

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM #: Discussion D 1

DATE: July 17, 2008

SUBJECT: Special Events and Chapter 5.12 Repeal

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

There are three issues before the Council to consider 1) the repeal of Chapter 5.12, Dancing and Live Music (Attachment B); 2) the development of an ordinance to regulate special events that impact public rights-of-way and services within the City limits, and 3) amendments to SMC Title 8, Nuisances and Public Disturbance Noise (Attachment F).

RECOMMENDATION:

Direct staff to prepare an ordinance to repeal SMC Chapter 5.12; work with the Council Subcommittee, Sky Valley Chamber of Commerce and business community representatives to draft an ordinance for Special Events; and review and recommend changes to SMC Chapters 8.04 and 8.10.

SUMMARY STATEMENT:

Special Events

In 1976 the Council adopted Ordinance 349 to regulate Dancing and Live Music¹. This ordinance was codified as Title 5.12. In August 2007, the City Attorney recommended Chapter 5.12 be repealed (Attachment A) and replaced with regulations specific to special events that affect public property and services.

The Sultan Municipal code does not have any provisions for special events that affect public property and services. The Council and staff do not have any guidelines or application process to provide to applicants for these events. Without guidelines there is no consistency in the manner the events are handled and issues such as police coverage, street closures and garbage cleanup are not addressed.

Over the past six months, the Council has been requested to approve resolutions for Special Events such as the Farmers Market, Sultan Shindig, and VOA dance. In order to waive permits and fees, the City has co-sponsored the events.

Attached for your review are copies of the Special Events codes from the Cities of Snohomish, Anacortes and Woodinville. A number of the special events in the city are sponsored by the Sky Valley Chamber of Commerce and they should be included in the development and review process for a Special Events ordinance.

¹City staff used this code section in 2007 to permit live music events on private property

Nuisance Codes:

SMC Chapters 8.04 and 8.10 address nuisances and public disturbances. These code sections are currently used to enforce noise complaints on private property. The issue staff has encountered with enforcement is that the two code sections set different times for enforcement of noise violations and the enforcement process and penalties are inconsistent.

DISCUSSION:

The special events ordinance would provide for an application and permit process, allow the Council to set conditions on the permit, require proof of insurance, require cleanup deposits and establish fees.

Special Events can occur on public or private property. The permit process would be required for events on public property or on private property if the event will affect the standard and ordinary use of public streets, rights-of-ways or sidewalks and City services such as public safety.

To regulate private events that do not affect public property the City can use the nuisance code and public disturbance codes (Attachment F). Violations of the Nuisance Code are a misdemeanor and violations of the Public Disturbance Code are an infraction for the first two offenses and a misdemeanor thereafter. Noise disturbance is covered in both sections of the code however the enforcement process and penalties are different. The codes should be amended to provide consistency in the process and penalties.

ALTERNATIVES

1. Direct staff to prepare an ordinance to repeal Chapter 5.12 of the Sultan Municipal Code and to draft an ordinance for Special Events for the Council Sub-committee and Sky Valley Chamber of Commerce to review. Direct staff to prepare an ordinance to amend Chapters 8.04 and 8.10, Nuisances, of the Sultan Municipal Code. These ordinances and amendments to the code will all be made concurrently.
2. Do not direct staff to prepare ordinances for the repeal of Chapter 5.12, Special Events or amendments to Chapter 8.04 and 8.12.

FISCAL IMPACTS:

Cost for staff and attorney review. Potential revenue for a nominal fee to cover the City's direct expenses for review, monitoring and cleanup.

- Attachments:
- A. August 23, 2007 Staff Report on Chapter 5.12
 - B. SMC Chapter 5.12
 - C. Snohomish Ordinance on Special Events
 - D. Anacortes Ordinance on Special Events
 - E. Woodinville Ordinance on Special Events
 - F. SMC Title 8.04 and 8.10

DATE: August 23, 2007

SUBJECT: Dancing and Live Music License Exemption Request for Bubba's Roadhouse Inc. and Logger's Inn

CONTACT PERSON: Rick Cisar  Director of Community Development

ISSUE:

The issue before the City Council is to consider requests from Bubba's Roadhouse Inc. (Attachment 1) and the Logger's Inn (Attachment 2) for an exemption from the License or Permit Requirements of SMC Chapter 5.12 Dancing and Live Music (Attachment 3).

BACKGROUND:

Chapter 5.12 Dancing and Live Music requires City Council approval for any place in the City that will have Dancing and Live Music. The only exemptions from this requirement are Schools and Churches, business, and organizations or groups that the City Council has granted an exemption too.

The City has not enforced this Chapter for several years and City Staff is not aware of any tavern, bar, club, or restaurant having a license issued under Chapter 5.12. It appears the intent of this Chapter was to address the concerns for Topless Dancing Establishments.

The City Attorney in his review of this Chapter, cautioned City Staff against citing anyone under this Chapter because it appears to restrain free speech and does not have adequate due process and other safeguards to be lawful. A Civil Action for violation of Civil Rights under Section 1983 also could be a genuine risk. The City Attorney is therefore recommending Chapter 5.12 be repealed.

The enforcement of excessive noise complaints from establishments having Dancing and Live Music is through the Sultan Police Department and regulated under Chapter 8.10 - Public Disturbance Noise - Section: 8.10.01 Subsection G Frequent, repetitive or continuous sound which emanates from a residence, structure or property, and created by audio sound equipment or social gatherings which unreasonably interferes with the peace, comfort, and repose of owners or occupants of neighboring residential properties.

**Chapter 5.12
DANCING AND LIVE MUSIC**

Sections:

[5.12.010](#) Purpose.

[5.12.020](#) License or permit – Required.

[5.12.030](#) License or permit – Exemptions.

[5.12.040](#) License or permit – Application – Contents.

[5.12.050](#) License or permit – Application – Investigation.

[5.12.060](#) License or permit – Terms and fees.

[5.12.070](#) License or permit – Suspension or revocation.

[5.12.080](#) Violation – Penalty.

5.12.010 Purpose.

The purpose of this chapter is to provide better control and policing of places where dancing and live music are conducted. (Ord. 349 § 1, 1976)

5.12.020 License or permit – Required.

It is unlawful for any establishment, business, organization or group of persons to have dancing or live music at any place in the city of Sultan without having first obtained a license or permit therefor as required in this chapter. (Ord. 349 § 2, 1976)

5.12.030 License or permit – Exemptions.

A. All schools and churches are specifically exempt from this chapter and need not obtain a license for dancing or to have live music.

B. Any establishment, business, organization or group of persons may request of the Sultan city council an exemption from this chapter.

C. The Sultan city council need not grant any exemption not specifically provided for in this chapter, but may at its complete discretion grant any establishment, business, organization or group of persons an exemption from this chapter. (Ord. 349 § 3, 1976)

5.12.040 License or permit – Application – Contents.

Applications for such license or permit shall be made on forms provided by the city clerk/treasurer providing for the name and address of the establishment, business, organization or group of persons, name of owner, name of manager, phone number of each, dates and times when dancing or live music will be anticipated and such other information as the clerk/treasurer, city marshal or fire chief recommends and incorporates into said application. (Ord. 349 § 4, 1976)

5.12.050 License or permit – Application – Investigation.

It shall be the duty of the city marshal to make or cause to be made an investigation into the character of each applicant, or the manager or owner thereof, and report the results of such investigation to the Sultan city council. (Ord. 349 § 5, 1976)

5.12.060 License or permit – Terms and fees.

A. For single occurrence events where dancing or live music is anticipated, a permit shall be obtained from the city clerk/treasurer after the completion of the application mentioned in SMC [5.12.040](#), approval by the Sultan city council and the payment of \$25.00.

