

## Chapter **9.325.30** PARADES AND SPECIAL EVENTS

### Sections:

#### **9.325.30.010 Definitions.**

In this chapter, unless a different meaning plainly is required, the following definitions shall apply:

- A. "Chief of police" means the chief of police of the city of Lynden.
- B. "City" means the city of Lynden.
- C. "Parade" means a large group of persons with or without animals or vehicles moving in a public procession or march in or upon any street, sidewalk, park, or other public place. A large group of persons means a group of more than fifteen persons.
- D. "Special events permit" means a permit as required by this chapter.
- E. "Special event" means an event organized by any person or which will generate or invite considerable public participation and/or spectators, for a particular and limited purpose and time, including, but not limited to concerts, fun runs, roadway foot races, fundraising walks, bike-a-thons, carnivals shows, exhibitions, circuses and fairs. Special events are not limited to those events conducted on the public streets but may occur on private property. This code does not include public dances as specified under LMC 5.32.
- F. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Street" or "Streets" means any public highway, sidewalk, alley, or portions thereof in the city of Lynden dedicated to the public use.

(Ord. 1141 § A (part), 2002).

#### **9.325.30.020 Permit—Required—Exceptions.**

A. Permit Required: No person shall engage in, participate in, aid, form or start a special event or parade unless a permit has been obtained. Applications for permits must be obtained from the city administration office, completed by the applicant, and returned to the city administration office.

B. Indemnification Agreement: In addition, the applicant must file an "Indemnification Agreement" in order to obtain a permit. "Indemnification Agreement" forms must be obtained from the city administration office, completed and signed by the applicant and returned to the city administration office. In order for a permit to issue, the "Indemnification Agreement" must be signed on behalf of the city by the mayor or his or her designee.

A-C. Insurance Requirements:..General liability. \$1,000,000, etc.

B-D. Permit Exemptions: This chapter shall not apply to the following:

1. Funeral and wedding processions;

**Commented [DT1]:** Decide if this is going to be handled elsewhere? Submitted to...Comm Dev?

**Commented [DT2]:** Rewrite this section a bit so this (Indemnification / Insurance requirements) have their own letter (bullet) - add info on the insurance requirement - liability with numbers if we wish. And are there any other exemptions to consider at this time? Some cities have a number of persons exemption - 75 or 100 people.

**Commented [DT3]:** I might ask our insurance provider what they'd like to see for numbers and types.

**Commented [DT4]:** Some cities include an exemption according to the number of people expected to be at the event - less than 100, or 75....

Also, another exemption was for "Private events on private property that have no impact on city services"

2. 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;
3. A governmental agency including military units of the State of Washington and the United States acting within the scope of its functions;
4. Groups required by law to be so assembled;
5. Groups which are permitted by the U.S. Constitution and/or Washington State Constitution to be so assembled without the necessity of obtaining a permit as a condition precedent; or
6. The Northwest Washington Fair.

**Commented [DT5]:** What would this be?

**Commented [DT6]:** Rewrite this exemption to make it more clear. Other city codes reference "Constitutionally protected" events - political or religious activities intended primarily for the expression of ideas. Some cities still require the permit for these activities but waive fees, etc.

**Commented [DT7]:** Is this listed exemption necessary? I am absolutely fine keeping it here just so it is clear.

One question that it brings up might be other groups using the Fairgrounds property during other times of the year? Camping events, horse events, rodeo, concerts, homeshows, etc.

C.E. The city administrator shall have the authority to renew permits for regularly recurring events without requiring the applicant to submit a new application for subsequent editions of the recurring event. Permits issued for recurring events shall be known as "annual permits." In order to obtain a renewal of an annual permit, the applicant must notify the city administrator in writing no less than sixty days prior to the event. In addition to the date upon which the event will be held, the applicant seeking a renewal must inform the city administrator of any changes between the most recent previous edition of the event and the edition contemplated by the renewal. If the city administrator denies the renewal, he or she must do so no later than twenty-five days prior to the date upon which the event is scheduled to occur. The applicant may appeal from a denial of a request for renewal of an annual permit as provided in this chapter.

(Ord. 1141 § A (part), 2002).

**Commented [DT8]:** We may want to rewrite this section a little. Do we have an "annual permit" or a "permit renewal" form. It is probably just assumed on paper but not with a new permit form. My sense is that most cities still require a new permit every year even for reoccurring annual events - forces them to address any changes that may have occurred over the years.

