

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE NO. 1309

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATING TO REGULATION OF SPECIALS EVENTS, AS CONTAINED IN SMC TITLES 3, 5, 10, OF THE STANWOOD MUNICIPAL CODE; AMENDING SMC 3.30.080 AND SMC 3.30.090 OF SMC CHAPTER 3.30 FEE SCHEDULE; AMENDING SMC 5.03.050 OF SMC CHAPTER 5.03 BUSINESS LICENSES; ADOPTING A NEW CHAPTER 5.06 SPECIAL EVENTS; REPEALING SMC CHAPTER 5.10 AUCTIONING; AND REPEALING SMC CHAPTER 10.76 PARADES.

WHEREAS, a number of community and business groups desire to promote community involvement and activity by organizing special events; and

WHEREAS, the City Council supports these community activities as a means of promoting economic development and furthering community awareness; and

WHEREAS, existing regulations are located in various sections of the current municipal code and have not been updated recently; and

WHEREAS, the Washington Cities Insurance Association (WCIA) has published an updated recommendations addressing special events for use by member jurisdictions; and

WHEREAS, the City of Stanwood is a member of the WCIA; and

WHEREAS, special events may include activities involving assembly, and/or involving use of public property or travel with a common purpose on the public right of way, which does not comply with the usual traffic conditions or controls or the normal uses of the property; and

WHEREAS, special events held on private property may have a direct significant effect on traffic congestion or traffic flow over public streets or right of ways; and

WHEREAS, special events that include an open invitation to the public will significantly impact the need for city provided services, and would have a direct impact on public streets, rights of way, and emergency services;

WHEREAS, parades are included within the proposed definition of special events, and auctions will be reviewed as either a special event or with a temporary use permit depending upon the size of the activity,

WHEREAS, the Community Development Department filed a municipal code amendment, Application LZCA 12-02, on March 16, 2012; and

WHEREAS, the City Council referred a work program for consideration of special event related municipal code and zoning regulations to the Planning Commission on March 22, 2012; and

WHEREAS, consistent with the State Environmental Policy Act, RCW Chapter 43.21C ("SEPA"), the Responsible Official issued a SEPA Determination of Non Significance March 22, 2012; and

WHEREAS, pursuant to RCW Chapter 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed zoning text amendments; and

WHEREAS, City staff met with community representatives and business owners interested in the special event process on April 4 and April 18, 2012.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The Findings of Fact and Conclusions attached hereto as Exhibit A are hereby incorporated by this reference.

Section 2. Section 3.30.080 of SMC Chapter 3.30 Fee Schedule is amended to read as follows:

3.30.080 Business license annual fees.

General business	\$35.00
Festival license	(\$10.00 (plus \$10.00 per booth for first 10 booths and \$5.00 per booth for each additional booth over 10))
Animal shelters, kennels, pet shops, grooming services, see SMC 3.30.100, Dog License and Animal Control Fees.	

Section 3. Section 3.30.090 of SMC Chapter 3.30 Fee Schedule is amended to read as follows:

3.30.090 Temporary merchants license fees.

Temporary merchants	\$25.00 <u>35.00</u>
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Peddlers and solicitors (per person)	\$10.00 <u>20.00</u>
Mobile unit vending	\$35.00 <u>45.00</u>
Charitable solicitations	\$35.00 <u>45.00</u>
<u>Special Event</u>	<u>\$50.00 base including up to 10 concessionaires plus \$5 per concessionaire for each concessionaire over 10. The fee for city sponsored special events may be reduced by the City Council</u>

Section 4. Section 5.03.050 of SMC Chapter 5.03 Business Licenses is amended to read as follows:

5.03.050 Fees – Business license.

- (1) The fee for the business license required by this chapter shall be established by ordinance of the city council. The fee may be pro-rated as necessary to conform to SMC 5.03.070. The license fee for commercial, home occupation, contractor, ~~or festival (including Mayfest)~~ business licenses shall be as listed in SMC 3.30.080. Fees for temporary merchant, special event, peddler, solicitor, mobile vending unit or charitable solicitation business licenses shall be as listed in SMC 3.30.090.
- (2) The license fee shall be in addition to any license fee or tax imposed or levied under any law or other ordinance of the city except as otherwise expressly provided.
- (3) The following shall be exempt from payment of fee:
 - (a) Nonprofit and not-for-profit activities and fundraising sales carried on by corporations registered as nonprofit by the Secretary of State's Office.
 - (b) Garage sales, lawn sales, ~~attic sales~~, rummage sales, flea market sales, or any other similar casual sale of tangible personal property conducted on an infrequent basis not to exceed three times per each calendar year and not to exceed two consecutive

