

ORDINANCE NO. 515

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 5.10, UNIVERSITY PLACE MUNICIPAL CODE, RELATING TO SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council recognizes that special events provide cultural enrichment, promote economic viability, enhance community identity and pride, provide opportunities for family activities, and contribute to funding for community nonprofit agencies; and

WHEREAS, the City has policies and procedures in place for the regulation of special events to facilitate administration and promote public health and safety; and

WHEREAS, the City adopted regulations governing special events in 1996 and since that time has become the home of additional parks, including a recreational facility of regional interest; and

WHEREAS, provisions are needed to clarify terms, facilitate administration, and ensure consistency with regulations governing the use of City parks;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 5.10, Special Events, of the University Place Municipal Code. Chapter 5.10, Special Events, of the University Place Municipal Code, is amended to read as follows:

**Chapter 5.10
SPECIAL EVENTS**

Sections:

- 5.10.010 Purpose and policy.**
- 5.10.020 Intent.**
- 5.10.030 Definitions.**
- 5.10.040 Exemptions.**
- 5.10.050 Administration.**
- 5.10.060 Permit required.**
- 5.10.070 Permit fee.**
- 5.10.080 Exemptions from fees.**
- 5.10.090 Permit application.**
- 5.10.100 Permit requirements.**
- 5.10.110 Permit issuance.**
- 5.10.120 Permit conditions.**
- 5.10.130 Denial of application.**
- 5.10.140 Indemnification.**
- 5.10.150 Insurance required.**
- 5.10.160 Revocation or suspension.**
- 5.10.170 Penalty for violation.**

5.10.010 Purpose and policy.

Certain uses, because of their infrequent occurrence and temporary nature, are classified as "special events." These types of uses are temporary in nature, of limited duration, and may be associated with promotions, holidays, city festivals, etc. These special events shall be allowed by special events permit granted by the director.

Partnerships between the city, event sponsors, and the community are valuable in ensuring successful events. Therefore, the city will strive to accommodate special events. The city recognizes that events can be difficult to implement successfully and that the city requirements may represent a significant portion of the event's costs. When setting fees and conditions for events, the city will be sensitive to their impacts on the event's costs while balancing the city's obligation to protect public health and safety. It is the city's goal to have successful special events that enrich and enliven the community.

5.10.020 Intent.

It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and no provision thereof is intended to impose any duty upon the city or any of its officers, employees, or agents. Nothing contained in this chapter or any procedures adopted is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions hereof.

5.10.030 Definitions.

For the purposes of this chapter, the following words and phrases used herein as follows shall have the following meanings:

"Applicant" shall mean any person or organization who seeks a special events permit to conduct or sponsor an event governed by this chapter.

"Athletic event" shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on private or public property and/or on a city street, sidewalk, alley, or other street 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. Athletic events include, but are not limited to, bicycle and foot races.

"Block party" shall mean a festive gathering on a private property or a street that which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity including barbecues, picnics, music, or games.

"Department" shall mean the ~~community development services~~ department of the city of University Place or such other department as may be designated by the city manager.

"Director" shall mean the director of ~~community~~ the development ~~services~~ department of the city of University Place or ~~appointed designee~~ other designee authorized by the city manager.

~~**"Other special event"** shall mean events that are not typically allowed by the zoning district, which, because of the nature of the use, deserve special consideration and/or conditions to mitigate impacts. These events may include the following: street fair, arts and crafts show, carnival, circus, or other similar transient amusement or recreational activities, block party, rally, dance, or other events that occur on private or public property and/or on a city street, sidewalk, alley or other public right-of-way.~~

"Parade" shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any city street, sidewalk, alley, or other right-of-way, that which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

"Permit application fee" shall mean the fee to be paid by the special events permit applicant at the time the application is filed. Such fee shall be set by the city council.

“Permittee” shall mean any person or organization that who has been issued a special events permit by the department. The permittee shall have authority, subject to approval by the city, to determine participation in commercial activities during a special event.

“Real estate sales event” shall mean a scheduled showcasing of a number of new houses in a subdivision for the purpose of viewing by interested parties and for sales promotion, which may, but not necessarily, require the closure of a street, or a portion thereof, to vehicular and/or pedestrian traffic. This definition does not include typical sales open houses for individual houses.

