

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3241

AN ORDINANCE CLARIFYING PERMITTED VEHICLES ON THE PEDESTRIAN MALL AND PERMIT REQUIREMENTS FOR PARADES, SPECIAL EVENTS, AND VENDORS ON THE PEDESTRIAN MALL BY AMENDING SECTION 7-9-2 AND 7-9-5 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Sections 7-9-2 and 7-9-5 of the Helena City Code are hereby amended as follows:

CHAPTER 9 PEDESTRIAN MALL

SECTION:

- 7-9-1: SHORT TITLE
- 7-9-2: VEHICLES PROHIBITED
- 7-9-3: VEHICLE, CONSTRUCTION OR MOVING PERMIT REQUIRED
- 7-9-4: OBSTRUCTION OF EMERGENCY LANE PROHIBITED
- 7-9-5: PARADE, DISPLATE OR ASSEMBLY PERMIT REQUIRED PARADE, SPECIAL EVENT, OR VENDORS; PERMIT REQUIRED
- 7-9-6: through 7-9-15: No change.

7-9-1: SHORT TITLE: No change.

7-9-2: VEHICLES PROHIBITED: Except as specifically provided herein, no motor vehicle, except a self-propelled wheelchair OR scooter ~~being used by a disabled person,~~ may be operated, placed or maintained on the pedestrian mall. Authorized emergency vehicles, ~~including, but not limited to, civil defense vehicles, police cars, fire engines and ambulances~~ and city maintenance vehicles or vehicles belonging to any public utility may be driven on the mall whenever an emergency requires their presence, or whenever they are necessary in construction or maintenance of any part of the mall or any utility lines located therein. ~~Police vehicles or vehicles used by the sheriff or his deputies~~ Vehicles

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. 3241

driven by law enforcement agencies may be driven on the mall for routine patrol purposes. (Ord. 2295, 2-28-1983; amend Ord. _____, __-__-2018)

7-9-3: VEHICLE, CONSTRUCTION OR MOVING PERMIT REQUIRED: No change.

7-9-4: OBSTRUCTION OF EMERGENCY LANE PROHIBITED: No change.

~~**7-9-5: PARADE, DISPLAY OR ASSEMBLY PERMIT REQUIRED:** No person shall conduct a parade, public assembly, trade show or display of automobiles, snowmobiles, machinery or other equipment or merchandise or meeting, concert, dance or otherwise use or occupy the mall or any part thereof, other than for pedestrian travel, or for the purposes mentioned in sections 7-9-2 and 7-9-3 of this chapter, unless he obtains a permit therefor by applying to the city manager or his designee in writing at least one day in advance of the day for which he seeks such permit. Such application shall expressly state the purpose for which it is sought and the number of people participating in the event. The city manager or his designee may, in his discretion, deny any such permit or attach any conditions to the permit that he, in his discretion, deems appropriate, including, but not limited to, the time or times of day or night, the period of time and the area in the mall for which such permit shall be valid.~~

PARADE, SPECIAL EVENT, AND VENDORS; PERMIT REQUIRED:

A. A permit is required from the parks and recreation department to conduct or hold a parade, special event, or sell any merchandise or food or beverages on the pedestrian mall. Application for a parade, special event, or vendor permit must be made at least 30 days prior to the start of the parade, special event, or sale of any merchandise or food or beverages.

B. In order to cover costs of reviewing applications and issuing parade, special event, or vendor permits, the applicant must pay a fee, as established by the city commission, at the time of application for a parade, special event, or vendor permit.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. 3241

- C. The applicant for a vendor permit must indemnify, defend, and hold the city and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the vendor permit, applicant will provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, in an amount not less than \$1.0 million per occurrence and \$2.0 million aggregate per year for bodily injury, personal injury, and property damage, with the city named as an additional insured.
- D. The applicant for a parade, special event, or vendor permit in which alcohol will be purchased and consumed must obtain an alcohol permit pursuant to section 4-2-11 of this code.
- E. The applicant for a parade, special event, or vendor permit in which vehicles will be driven on the pedestrian mall must indemnify, defend, and hold the city and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the vendor permit, applicant will provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, in an amount not less than \$1.0 million per occurrence and \$2.0 million aggregate per year for bodily injury, personal injury, and property damage, with the city named as an additional insured. No vehicles with a gross vehicle weight rating or gross combination weight rating, or gross combination weight of 14,000 (exceeds Class 4) or more is permitted in conjunction with a parade, special event, or vendor permit, unless such vehicle is permitted through the Helena Parking Commission.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. 3241

F. Exclusive uses of the pedestrian mall shall be reviewed pursuant to section 7-13-5 of this code. (Ord. 2295, 2-28-1983; amend Ord. _____, __-__-2018)

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 13TH DAY OF AUGUST, 2018.

/S/ WILMOT J. COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 10TH DAY OF SEPTEMBER, 2018.

/S/ WILMOT J. COLLINS
MAYOR

ATTEST

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION