
ORDINANCE NO. 2003-008
Amending Ordinance No. 97-019 and
Sequim Municipal Code Chapter 18.68 (Temporary Activities, Structures
and Special Events)

WHEREAS, it is the desire of the City Council to cooperate with individuals desiring to hold activities and events in the City of Sequim; and

WHEREAS, it is the desire to assist in the promotion of these events without it being too burdensome; and

WHEREAS, procedures need to be established to provide guidance for staff and event coordinators; Now, therefore,

IT IS HEREBY ORDAINED by the City Council of the City of Sequim that Ordinance 97-019 is hereby AMENDED, along with Sequim City Code provisions adopted pursuant thereto, Sections 18.68 as set forth below; and

IT IS FURTHER HEREBY ORDAINED that the attached Sections (Exhibit A) are hereby ADOPTED as AMENDED; and

IT IS FURTHER HEREBY ORDAINED that the old ordinance and municipal code provisions shall survive with respect to any prosecutions for violations of said ordinance during the term of its effective date. Licenses or permits issued under the repealed ordinance and code provision shall remain in effect under the terms and provisions of the repealed ordinance only until their expiration, and renewal of any said license shall be under the terms of this newly-adopted ordinance and code provision. Unless specifically provided in this ordinance, the passage of this ordinance, including the amendment or repeal of an existing ordinance, does not affect the rights and responsibilities of any person or the City under prior law, or release a person from any liability, civil or criminal, arising from violation of such prior law. Any proceeding pending at the time of this amendatory or repealing ordinance takes effect continues under the law in effect at the time the proceeding began, unless otherwise specified; and,

IT IS FURTHER HEREBY ORDAINED if any section, subdivision of a section, paragraph, sentence, clause or word of this chapter or ordinance for any reason is judged invalid, such judgment will not affect, impair, or invalidate the remainder of this chapter or ordinance, but will be confined in its operation to the section, subdivision of a

section, paragraph, sentence, clause or word of the chapter or ordinance directly involved in the controversy in which such judgment has been rendered. It is hereby expressly declared that had any section, subdivision of a section, paragraph, sentence, clause or word or its application to any person, corporation or association or class of persons, corporations, or associations, as to which this chapter or ordinance may be declared invalid been eliminated from the chapter or ordinance at the time the same was considered, this chapter would, nevertheless, have been enacted with such portions eliminated; and,

IT IS FURTHER HEREBY ORDAINED that this ordinance shall take effect and be in force five days after passage and legal publication.

FIRST READING on the ____ of April, 2003.

SECOND READING (waived).

Passed by Unanimous Vote of the Sequim City Council this ____ day of April 2003.

SIGNED in authentication of its passage this _____ day of April 2003.

Walter E. Schubert, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Kuznek, City Clerk

Craig Ritchie, City Attorney

PUBLISHED: _____, 2003
(effective five days after publication)

Chapter 18.68
TEMPORARY ACTIVITIES STRUCTURES AND SPECIAL EVENTS

Sections

- 18.68.010 Purpose.
- 18.68.020 Application.
- 18.68.030 Effectiveness of Permit.
- 18.68.040 Permit location and general standards.

18.68.010 Temporary Activity Definition:

Temporary activities are those structures, facilities, or uses that occur on a seasonal or sporadic basis and involve the processing and/or sale of commodities, and the provision of temporary structures to facilitate construction and operation of new development. The intent of this section is to facilitate the seasonal sale of goods, such as produce, firewood, fireworks, and Christmas trees; and to facilitate project-specific, construction-related activities. (Ord. 97-019 § 4, Exh. B)

18.68.011 Special Event Definition:

A Special Event includes but is not limited to a parade, festival, exposition, show, sale, party or other similar activity conducted wholly on public property or partly on public property.

18.68.020 Temporary Activity Application.

All persons who wish to initiate a temporary activity or structure within all zoning districts of the City must first apply to the Planning Department for a permit granting approval, using an application form supplied by the Planning Department. Temporary activities and structures shall be reviewed and approved or denied administratively by the Planning Director. (Ord. 97-019 § 4, Exh. B.)

18.68.021 Special Event Application – Appeals.

- A. All persons who wish to initiate a Special Event within all zoning districts of the City must first **apply to City Hall** for a permit granting approval, using an application form supplied by the Special Event Coordinator. Special Events shall be reviewed and approved or denied administratively **by the City Manager**.
- B. Applications will be deemed incomplete and will be denied if details about the event are insufficient for staff to properly analyze and determine the impacts on City services, or if not submitted enough in advance of the date of the event to allow for City staff to evaluate

the impacts and coordinate any City services required to insure a successful event. (Typically, this could range from 30 days to 6 months.)