B. The permit shall be good for 24 hours from the time the dancing or live music is anticipated to begin.

C. For all other than single occurrence events, a license shall be obtained from the city clerk/treasurer after the completion of the application mentioned in SMC [5.12.040](#), approval of the Sultan city council and the payment of \$100.00.

D. A license shall be good for one year from the date of issuance.

E. Licenses shall not be prorated. (Ord. 349 § 6, 1976)

5.12.070 License or permit – Suspension or revocation.

A. At any time that any establishment, business, organization or group of persons having been licensed, shall operate in a manner which in the judgment of the city council is inconsistent with the best interests and welfare of the community, or upon the recommendation of the city marshal, for good cause shown, the council shall revoke or suspend such license or permit without notice for such period of time as they may deem appropriate.

B. In the event of a suspension or revocation of any license or permit, no part of the fee shall be refunded. (Ord. 349 § 7, 1976)

5.12.080 Violation – Penalty.

A violation of this chapter shall be a misdemeanor and punished accordingly. (Ord. 349 § 8, 1976)

Snohomish Municipal Code (Updated July 2004) 5.10-1

Chapter 5.10

SPECIAL EVENT PERMITS AND CONTRACTS

Sections:

5.10.010 Definitions

5.10.020 Permit Required

5.10.030 Permit Application

5.10.040 Staff Review

5.10.050 Citizens' Advisory Board Review (Repealed by Ord 2051, 2004)

5.10.060 Approval

5.10.070 Business License Required

5.10.080 Insurance/Performance Bond Required

5.10.085 Cleaning/Damage Deposit

5.10.087 Exemptions from Fees, Special Events Contract, and Insurance

5.10.090 Denial of Permit

5.10.095 Penalties

5.10.100 Notification

5.10.110 No Special Duty Created

5.10.120 Severability

5.10.010 Definition. "Special Event" is any activity, which occurs upon public, or private property that will affect the standard and ordinary use of public streets, rights-of-way, or sidewalks, and/or which requires extraordinary levels of City services. This includes but is not limited to fairs, festivals, carnivals, sporting events, foot runs, bike-athons, markets, parades, exhibitions, auctions, dances, and motion picture filming. (Ord. 1922, 1999)

5.10.020 Permit and Contract Requirements.

A. No person or organization shall conduct a special event without first having obtained a Special Event Permit from the City of Snohomish.

B. Those events of a scope not Administratively Approved by the City Manager will require entering into a Special Event Contract with the City of Snohomish. The form of the Special Event Contract is to be approved by the City Attorney. (Ord. 2051, 2004)

C. When a special event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty of applicants and the public. (Ord. 2129, 2007)

5.10.030 Permit Application. An application for a Special Event Permit will be made in writing on forms provided by the office of the City Clerk and completed applications will be submitted to the City Clerk. (Ord. 1922, 1999)

A Special Event Permit Application must be submitted sixty (60) days prior to the event.

Exceptions to this requirement may be approved by the City Manager. (Ord. 1922, 1999)

5.10.040 Staff Review.

A. The application shall be received and date stamped at City Hall by the City Clerk, who shall coordinate the process of City Department Review. Copies of the application shall be sent to the Staff Review Committee for comments. This Committee consists of the City Engineer, City Planner, City Clerk, Public Works Manager, Building Official, Police Commander and Fire Department Representative, or their designees. Preliminary staff comments shall be assembled from the Staff Review Committee. A Special Events Contract shall be drafted by the City Clerk and reviewed by the City Manager and City Attorney. A copy will be forwarded to Snohomish Municipal Code (Updated July 2004) 5.10-2 the applicant in a timely manner. (Ord. 2051, 2004)

B. Any department head may recommend conditions that are considered necessary to protect the public health and safety. The Chief of Police, Fire Chief, and Building Official shall each review the plan for the event and must approve the plans as amended by staff conditions.

C. The applicant shall have the opportunity to respond to all comments and conditions of the Permit and Special Events Contract either in writing or at a meeting with staff within a two-week period. (Ord. 2051, 2004)

5.10.060 Approval.

A. Approval by the City Manager: Administrative approval for events of One day or less, contained on a single site or involving minor interruption of normal traffic flow.

B. Approval by the City Council: All Special Event Permits not Administratively Approved by the City Manager and all Special Event Contracts shall be placed on the City Council agenda with the staff report for final action. (Ord. 2051, 2004)

C. The City may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. The following conditions apply to all special events permits:

1. Alteration of the time, place, and manner of the event proposed on the application.
2. Conditions concerning the area of assembly and disbanding of an event occurring along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-ofway. Conditions on special events permits not protected under the First and Fourteenth Amendments of the U.S. Constitution, may include, but are not limited to:
 1. Requirements for the use of traffic cones or barricades.
 2. Requirements for the provision of first aid or sanitary facilities.
 3. Requirements for use of event monitors and providing notice of permit conditions to event participants.
 4. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for safety.
 5. Compliance with animal protection ordinances and laws.
 6. Requirements for use of garbage containers, cleanup, and restoration of City property.
 7. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations, and laws. Snohomish Municipal Code (Updated July 2004) 5.10-3
 8. Notice to residents and/or businesses regarding any activity which would require street

closure.

9. Restrictions on the sale and/or consumption of alcohol.

10. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the City.

11. Requirements regarding the use of City personnel and equipment.

12. Compliance with any other applicable federal, state, or local law or regulation, including the other provisions of this Chapter.

(Ord. 2129, 2007)

5.10.070 Business License Required. All vendors operating a revenue generating business, as part of a non-profit organization sponsored event, shall obtain and display a special, limited business license. The City Clerk, upon receipt of a completed business license application form from a vendor approved by the Special Event applicant, will issue this special license to the vendor. The fee for this special license shall be established by resolution and applied to each vendor participating in the event. This special limited business license will be valid only during the special event or up to four (4) days per year. Vendors participating in events of more than four days per year shall require a regular business license with an annual fee established by resolution. (Ord. 2051, 2004)

5.10.080 Insurance/Performance Bond Required. For an event not protected by the First and Fourteenth Amendments of the United States Constitution:

A. If the permit or Special Events Contract includes permission to use City property, streets, or rights-of-way, the applicant will be required to obtain and present evidence of comprehensive liability insurance naming the City of Snohomish as an additional insured. The insurance requirement is a minimum of \$2,000,000 combined single limit per event against all claims arising from permits issued and events or activities authorized pursuant to this chapter. (Ord. 2051,2004; Ord. 2129, 2007)

B. As part of the Special Events Contract, the applicant may be required to provide a performance bond in an amount up to the estimated staff costs determined by the City. This requirement would be based on lack of historical dealings with the applicant, or by applicant's previous failure to comply with provisions of an earlier contract. The City Attorney shall approve the form of the performance bond. (Ord. 2051, 2004; Ord. 2129, 2007)

5.10.085 Cleaning/Damage Deposit For an event not protected by the First and Fourteenth Amendments to the United States Constitution, an applicant may be required to submit to the City a cleaning/damage deposit of \$200 for each scheduled day of the event, two weeks prior to the starting of the event. The deposit shall be refunded to applicant if, upon inspection, all is in order, or a prorated portion thereof as may be necessary to reimburse the City for loss or cleaning costs. The City reserves the right to retain the entire deposit if clean up is not completed satisfactorily in the time frame as specified in the special events contract. (Ord. 2051, 2004; Ord. 2129, 2007)

