

## AGENDA

### GALLUP CITY COUNCIL WORK SESSION TUESDAY, OCTOBER 25, 2022; 4:30 P.M. CITY COUNCIL CHAMBERS



Louie Bonaguidi, Mayor

Linda Garcia, Councilor, Dist. 1

Michael Schaaf, Councilor, Dist. 2

Sarah Piano, Councilor, Dist. 3

Fran Palochak, Councilor, Dist. 4

Maryann Ustick, City Manager

Curtis Hayes, City Attorney

**The meeting will be accessible through the City of Gallup's Facebook Page:**

[City of Gallup, New Mexico Government - Home | Facebook](#)

**Members of the public may submit comment on non-agenda items either in person or by telephone. To submit comment by telephone, please call (505) 863-1254 to leave your name and a return phone number.**

#### **A. Roll Call**

#### **B. Work Session**

##### **1. Amendments To The Special Events Ordinance**

In 2017, Council replaced the "Parade Ordinance" with the "Special Event Permit Ordinance" which expanded the scope of the requirement for a permit to include not just parades, but "any activity which occurs on private or public property that will affect the ordinary use of City property, public streets, rights-of-way, or sidewalks."

Now that the City has five years of experience with the ordinance, it would be prudent to review the ordinance to determine if it is meeting the needs of the City and those entities that want to obtain a special event permit. While Council may review any and all sections of the ordinance for possible revision, concerns have been raised about the criteria for rejection of an application (Section 5-6-9).

The criteria, as currently written, are that:

- the event will disrupt traffic within the City beyond practical solution;
- will interfere with access to fire stations and fire hydrants;
- the location of the special event will cause undue hardship to adjacent businesses or residents;
- the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City;
- the application contains incomplete or false information;
- the applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the City.

An issue that has arisen for Council to consider is whether the ordinance should provide for conditions specific to the venue to be imposed on the permittee.

Fiscal Impact:           None.  
Recommendation:       None. Discussion only item.  
Speaker's Name         Curtis Hayes and Maryann Ustick

Documents:

[SPECIAL EVENTS ORDINANCE.PDF](#)

## 2. **Public Comment Ordinance**

The Gallup City Code Section 1-6-8(H) provided that members of the public may not address the Council “unless permission shall first be given by unanimous consent of the members present.” The ordinance makes no distinction between agenda and non-agenda items.

This discussion item is for Council to consider an amendment to the ordinance to allow citizen participation and input without having the consent of all the members present.

1-6-8 (H) Right To Address Council: No person not a member shall have the right to address the city council or to participate in its proceedings unless permission shall first be given by unanimous consent of the members present, and it shall be the duty of the chief of police to strictly enforce this rule, and if necessary, to expel from the room any person violating it; provided, the city manager, officers of the city and department heads shall have a right to be heard on matters pertaining to their offices and departments. (Ord. C61-25, 4-21-1964)

Fiscal Impact:           None  
Recommendation:       None. Discussion item only.  
Speaker's Name         Curtis Hayes

## C. **Motion To Adjourn**

Pursuant to the "Open Meetings Act", NMSA 1978, Section 10-15-1 through 10-15-4 of the State of New Mexico, this Agenda was posted at a place freely accessible to the public 72 hours in advance of the scheduled meeting.

## CHAPTER 6

### SPECIAL EVENT PERMITS

SECTION:

**5-6-1: Title**

**5-6-2: Definitions**

**5-6-3: Permit Required**

**5-6-4: Permit Application And Fee**

**5-6-5: Expedited Review**

**5-6-6: Insurance Required**

**5-6-7: Save Harmless Agreement**

**5-6-8: Approval Process**

**5-6-9: Standards For Denial Of Permit**

**5-6-10: Revocation Of Special Event Permit**

**5-6-11: Appeal Procedure**

**5-6-12: Duties Of Permittee**

**5-6-13: Public Conduct During Special Events**

**5-6-14: Participation In Special Event**

**5-6-15: Post-Event Clean-Up**

**5-6-16: Penalty**

**5-6-17: Severability**

**5-6-1: TITLE:**

This chapter shall be known as the *SPECIAL EVENT PERMIT ORDINANCE OF THE CITY OF GALLUP*. (Ord. 2017-8, 10-10-2017)

**5-6-2: DEFINITIONS:**

**APPLICATION FEE:** Is the nonrefundable fee that must be paid, unless waived pursuant to this chapter, upon submission of the application.

