

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

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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

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

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 well-being;
- 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

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

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.