5.10.087 Exemptions from Fees, Special Events Contract, and Insurance. No fee, special event contract, or insurance requirement shall be imposed when Snohomish Municipal Code (Updated July 2004) 5.10-4 prohibited by the First and Fourteenth Amendments to the United States Constitution. Political or religious activity intended primarily for the Communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee and other requirements apply include the nature of the event, the extent of commercial activity, such as the sales of food, goods and services; product advertising or promotion, or other business participation in the event;

the use or application of any funds raised; and if part of any annual tradition or series, previous events in the sequence and the public perception of the event. (Ord. 2129, 2007)

5.10.090 Denial of Permit. Reasons for denial of a Special Event Permit include, but are not limited to:

- A. The event will disrupt traffic within the City beyond practical solution.
- B. The event will create a likelihood of endangering the public.
- C. The event will interfere with access to emergency services.
- D. The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents.
- E. The event will require the diversion of City resource(s) that would unreasonably affect the maintenance of regular City service levels.
- F. The application contains incomplete or false information.
- G. The applicant fails to provide proof of insurance.
- H. The applicant fails to obtain a City business license.
- I. Inadequate provision for garbage and debris removal.
- J. Inadequate provision of temporary restroom facilities. (Ord. 1922, 1999)
- K. Inadequate provisions for parking.
- L. The City and the Applicant are unable to reach terms to sign a Special Event Contract. (Ord. 2051, 2004)

5.10.095 Penalties. Any person, firm, or corporation violating any of the requirements of this chapter shall be guilty of a civil infraction and shall be punishable by a fine of up to \$1,000. Each day of violation shall be a separate offense. (Ord. 2051, 2004)

5.10.100 Notification. The City may condition any special event permit and Special Event Contract on a requirement that the permittee give written advance notice of the event and its probable impact to any property owners or tenants who will be impacted by the event. (Ord. 2051, 2004)

5.10.110 No Special Duty Created. It is the purpose of this ordinance to provide for health, welfare and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. No provision or term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents or employees for who the implementation or enforcement of this ordinance shall be discretionary and not mandatory. Nothing contained in this ordinance is intended to be, nor shall be construed to create or form the basis for any liability on Snohomish Municipal Code (Updated July 2004) 5.10-5 the part of the City or its officers, agents and employees for any injury or damage connected to the use for which the permit is issued. (Ord. 1922, 1999)

5.10.120 Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances. (Ord. 2051, 2004)

ORDINANCE NO. _____

AN ORDINANCE ADOPTING PERMIT REQUIREMENTS FOR SPECIAL EVENTS TO BE HELD IN THE CITY OF ANACORTES, CREATING TITLE 7 OF THE ANACORTES MUNICIPAL CODE.

WHEREAS, it is in the best interest of the City of Anacortes to adopt permit procedures for use of public streets and public parks;

WHEREAS, the City of Anacortes wishes to decrease any liability risk or risk to public safety; and

WHEREAS, in order that adequate arrangements may be made for the proper protection of the special event, the people in attendance, and the general public, an application is the best requirement.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANACORTES that Attachment A hereto be and is hereby adopted.

EFFECTIVE DATE. This ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED this 21st day of August 2006.

CITY OF ANACORTES:

BY: _____

H. Dean Maxwell, Mayor

ATTEST:

Wanda Phillips, City Clerk Treasurer

APPROVED AS TO FORM:

Ian S. Munce, City Attorney

**ATTACHMENT A
SPECIAL EVENTS**

Sections:

- 7.28.010 Definitions.**
- 7.28.020 Permit- Required.**
- 7.28.030 Permit - Not Required.**
- 7.28.040 Permit - Application - Requirements.**
- 7.28.050 Permit - Application - Review.**
- 7.28.060 Permit - Denial.**
- 7.28.070 Conditions.**
- 7.28.080 Permit-Issuance.**
- 7.28.090 Indemnification Agreement.**
- 7.28.100 Insurance Requirements.**
- 7.28.110 City Services and Equipment Use Fees.**
- 7.28.120 Cleanup Deposits.**
- 7.28.130 Revocation of Permit.**
- 7.28.140 Duties of Permittee/Sponsor of Event.**
- 7.28.150 Violation - Penalty.**

7.28.010 Definition.

A. "Applicant" means any person or organization who seeks a special event permit from the City to conduct or sponsor an event governed by this section. An applicant must be eighteen years of age or older.

B. "Athletic Event" means an occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public street, sidewalk, alley or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Athletic events include bicycle and footraces, bike-a-thons, walk-a-thons, and volksmarches.

C. "Motorcade" means any organized procession containing ten or more vehicles, except funeral processions, upon a public street, sidewalk, alley or other public right-of-way.

D. "Parade" means any march or procession consisting of people, animals, bicycles, vehicles or combination thereof, except funeral processions, on any public street, sidewalk, alley or other public right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

E. "Special Event" means any parade, fair, show, festival, carnival, rally, party, filming of movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walks, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public right-of-way, or, if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. Special event shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or

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public rights-of-way where merchandise or services are offered for sale, whether by for profit or nonprofit organizations.

F. "Street Dance" means any dance of six or more people on or within any publicly owned parking lot or other publicly owned property, or any public street, alley, sidewalk or other public right-of-way.

7.28.020 Permit-Required.

Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the City Council.

7.28.030 Permit-Not required.

Special event permits are not required for the following:

- A. Wedding processions or Funeral processions on the streets;
- B. Parades involving a total of thirty or fewer pedestrians marching along a parade route that is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;
- C. Groups of students involved in exercising as part of an organized school sports turnout;
- D. Special events sponsored in whole by the City of Anacortes;
- E. Gatherings of people under the following attendance thresholds in a City park, unless a waiver is granted by the Parks Director. A waiver will not be granted if merchandise or services are offered for sale, or it is determined by the Park's Director that the proposed activities are outside the scope of the park's design or pose a significant liability risk or risk to public safety:

75 Washington Park (Reserved picnic area)

Storvik Park

50 Volunteer Park

Causland Memorial Park
25 Washington Park (All other areas)
Anacortes Community Forestlands
Cap Sante Park
Clearridge Park
Alice Parchman Newland Park
Ben Root Skate Park
Roadside Park
29th Street Playground
Shugarts Playground
Rotary Park
N Avenue Park
Kiwanis Waterfront Park

7.28.040 Permit - Application - Requirements.

A. Filing of Application. Any person or organization desiring to sponsor a special event not
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exempted by this chapter shall apply for a special event permit by filing a completed application with the Public Works Director (for streets) or the Parks Director (for parks) on a form supplied by the City. This application shall be filed not less than ninety days in advance of the date on which the event is to occur if the event requires the closure of any highway or street, any detouring traffic, or any significant impact on City services. Other events not requiring the foregoing are to be filed not less than sixty days in advance of the proposed event.

B. Waiver of Application Deadline. Upon a showing of good cause or at the discretion of the Public Works for streets and/or Parks Director for parks shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other City services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and that the event is for the purpose of exercising the right of free speech.