**PARADE:** Is any march or organized procession of any kind, of three (3) or more persons or vehicles in or upon any street, park, or other outdoor places owned or under the control of the City. The term "parade" does not include funeral processions supervised by a licensed mortuary, students participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities, activities of a government agency acting within the scope of its governmental functions, or processions of persons on public sidewalks that do not interfere with the normal flow of vehicular traffic.

**PERMITTEE:** Is a person or organization that has been granted a special event permit.

**SPECIAL EVENT:** Means any activity which occurs upon private or public property that will affect the ordinary use of City property, public streets, rights-of-way or sidewalks. This includes, but is not limited to, parades, fairs, festivals, foot runs, bicycle runs, demonstrations, rallies, and block parties. A special event may be scheduled for multiple days and a single permit may be obtained for an event that occurs on a regular basis for up to one calendar year. Private social gatherings which will make no use of City streets other than for lawful parking are not included. (Ord. 2017-8, 10-10-2017)

**5-6-3: PERMIT REQUIRED:**

Unless exempted by this section, no person or organization shall conduct a special event that affects the ordinary use of City property, public streets, rights-of-way or sidewalks without first having obtained a special event permit from the City of Gallup. Governmental agencies that are political subdivisions of the State of New Mexico are exempt from payment of the application fee. (Ord. 2017-8, 10-10-2017)

**5-6-4: PERMIT APPLICATION AND FEE:**

An application for a special event permit shall be submitted to the City with a nonrefundable application fee of ten dollars (\$10.00) no later than thirty (30) days prior to the proposed event. The following information shall be provided in writing: the name and purpose of the special event; name, address and telephone number of the sponsoring organization or individual; proposed date, location and hours of operation including the route to be traveled by a parade; schedule of proposed events; whether alcohol will be served; the approximate number of persons expected to attend and/or participate in the event; the approximate number of entries expected to participate in a parade including the type and number of animals and vehicles; proposed provision for restroom facilities; and such other information as the City Manager, or his/her designee, or another City department deems reasonably necessary to determine that the permit meets the requirements of this chapter and any other applicable law or ordinance. (Ord. 2017-8, 10-10-2017)

**5-6-5: EXPEDITED REVIEW:**

Special events that are occasioned by news or public affairs coming into public knowledge within less than fourteen (14) days of such special event may apply for a special event permit not less than three (3) business days prior to the special event. The City Manager, or his/her designee, will conduct the review specified in section 5-6-8 of this chapter and notify the applicant by the end of the next business day. An application that is approved pursuant to this expedited review process does not require approval of the City Council. Any closure of a public street must be approved by City Council. (Ord. 2017-8, 10-10-2017; amd. Ord. C2019-6, 6-25-2019)

**5-6-6: INSURANCE REQUIRED:**

The applicant is required to obtain and present evidence of surety indemnity bond or comprehensive liability insurance naming the City as an additional insured. The minimum insurance requirement shall be the limits of Municipal liability contained in the New Mexico Tort Claims Act. If the event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the event and obtaining additional insurance coverage. Governmental agencies that are political subdivisions of the State of New Mexico, the Federal government, or a tribal government are exempt from the requirement to provide proof of insurance. (Ord. 2017-8, 10-10-2017)

**5-6-7: SAVE HARMLESS AGREEMENT:**

The applicant is required to provide a save harmless agreement in which the applicant agrees to defend, pay and save harmless the City, its officers and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the special event; excepting any claims arising solely out of the negligent acts of the City, its officers and employees. (Ord. 2017-8, 10-10-2017)

