

**ORDINANCE NO. 06 - 09**

**AN ORDINANCE ADOPTING PERMIT REQUIREMENTS AND STANDARDS FOR SPECIAL EVENTS**

WHEREAS, Special Events have the potential to have negative impacts on the public health, safety, and welfare and on public facilities and services; and

WHEREAS, The City of Battle Ground does not currently have standards for special events; and

WHEREAS, The City Council finds that it is necessary to require the review and permitting of certain special events to ensure that appropriate provisions for the protection of public health, safety and welfare and public facilities and services are made; and

WHEREAS, The City Council reviewed the proposed ordinance on August 1, 2005, April 24, 2006 and July 3, 2006; and

WHEREAS, The City Council finds that the proposed ordinance will protect the residents and visitors to the City of Battle Ground;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON DOES ORDAIN AS FOLLOWS:**

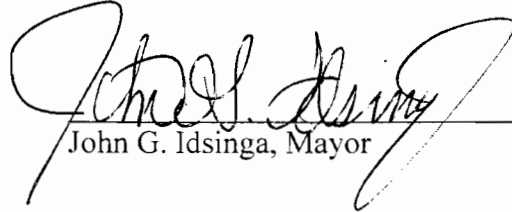
**Section 1:** NEW. Battle Ground Municipal Code Section 8.36, Special Events Permits, is hereby adopted as indicated in the attached Exhibit A.

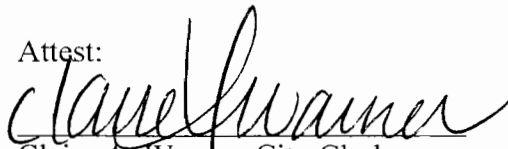
**Section 2.** Severability. If any provision of this Ordinance is found to be invalid or unenforceable for any reason such finding shall not affect the validity of the enforceability of any other provision of this Ordinance.

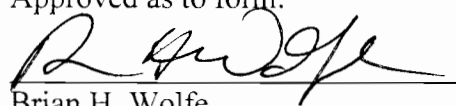
**Section 3:** Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage by the City Council and its publication according to the law.

**BEING PASSED BY THE CITY COUNCIL OF THE CITY OF BATTLE  
GROUND, WASHINGTON AT A REGULAR MEETING THEREOF THIS 3<sup>rd</sup>  
Day of July 2006.**

CITY OF BATTLE GROUND

  
John G. Idsinga, Mayor

Attest:  
  
Claire A. Warner, City Clerk

Approved as to form:  
  
Brian H. Wolfe  
City Attorney

**“EXHIBIT A”**

**Chapter 8.36  
SPECIAL EVENT PERMITS**

<b>8.36.010</b>	<b>Definitions</b>
<b>8.36.020</b>	<b>Special Event Permit Required</b>
<b>8.36.030</b>	<b>Exemptions</b>
<b>8.36.040</b>	<b>Application</b>
<b>8.36.050</b>	<b>Minimum Requirements for Special Event Permit</b>
<b>8.36.060</b>	<b>Grounds for Denial</b>
<b>8.36.070</b>	<b>Special Event Permit Fee</b>
<b>8.36.080</b>	<b>Appeals</b>
<b>8.36.090</b>	<b>Penalty for Violation</b>
<b>8.36.100</b>	<b>Revocation</b>

**8.36.010 Definitions.**

- A. “Block Party” means a limited street closure within a residentially zoned area for the purposes of holding a gathering involving the immediately surrounding residents.
- B. “Funeral Procession” means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director
- C. "Parade" means a march or procession of any kind.
- D. “Special Event” means a temporary activity, carnival, parade, assembly, procession, block party, fun-run, roadway foot races, community sponsored activity, art and craft fairs or other similar function that is conducted wholly or partly on public property or any event on private property that involves an open invitation to the public.
- E. “Temporary” means, for the purposes of this chapter only, temporary means no more than seven (7) consecutive days during any calendar year.

**8.36.020 Special Event Permit Required.**

A Special Event permit shall be required prior to conducting a special event unless specifically exempted. Any and all other State, Federal, and/or local permits required to operate the Special Event must be obtained prior to operation.

**8.36.030 Exemptions**

The following activities are exempt from the permit requirements for special events

- A. Events conducted by the City of Battle Ground and other governmental institutions;
- B. Funeral Processions;
- C. Events involving less than 50 people unless requiring the closure of a public street.

- D. Events conducted in facility designed for that purpose, such as churches, event centers, schools, etc.