C. Information Requested on Application. In order that adequate arrangements may be made for the proper protection of the special event, the Public Works and/or Parks Director shall have the authority to set the information required on the application. Such information shall include but not be limited to:

1. The name of the applicant, the sponsoring organization, the special event chairperson, and the address and telephone number of each;
2. The purpose of the special event, the date when it is proposed to be conducted, the location and the hours of operation, including site map or maps, schedule of events and location of events;
3. Such other information as the Public Works and/or Parks Director may deem reasonably necessary.

D. Application Filing Fee. The application for a special event permit shall be accompanied by a filing fee in an amount set by the City Council by periodic resolution.

7.28.050 Permit - Application - Review.

In reviewing the application for the purpose of determining whether the permit should be issued or denied, the Public Works for streets or the Parks Director for parks shall notify and seek consultation with other City officials and shall make such review in conformance with the

grounds for denial set forth in this chapter.

7.28.060 Permit - Denial.

The City Council may deny an application for a special event permit if he determines from a consideration of the application, or other pertinent information, that:

- A. Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail; or
- B. The applicant fails to complete the application form after having been notified of the additional information or documents required; or
- C. The applicant refuses to agree to abide or comply with all of the conditions and terms of the permit; or
- D. It is found that the purpose of the special event is principally devoted to the advertising and sale of a commercial product or service or for a private commercial process; or
- E. The time, route, hours, location, or size of the special event will unnecessarily disrupt the movement of other traffic within the area; or
- F. The special event is of the size or nature that requires the diversion of so great a number of police officers of the City to properly police the event, site and contiguous areas that allowing the special event would unreasonably deny police protection to the remainder of the City and its residents; or
- G. Another special event permit application has already been received, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the police department and/or other City departments are unable to meet the needs for police and other City services for both events; or
- H. The location of the special event would cause undue hardship for adjacent businesses or residents; or
- I. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted right-of-way disturbance permit; or
- J. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the education activities of the school or class; or
- K. The event would endanger public safety or health; or
- L. The event would seriously inconvenience the general public's use of public property, services or facilities; or
- M. The applicant fails to comply with the liability insurance requirements, or the applicant's insurance lapses or is cancelled; or
- N. The event would create or constitute a public nuisance; or
- O. The event would be likely to cause significant damage to public property or facilities; or
- P. The event would engage in or encourage participants to engage in illegal acts.

7.28.070 Conditions.

The City Council may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include but are not limited to:

- A. Alteration of the date, time, route or location of the event proposed on the event application;
- B. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the City;
- C. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- D. Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way transversed;
- E. Requirements for the use of traffic cones or barricades;
- F. Requirements for the use of City personnel and equipment;
- G. Requirements for the provision of first aid or sanitary facilities;
- H. Requirements for the use of event monitors and providing notice of permit conditions to event participants;
- I. Requirements to provide notice to surrounding property owners;
- J. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures and decorated vehicles for fire safety;
- K. Compliance with animal protection ordinances and laws;
- L. Requirement for the use of garbage containers, cleanup and restoration of City property;
- M. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws;
- N. Compliance with any relevant ordinance or law and obtaining any legally required permit or license;
- O. Any other restriction or requirement deemed necessary to ensure public safety and wellbeing;
- P. Restrictions on the sale and/or consumption of alcohol.

7.28.080 Permit - Issuance.

The Public Works and/or Parks Director shall issue the special events permit once the application has been approved by the City Council and the applicant has agreed in writing to comply with the terms and conditions of the permit as well as the sections of this chapter dealing with indemnification, insurance, fees for City services, and cleanup deposits, when applicable.

7.28.090 Indemnification Agreement.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement to defend the City against, and indemnify and hold the City, its officers, employees and agents, where such claim arises in whole or in part out of the activities for which such permit is issued; except any claims arising solely out of the negligent acts or omissions of the City, its officers, employees and agents.

7.28.100 Insurance Requirements

A. Liability Coverage Required. The applicant/sponsor of an event must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. A certificate of insurance shall be filed thirty days prior to the event with the Public Works and/or Parks Director, and shall name the City, its officials, employees and agents, as additional insured. Insurance coverage must be maintained for the duration of the event.

B. Minimum Limits Defined. Coverage shall be a commercial general liability policy. Minimum limits required are one million dollars each occurrence combined single limit bodily injury and property damage; two million dollars aggregate. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability. If

the event involves athletic or other types of active participants, the policy must include participant coverage. The City Council may require additional endorsements depending upon the proposed activity.

C. Waiver or Reduction of Required Limits. The Public Works and/or Parks Director may waive or reduce the insurance requirements of this chapter under the following conditions:

1. The applicant or an officer of the sponsoring organization signs a verified statement that he believes the event's purpose is First Amendment expression, and that the cost of

Special Events Ordinance

Page 7 of 8

obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage.

2. The applicant or an officer of the sponsoring organization signs a verified statement that insurance coverage in the limits required is impossible to obtain. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted.

3. The Public Works and/or Parks Director determines that the insurance limits are in excess of the reasonable risk presented by the proposed special event.

7.28.110 City Services and Equipment Use Fees.

A. Prepayment of Fees. Upon approval of an application for a special event permit, the Public Works and/or Parks Director shall provide the applicant with a statement of the estimated cost of providing City personnel and equipment. The applicant/sponsor of the event shall be required to prepay these estimated costs for City services and equipment ten days prior to the special event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required City service and the cost of operating City equipment to provide such services.

B. Refunds or Overruns. If the actual cost for City services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the City in a timely manner. If the actual cost for City services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

C. Waiver of Fees. The fees for the use of City services and equipment, and prepayment, may be waived in part or in full by the City Council if in review of the application he finds that the event is of sufficient community benefit to warrant the expenditure of City funds without reimbursement by the applicant/sponsor.

The fees for City services and equipment may also be waived in part or in full by the City Council if the applicant/sponsor signs a verified statement that the event's purpose is First Amendment expression, and that the cost of City services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

7.28.120 Cleanup Deposits.

A. Required for Certain Special Events. The applicant/sponsor of an event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or another event likely to create a substantial need for cleanup may be required to provide a cleanup deposit prior to the issuance of a special event permit. The cleanup deposit shall be in amount set by the City Council.

B. Refunds and Overruns. The cleanup deposit shall be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.

If the property used for the event has not been properly cleaned or restored, the applicant/sponsor

Special Events Ordinance

Page 8 of 8

shall be billed for the actual cost by the City for cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

7.28.130 Revocation of Permit.

Any permit issued pursuant to this chapter may be summarily revoked by the chief of police at any time when, by reason of disaster, public calamity, riot or other emergency, the chief of police determines that the safety of the public or property requires such revocation. The chief of police may also summarily revoke any permit issued pursuant to this chapter if he finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in his application.

7.28.140 Duties of Permittee/Sponsor of Event.

Each permittee/sponsor of an event shall:

1. Comply with all the terms and conditions of the special event permit;
2. Ensure that the person leading a parade or other event along a route, or the person in charge of any other event, shall be informed of the permit conditions and shall carry a copy of the special event permit on his person for the duration of the event;
3. Ensure that the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

7.28.150 Violation-Penalty.

A. Unlawful to Sponsor or Participate in an Event Without a Permit. It is unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit.

B. Unlawful to Exceed Scope of Permit. The special event permit authorizes the permittee/sponsor to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.

C. Violation Is a Misdemeanor. Any person or organization violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, is subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or by both such fine and imprisonment.