**5-6-8: APPROVAL PROCESS:**

The City Manager, or his/her designee, shall determine whether the application meets the requirements of this chapter. The City Manager, or his/her designee, will review and decide upon the application and notify the applicant within fifteen (15) days of receiving the application and all required documentation and payment of the application fee. In addition to any other form of notification, the applicant shall be notified in writing of the decision. If the application is denied, the written notification shall specify the reason(s) for the denial. If the application involves the closure of a public street, the application shall be placed on the agenda of the next regularly scheduled City Council meeting for final approval by the Council. (Ord. 2017-8, 10-10-2017; amd. Ord. C2019-6, 6-25-2019)

**5-6-9: STANDARDS FOR DENIAL OF PERMIT:**

Reasons for denial of a special event permit include: the event will disrupt traffic within the City beyond practical solution; will interfere with access to fire stations and fire hydrants; the location of the special event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City; the application contains incomplete or false information; the applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the City. (Ord. 2017-8, 10-10-2017)

**5-6-10: REVOCATION OF SPECIAL EVENT PERMIT:**

All permits issued pursuant to this chapter shall be temporary and do not vest any permanent rights. Reasons for revocation of a special event permit include application contained incomplete or false information; applicant does not comply with all terms and conditions of permit; applicant fails to arrange for or adequately remit all fees, deposits, insurance or bonds to the City; disaster, public calamity, riot or other emergency exists. (Ord. 2017-8, 10-10-2017)

**5-6-11: APPEAL PROCEDURE:**

Any applicant whose application has been denied or revoked may appeal the decision of the City Manager, or his/her designee, to the City Council by filing a written notice of such appeal with the City Clerk within five (5) business days of receipt of the notice of denial or revocation. The City Council shall set a hearing date within fifteen (15) days of receiving such appeal request. At such hearing, the applicant is entitled to be heard and present evidence in support of the application. (Ord. 2017-8, 10-10-2017)

**5-6-12: DUTIES OF PERMITTEE:**

- A. Compliance With Laws And Regulations: A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. Possession Of Permit: The person heading or leading the special event shall carry the special event permit upon his person during the conduct of the special event.
- C. Other Required Permits: The permittee shall obtain all other relevant permits that may be required from the City or other jurisdictions for the special event. (Ord. 2017-8, 10-10-2017)

**5-6-13: PUBLIC CONDUCT DURING SPECIAL EVENTS:**

- A. Interference: No person shall unreasonably hamper, obstruct or impede, or interfere with any special event or with any person, vehicle or animal participating or used in a special event.
- B. Driving Through Parades: No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- C. Parking During Special Event: The City Council shall have the authority, to prohibit or restrict the parking of vehicles along a highway, street, public right-of-way, or City- owned parking lot, or part thereof, when reasonably necessary for the conduct of the special event. Notice of such restrictions shall be made by the posting of signs, not less than 12" by 18" in size posted at the beginning of each block and at the entrance of any parking lot to be closed, not less than twenty four (24) hours prior to the beginning of the special event and by individual notice posted on the windshield of any vehicle parked in a restricted area. Any vehicle that is parked in an area that is closed pursuant to this section may not be moved during the special event without a police escort. (Ord. 2017-8, 10-10-2017)

**5-6-14: PARTICIPATION IN SPECIAL EVENT:**

The permittee may limit participation in the special event and may deny or limit participation in the special event to any person or entity; however such denial or limitation may not be based in whole or in part upon the race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, physical or mental handicap or any other classification protected by Federal or State law or City ordinance. (Ord. 2017-8, 10-10-2017)

**5-6-15: POST-EVENT CLEAN-UP:**

A permittee will clean the public property or right-of-way of rubbish and debris, returning it to its pre-event condition, if not immediately, within twelve (12) hours of the conclusion of the event. (Ord. 2017-8, 10-10-2017)

**5-6-16: PENALTY:**

Any person violating section 5-6-3 or 5-6-13 of this chapter shall be deemed guilty of a misdemeanor subject to the penalties specified in section 1-4-1 of this Code. (Ord. 2017-8, 10-10-2017)

**5-6-17: SEVERABILITY:**

If any part of this chapter is found to be invalid or unconstitutional by any court of competent jurisdiction, such finding shall not affect the validity of the remaining portions of the chapter. (Ord. 2017-8, 10-10-2017)