~~days at one time and which is advertised by any means whereby the public at large is or can be made aware of said sale;~~

~~(c) Persons selling personal property or providing a service pursuant to an order or process of a court of competent jurisdiction;~~

~~(d) Persons acting in accordance with their powers and duties as public officials;~~

~~(e) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement in which separate items do not exceed five in number.~~

~~(f) Persons, sales, or services arising out of Mayfest or Farmer's Market located within the city of Stanwood, Washington, or any other community event determined by the clerk treasurer to be exempt from the requirements of this chapter.~~

Section 5. A new Chapter 5.06 Special Events is hereby adopted as part of SMC Title 5 Business Licenses and Regulations and shall read as follows:

Chapter 5.06

SPECIAL EVENTS

5.06.010 Definitions.

5.06.020 Permit required.

5.06.030 Permit Application.

5.06.033 Signage.

5.06.035 Application for city sponsorship.

5.06.040 Approval.

5.06.050 Fees.

5.06.060 Departmental analysis.

5.06.065 Site and/or property restoration.

5.06.070 Insurance required.

5.06.080 Denial of special event permit.

5.06.090 Revocation of special event permit.

5.06.100 Appeal.

5.06.110 Violation – Penalty.

5.06.010 Definitions.

(1) "Special events" include any event in the City of Stanwood which is to be conducted on public property or on a public right-of-way; and, also, any event held on private property which would have a direct significant impact on traffic congestion; or traffic flow to and from the event over public streets or rights-of-way; or which would significantly impact the need for city-provided emergency services such as police, fire or medical aid. It is presumed that any

event on private property which involves an open invitation to the public to attend is presumed to be an event that will have a direct significant impact on the public streets, rights-of-way or emergency services. Special events might include, but not be limited to, fun runs, roadway foot races, fundraising walks, auctions, bikeathons, parades, carnivals, shows, exhibitions, filming/movie events, circuses, block parties, temporary markets, sporting events and fairs. This definition excludes events held on school district property and events held inside facilities zoned for use as a "meeting hall" as defined in SMC 17.20.1622 or 'house of worship/church" as defined in SMC 17.20.1260.

(2) "Special events protected under the First and Fourteenth Amendments" include any event involving political or religious activity intended primarily for the communication or expression of ideas.

(3) When the city determines that an event is neither a special event nor an allowed use in the applicable zone, a temporary use permit is required per SMC 17.100.080.

5.06.020 Permit required.

(1) No person or organization shall conduct a special event that affects the customary and ordinary use of public streets, rights-of-way, sidewalks and publicly owned property (i.e., parks) without first having obtained a special event permit from the city of Stanwood.

(2) A special event permit is not required for the following:

- (a) Funerals and weddings;
- (b) Groups required by law to be so assembled;
- (c) Gatherings of 30 or fewer people in a city park, unless merchandise or services are offered for sale or trade;
- (d) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;
- (e) Garage sales and rummage sales;
- (f) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; and
- (g) Other similar events and activities which do not directly affect or use city services or property.

5.06.030 Permit application.

(1) An application for a special event permit can be obtained at the office of the city clerk and will be completed and submitted to the city clerk no later than 120 days prior to the proposed event. A completed application does not constitute approval of the permit.

(2) A waiver of application deadline shall be granted upon a showing of good cause or at the discretion of the city clerk. The city clerk 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 circumstances 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 rights under the First and Fourteenth Amendments of the United States Constitution.

(3) The following information shall be provided on the special event permit application:

- (a) Purpose of the special event; name, address and telephone number of the sponsoring organization and/or individual(s);
- (b) Proposed date of event, location and hours of operation, schedule of events, and estimated attendance;
- (c) Special facility requirements and city assistance required; and
- (d) Sanitation requirements.
 - (i) Adequate waste disposal facilities shall be identified and information demonstrating how facilities will be obtained shall be provided.
 - (ii) Adequate restroom and washroom facilities shall be identified and information demonstrating how facilities will be arranged for or obtained by the applicant subject to the Snohomish Health District's review and certification process shall be provided.

