned for commercial use shall be exempt from this ordinance but shall be subject to the consent of the owner of the real property or its representative on that property.

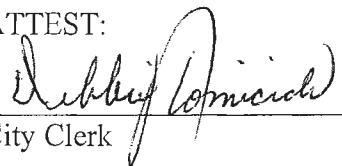
The deadline for filing a completed application shall be four weeks before the proposed use. Eight (8) copies of the application shall be submitted at the time of the filing, provided, however, that the attachments need to be filed only with the original application.

PASSED and APPROVED on first reading the 22nd day of August, 2006.

PASSED and APPROVED on second reading the 12<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
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City Clerk