

**ORDINANCE NO. 08-07**

**AN ORDINANCE AMENDING CERTAIN PERMIT REQUIREMENTS  
AND STANDARDS FOR SPECIAL EVENTS  
BY AMENDING CERTAIN SUBSECTIONS OF  
BATTLE GROUND MUNICIPAL CODE 8.36 AND ORDINANCE 06-09**

**WHEREAS**, Ordinance No. 06-09 adopted in July of 2006 puts forward certain permit requirements and standards for special events to be held within the City of Battle Ground; and

**WHEREAS**, the number of special events have been held since the effective date of said Ordinance and the Staff and the City Council of the City of Battle Ground have determined that some modifications should be made; and

**WHEREAS**, the City of Battle Ground has recently hired a full time parks director who brings years of park use and special event permitting experience to the City of Battle Ground; and

**WHEREAS**, a public hearing was conducted April 23, 2008 by the City of Battle Ground Planning Commission and a Public Hearing was conducted by the City Council of the City of Battle Ground on May 5, 2008;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, AS FOLLOWS:**

Battle Ground Municipal Code 8.36 shall be and is hereby amended to read as follows:

**Section 1. 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 fifty people unless requiring the closure of a public street;~~
- DC. Events conducted in a facility designed for that purpose, such as churches, event centers, schools, etc. (Ord. 06-09 § 1 (part), 2006)
- D. Events conducted with a valid parks lease agreement.
- E. Private events conducted on private property.

## **Section 2. 8.36.040 Application.**

An application for a special event shall be made at least ~~thirty~~ sixty days prior to the event; provided, that if applications submitted less than ~~thirty~~ sixty days prior to the event may be accepted if the planning director finds that there is adequate time to properly process the request, that all requirements of the permit can be met without undue strain on city resources and the date and venue are available for use. ~~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 or designee;
- 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:
  1. The boundaries of the event site;
  2. The location of event features such as booths, ride areas, etc. Each individual feature need not be specifically indicated;
  3. Any parking areas to be used by the event visitors or staff;
  4. 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:
  1. Timing of the parade or procession;
  2. The location of all aspects of the parade or procession including staging area, route, disbanding area;
  3. The number and type of vehicles to be used;
  4. The maximum length and travel speeds; and
  5. The number and location of monitors or traffic control;
- G. Any additional information deemed necessary by the planning director or designee to properly review the application. (Ord. 06-09 § 1 (part), 2006).

### **Section 3. 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 city officials, which may include the city police department and Fire District No. 11 Clark County Fire and Rescue 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, parks or public right-of way proof of liability insurance with coverage in the amount of two million dollars 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 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 layout of the event site and based on the event may be required to also provide a waste management and restoration plan to the planning director or designee. The city may shall require either a damage deposit or a bond or a cash deposit to insure the site is restored to its original condition prior to the special event to pay for any repairs and/or replacement of park property that may arise from the special event. The amount of the cash deposit 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. (Ord. 06-09 § 1 (part), 2006)

H. Where a permit will result in the closure of a city property of right of way to use by the general public the applicant may be required to post notice of the closure at least 48

hours in advance of the event. Failure by the event organizer to fulfill this requirement as part of the permit application and approval process may result in the event being cancelled and the permit revoked.

I. A copy of the approved special events permit shall be maintained at the location of the special event throughout the duration of the event.

J. Events shall comply with the noise standards of BGMC 9.42 unless specifically identified within the application. Requests for exceptions to the noise standards will be considered based on the nature of the event and the surrounding area. If an exception is permitted the applicant shall be required to mail a notice of said exception to all property owners within 250 feet of the site prior to the event.

#### **Section 4. 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 BGMC 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.  
(Ord. 06-09 § 1 (part), 2006)

#### **Section 5. 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. (Ord. 06-09 § 1 (part), 2006)~~

Where fees are required by event category for the issuance of permits, payments of such fees will be required before permits are issued.

**Section 6. 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 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 or designee.

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. (Ord. 06-09 § 1 (part), 2006

**Section 7. Severability.** If any section sentence, clause or phase of this ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this ordinance shall remain valid and in full force and effect.


**Section 8. Effective Date.** This ordinance shall be in full force and effective 30 days after approval and shall be published according to law.

ADOPTED AT THE REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON THIS 19<sup>th</sup> DAY OF MAY 2008.

CITY OF BATTLE GROUND

  
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Michael J. Ciraulo, Mayor

Attest:

  
~~Claire Linder, City Clerk~~  
Alisha Smith, Acting City Clerk

Approved as to form:

  
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Brian H. Wolfe, City Attorney