

(7) The applicant's use of controlled substances or alcoholic beverages to excess;

(8) The applicant's reputation and moral character;

(9) Whether the applicant has maintained, or allowed to exist a noisy, lewd, or disorderly establishment, or an establishment that creates or is a public nuisance under the ordinances of the City or laws of the state;

(10) The maintenance, cleanliness and repair history of applicant's premises during applicant's ownership;

(11) Conformity and compliance with City ordinance and regulations and state laws and regulations by the applicant or applicant's premises; and

(12) Whether excessive demand on City services, including law enforcement, has resulted from applicant's operation of the premises.

[Section 7.740 amended by Ordinance No. 1478, adopted November 28, 2001.]

## **PUBLIC TELEPHONE BOOTHS**

**7.750 Permit Grant.** A revocable permit is granted to the Pacific Northwest Bell Telephone Company, its successors and assigns to install, maintain and operate public telephone booths at various locations on city property and city streets on the following terms:

(1) Location of Booths. Sites for the location or relocation of telephone booths shall be selected by the permittee, subject to approval of the city.

(2) Installation and Maintenance. The permittee shall bear the entire cost of installation, maintenance, relocation and removal of every telephone booth installed under this permit.

(3) Commissions. The permittee shall pay to the city a commission equal to

fifteen percent of the net contents of the coin box of each public telephone installed hereunder, after deduction for applicable excise taxes. After this permit becomes effective, such commissions shall be paid to the city semiannually.

(4) Electricity. With approval of the city, the permittee, where feasible, may interconnect with electric service furnished to the city.

(5) Removal of Booths. Upon 30 days' notice, the city, for cause, may require the permittee to remove or relocate any telephone booth installed hereunder. The permittee on its own initiative may remove any telephone booth at any time but shall restore the surface to good condition, and safe for public use, considering the nature and location of the property.

(6) Termination of Permit. This permit may be discontinued voluntarily by the permittee, only after 30 days' notice. In event of such termination, the permittee shall remove all installations hereunder within 90 days and in compliance with provisions of subsection (5) of this section.

**7.755 Indemnification of City.** The permit granted by sections 7.750 to 7.760 is subject to the condition that permittee, its successors and assigns, forever will indemnify, and save the city, its officers, agents and employees harmless from and against any and all liability, loss, cost, damage and expense, and any and all claims for injury or death to persons and damage to property, directly or indirectly arising from the installation, maintenance, or operation of telephone booths under this permit. The city shall promptly notify the permittee upon receipt of any claim or demand against which it is, or may be held harmless by the permittee under this indemnification. As evidenced by its written acceptance of the terms and conditions as provided in section 7.760, the permittee understands and agrees that the permit is granted only upon, and constitutes consideration for, this indemnification.

**7.760 Filing of Acceptance.** Sections 7.750 to 7.760 are not operative until the permittee has filed with the city manager

a written acceptance of all terms and conditions contained herein, signed by an authorized official of said corporation and approved as to form by the city attorney.

place on City property or rights-of-way or that require the closure of any portion of a City street.

[New Section 7.800 added by Ordinance No. 1493, adopted February 5, 2003.]

## **SPECIAL EVENT PERMITS**

### **7.800 Definitions.**

As used in Sections 7.800 to 7.880, the following words and phrases shall have the meanings given to them in this section:

**Applicant.** Any person or organization who seeks a special event permit from the City Manager to conduct a special event governed by this chapter. An applicant who is an individual must be eighteen years of age or older.

**Athletic Event.** An occasion in which a group of persons collectively engage in a sport or other form of physical exercise on a City street, sidewalk, alley or the street right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrians or vehicular traffic or does not comply with traffic laws and controls. Athletic events include bicycle and foot races within city rights-of-way.

**Block Party.** A festive gathering on a residential or commercial street or area requiring a closure of a street, or a portion thereof, to vehicular traffic and use of the street for the festivity.

**Carnival.** The exhibiting or conducting of a traveling show or of entertainment open to the public, including any caravan, museum, menagerie, animal collection, circus, sideshow, rodeo, carnival, animal exhibition, feats of horsemanship, acrobatic performance, "wild west" show, or any other show or entertainment similar in character.

**City Manager.** The City Manager or, in the Manager's absence, the Acting City Manager.

**Special Events.** Carnivals, community celebrations, outdoor festivals, athletic events, block parties, parades, fairs, animal races, and similar public gatherings that take

### **7.810 Permit Required.**

A. Permit Required. Any person intending to conduct a special event in the City of West Linn shall first obtain a special event permit from the City Manager.

B. Exemptions. A special event permit is not required for the following:

Funeral processions  
Garage Sales

C. Application Procedure.

Application. Any person desiring to conduct a special event not exempted herein shall apply for a special event permit by filing an application with the City Manager on a form supplied by the City Manager. All applications shall be submitted not less than thirty days nor more than six months before the event date.

Late Application. The City Manager may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event, if good cause for late submission is received. Good cause shall be deemed demonstrated if the application shows that the circumstances which gave rise to the permit application did not reasonably allow the participants to file an application within the time prescribed by this chapter.

Application Fee. An application for a special event permit shall be accompanied by a non-refundable permit application fee in an amount established by resolution of the City Council.

[New Section 7.810 added by Ordinance No. 1493, adopted February 5, 2003.]

### **7.820 Action on Application.**

The City Manager shall approve, conditionally approve, or deny an application on the grounds specified in Section 7.830A