(4) Permits and/or approvals /coordination from other public agencies (i.e., Community Transit, Department of Transportation) when required, must be submitted prior to the issuance of the permit.

(5) If a special event is proposed on private property, signature of the private property owner of record or authorized agent is required.

(6) Five days prior to the event, a complete list of concessionaires operating any booths shall be submitted to the city clerk, with payment of fees.

(7) The city may require other information deemed reasonably necessary to determine that the permit meets the requirements of this chapter.

(8) When an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States 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 liberty of applicants and the public.

5.06.033 Signage.

Signage for special events shall comply with SMC Chapter 17.110 Sign Standards.

5.06.035 Application for city sponsorship.

(1) An application for city sponsorship of a special event can be obtained at the office of the city clerk and will be completed and submitted to the city clerk no later than 120 days prior to the proposed event. The application shall include the information required in Section 5.06.030(3) and shall include cost estimates for any needed city services. City share of the cost of the event shall be determined by the city council at their discretion. Requests for city sponsorship shall be approved by the city council.

(2) A waiver of application deadline shall be granted upon a showing of good cause or at the discretion of the city clerk. The city clerk shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain city council approval for the event. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed.

(3) Criteria for approval of city sponsorship

(a) As part of the review of a city sponsorship the following findings shall be made:

(i) The event contributes to the marketing of the city.

(ii) The event will attract the general public into the downtown or uptown commercial areas and will be conducted in a way that creates potential for additional retail or service business transactions that contribute to the city's tax base.

(iii) The event provides recreation benefit to the general public.

(iv) The event promotes the general public welfare.

(b) As part of city sponsorship the City of Stanwood logo and/or text indicating the City role shall be included in signage, posters and other advertising materials for the event.

5.06.040 Approval.

Based on the type of event and the extent to which city services will be required, approval or denial of special event permit applications will be made by the following authorities:

(1) Administrative Approval/Denial by City Administrator.

(a) One-day events not involving street closures when special parking arrangements and hiring of police officers for crowd

control and traffic control do not impact services citywide as determined by the city administrator.

- (b) One-day events involving street closures issued a special event permit pursuant to SMC Chapter 5.06 in the prior year when the size, scope, and operating conditions of the event are not significantly changed from the prior year as determined by the city administrator
- (c) One-day events on private property which involve an open invitation to the public to attend.

(2) Approval/Denial by City Council.

- (a) All special events processed the first time under SMC Chapter 5.06 Special Events except one day events on private property.
- (b) Multiple-day events (four days maximum) or any event involving impacts to services city-wide. Events lasting more than four days shall be subject to submittal of additional information as required by city staff.
- (c) New events involving street closures.
- (d) Events involving street closures that occurred in the prior year when a significant change(s) is planned in the size, scope, and operating conditions of the event as determined by the city clerk.
- (e) City sponsored events.

(3) The city council will be advised of all special event approvals made by the city staff.

(4) Notification.

Notice of special events that require city council approval shall be posted on the event site. The applicant shall be responsible for posting the event in a format approved by the city clerk a minimum of ten days prior to the scheduled city council meeting. When an event involves street closures the beginning and end of the closure route and any intersecting streets shall be posted.

5.06.050 Fees.

Except as otherwise provided herein, fees for special event permits shall be in accordance with the fee schedule for special events provided in SMC Chapter 3.30 Fee Schedule.

5.06.060 Departmental analysis.

(1) City staff review shall include a representative from all departments. The city clerk will send copies of special event permit applications to all pertinent city departments for review and determination of services required.

(2) The applicant is required to coordinate with the Stanwood police department and public works department to employ police officers

for security and traffic control as determined by the departmental analysis.

(3) Cost of city services (i.e., police, public works employees, etc.) for special events will be estimated prior to the event. Additional costs incurred will be evaluated following the completion of the event. The city may in its discretion require a cash deposit for such costs as a condition of permit approval prior to issuance of a special event permit.

(4) If city sponsorship is requested the city financial contribution to the event shall be determined as part of the departmental analysis. The city may at its discretion provide for the full or partial cost of police and public works services for city sponsored special events.

5.06.065 Site and/or property restoration.

(1) Cleanup.

The permittee is required to clean all permitted public and private properties and the right-of-way of rubbish and debris, returning it to its pre-event condition. If the permittee fails to clean up such refuse, the clean-up will be arranged by the city and the costs charged to the permittee. The city may in its discretion require a cash cleanup deposit.

