

**ORDINANCE NO. 109**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DEFINING AND SPECIFYING REQUIREMENTS FOR HOLDING SPECIAL EVENTS, ESTABLISHING PERMITTING REQUIREMENTS FOR SPECIAL EVENTS, AUTHORIZING THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT TO EXERCISE DISCRETION REGARDING WAIVING CERTAIN REQUIREMENTS OF THIS ORDINANCE, DEFINING THE SPECIAL EVENTS WHICH ARE COVERED BY THE ORDINANCE, AND PROVIDING FOR PENALTIES.**

WHEREAS, special events provide cultural enrichment, promote economic viability, and enhance the community identity and pride, as well as provide opportunities for family activities and funding for our community's nonprofit agencies; and

WHEREAS, the City Council has indicated a desire to promote special events which identify and enrich the community, and furthermore, to recognize the substantial community benefits that result from special events; and

WHEREAS, provisions to aid in the administration and promotion of health and safety at special events are needed; NOW THEREFORE,

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

**Section 1. PURPOSE & 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.

**Section 2. INTENT.** It is the specific intent of this ordinance and any procedures adopted hereunder to place the obligation of complying with the requirements of this ordinance 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 ordinance 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.

**Section 3. DEFINITIONS.** For the purposes of this ordinance, words and phrases used herein as follows:

**“Applicant”** shall mean any person or organization who seeks a special event permit to conduct or sponsor an event governed by this ordinance.

**“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 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.

**“Director”** shall mean the Director of Planning and Community Development of the City of University Place or appointed designee.

**“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, which obstruct, delay or interfere 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 event permit applicant at the time the application is filed with the Planning and Community Development Department. Such fee shall be set by the City Council.

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

**“PCD”** shall mean the Planning and Community Development Department of the City of University Place.

**“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 Public Works Department in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon the completion of the event and approval of the Public Works Department.

**“Special Events Permit”** shall mean the permit issued by PCD after the applicant has met all applicable reviews and requirements set forth in this ordinance.

**“Temporary Structure”** shall mean any structure 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.

**Section 4. EXEMPTIONS.** The provisions of this ordinance shall not apply to:

- 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. Activities and events deemed by the Director to not require (to be exempt from) a Special Events Permit.

**Section 5. ADMINISTRATION.** The Director of the Planning and Community Development Department shall, after consultation with appropriate

departments and agencies, have discretionary authority regarding Special Event Permits. The Director's discretion includes, but is not limited to: the determination of the types of events that need a Special Events Permit; the need for liability insurance and the amount of coverage necessary. The Director may approve, modify, or condition an application for a Special Events Permit. The Director may waive the time limits set for applications.

**Section 6. 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 which will necessitate the use of the public right-of-way, shall first obtain a Special Events Permit from PCD.

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.

**Section 7. PERMIT FEE.** The fee for issuance of a Special Events Permit shall be set by resolution of the City Council.

**Section 8. 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 three hundred (300) people or fewer that closes off a residential street segment no more than one (1) block in length, a sidewalk or alley abutting a park, or an unopened right-of-way for eight (8) hours or less during daylight hours, and does not need police service for crowd control.

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

D. Fees may be waived for special events sponsored by non-profit agencies and which further the goals and objectives of the city.

#### **Section 9. PERMIT APPLICATION**

A. A pre-application conference with staff is required prior to filing application materials with PCD. This conference is for PCD to provide the applicant with information on application requirements and for the applicant to describe the nature of the event to PCD.

B. Any person wishing to sponsor a special event shall apply for a special event permit by filing an application with PCD, at least forty-five (45) days prior to the date on which the event is to begin or occur.

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, 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 or designee shall, in consultation with appropriate city departments, review and decide upon each application for a Special Events Permit.

#### **Section 10. PERMIT REQUIREMENTS.**

A. **Time Limit.** No specific special event shall last longer than forty-five (45) calendar days maximum.

B. **Uses Allowed as "Special Events".** Special event uses are to be temporary and may include a principle and associated accessory uses that may not be normally allowed 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 be allowed as per the interpretive authority and discretion of the Director.

C. **Signage.** Temporary signage will be allowed subject to the provisions of University Place Zoning Ordinance \_\_.45.415 (Ordinance No. 79), 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 (5) large event signs, and six (6) off-premise/directional signs.

2) Size Limit: Maximum size for large event signs shall not exceed thirty (30) square feet each; maximum size for directional signs shall not exceed four (4) square feet each.

3) Time Limit: The Director may issue temporary sign permits for each individual sign which shall terminate within forty-five (45) days total from the date of issuance, 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 (3) days of the last day of the special event. This time is to be included in the forty-five (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 (3) 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. 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 & 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 & 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.

**Section 11. 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 Event 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.

**Section 12. PERMIT CONDITIONS.** 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:

- 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 car pooling.
- 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, cardio-pulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways.

I. Requirement for use of event monitors and providing 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 which would require a street closure.

**Section 13. DENIAL OF APPLICATION.** A special event may be denied based upon a determination that:

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 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 ordinance or any special conditions imposed by any of the reviewing agencies;
- I. Other issues in the public interest identified by the Director or his/her designee.

**Section 14. INDEMNIFICATION**

A. Prior to the issuance of the special event 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 harmless the city, its appointed and elective officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorney's 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 has the authority to require a refundable deposit as suggested by the Public Works Department for reimbursement of the costs for cleanup services.

**Section 15. INSURANCE REQUIRED.**

A. As required by the Director, the permittee shall provide PCD 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 fourteen (14) working days prior to the event. Acceptability of insurance is subject to approval by the city's risk manager.

**Section 16. REVOCATION OR SUSPENSION.** A Special Events Permit issued under this ordinance shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the Director if:


- 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;
- B. The applicant requests the cancellation of the permit or cancels the event;
- C. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property;
- D. The activity conducted is in violation of any of the terms or conditions of the Special Events Permit;
- E. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety.
- 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 as the request of an applicant who is in compliance with this ordinance.

**Section 17. PENALTY FOR VIOLATION.** Any person, association, firm, partnership, or corporation that violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed one-thousand dollars (\$1,000) and by imprisonment not exceeding ninety (90) days or both such fine and imprisonment. Each day or portion of a day which a violation is committed constitutes a separate offense.

**Section 18. SEVERABILITY.** If any part, provision or section of this ordinance is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

**Section 19. Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall take effect five days after its publication.

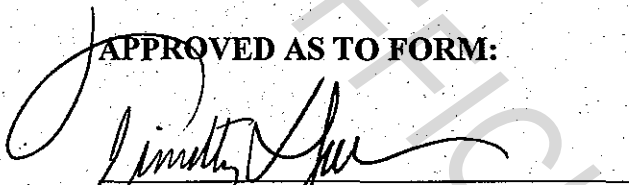
PASSED BY THE CITY COUNCIL ON JULY 1, 1996

  
\_\_\_\_\_  
Ronald L. Williams, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Timothy X. Sullivan, City Attorney

**Date of Publication:** July 3, 1996  
**Effective Date:** July 8, 1996