ORDINANCE NO. 310

**AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, ESTABLISHING REGULATIONS GOVERNING
SPECIAL COMMERCIAL EVENTS, SPECIAL CIVIC EVENTS
AND SPECIAL EXPRESSIVE EVENTS, INCLUDING
PROVISIONS PERTAINING TO DEFINITIONS, APPLICATIONS,
PERMITS, CONDITIONS, FEES AND OTHER PROCEDURES.**

WHEREAS, the City Council acknowledges the substantial benefits that citizens derive from special events occurring within the community including cultural enrichment, economic vitality, community identity and pride, and important community partnerships between the City, businesses, and non-profit agencies, and

WHEREAS, the City of Woodinville intends to assist event organizers in protecting event participants and the public at large dUring events, and

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,- WHEREAS, the City desires to' minimize negative impacts on residents and businesses during special events, and

WHEREAS, the City wishes to provide a method for sharing information, defining the roles and responsibilities of all participants in the event, and promoting the safe and enjoyable participation by citizens in an array of special events,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
WOODINVILLE, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. Amendment of Woodinville Municipal Code.

A new chapter 8.12 entitled "Special Events" is hereby added to the Woodinville Municipal Code to read as follows:

8.12 SPECIAL EVENTS

8.12.020

8.12.030

8.12.040

8.12.050

8.12.060

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Definitions.

Special Event Permit Required - Violation.

Exemptions from Permit Requirements.

Permit Application.

Permit Issuance.

1

SPECIAL COMMERCIAL EVENT REGULATIONS

8.12.070

8.12.080

8.12.090

8.12.100

8.12.110

8.12.120

8.12.130

8.12.140

8.12.150

Action on Permit Application for Special Commercial Event.

Grounds for Denial and/or Revocation of Permit for Special Commercial Event.

Permit Conditions for Special Commercial Event.

Appeal Procedures for Special Commercial Event.

Indemnification Agreement for Special Commercial Event.

Insurance Requirement for Special Commercial Event.

Fees for City Services for Special Commercial Event.

Damage Deposit for Special Commercial Event.

Revocation of Permits for Special Commercial Event.

SPECIALCMCEVENT REGULATION

8.12.020

8.12.160

8.12.170

Definitions.

Action on Permit Application for Special Civic Event.

Responsibility- No Duty Created.

criteria:

(a) "Special Event" means any event meeting all of the following four

(i) lasts fewer than 15 days in any calendar year;

(ii) is conducted wholly or partially on a public right-of-way, or involves the installation of tents or other temporary structures requiring inspection or review by the City;

(iii) does not require a temporary use permit pursuant to Chapter 21.32 WMC;

(iv) has a Significant Impact upon the normal use of the public right-of-way.

Special Events may include, but are not limited to: fun-runs, races on foot, bicycle, or rollerskates, other athletic events, fundraising events, auctions, bike-a-thons, parades, political demonstrations, carnivals, shows or exhibitions, film-making, circuses, block parties and fairs.

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(b) "Special Commercial Event" means a Special Event that is not a Special Civic Event and is organized primarily for commercial purposes, including but not limited to sales, advertising, fund raising, and marketing. Any Special Event that is not a Special Civic Event and sells tickets, or charges any fee for admission, entry or participation shall be considered a Special Commercial Event.

(c) "Special Civic Event" means a Special Event that is either City-sponsored or City-wide (an event in which the community as a whole is involved in organizing) in nature. A Special Civic Event that is not City-sponsored must be designated as such by the Woodinville City Council before it can be processed according to the Special Civic Event procedures in this chapter. The Council hereby designates

Celebrate Woodinville as a Special Civic Event.

(d) "Special Expressive Event" means' a Special Event organized primarily to convey ideas, opinions, or thoughts through words or conduct. Examples of Special Expressive Events include political demonstrations and/or rallies, picketing, and similar types of speech or conduct typically given a higher level of constitutional protection than commercial speech.

(e) "Significant Impact" is defined as creating an unusual need for City-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by (-', police, or similar measures.

8.12.030 Special Event Permit Required - Violation.

(a) Any person desiring to conduct or sponsor a Special Event in the City of Woodinville shall first obtain the appropriate Special Event Permit from the City.

(b) It shall be unlawful for any person to sponsor, conduct, or participate in a Special Event requiring a Special Event Permit pursuant to this chapter without a valid Special Event Permit.

(c) The Special Commercial Event Permit and the Special Civic Event Permit authorize the permit holder/sponsor to conduct only such an event as is described in the permit, and to do so in accordance with the terms and conditions of the permit. It is unlawful to violate the terms and conditions of these permits, or to continue with the event after the permit is revoked or expired.

(d) Violations of this chapter shall be enforced pursuant to Chapter 1.06 of the Woodinville Municipal Code.

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8.12.040 Exemptions from Permit Requirements.

A Special Event Pennit is not required for events which do not meet the definition of Special Event. The following is a non-exhaustive list of events and activities that do not constitute Special Events:

(a) Regularly scheduled school events, such as athletic events, which use existing parking, traffic controls, and public safety support.

(b) Funeral and wedding processions.

(c) Gatherings of 30 or fewer people in a City park.

(d) Temporary sales conducted by businesses on private property, such as holiday sales, grand opening sales, or anniversary sales.

(e) Garage sales and rummage sales conducted on private property.

8.12.050 Permit Application.

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(a) The City has established different Special Event applications for the three different types of Special Events: Special Commercial Events, Special Civic Events and Special Expressive Events.

(b) Any person desiring to sponsor a Special Commercial Event shall apply for a Special Event Pennit by filing a complete application with the City at least fifteen (15) business days prior to the date on which the event is to occur. A complete application shall include the name of the sponsor, the date, time, and location of the event, the number of participants and attendees expected at the event, the type of activities expected to occur at the event, a signed indemnification agreement, written proof of insurance, and payment of a non-refundable processing fee.. A meeting with the

technical review committee will be scheduled to review and discuss the application upon submittal of a complete application.

(c) Any person desiring to sponsor a Special Civic Event shall apply for a Special Event Pennit by filing a complete application with the City at least sixty (60) days prior to the date on which the event is to occur. A complete application shall include the name of the sponsor, the date, time, and location of the event, the number of participants and attendees expected at the event, and the type of activities expected to occur at the event. A meeting with the technical review committee will be scheduled to review and discuss the application upon submittal of a complete application.

(d) Any person desiring to sponsor or organize a Special Expressive Event shall apply for a Special Event Pennit by filing a complete application with the City at least thirty-six (36) hours prior to the time at which the event is to occur. A

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complete application shall include the date, time, and location of the event, the number of participants and attendees expected at the event, and the type of activities expected to occur at the event. If the City cannot be notified at least 36 hours prior to the event, because of the closure of City **Hall** or any other reason, the sponsor or organizer shall contact the Woodinville Police Department. The Police Department will provide application materials and contact City staff to convene the Technical Review Committee.

(e) The technical review committee will meet with applicants for Special Commercial Events and Special Civic Events to determine what conditions to place upon the Special Event permit. Technical review may include, but is not limited to, review of traffic plans and traffic control measures, appropriate levels of police and fire support, conflicts with other events or construction projects, aspects of the event that might compromise public safety, and ways to mitigate impacts upon neighborhoods and businesses. The technical review meeting may also be used to inform the applicant of codes and regulations that would apply to the event.

(f) The use of a float shall require a permit from the fire official and is subject to any conditions set forth in the fire code.