#### **8.36.040 Application.**

An Application for a Special Event shall be made at least 30 days prior to the event, provided, that applications submitted less than 30 days prior to the event may be accepted if the planning director finds that there is adequate time to properly process the request and that circumstances giving rise to the application did not reasonably allow the applicant to file within the time prescribed. Applications shall include the following information:

- A. A completed application form provided by the Planning Director;
- B. The applicant and contact person's names, phone numbers, and addresses, including phone number available during operation of the Special Event.
- C. A narrative including a detailed description, location, time frame and purpose of Special Event
- D. A site plan of the special event site indicating the location of any features used during the event. The site plan should be neatly drawn and include the following information:
  - a. The boundaries of the event site.
  - b. The location of event features such as booths, ride areas, etc. Each individual feature need not be specifically indicated;
  - c. Any parking areas to be used by the event visitors or staff;
  - d. Location of restrooms and waste facilities, etc.
- E. The location and map of any proposed street use and/or closure and necessary detours;
- F. Events including a parade or procession along city streets shall include the following additional information:
  - a. Timing of the parade or procession;
  - b. The location of all aspects of the parade or procession including staging area, route, disbanding area;
  - c. The number and type of vehicles to be used,
  - d. The maximum length and travel speeds; and
  - e. The number and location of monitors or traffic control.
- G. Any additional information deemed necessary by the planning director to properly review the application.

#### **8.36.050 Minimum Requirements for Special Event Permit**

The following standards are the minimum necessary to receive a permit. The Planning Director or designee may impose additional conditions in order to protect the public's health, safety and general welfare.

- A. The location, size and features are suitable for the proposed event and will not be harmful to the health, safety and welfare of the community.
- B. Appropriate provisions are made for parking, waste management, restroom facilities, traffic control and circulation. security, compliance with noise restrictions, health and safety and access.

- C. Closures of public streets and/or access ways will not result in a serious inconvenience to the general public and appropriate provisions for emergency vehicle access is provided.
- D. Prior to commencing operation, the event site shall be inspected by the City Police Department and Fire District #11 and any other official deemed appropriate by the Planning Director to insure the protection of the public health, safety and welfare.
- E. For special events involving the use of city facilities or public right-of way proof of liability insurance with coverage in the amount of \$2,000,000.00 per occurrence, unless an additional amount is required for the activity per the City Manager. The City Manager may allow a lower amount or waive this requirement when the event is not open to the general public and the risks presented by the request justify a lower amount. Said insurance shall be provided by an insurance carrier approved by the City and in a form approved by the City, shall name the City of Battle Ground as an additional insured, and provide that the insurance shall not be cancelled without prior written notice to the City. Insurance provisions are not required for Block Party events. In addition, the applicant shall execute an agreement to indemnify, defend, and hold harmless the City, its officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities liability associated with the operation of the Special Event.
- F. If the Special Event is to be on City owned property, the applicant shall provide a waste management and restoration plan to the Planning Director or designee. The City may require a bond or cash deposit to insure the site is restored to its original condition prior to the special event. The amount of the cash or bond shall be determined by the Planning Director or designee.
- G. A Clark County Health District permit shall be posted on site for any use that provides beverage and/or food service that requires such a permit.

**8.36.060 Grounds for Denial**

Approval of a special event permit may be denied or revoked if the planning director reasonably determines that:

- A. The proposed event is not consistent with the standards of 8.36.050.
- B. The proposed event would endanger public health or safety.
- C. The proposed event would seriously inconvenience or impair the general public’s use of public property, services or facilities.
- D. The proposed event interferes with another event for which a permit has previously been granted.
- E. The proposed event would interfere with any construction or maintenance work scheduled to take place upon public property or right-of-way.
- F. The purpose of the event is to incite crime or the overthrow of the government by force.

**8.36.070 Fees**

The applicant or sponsoring organization for special events open to the general public shall reimburse the city for expenses incurred in providing services to the event. Prior to the event the applicant or sponsoring organization shall deposit with the City funds equal to the estimated cost of providing said services. Following the event the city shall assess costs and return any unused funds to the applicant or sponsoring organization. If funds are not sufficient to cover costs the applicant or sponsoring organization shall be responsible for the additional costs. The City Council may waive or reduce the assessment of the fees identified in this section.

#### **8.36.080 Appeals**

Any party, including the applicant, may appeal the Planning Director's decision to issue or not to issue a Special Event Permit to the City Manager. A written appeal must be received by the City Clerk within five (5) days after a written decision. A hearing shall be held not more than five business days after the receipt of the request for a hearing. The holder or applicant shall have the right to attend said hearing and present evidence. Any hearing under this chapter shall be conducted during normal business hours, on an informal basis. A record of the hearing, including the date of hearing, who was present, and the findings made as to whether or not the decision was consistent with the approval criteria shall be made in writing. The written finding shall be filed with the Planning Director.

Any party may appeal the City Manager's decision to the City Council. The City Council shall consider the appeal at the next available council meeting and render a decision on whether or not the decision of the City Manager was consistent with the approval criteria.

#### **8.36.090 Penalty for Violation**

Any person, association, corporation, firm, partnership or other organization or violating or failing to comply with any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars. Each day of violation shall constitute a separate offense.

#### **8.36.100 Revocation**

A. A 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 Planning Director or designated appointee if:

1. The applicant has made a misstatement of material fact in the information supplied; 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. The applicant requests the cancellation of the permit or cancels the event;
3. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
4. The activity conducted is in violation of any of the terms or conditions of the special events permit;

5. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;
  6. Fails to prepay any required expenses.
- B. 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 the costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.