“Refundable deposit” shall mean the amount of money required of a permittee by the department in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon written request following the completion of the event and approval of the department.

“Special event” shall mean a gathering of more than 50 persons on public facilities or public rights-of-way, or a gathering of any number that disrupts the ordinary and normal use of a public facility, right-of-way, or private street, subject to the exemptions of Section 5.10.040. A special event shall include a gathering of more than 50 persons on privately owned property that has any of the following effects:

A. Disrupts the ordinary and normal use of a public facility or right-of-way;

B. Invites public participation and/or spectators;

C. Requires the provision of increased public services above that normally required in the absence of the event including, but not limited to, fire, police, traffic control, and crowd control services.

Special events may include, but are not limited to, the following: athletic or sporting events, block parties, street fairs, parades, arts and crafts shows, flea markets, carnivals, circuses or similar transient amusement or recreational activities, rallies, dances, outdoor concerts, and rodeos.

“Special event, major” shall mean a special event that involves the gathering of 300 or more persons, requires the closure of more than one block of a public or private street, or occurs on more than one consecutive day.

“Special event, minor” shall mean a special event that involves the gathering of less than 300 persons and does not otherwise qualify as a major special event.

“Special events permit” shall mean the permit issued by department after the applicant has met all applicable reviews and requirements set forth in this chapter.

“Temporary structure” shall mean any structure that which is moved onto or erected on a lot or right-of-way for the purpose of servicing a temporary event. Temporary structures include, but are not limited to: booths for tickets, games, vendors selling wares, and food or other concessions; tents, portable lavatories, gazebos, mobile offices or job shacks, etc.

5.10.040 Exemptions.

The provisions of this chapter shall not apply to the following:

A. Funeral processions;

B. Groups required by law to be so assembled;

C. Pedestrian processions along a route that is restricted to sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;

D. Regularly scheduled recreational activities of the city Parks and Public Works Department with adequate provision for crowd and traffic control;

E. Indoor assembly of persons where the facility that is to be used has been approved for such assembly pursuant to the requirements of Title 14 Buildings and Construction and adequate on-site parking is provided pursuant to Title 19 Zoning;

F. Outdoor assembly of persons typical to a school, public park, or other facility that is consistent with uses allowed in the underlying zone;

GD. Activities and events deemed by the director to not require (to be exempt from) a special events permit.

5.10.050 Administration.

The director shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special events permits. The director's discretion includes, but is not limited to, the determination of the types of events that need a special events permit, whether a preapplication meeting is required for a particular event, and whether the fees shall be waived for a particular application the need for liability insurance and the amount of coverage necessary. The director may approve, deny, modify, or condition an application for a special events permit, including approval to extend the duration of an event beyond the limits prescribed in this chapter. The director may waive the time limits set for applications.

5.10.060 Permit required.

Any person desiring to conduct or sponsor a special event in the city of University Place on ~~private~~ or public property, and/or on private property that which will necessitate the use of the public right-of-way, shall first obtain a special events permit from the department.

When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe upon constitutional freedoms, and in a manner that respects the liberties of applicants and the public.

5.10.070 Permit fee.

The fee for issuance of a special events permit shall be set by resolution of the city council.

5.10.080 Exemptions from fees.

A. No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5 or 11 of the Washington 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 applies 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; if part of an annual tradition or a series, previous events in the sequence; and the public perception of the event.

B. No fee shall apply to a block party with an anticipated attendance of 300 people or fewer that closes off a residential street segment no more than one block in length, a sidewalk or alley abutting a park, or an unopened right-of-way for eight hours or less during daylight hours, and does not need police service for crowd control.

C. No fees shall be imposed under this chapter for ~~on~~ events ~~that are~~ authorized by a special ordinance that ~~which~~ sets out fees or charges for that particular event.

D. Fees may be waived by the director for special events sponsored by nonprofit agencies and that which further the goals and objectives of the city.

5.10.090 Permit application.

A. A preapplication conference with staff may be is required prior to filing application materials with the department. This conference is for the department to provide the applicant with information on application requirements and for the applicant to describe the nature of the event to the department.