(2) Damage to city property.

The city reserves the right to charge the event permittee the replacement cost for any documented damage to city property occurring during a special event. The city may in its discretion require a cash damage deposit.

5.06.070 Insurance required.

The applicant for a special event that does not involve the exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution is required to obtain and present evidence of comprehensive liability insurance (i.e., certificate of insurance) naming the city of Stanwood as an additional insured for use of streets, public rights of way and publicly owned property such as parks. The insurance policy shall be written on an occurrence basis and shall provide a minimum of \$1,000,000 for individual incidents, \$2,000,000 aggregate, per event, against all claims arising from permits issued pursuant to this chapter. The insurance policy period shall be for a period not less than twenty-four (24) hours prior to the event and extending for a period not less than twenty-four (24) hours following completion of the event. In circumstances posing a significantly high risk of liability, the city may, in its discretion, increase the minimum insurance requirements, and in circumstances posing a significantly low risk of liability, the city may in its discretion reduce the minimum insurance requirements.

5.06.075 Permit conditions.

The city 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 and rights of persons and property, and the control of traffic.

- (1) The following conditions apply to all special event permits:
 - (a) Alteration of the time, place and manner of the event proposed on the event application;
 - (b) Conditions concerning the area of assembly and disbanding of an event occurring along the route; and
 - (c) Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.
- (2) Conditions on special event permit that does not involve activities protected by the First and Fourteenth Amendments of the United States Constitution include but are not to:
 - (a) Requirements for the use of traffic cones or barricades;
 - (b) Requirements for the provision of first aid or sanitary facilities;
 - (c) Requirements for use of event monitors and providing notice of permit conditions to event participants;
 - (d) Restrictions on the number and type of vehicles, animals or structures at the event, and the inspections and approval of floats, structures, and decorated vehicles for fire safety;
 - (e) Compliance with animal protection laws.
 - (f) Requirements for use of garbage containers, cleanup, and restoration of city property;
 - (g) Restrictions on the use of amplified sound and compliance with noise laws;
 - (h) Notice to residents and/or businesses regarding any activity which would require a street closure;
 - (i) Restrictions on the sale and/or consumption of alcohol;
 - (j) 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;
 - (k) Requirements regarding the use of city personnel and equipment; and
 - (l) Compliance with any other applicable federal, state or local laws and regulations.

5.06.080 Denial of special event permit.

Reasons for denial of a special event permit include, but are not limited to:

- (1) The event will disrupt traffic within the city of Stanwood beyond practical solution;

- (2) The event will protrude into the public space open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering the public;
- (3) The event will interfere with access to emergency services;
- (4) The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents;
- (5) The event will require the diversion of so many city employees that it would unreasonably affect other city services;
- (6) The application contains incomplete or false information;
- (7) The applicant fails to provide proof of insurance; and/or
- (8) The applicant fails to obtain local, county, state and federal permits as required.

5.06.090 Revocation of special event permit.

- (1) Any special event permit issued pursuant to this chapter may be revoked by the city administrator if the city administrator determines:
 - (a) That the special event cannot be conducted without violating the provisions of this chapter and/or the conditions of the special event permit;
 - (b) The special event is being conducted in violation of the provisions of this chapter and/or any condition of the special event permit;
 - (c) The special event poses a threat to the public health and/or safety;
 - (d) Conditions such as severe weather or other circumstances beyond the control of the city or the permittee have created or are likely to create conditions detrimental to the health and safety of the public and/or the event participants.
 - (e) The permittee has failed to obtain any other permit required by the city or pursuant to other local, state and/or federal law;
 - (f) The special event permit was issued in error or contrary to applicable law;
 - (g) The permittee has not paid all applicable city fees when due;
 - (h) The participants in the special event are engaged in illegal activities; and/or
 - (i) The applicant fails to comply with conditions of the permit determined by city staff during departmental analysis.
- (2) Except as otherwise provided in this section, revocation of a special event permit shall be in writing, shall describe the reasons for the revocation and shall be mailed, electronically transmitted and/or hand-delivered to the permittee.
- (3) If there is an emergency requiring immediate revocation of a special event permit, the city clerk may verbally notify the permittee of the revocation and the reasons for the revocation.

