

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2129

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING CHAPTER 5.10 SNOHOMISH MUNICIPAL CODE, “SPECIAL EVENTS PERMITS AND CONTRACTS” BY ADDING A NEW SUBSECTION C TO SECTION 5.10.020 PERMIT AND CONTRACT REQUIREMENTS; BY ADDING A NEW SUBSECTION C TO SECTION 5.10.060 APPROVAL; BY AMENDING 5.10.080 INSURANCE/ PERFORMANCE BOND REQUIRED; BY AMENDING 5.10.085 CLEANING/DAMAGE DEPOSIT; AND BY ADDING A NEW SECTION 5.10.087 EXEMPTIONS FROM FEES, SPECIAL EVENTS CONTRACT AND INSURANCE TO MAKE PROVISION FOR EVENTS PROTECTED BY THE FIRST AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION

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

Section 1. Section 5.10.020 Snohomish Municipal Code is hereby amended to add a new Subsection C reading as follows:

- 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.

Section 2. Section 5.10.060 Snohomish Municipal Code is hereby amended to add a new Subsection C reading as follows:

- 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.

Section 3. SMC Section 5.10.080 “Insurance/Performance Bond Required” is hereby amended to read as follows:

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.
- 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.

Section 4. SMC Section 5.10.085 “Cleaning/Damage Deposit” is hereby amended to read as follows:

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.

Section 5. A new section 5.10.087 “Exemptions from Fees, Special Events Contract and Insurance,” is hereby enacted, reading as followed:

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.

Section 6. If any section, sentence, clause, phrase, part, or portion of this ordinance is for any reason held to be invalid, or unconstitutional, by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED by the City Council and **APPROVED** by the Mayor this 5th day of June, 2007.

CITY OF SNOHOMISH

By _____
Randy Hamlin, Mayor

Attest:

Approved as to form:

By _____
Torchie Corey, City Clerk

By _____
Grant K. Weed, City Attorney