B. Any person wishing to sponsor a special event shall apply for a special events permit by filing an application with the department, at least 30 45 days prior to the date on which the event is to begin or occur in order to provide adequate notice to public safety and other city personnel and to accommodate potential modifications to an applicant's event proposal.

C. The director shall issue the special events permit once the application has been approved after review of appropriate agencies to include police, fire, public works, building and planning, risk management, and others as determined by the director, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

D. The director shall, in consultation with appropriate city departments, review and decide upon each application for a special events permit.

5.10.100 Permit requirements.

A. Time Limit. No specific special event shall last longer than 14 45 calendar days maximum unless an exception is granted at the director's discretion.

B. Uses Allowed as "Special Events." Special event uses are to shall be temporary and may include principle principal and associated accessory uses that may not be normally allowed normally in a particular zoning district. Specific uses allowed as special events shall either fit one or more of the special event types described in the definitions section, or may be allowed as per under the interpretive authority and discretion of the director.

C. Signage. Temporary signage shall will be allowed subject to UPMC 49.45.415 19.75, including size and location requirements, with the following exceptions:

1. Number of Temporary Signs. The total number of temporary signs for a special event shall not exceed five large event signs, and six off-premises/directional signs.

2. Size Limit. Maximum size for large event signs shall not exceed 30 square feet each; maximum size for directional signs shall not exceed four square feet each.

3. Time Limit. The director may issue temporary sign permits for each individual signs that which shall expire after terminate within 45 days total from the date of issuance. This time period shall not be extended to accommodate the removal of signs after the last day of a special event. -including the time after the event needed to remove signs (no extension periods allowed for special event signage).

4. Removal. Temporary signs shall be removed within three days of the last day of the special event. When temporary sign permits are issued for event signs, the signs shall be removed prior to permit expiration 45 days after issuance. This time is to be included in the 45-day maximum limit for temporary signage.

D. Temporary Structures.

1. Setbacks. Normal setbacks required by the zone do not apply for the special event. However, in instances where the structure (or event at the structure) may cause undue nuisance to adjoining properties, placement of structures in relation to adjoining properties is left to the discretion of the director.

2. Removal. Temporary structures shall be removed within three days of the last day of the special event.

E. Parking.

1. Location. Developed or undeveloped lots adjoining or in close proximity to the special event site may be used as temporary parking facilities for the event. Parking may be provided at greater distances from the event site when appropriate provision is made for transporting participants between the event site and the parking facilities. If public right-of-way is to be used for parking, other than in legally designated spaces, a right-of-way use permit shall be requested as part of the review process for the special event.

2. Parking Plans. Parking plans shall be submitted showing the site of the parking area(s), including approximate number of spaces, ingress/egress ways, maneuvering aisles, reserved handicapped stalls, etc.

F. Street Closures.

1. Street closures and use of portions of right-of-way for special events may be permitted subject to approval of a right-of-way use permit issued in conjunction with the special events permit.

2. Provisions shall be made for emergency vehicle access through easily removable barriers or permeable (crashable) gates.

G. Police, Fire, Medical Facilities, Parks and Public Works Crews.

1. Fire, police, medical services, parks and public works crews shall be provided as deemed necessary by the reviewers of the special events permit application.

2. Expenses for fire, police, medical services, and parks and public works crews needed for coverage and cleanup at the special event shall be the responsibility of the permittee, even if the permit fee has been waived.

H. Owner's Consent. An affidavit of consent by the property owners of the special event site and/or designated parking site or sites may be required for permit issuance.

I. Sales. Any person proposing to engage in sales activity in connection with a special events permit may be required to obtain a sales permit in accordance with the provisions of Chapter 15.05 UPMC.

5.10.110 Permit issuance.

The director shall approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process of the application for a special events permit and the grounds specified herein. If the application is denied or conditionally approved, the director shall inform the applicant of the grounds for denial, or the reason for a change in the date, time, route, or location of the event. The applicant shall be notified of any permit conditions at the time the application is approved.

