

## Chapter 5.10

### SPECIAL EVENT PERMITS AND CONTRACTS

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**5.10.010 Definition.** "Special Event" is any activity, which occurs upon public or private property that will affect the standard and ordinary use of public streets, rights-of-way, or sidewalks, and/or which requires extraordinary levels of City services. This includes but is not limited to fairs, festivals, carnivals, sporting events, foot runs, bike-a-thons, markets, parades, exhibitions, auctions, dances, and motion picture filming. (Ord. 1922, 1999)

#### **5.10.020 Permit and Contract Requirements.**

- A. No person or organization shall conduct a special event without first having obtained a Special Event Permit from the City of Snohomish.
- B. Those events of a scope not Administratively Approved by the City Manager will require entering into a Special Event Contract with the City of

Snohomish. The form of the Special Event Contract is to be approved by the City Attorney. (Ord. 2051, 2004)

- C. When a special 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 constitutional freedoms, and in a manner that respects the liberty of applicants and the public. (Ord. 2129, 2007)

**5.10.030 Permit Application.** An application for a Special Event Permit will be made in writing on forms provided by the office of the City Clerk and completed applications will be submitted to the City Clerk. (Ord. 1922, 1999)

A Special Event Permit Application must be submitted sixty (60) days prior to the event. Exceptions to this requirement may be approved by the City Manager. (Ord. 1922, 1999)

#### **5.10.040 Staff Review.**

- A. The application shall be received and date stamped at City Hall by the City Clerk, who shall coordinate the process of City Department Review. Copies of the application shall be sent to the Staff Review Committee for comments. This Committee consists of the City Engineer, City Planner, City Clerk, Public Works Manager, Building Official, Police Commander, and Fire Department Representative, or their designees. Preliminary staff comments shall be assembled from the Staff Review Committee. A Special Events Contract shall be drafted by the City Clerk and reviewed by the City Manager and City Attorney. A copy will be forwarded to the applicant in a timely manner. (Ord. 2051, 2004)

- B. Any department head may recommend conditions that are considered necessary to protect the public health and safety. The Chief of Police, Fire Chief, and Building Official shall each review the plan for the event and must approve the plans as amended by staff conditions.
- C. The applicant shall have the opportunity to respond to all comments and conditions of the Permit and Special Events Contract either in writing or at a meeting with staff within a two-week period. (Ord. 2051, 2004)

**5.10.050 Citizens' Advisory Board Review.** Repealed (Ord. 2051, 2004)

**5.10.060 Approval.**

- A. Approval by the City Manager: Administrative approval for events of one day or less, contained on a single site or involving minor interruption of normal traffic flow.
- B. Approval by the City Council: All Special Event Permits not Administratively Approved by the City Manager and all Special Event Contracts shall be placed on the City Council agenda with the staff report for final action. (Ord. 2051, 2004)
- C. The City may condition the issuance of a special events 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. The following conditions apply to all special events permits:
  - 1. Alteration of the time, place, and manner of the event proposed on the application.
  - 2. Conditions concerning the area of assembly and disbanding of an event occurring along a route.

- 3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

Conditions on special events permits not protected under the First and Fourteenth Amendments of the U.S. Constitution, may include, but are not limited to:

- 1. Requirements for the use of traffic cones or barricades.
- 2. Requirements for the provision of first aid or sanitary facilities.
- 3. Requirements for use of event monitors and providing notice of permit conditions to event participants.
- 4. 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 safety.
- 5. Compliance with animal protection ordinances and laws.
- 6. Requirements for use of garbage containers, cleanup, and restoration of City property.
- 7. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations, and laws.
- 8. Notice to residents and/or businesses regarding any activity which would require street closure.
- 9. Restrictions on the sale and/or consumption of alcohol.
- 10. 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.

11. Requirements regarding the use of City personnel and equipment.
12. Compliance with any other applicable federal, state, or local law or regulation, including the other provisions of this Chapter.
13. Payment to the City of the cost of providing 2 police officers per 1,000 attendees; provided that:
  - a. Said number of police officers may be increased or decreased by the Chief of Police in accordance with the Chief's written assessment of the event's public safety risks based on past experience with the special event in question or with similar events; and
  - b. Said payment shall be made by paying 25% of the cost prior to issuance of the special event permit and the remaining 75% within 30 days following the special event; and
  - c. For City sponsored special events, the City's financial contribution to the event may include the City absorbing some or all of the cost of providing said number of police officers.