- C. Applications must include evidence of compliance with any required permits from outside agencies (e.g., Health department, liquor license, etc.), proof of required insurance, hold harmless agreements and any other documents identified in the application procedure.
- D. All fees required for the event must be paid prior to issuance of a permit.

18.68.022 Approval/Denial of Special Event Permit

- A. The completed application will be reviewed by a panel consisting of the City Manager, City Clerk, Planning Director, Public Works Director, Police Chief and any outside agency whose services may be needed or impacted by the event. Once the review is completed, the applicant will be notified whether the application has been approved or denied.
- B. If approved, the Special Events Coordinator will collect the appropriate fee and issue the permit for the Special Event in the form of a Letter of Understanding between the City and the event sponsor(s).
- C. If denied, the Special Events Coordinator will notify the applicant and give the reason for denial. If time permits, the applicant may correct the reasons for denial and resubmit the application for approval.
- D. Any event subject to the provisions of this article that is staged without complying with all conditions of this article shall be subject to closure by the City Police Department.
- E. Appeal: An applicant denied a permit may appeal the denial, in writing, within fourteen (14) days of the date of the written denial by filing a written Notice of Appeal with the City Clerk. The appeal shall be heard at a regular City Council meeting which is more than seven (7) days later than the date upon which the appeal is filed. The appeal shall be decided after a properly noticed public hearing. The applicant/appellant shall first deposit with the City Clerk an amount sufficient to pay for the cost of publishing a public notice of the hearing on the appeal. The City Council decision on the appeal is final.

18.68.030 Effectiveness of Temporary Activity or Structure Permit.

Following administrative approval, the temporary activity or structure or Special Event shall be permitted for a period of ninety (90) days. No later than ten (10) working days prior to the termination of the initial ninety (90) day period, the applicant may file a written notice with the Planning Department, requesting that the temporary activity or structure be allowed to continue for an additional ninety (90) days. Under no circumstances shall a temporary activity or structure or Special Event be permitted to continue for more than 180 days, excepting project-specific, construction-related temporary uses, which may be permitted for longer periods. (Ord. 97-019 § 4, Exh. B.)

18.68.032 Effectiveness of Special Event Permit

Following administrative approval, a Special Event shall be approved for only the specified days and at the specified locations assigned to the event.

18.68.040 Permit location and general standards.

Temporary activities and structures may be located within all zones when consistent with the standards set forth herein below.

- A. Structure. All temporary structures shall be removed within five (5) days of the termination of authorized operation, leaving the site in the same condition as it was prior to the placement of the temporary use.
- B. Access and Circulation. Provisions for access and circulation shall be reviewed and approved by the Public Works Department and/or the Washington State Department of Transportation (as applicable.)
- C. Setbacks. Temporary activities and structures shall be setback consistent with the zoning district in which the activity or structure is located so as not to create a traffic hazard.
- D. Parking. Temporary activities and structures shall only be located where adequate provisions for off-street parking can be accommodated.
- E. Noise. Noise levels generated shall not be in excess of levels allowable in the zone that the temporary use is located consistent with Chapter 173-60 WAC, as may be amended, which is incorporated by reference herein.
- F. Hours of Operation. Temporary activities or structures used for the processing and/or sale of commodities shall maintain business hours that are not disruptive to the normal use of adjacent residential properties. Typically, this would occur during daylight hours, and on weekdays.

- G. Fumes, Odors and Dust. Temporary activities that create noxious fumes, offensive odors, or excessive amounts of airborne dust shall not be permitted or shall be required to meet applicable state standards regarding the control of such nuisances.
- H. Traffic. Traffic resulting from temporary activities shall not adversely affect surrounding properties or adjoining rights-of-way. (Ord. 97-019 § 4, Exh. B)
- I. Hazardous Activities.
 - a. The use of any pyrotechnic devices as defined in RCW 70.74.010 shall be prohibited on or in all City-owned property unless specifically approved in writing by the City Fire Marshal with seven (7) days notice to the City Council and written approval by the City Council.
 - b. No black powder or smokeless powder shall be sold in or during a Special Event on or in City property. No loose ammunition may be displayed or sold. Boxed ammunition may be sold if permitted by the applicant.
 - c. Gun shows at which gun sales are to occur shall have all firearms, including antique firearms made inoperable through the use of locks, "zip ties" or other devices to prevent the firearm from being loaded or discharged at the gun show. Sales by licensed firearms dealers may be permitted if permitted by the applicant. Sales by persons who have not been issued a valid Federal Firearms License may not be permitted on City property.
- J. Other Permit Requirements. The City may require proper insurance, indemnification and hold harmless agreements, proof of possession of any Federal, State, County or local required permits or licenses, damage deposits, deposits for payment for cleanup, traffic control, security and other similar requirements, including any applicable provisions for business licenses and collection and reporting of sales tax; which shall be identified in the permit.