

FRIDLEY CITY CODE
CHAPTER 22. MUSIC FESTIVALS
(Ref . 489)

22. 01. DEFINITIONS

For the purpose of this Chapter, "music festival" shall mean and include any gathering of individuals for the purpose of participating in or attending a musical carnival "rock" festival or like musical activity at which vocal or instrumental music is provided by professional or amateur performers, or by pre-recorded means, and to which gathering members of the public are invited or admitted with or without the payment of admission charges in any form. (Ref. 489)

22.02. LICENSE REQUIRED

It shall be unlawful for any person, group of persons or entity to operate conduct, maintain, advertise, sell or furnish tickets or other types of written authority for admission to a music festival in the City of Fridley unless a license to operate or conduct such festival shall have been issued in the manner hereinafter described in this Chapter.

22.03. FEES

The permit fee shall be as provided in Chapter 11 of this Code.

22.04. APPLICATION

Application for a license to conduct a music festival shall be made in writing to the City Clerk at least sixty (60) days prior to the time indicated for the commencement of the music festival. The application shall be accompanied by a nonrefundable application fee in the amount of Fifty Dollars (\$50.00), which filing fee shall be paid to the City of Fridley. Such application shall contain the following information:

1. The name (including alias if applicable), age, residence, mailing address, and telephone numbers of each person making the application. If the application is filed by a partnership, the name (including alias), age, residence, mailing address and telephone numbers of each partner shall be included. If the applicant is a corporation or a common law or Massachusetts Trust, the application shall be signed by the President and Secretary thereof, or in the case of a common law or Massachusetts Trust, then by the Trustees thereof and in each instance shall contain their residences, mailing addresses and telephone numbers, as well as telephone numbers, mailing addresses and street addresses of the principal place of business of the corporation or trust and in the case of a corporation shall also include a certified copy of articles of incorporation and the by-laws of the corporation, and in the case of a common law or Massachusetts Trust shall include a certified copy of the trust indenture.

2. The location and legal description of the premises where the music festival is proposed to be conducted, including all lands to be used for automobile parking and other incidental uses. The applicant shall submit proof of ownership of said premises and the written consent of all owners thereof for the purposed use.

3. The date or dates and the hours during which the festival is to be conducted.
4. An estimate of the numbers of persons, participants and spectators expected to attend the proposed music festival on each day it is conducted, together with detailed information supporting such estimate.
5. A detailed statement of the applicant's program and plans to provide emergency communications, security protection, water supply, food supply, sanitary facilities, medical facilities and services, vehicle parking space, vehicle uses and on-site traffic control, sound and lighting equipment, fire protection, garbage, trash and litter cleanup service, and if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping and similar facilities. There shall be included a map showing the location of all such facilities and equipment on the premises including the location of all loud speakers and the location of all toilets, medical facilities and solid waste receptacles.
6. A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcohol and drug consumption.

22.05. AGREEMENT

The application shall include an agreement filed by the applicants and by the owners of the subject premises that they will reimburse all owners and occupants of property adjoining the subject premises for any and all loss, injury or damages to such owners or occupants or to their property caused by the applicants, by the owner of the subject premises, or by any person attending or participating in the music festival, which damage shall not have occurred had the music festival not been held. Accompanying and securing said agreement shall be a surety company bond in favor of the City of Fridley and all persons to whom the applicant and/or owners of the subject premises may be liable because of the above required agreement. Said bond shall be prepared by a corporate bonding company authorized to do business within the State of Minnesota and shall be in the amount of not less than Fifty Thousand Dollars (\$50,000).

22.06. INDEMNIFICATION

The application shall include an agreement filed by the applicants to defend, indemnify, save and hold the City of Fridley harmless from and on account of any and all claims against the City of Fridley for injury or damage of any kind or nature to persons or property in, upon or about the subject premises or arising from or in connection with said music festival from any cause whatsoever. The applicants shall covenant and agree to keep and maintain in full force and effect for a period of one (1) year from and after the date upon which they shall have been issued a license to conduct a music festival, a policy of public liability and property damage insurance in standard form in insurance companies satisfactory to the City of Fridley and shall furnish the policy therefore to the City of Fridley. Such public liability insurance shall insure the City of Fridley with limits of not less than \$250,000 for injury to any one person, \$500,000 for injury to more than one person, and in the amount of \$50,000 for property damage. Said policy shall be delivered to the City of Fridley at least ten (10) days before the issuance of a license and such policy shall bear an endorsement of or shall be accompanied by evidence of receipt of payment of the premium thereon.

22.07. CLEAN-UP

The application shall include an agreement signed by the applicants providing that within seventy-two (72) hours after the conclusion of the music festival the applicants will clean up the premises, including contiguous public roads, ways and easements, and remove all debris, garbage, trash, litter and other waste matter from in and around said premises, together with all advertising matters to said festival.

22.08. FINGERPRINTS

An application shall not be considered completed until each applicant has been fingerprinted and photographed by the City of Fridley Police Department.