(Ord. 2129, 2007; Ord. 2166, 2009)

**5.10.070 Business License Required.** All vendors operating a revenue generating business, as part of a non-profit organization sponsored event, shall obtain and display a special, limited business license. The City Clerk, upon receipt of a completed business license application form from a vendor approved by the Special Event applicant,

will issue this special license to the vendor. The fee for this special license shall be established by resolution and applied to each vendor participating in the event. This special limited business license will be valid only during the special event or up to four (4) days per year.

Vendors participating in events of more than four days per year shall require a regular business license with an annual fee established by resolution. (Ord. 2051, 2004)

**5.10.080 Insurance/Performance Bond Required.** For an event not protected by the First and Fourteenth Amendments of the United States Constitution:

- A. If the permit or Special Events Contract includes permission to use City property, streets, or rights-of-way, the applicant will be required to obtain and present evidence of comprehensive liability insurance naming the City of Snohomish as an additional insured. The insurance requirement is a minimum of \$2,000,000 combined single limit per event against all claims arising from permits issued and events or activities authorized pursuant to this chapter. (Ord. 2051, 2004; Ord. 2129, 2007)
- B. As part of the Special Events Contract, the applicant may be required to provide a performance bond in an amount up to the estimated staff costs determined by the City. This requirement would be based on lack of historical dealings with the applicant, or by applicant's previous failure to comply with provisions of an earlier contract. The City Attorney shall approve the form of the performance bond. (Ord. 2051, 2004; Ord. 2129, 2007)

**5.10.085 Cleaning/Damage Deposit.** For an event not protected by the First and Fourteenth Amendments to the United States Constitution, an applicant may be

required to submit to the City a cleaning/damage deposit of \$200 for each scheduled day of the event, two weeks prior to the starting of the event. The deposit shall be refunded to applicant if, upon inspection, all is in order, or a prorated portion thereof as may be necessary to reimburse the City for loss or cleaning costs. The City reserves the right to retain the entire deposit if clean up is not completed satisfactorily in the time frame as specified in the special events contract. (Ord. 2051, 2004; Ord. 2129, 2007)

**5.10.087 Exemptions from Fees, Special Events Contract, and Insurance.** No fee, Special Event Contract, or insurance requirement shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee and other requirements apply include the nature of the event, the extent of commercial activity, such as the sales of food, goods, and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; and if part of any annual tradition or series, previous events in the sequence and the public perception of the event. (Ord. 2129, 2007)

**5.10.090 Denial of Permit.** Reasons for denial of a Special Event Permit include, but are not limited to:

- A. The event will disrupt traffic within the City beyond practical solution.
- B. The event will create a likelihood of endangering the public.
- C. The event will interfere with access to emergency services.

- D. The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents.
- E. The event will require the diversion of City resource(s) that would unreasonably affect the maintenance of regular City service levels.
- F. The application contains incomplete or false information.
- G. The applicant fails to provide proof of insurance.
- H. The applicant fails to obtain a City business license.
- I. Inadequate provision for garbage and debris removal.
- J. Inadequate provision of temporary restroom facilities. (Ord. 1922, 1999)
- K. Inadequate provisions for parking.
- L. The City and the Applicant are unable to reach terms to sign a Special Event Contract. (Ord. 2051, 2004)

**5.10.095 Penalties.** Violation of this Chapter shall be considered a civil violation pursuant to SMC 1.01.080 and Chapter 1.14 SMC, except as otherwise provided therein. (Ord. 2051, 2004; Ord. 2155, 2008)

**5.10.100 Notification.** The City may condition any special event permit and Special Event Contract on a requirement that the permittee give written advance notice of the event and its probable impact to any property owners or tenants who will be impacted by the event. (Ord. 2051, 2004)

**5.10.110 No Special Duty Created.** It is the purpose of this ordinance to provide for health, welfare, and safety of the general public, and not to create or otherwise

establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. No provision or term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees for who the implementation or enforcement of this ordinance shall be discretionary and not mandatory.

Nothing contained in this ordinance is intended to be, nor shall be construed to create or form the basis for any liability on the part of the City or its officers, agents, and employees for any injury or damage connected to the use for which the permit is issued. (Ord. 1922, 1999)

**5.10.120 Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances. (Ord. 2051, 2004)