

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

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 Definitions.**
- 8.12.030 Special Event Permit Required — Violation.**
- 8.12.040 Exemptions from Permit Requirements.**
- 8.12.050 Permit Application.**
- 8.12.060 Permit Issuance.**

SPECIAL COMMERCIAL EVENT REGULATIONS

- 8.12.070 **Action on Permit Application for Special Commercial Event.**
- 8.12.080 **Grounds for Denial and/or Revocation of Permit for Special Commercial Event.**
- 8.12.090 **Permit Conditions for Special Commercial Event.**
- 8.12.100 **Appeal Procedures for Special Commercial Event.**
- 8.12.110 **Indemnification Agreement for Special Commercial Event.**
- 8.12.120 **Insurance Requirement for Special Commercial Event.**
- 8.12.130 **Fees for City Services for Special Commercial Event.**
- 8.12.140 **Damage Deposit for Special Commercial Event.**
- 8.12.150 **Revocation of Permits for Special Commercial Event.**

SPECIAL CIVIC EVENT REGULATION

- 8.12.160 **Action on Permit Application for Special Civic Event.**
- 8.12.170 **Responsibility — No Duty Created.**

8.12.020 **Definitions.**

(a) “Special Event” means any event meeting all of the following four criteria:

- (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.

(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.

8.12.040 Exemptions from Permit Requirements.

A Special Event Permit 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.

(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 Permit 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 Permit 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 Permit 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

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.

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) The event cannot be conditioned to avoid endangering the public health or safety;

(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) If the applicant fails to submit a timely application.

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

(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.

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.

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.

SPECIAL CIVIC EVENT 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.

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:



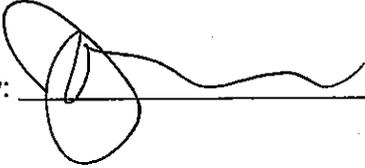
Mayor, Scott Hageman

ATTEST/AUTHENTICATED:

By: 

Sandra Parker
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

PASSED BY THE CITY COUNCIL: 1-22-2002
PUBLISHED: 1-28-2002
EFFECTIVE DATE: 2-02-2002
ORDINANCE NO. 310