8.12.060 Permit Issuance.

(a) The City shall issue a Special Expressive Event Permit promptly upon receiving a timely filed complete application for such an event. No further review shall be necessary since this permit merely serves to notify the City when and where the event is going to occur. The City may not deny a request for a Special Expressive Event Permit; PROVIDED, that the City may impose such constitutionally permissible time, place and manner restrictions as are necessary to protect the public health, safety and welfare.

(b) The City shall issue its decision regarding a Special Commercial Event Permit within **15** days of receiving a complete application.

(c) The City shall issue its decision regarding a Special Civic Event Permit within 30 days of receiving a complete application.

SPECIAL COMMERCIAL EVENT REGULATIONS

8.12.070 Action on Permit Application for Special Commercial Event.

The Building Official may approve, conditionally approve, or deny an application for Special Commercial Event Permit based on the recommendations of the technical review committee on the grounds specified in Sections 8.12.080 and 8.12.090. If the application is denied or conditionally approved, the Building Official shall inform the applicant of

the following in writing, as they apply to the particular situation: grounds for denial, conditions of approval, reason for a change in the date, time, route or location of the event, and the applicant's right of appeal under Section 8.12.100.

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8.12.080 Grounds for Denial and/or Revocation of Permit for Special Commercial Event.

A Special Commercial Event Permit may be denied and/or the permit may be revoked if, the Building Official finds one or more of the following situations to exist:

- (a) health or safety;
The event cannot be conditioned to avoid endangering the public
- (b) Neither the City nor the applicant is able to provide sufficient public safety personnel or other necessary staff to accommodate the event so that it may occur in a safe manner;
- (c) The applicant fails to provide a complete application after having been notified of the additional information or documents required;
- (d) Information contained in the application, or supplemental information requested from the applicant is found to be materially false;
- (e) The applicant refuses or fails to agree or comply with all of the conditions and terms of the permit;
- (f) The time and location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of way;
- (g) The event shall occur at a time and place where a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;
- (h) The time and place of the event would conflict with other previously permitted Special Events;
- (i) The applicant's insurance has lapsed or is canceled;
- (j) The event would create or constitute a public nuisance; or
- (k) The event would cause significant damage to public property or facilities.

(l)

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If the applicant fails to submit a timely application.

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8.12.090 Permit Conditions for Special Commercial Event.

The Building Official may condition the issuance of a Special Commercial Event Permit by imposing reasonable requirements concerning the time, place **and** manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions may include but are not necessarily limited to:

- (a) Alteration of the date, time, route or location of the event proposed on the event application;
- (b) Conditions relating to the safety of the event area;
- (c) Compliance with City Right-of-Way Permit conditions including

the posting of bonds to provide assurances concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way, and requirements for the use of traffic cones or barricades.

(d) Requirements for the provision of first aid and/or sanitary facilities;

(e) Requirements for use of event monitors and providing notice of permit conditions to event participants;

(f) Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for safety;

(g) Compliance with animal protection ordinances and laws;

(h) Requirements for use of garbage containers, cleanup, and restoration of City property including litter/damage deposits;

(i) Restrictions on the use of amplified sound and compliance with noise regulations and laws;

(j) Notice to residents and/or businesses regarding any activity which would require a street closure and/or cause other Significant Impacts;

(k) Restrictions on the sale and/or consumption of alcohol;

(l) Elimination of an activity which cannot be mitigated to ensure public safety, or which would expose the City to undue liability;

(m) Requirements regarding the use of City personnel and equipment;

or

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(n) Compliance with any other applicable federal, state or local law or regulation, including but not limited to the City's Admission Tax Ordinance and Sign Code regulations.

8.12.100 Appeal Procedures for Special Commercial Event.

The applicant shall have the right to appeal the denial of a Special Commercial Event Permit or the imposition of a condition of approving such a permit, including but not limited to: the amount of fees or cleanup deposits imposed pursuant to Section 8.12.130, or a determination by the Building Official that the applicant's Certificate of Insurance does not comply with the requirements specified in Section 8.12.120. A written notice of appeal shall be filed with the City Clerk and the Permit Center, along with the applicable appeal fee, within three business days of receiving either a notice of denial or a conditional approval. The written notice of appeal shall set forth the specific grounds for the appeal. The appeal shall be scheduled before the Hearing Examiner, whose decision shall be final.

8.12.110 Indemnification Agreement for Special Commercial Event.

Upon application for a Special Commercial Event permit, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the City for any costs incurred by it in repairing damage to City property and indemnify, defend, and hold harmless the City, its officers, employees, and agents from all causes of action, claims or liabilities occurring in connection with the permitted event, except those which occur due to the City's sole negligence.

8.12.120 Insurance Requirement for Special Commercial Event.

The following insurance shall be required in connection with the issuance of a Special Commercial Event permit:

\$1,000,000 commercial general liability insurance per occurrence, and \$2,000,000 general aggregate, unless waived by the City Manager or his designee.

The applicant is required to provide written proof of such insurance upon permit application. The insurance policy shall be written on an occurrence basis, shall name the City as an additional insured, shall be written for a period of at least twenty-four (24) hours prior to the event and extending for a period of at least twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy or reduction in coverage except upon thirty (30) days written notice to the City.

The City reserves the right to require a higher level of insurance for events that pose a significant level of risk as determined through consultation with its risk pool.

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8.12.130 Fees for City Services for Special Commercial Event.

(a) Upon application for a Special Commercial Event Permit, the applicant will be provided with a schedule of the estimated cost of providing City personnel and equipment to accommodate the event. The schedule will be based solely upon the number of participants and/or attendees expected to attend the event and the length of the event in hours or days. The applicant/sponsor of the event will be required to prepay these estimated costs according to the schedule at least ten (10) days prior to the Special Commercial Event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping and any other requested or required City services and the cost of operating City equipment to provide such services.

(b) If the actual cost for City services and equipment on the date(s) of the event is less than the estimated cost in the schedule, the applicant/sponsor will be refunded the difference by the City in a timely manner after all costs have been determined. If the actual cost for City services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

(c) Permit fees and fees for the use of City services and equipment may not be waived. In cases where a contract exists between the City and the event sponsor, fees may be credited.

8.12.140 Damage Deposit.

(a) The applicant/sponsor of Special Commercial Event involving the sale of food or beverages for immediate consumption, erection of structures, presence of horses or other large animals, water aid stations or any other event likely to create a substantial need for clean-up may be required to provide a deposit prior to the issuance of a special event permit. A deposit may also be required to cover damage or losses to City fixtures or equipment such as barricades, curbs, signs, fences, etc.

(b) The deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event and all equipment has been returned in good working order.

(c) If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the City for cleanup, restoration, or for the replacement cost of lost or damaged equipment. The deposit shall be applied toward the payment of the bill.

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8.12.150 Revocation of Permits for Special Commercial Events.

In addition to the reasons specified elsewhere in this Chapter, any Special Commercial Event Permit issued under this ordinance may be revoked by the Building Official at any time for reasons of disaster, public calamity, riot or other emergency or exigent circumstances, or when the Building Official determines that the safety of the public or property requires such immediate revocation. The Building Official may also revoke any permit issued pursuant to this ordinance if the permit has been issued based upon false information or when the permit holder exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the applicant by personal service or certified mail at the address specified by the applicant in the application.