5.06.100 Appeal.

(1) The applicant may appeal any administrative denial or revocation of a special event permit to the city council. Any such appeal shall be made in writing, shall specify the grounds for the appeal and shall be submitted to the city clerk within seven (7) calendar days of the issuance of the permit denial or revocation.

(2) The applicant may appeal any city council denial of a special event permit to Snohomish County Superior Court. Any such appeal shall be made in writing, shall specify the grounds for the appeal and shall be made within twenty-one (21) calendar days of the permit denial.

5.06.110 Violation – Penalty.

(1) It shall be unlawful for any person or organization to sponsor and/or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued and remains in effect 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 or with the knowledge that a once valid permit has expired or been revoked.

(2) The special event permit authorizes the permittee 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 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 or to continue with the event if the permit is revoked or expired.

(3) Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein.

Section 6. SMC Chapter 5.10 Auctioning of SMC Title 5 Business Licenses and Regulations is hereby repealed in its entirety.

Section 7. SMC Chapter 10.76 Parades of SMC Title 10 Vehicles and Traffic is hereby repealed in its entirety.

Section 8. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 9. This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

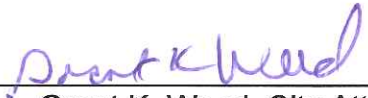
PASSED by the City Council and signed by the Mayor this 24th day of May, 2012.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: 
Melissa A. Collins, City Clerk

By: 
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

1. The Community Development Department filed a municipal code text amendment, Application LZCA 12-02 on March 16, 2012.
2. Consistent with the State Environmental Policy Act, RCW Chapter 43.21C (“SEPA”), the Responsible Official issued a SEPA Determination of Non Significance on March 22, 2012.
3. Pursuant to RCW Chapter 36.70A.106, the City has notified the Washington State Department of Commerce of the City’s intent to adopt the proposed municipal code amendments.
4. At a regularly scheduled City Council meeting on May 24, 2012, which was open to the public, and after review of the applications, staff reports, and Planning Commission recommendations and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second reading of Ordinance No. 1309 relating to regulation of specials events, signage for special events, as contained in SMC Titles 3, 5, 10, of the Stanwood Municipal Code; amending SMC 3.30.080 and SMC 3.30.090 of SMC Chapter 3.30 Fee Schedule; amending SMC 5.03.050 of SMC Chapter 5.03 Business Licenses; adopting a new Chapter 5.06 Special Events; repealing SMC Chapter 5.10 Auctioning; and repealing SMC Chapter 10.76 Parades;

Conclusions/Decision:

Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council adopts the following conclusions and decisions.

1. Amend Title 3 Revenue and Finance to:
 - a. Adopt a new special event fee of \$50.00 base including up to 10 booths plus \$5 per booth for each booth over 10,
 - b. Increase fees for temporary merchants,
 - c. Delete the existing festival and convention fee.
2. Amend Title 5 Business Licenses and Regulations Section SMC 5.03.050 to add reference to the new special event fee and to make housekeeping amendments the section addressing activities exempt from fees.
3. Adopt a new Chapter 5.06 Special Events:
 - a. Establish a new definition of “special events” to include :
 - i. Any event in the City of Stanwood conducted on public property, or on a public right-of-way, or
 - ii. Held on private property which would have a direct significant impact on traffic congestion or traffic flow to and from the event over public streets or rights-of-way; or
 - iii. Any event which would significantly impact the need for City-provided emergency services such as police, fire or medical aid; or
 - iv. Any event on private property which involves an open invitation to the public to attend
 - v. Exclude events held on School District property and events held inside facilities zoned for use as a “meeting hall” or ‘house of worship/church” from this definition.
 - b. Provide criteria for City sponsorship of special events.

- c. Require inclusion of the City of Stanwood logo and/or text indicating the City role shall be included in signage, posters and other advertising materials for the event.
 - d. Establish an approval process for City Council approval for first time special events, events modified from the prior year, new first time street closures and city sponsored events.
 - e. Provide for administrative review of private events and one-day events not involving street closures when the event does not impact services citywide and when the size, scope, and operating conditions of the event are not significantly changed from the prior year.
 - f. Provide procedures to cover the cost of City services.
 - g. Provide for site and/or property restoration and damage to City property.
 - h. Require insurance for special events.
4. Repeal SMC Chapter 10.76 Parades.
5. Repeal SMC Chapter 5.10 Auctioning.