22.09. REFERRAL

Upon receipt of the fully completed application the Finance Director of the City of Fridley shall give copies of the application to the city Manager and Assistant City Manager/Public Safety Director. The City Manager and the Assistant City Manager/Public Safety Director shall each determine whether, with regard to their specific areas of responsibility, the proposed music festival can be held without violation of any of the provisions of this Chapter. Within forty-five (45) days after the filing of a completed application, the City Manager and the Assistant City Manager/Public Safety Director shall complete their investigation and shall notify the Finance Director of their approval or disapproval of the issuance of a license. If all such officers approve the issuance of a license, the Finance Director shall, after collecting the license fee as provided in Chapter 11 of this Code, issue said license. If any of the said officers disapproves the issuance of a license, no license shall be issued, and the reasons for such disapproval shall be stated in writing with such notice of disapproval, a copy of which shall be delivered to the applicant.

22.10. REVOCATION

1. In addition to the provisions of Chapter 11 of this Code, the City Council shall have the right to revoke any license issued pursuant of this Chapter after a public hearing held after written notice is given to the licensee at least twenty-four (24) hours prior to such hearing, for any of the following causes:

- A. The licensee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a license.
- B. The licensee fails, refuses or neglects to fulfill any of the provisions of the proposed program or plans.
- C. The licensee permits the music festival to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor, any narcotics or other dangerous drugs.
- D. The licensee violates, or attempts to violate, any law of the State and/or provisions of this Chapter or any other provisions of this Code.

E. The licensee has previously made a false, misleading or fraudulent statement of material fact in the application for a license or in any other document required pursuant to this Chapter.

2. Written notice of such revocation shall be forwarded by the City Clerk to the Assistant City Manager/Public Safety Director, the Finance Director and to the licensee at the address given in the application. Such revocation shall become effective immediately after ordered by the City Manager.

22.11. SUSPENSION

The Assistant City Manager/Public Safety Director may suspend operation and close any music festival prior to the expiration of the license granted under the provisions of this Chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in that person's judgment, it becomes necessary to prevent injury to persons and/or damage to the property.

22.12. PARTICIPANTS

If the City Manager shall as a condition of issuance of the licenser impose a limit on the number of persons to be admitted to the music festival and/or requiring that only holders of tickets shall be admitted to the premises on which the festival is to be held, it shall be unlawful for the licensee, or any agent or employee of the licensee:

1. To allow, permit, or suffer the entrance to the premises in which the music festival is held, of any person who does not possess a ticket, except a peace officer or other public officer in the performance of official duties;
2. To sell, give or distribute a greater number of tickets than the number authorized by the City Manager; or,
3. To allow, permit or suffer the admission of any person to a music festival if such admission shall result in a greater number of persons present than authorized by the City Manager

22.13. EXEMPTION

Any person, group of persons, or entity seeking to hold, conduct or operate a music festival, as that term is defined in Section 22.01, on real property owned, leased, rented or possessed by any public entity, may be exempted from making application for a license, paying the application fee, providing the indemnity bond and the policy of public liability and property damage insurance required by Sections 22.02 - 22.06, provided each of the following conditions is satisfied:

1. The person, group of persons, or entity seeking to hold, conduct, or operate a music festival makes application in writing to the City of Fridley, for a permit, on a form to be provided by the City Manager, at least five (5) days prior to the time indicated for the commencement of the festival.

2. The applicant obtains and delivers to the City Manager, at the time of making the application, a written sponsorship of or written permit for the festival signed by the public entity on whose real property the festival is proposed to be held, conducted, or operated.
3. The application shall set forth the day or days, the time which shall not exceed four (4) hours duration on any one day between the hours of 10:00 o'clock a.m. and 10:00 o'clock p.m., and the place of the proposed festival, and the name, residence address and telephone number of the applicant and each member of the performing musical group(s) including their leader(s).
4. The applicant confirms in the application, or in a separate writing attached thereto, that:
(a) each of the musical group(s) including their leader(s), will receive no monetary compensation for performing in the festival and, (b) no charge whatsoever will be sought or collected for admission to or attendance at the proposed festival.
5. The applicant agrees in the application, or in a separate writing attached thereto, that he or she will assume full responsibility for restoring the immediate location of the festival, including the area occupied by the audience, to a clean and sanitary condition, and will remove and properly dispose of all debris, garbage, litter and other waste matter from, in and around said location, together with all advertising matter relating to the festival, within four (4) hours immediately following the conclusion of the festival.

22.14. ACTION BY MANAGER

The City Manager shall examine the application and all supporting documents, including the written sponsorship or permit of the public entity, and if these are found to be in compliance with the required conditions set forth herein, shall issue a permit in writing to the applicant authorizing the music festival to be held, conducted, or operated on the date(s), and at the time(s) and place(s) indicated therein. The City Manager shall forthwith, transmit a copy of the permit to the affected public entity. The City Manager shall have the final decision making authority in connection with the issuance or denial of permits hereunder.

22.15. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.