5.10.120 Permit conditions.

Special events proposed to be held in city parks may be conditioned in accordance with the provisions of Chapter 15.05 UPMC. Additionally, the director may condition the issuance of a special events permit by imposing reasonable requirements concerning 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 include but are not limited to the following:

A. Alteration of the date, time, hours of operation, route, or location of the event proposed on the event application.

B. Conditions concerning the area of assembly and disbanding of an event along a route.

C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street.

D. Conditions where traffic congestion may be anticipated, encouraging use of transit and carpooling.

E. Requirements for the use of traffic cones or barricades.

F. Requirements for the provision of first aid and sanitary facilities.

G. Requirements for the provision of fire, police, emergency medical protection, and parks and public works crews for maintenance and cleanup, if necessary.

H. Requirements for coordination with the fire department and emergency personnel for emergency treatment and evacuation of people who may need immediate care, cardiopulmonary resuscitation, or ambulance service; emergency communication; fire suppression equipment within structures; and maintenance of unobstructed emergency passageways.

I. Requirement for use of personnel to monitor the event ~~monitors~~ and provide ing notice of permit conditions to event participants.

J. Restrictions on the number and type of vehicles, animals, or structures at an event.

K. Compliance with animal protection ordinances and laws.

L. Requirements for use of garbage containers, cleanup, and restoration of city and private property.

M. Restrictions on the use of amplified sound.

N. Notice to residents and/or businesses regarding any activity that ~~which~~ would require a street closure.

5.10.130 Denial of application.

A special event may be denied based upon a determination that of any of the following:

A. The event would seriously endanger public safety;

B. The event would seriously inconvenience the general public;

C. The event would unreasonably infringe upon the rights of abutting properties;

D. The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;

E. There is not sufficient safety personnel or other necessary city staff to accommodate the event;

F. The applicant fails to complete the application form after being notified of the additional information or documents required;

G. Information contained in the application of or supplemental information requested from the applicant is found to be false in any material detail;

H. The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies; or

I. Other issues in the public interest identified by the director or his/her designee.

5.10.140 Indemnification.

A. Prior to the issuance of the special events permit, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the city of University Place for any costs incurred by the city in repairing damage to city property occurring in connection with the permitted event.

B. Permittee agrees to defend, indemnify and save hold harmless the city, its appointed and elective officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the city, its elected officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property or loss therefrom arising out of any activity under or in connection with this event, except only such injury as shall have been occasioned by the sole negligence of the city, its appointed or elected officers or employees.

C. The director may require a refundable deposit in an amount determined by the director to be a reasonable estimate of the costs for cleanup services.

5.10.150 Insurance required.

A. As required by the director, the permittee shall provide the department with proof of commercial general liability insurance generally in the amount of \$1,000,000 combined single limits per occurrence, and an endorsement naming the city of University Place as an additional insured must be provided.

B. If a special event activity will occur on city-owned or leased property, the lessee shall also be named as an additional insured. Written approval from the lessee for the requested activity shall be provided to the director.

C. Certificates of insurance shall be submitted to the city for approval 14 working days prior to the event. Acceptability of insurance is subject to approval by the city's risk manager.

5.10.160 Revocation or suspension.

AA special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the director if any of the following conditions are found to exist:

1.A. The applicant, in the information supplied, has made misstatement of material fact, the applicant has failed to fulfill a term or condition of the permit in a timely manner, or the check submitted by the applicant in payment of the fee for a permit has been dishonored;

2.B. The applicant requests the cancellation of the permit or cancels the event;

3.C. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property;

4.D. The activity conducted is in violation of any of the terms or conditions of the special events permit; or

5.E. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;

B.F. The city shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; The city shall refund the balance of the fee less its costs incurred if the cancellation occurs at the written request of an applicant who is in compliance with this chapter.


5.10.170 Penalty for violation.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment not exceeding 90 days or both such fine and imprisonment. Each day or portion of a day that which a violation is committed constitutes a separate offense.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JANUARY 22, 2008.



Linda Bird, Mayor

ATTEST:



Eloy Genetia, Interim City Clerk

APPROVED AS TO FORM:



Janean Parker, City Attorney

Date of Publication: 01/24/08
Effective Date: 01/29/08