SPECIALCMCEVENT REGULATIONS

8.12.160 Action on Permit Application for Special Civic Event.

(a) The Building Official may approve, conditionally approve, or deny an application for Special Civic Event Permit based on the recommendations of the technical review committee on the same grounds as those for Special Commercial Events, specified in Sections 8.12.080 and 8.12.090. If the application is denied or conditionally approved, the Building Official shall inform the applicant of the following (---) in writing, as they apply to the particular situation: grounds for denial, conditions of approval, reason for a change in the date, time, route or location of the event, and the applicant's right of appeal under Section 8.12.100.

(b) Notwithstanding subsection (a) of this section, for all Special Civic Events, the City may require an indemnification agreement, proof of insurance, or a deposit from the event sponsor.

8.12.170 Responsibility-No Duty Created.

This Chapter shall not create any duty owed by the City of Woodinville as to any specific person, party or class. Any duty nevertheless deemed to exist or arise in connection with the City's permitting function shall be deemed exclusively a duty to the general public as a whole and not to any specific person, party or class.

Section 2. Severability.

If any section, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 3. Effective Date.

This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

ADOPTED by the City Council of the City of Woodinville this 22nd day of January, 2002.

APPROVED:

ATTEST/AUTHENTICATED:

City Clerk/CMC

**Chapter 8.04
NUISANCES**

Sections:

[8.04.010](#) Defined.

[8.04.020](#) Maintaining or permitting prohibited.

[8.04.030](#) Affecting health – Designated.

[8.04.040](#) Offending morals and decency – Designated.

[8.04.050](#) Affecting peace and safety – Designated.

[8.04.060](#) Abatement – Inspection of premises.

[8.04.070](#) Abatement – Notice – Generally.

[8.04.080](#) Abatement – Notice – Form.

[8.04.090](#) Abatement – Notice – Mailing and filing.

[8.04.100](#) Abatement – Failure by owner – Conditions for immediate removal by city.

[8.04.110](#) Abatement – Conditions for removal by court action.

[8.04.120](#) Abatement – Other methods not excluded.

[8.04.130](#) Abatement – Cost and assessment.

[8.04.140](#) Violation – Penalty.

8.04.010 Defined.

A public nuisance is a thing, act, omission, occupation, condition or use of property which:

A. Substantially annoys, injures, or endangers the comfort, health, repose or safety of the public;

B. In any way renders the public insecure in life or in the use of property;

C. Offends the public morals or decency;

D. Interferes with, obstructs or tends to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way. (Ord. 376 § 2, 1979)

8.04.020 Maintaining or permitting prohibited.

No person, persons, firms or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city of Sultan. (Ord. 376 § 1, 1979)

8.04.030 Affecting health – Designated.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of SMC [8.04.010](#):

A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

B. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death;

C. Accumulations of decayed animal or vegetable matter, trash, or rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;

D. All stagnant water in which mosquitoes, flies or other insects may multiply;

E. All noxious weeds (a weed being defined as any plant that grows out of place), and other rank growth of vegetation upon public or private property, and all grass, weeds, shrubs, bushes, trees or vegetation growing or which have grown and died, on any property and are a fire hazard or a menace to public health, safety or welfare;

F. Tent caterpillars;

G. The escape of smoke, soot, cinders, noxious acids, fumes, gases, ash or industrial dust within the city limits in such quantities as to endanger the health of persons of ordinary sensibilities or cause injury to property;

H. The pollution of any well or cistern, stream, lake, canal or body of water by sewage or industrial wastes or other substances;

I. Any use of property, substances or things emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches repulsive to the physical senses of persons which annoy, discomfort, injure or inconvenience the health of persons within the city;

J. All abandoned wells not securely covered or secured from public use;

K. All public exposure of persons having a contagious disease;

L. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person;

M. Garbage cans which do not have a tight-fitting lid;

N. All other acts, omissions of acts, occupations and uses of property which are deemed by the Snohomish County board of health to be a menace to the health of the inhabitants of this city. (Ord. 376 § 3, 1979)

8.04.040 Offending morals and decency – Designated.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of SMC [8.04.010](#):

A. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;

B. All gambling devices which are not licensed or permitted by the city council;

C. Any place or premises where city ordinances or laws relating to public health, safety, peace, morals or welfare are openly, continuously or repeatedly violated;

D. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state of Washington or the ordinances of the city. (Ord. 376 § 4, 1979)

8.04.050 Affecting peace and safety – Designated.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of SMC [8.04.010](#):

- A. All snow and ice not removed from public sidewalks;
- B. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic-control devices placed or maintained upon or in view of any public highway or railway crossing;
- C. All trees, hedges, billboards or other obstructions which prevent persons from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- D. All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than 14 feet above the surface of a public street;
- E. All trees, limbs, buildings, structures, power and light poles and their appurtenances, or equipment which poses a reasonable threat to life or property in the event that such trees, limbs, buildings, structures, power and light poles and their appurtenances or equipment were to fall on adjacent public or private property;
- F. All use or display of fireworks except as provided by the laws of the state of Washington and ordinances of the city;
- G. All buildings or structures so old, dilapidated and out of repair or which have been so damaged by fire or flood as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
- H. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;
- I. All loud, discordant and unnecessary noises or vibrations of any kind between the hours of 10:00 p.m. and 8:00 a.m.;
- J. All motorcycles, automobiles, chainsaws, lawnmowers or other motorized equipment which are not equipped with the original equipment muffler or noise-deadening device or other replacement muffler or noise-deadening device recommended by the engine manufacturer;
- K. The keeping or harboring of any animal or fowl which by the emission of offensive odors or by frequent or habitual howling, yelping, barking, crowing or making of other noises, annoys or disturbs persons within the city;
- L. Allowing vicious animals to run at large and all activities prohibited by Chapters [6.04](#), 6.08, 6.12 and 6.16 SMC;
- M. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose whereof has been accomplished;
- N. All open and unguarded pits, wells, excavations or unused basements;
- O. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;

P. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the street or sidewalk;

Q. Violations of the ordinances of the city or laws of the state of Washington relating to the storage of flammable liquids;

R. The dismantling, reconstruction or repair of any vehicle or piece of machinery upon any street, alley or other public place, except minor repairs of an emergency nature;

S. All vehicles or machines parked or driven on any city street, alleyway or highway with a leaking fuel tank;

T. All vehicles used to transport flammable or explosive liquids or gases or corrosive acids, parked within the city limits, unless said vehicle is in the lawful delivery of said liquids, gases or acids;

U. All automobiles, trailers, house trailers, mobile and motor homes, boats, and all other vehicles or parts thereof, which have been left out of doors, unsheltered, for a period of 30 days; provided further, that none of the above may be left on any city street, alleyway or highway for more than 72 hours without the specific permission of the chief of police;

V. Any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place, which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

W. The existence upon the sidewalk in front of any premises of any debris, litter or substantial quantity of dirt;

X. All dangerous, unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;

Y. Leading, driving or riding any horse or other livestock upon or over any sidewalk or public park;

Z. Crossing curbs or sidewalks with vehicles where no regular provision has been made for such crossing, without first protecting the same with appropriate risers and planking;

AA. All other conditions or things which are liable to cause injury to the person or property of anyone. (Ord. 484, 1986; Ord. 438, 1983; Ord. 376 § 5, 1979)

8.04.060 Abatement – Inspection of premises.

A. Whenever a complaint is made to the chief of police that a public nuisance exists within the city of Sultan, the chief of police or building inspector shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings.

B. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the city clerk. (Ord. 376 § 6(a), 1979)

8.04.070 Abatement – Notice – Generally.

If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the chief of police may serve notice on the owner or, if the owner cannot be

found, on the occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within one to 72 hours, at the discretion of the inspecting officer and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be. (Ord. 376 § 6(b) (1), 1979)

8.04.080 Abatement – Notice – Form.

The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____, you are hereby notified that the undersigned, pursuant to Ordinance No. _____ of the City of Sultan, has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of Subsection _____ of Section _____.

You are hereby notified to abate said condition to the satisfaction of the undersigned within _____ hours/days of the date of this notice or to appear at the office of _____ at _____ o'clock ____m., and show cause, if any you have, why said condition should not be abated by the City, and the expenses thereof charged to you as a personal obligation. Abatement is to be accomplished in the following manner:

Dated: _____ (Name of Enforcement Officer)
By: _____

(Ord. 376 § 6(b) (1), 1979)

8.04.090 Abatement – Notice – Mailing and filing.

A. A copy of the notice provided for in SMC [8.04.070](#) and [8.04.080](#) shall be sent to the owner and may be sent to any other of said persons sought to be charged with the responsibility of abatement. The notice shall be sent by mail, postage prepaid, and addressed as follows:

1. To the Owner. As such person's name and address appears on the records of the Snohomish County treasurer, or as known to the enforcement officer of the person authorized by the enforcement officer to give such notice;

2. To Any Other Such Person. As such person's name and address are known to the enforcement officer or the person authorized by him to give notice.

B. The person giving such notice shall file a copy thereof in the office of the enforcement officer, together with an affidavit or certificate stating the time and manner in which such notice was given. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken under this chapter. (Ord. 376 § 6(b) (2), 1979)

8.04.100 Abatement – Failure by owner – Conditions for immediate removal by city.

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of a health nuisance, or the chief of police, in other cases, shall cause the abatement or removal of such public nuisance. (Ord. 376 § 6(c), 1979)

8.04.110 Abatement – Conditions for removal by court action.

If the inspection officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he may file a written report of his findings with the mayor who may cause an action to abate such nuisance to be commenced in the name of the city. (Ord. 376 § 6(d), 1979)

8.04.120 Abatement – Other methods not excluded.

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisance by the city of Sultan or its officials in accordance with the laws of the state of Washington. (Ord. 376 § 6(e), 1979)

8.04.130 Abatement – Cost and assessment.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance of maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes. (Ord. 376 § 7, 1979)

8.04.140 Violation – Penalty.

A. Any person or organization violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed six months, or by both such fine and imprisonment.

B. Each day of violation of any provision of this chapter shall be considered a separate offense and such offender may be punished separately therefor. (Ord. 376 § 8, 1979)

Chapter 8.10

PUBLIC DISTURBANCE NOISE

Sections:

- [8.10.010](#) Definitions.
- [8.10.020](#) Exemptions.
- [8.10.030](#) Infraction.
- [8.10.040](#) Enforcement.
- [8.10.050](#) Separate offenses.
- [8.10.060](#) Punishment.
- [8.10.070](#) Evidence in proceedings.

8.10.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Public disturbance noise” shall mean the following sources of sound:

A. Frequent, repetitive or continuous sound from any horn or siren attached to a motor vehicle except as a warning of danger or specifically permitted or required by law;

B. Frequent, repetitive or continuous sound in connection with the starting, operating, repairing, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine in any residential zone which unreasonably interferes with the peace, comfort and repose of owners or occupants of real property in the residential zone;

C. Loud or raucous sound from any activity which unreasonably interferes with the operation of any school, church, hospital, sanitarium or nursing or convalescent facility;

D. Frequent, repetitive or continuous sound which emanates from a building structure or property, and created by musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television or other device capable of reproducing or creating sound, such as sounds originating from a band session, tavern operation or commercial sales lot which unreasonably interferes with the peace, comfort and repose of owners or occupants of nearby property;

E. Sound from a motor vehicle audio sound system, such as a radio, tape player or compact disc player, when the volume is such that the sound can be clearly heard by a person of normal hearing at a distance of more than 50 feet from the vehicle itself;

F. Sound from carried or transported portable audio sound equipment, such as a radio, tape player or compact disc player, when the volume is such that the sound can be clearly heard by a person of normal hearing at a distance of more than 50 feet from the source of the sound;

G. Frequent, repetitive or continuous sound which emanates from a residence, structure or property, and created by audio sound equipment, musical instruments or social gatherings which unreasonably interferes with the peace, comfort and repose of owners or occupants of neighboring residential properties;

H. Sound from squealing or screeching of motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners except such sounds which arise from actions to avoid danger;

I. Sound originating from a motor vehicle on the public highway when the vehicle is operated without a muffler in good working order and in accordance with applicable laws and regulations;

J. Sound from yelling, shouting, hooting, whistling or singing on or near the public streets occurring between the hours of 11:00 p.m. and 7:00 a.m. which unreasonably interferes with the peace, comfort and repose of owners or occupants of real property;

K. Sound originating from residential real property relating to temporary projects for the maintenance or repair of homes, grounds or appurtenances, including sounds from lawnmowers, power hand tools, snow removal equipment and the like when the same occurs between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 9:00 a.m. on weekends;

L. Sounds originating from construction sites and activities, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 9:00 a.m. on weekends except such sounds which arise from emergency construction work to protect public or personal health and safety. (Ord. 799-02)

8.10.020 Exemptions.

Though the following sources of sound may fall within the definitions of a “public disturbance noise” as defined in the previous section, the following sounds shall be exempt and shall not be a public disturbance noise:

A. Noise originating from aircraft in flight and sounds which originate in airports and are directly related to flight operations;

B. Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety relief intent of the device;

C. Noise created by fire or security alarms, or noise created by emergency equipment;

D. Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

E. Noise created by a special event so long as the event is in compliance with the terms and conditions of its special event permit;

F. Noise created by natural phenomenon;

G. Noise created by public utility facilities including electrical substations;

H. Noise created from local school marching bands while practicing;

I. Noise created by bells, chimes or carillon not operated for more than five minutes in any one hour from the hours of 7:00 a.m. to 10:00 p.m., but not including such noise as is artificially created and amplified and broadcast via loud speaker; and

J. Noise created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad. (Ord. 799-02)

8.10.030 Infraction.

It is unlawful and a civil infraction for any person to cause or allow to be emitted a nonexempt public disturbance noise as defined by this chapter. (Ord. 799-02)

8.10.040 Enforcement.

Where this chapter defines “public disturbance noise” as sound unreasonably interfering with the peace, comfort and repose of owners or possessors of real property or neighboring property, only after a complaint has been made by such a person may the police department issue a civil infraction notice. In all other instance of a “public disturbance noise” a civil infraction notice may be issued without a complaint. (Ord. 799-02)

8.10.050 Separate offenses.

For enforcement purposes, sound emitted during separate days shall be deemed a separate violation. A day is a 24-hour period beginning at 12:01 a.m. (Ord. 799-02)

8.10.060 Punishment.

A first violation and infraction of this chapter shall be punished with a penalty of \$100.00. A second violation and infraction of this chapter shall be punished with a penalty of \$200.00. A third and/or subsequent violation and infraction of this chapter is a misdemeanor and shall be punished with a fine of \$500.00 and/or incarceration in jail for a period not to exceed 30 days. (Ord. 799-02)

8.10.070 Evidence in proceedings.

In any proceeding under this chapter, evidence of sound level through the use of sound level meter readings shall not be necessary to establish the commission of the violation. (Ord. 799-02)