#### **9.325.30.030 Permit—Application and contents.**

- A. A person seeking issuance of a special event permit shall file an application with the city administration office on forms provided by the city.
- B. Filing period. An application for a special event permit shall be filed with the city administration office not less than sixty days before the date on which it is proposed to conduct the parade or special event.
- C. Contents. The application for a parade or special event permit shall set forth the following information:
  1. The name, address and telephone number of the person seeking to conduct such special event;
  2. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
  3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
  4. The date when the event is to be conducted, and a detailed description of the event to be held;
  5. The location held or the route to be traveled, the starting point and the termination point;

**Commented [DT9]:** 60 days is pretty standard. Other cities require anywhere between 30 and 90 days. Some list 60/90 days with the City administrator given some leeway authority for less time.

**Commented [DT10]:** Our application is mostly ok and seems to include similar questions as other cities. May need to update it as this code is updated.

Do we want more info on the application regarding street closure requests?

6. The number of persons who it is anticipated will participate in said event and the numbers and types of animals and vehicles that will be used in said event;
7. The hours when such event will start and terminate;
8. A statement as to whether the event will occupy all or only a portion of the width of any streets proposed to be traversed;
9. The location by streets of any assembly areas for such event;
10. The time at which units of the event will begin to assemble at any such assembly area or areas;
11. Agent authorization. If the special event is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city administration office a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his or her behalf.

(Ord. 1141 § A (part), 2002).

#### **9.325.30.040 Permit—Issuance standards.**

The city administrator or his or her designee shall issue a permit as provided for under this chapter, when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that the following conditions exist:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- E. The conduct of such special event will not interfere with the movement of fire fighting equipment en route to a fire;
- F. The special event or parade is scheduled to move from its point of origin to a point of termination expeditiously and without unreasonable delays en route;
- G. The special event is not to be held for the sole purpose of advertising any product, goods or other event, and is not designed to be held purely for private profit;
- H. That the indemnification agreement required to have been submitted with the application for a permit is in proper order and has been countersigned by the Mayor or his or her designee as required in LMC 9.32.020(A).

(Ord. 1141 § A (part), 2002).

**Commented [DT11]:** Do we want to discuss who is the final signatory of the permit? The City Administrator is not uncommon to be the approver, but some cities make it the Police Chief or PW. Parks...if the event is in a park. Most have the Administrator after review by the separate departments.

**Commented [HG12]:** Add any additional insurance requirements.

**Commented [DT13R12]:** Yes. Those should probably be added as a separate bullet in 020. See my comment in that section.

#### **9.325.30.050 Permit—Rejection—Notice.**

The city administrator or his or her designee shall act upon the application for a special event permit as promptly as is administratively feasible and shall notify the applicant of ~~their his~~ ~~or her~~ decision no later than twenty-five days prior to the date upon which the event is proposed to be held. If the city administrator disapproves the application, ~~theyhe~~ shall notify the applicant of ~~theirhis~~ reasons for the denial of the permit.

(Ord. 1141 § A (part), 2002).

#### **9.325.30.060 Permit—Rejection—Appeal.**

Any person aggrieved shall have the right to appeal the denial of the permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.

(Ord. 1141 § A (part), 2002).

**Commented [HG14]:** Clarify the appeal process.

**Commented [DT15R14]:** City Council appeal is common in other cities. Some say if there isn't time before the next Council meeting that the Administrator can hear the appeal. We might want to clarify what is appealable or how an appeal might be upheld.

#### **9.325.30.070 Permit—Alternate.**

The city administrator, in denying an application for a special event permit, shall be empowered to authorize the conduct of the event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the city administrator, file a written notice of acceptance with the city administrator. An alternate permit shall conform to the requirements of and shall have the effect of a special event permit under this chapter.

(Ord. 1141 § A (part), 2002).

#### **9.325.30.080 Permit—Notice to officials—Contents.**

- A. Immediately upon receiving a completed application for a special event permit, the city administrator ~~or their designee~~ shall forward the application to the following personnel for their review prior to issuing the permit:

1. The chief of police;
2. The fire chief;
3. The public works director;
4. If the application proposes to use city park facilities, the parks ~~director~~.

- B. If the event is a parade, each permit shall state the following information:

1. Starting and terminating time;
2. The portions of the streets to be traversed that may be occupied by the parade;
3. Such other information as the chief of police and fire chief shall find necessary to the enforcement of this chapter;
4. The number of participating vehicles;
5. The number of participating pedestrians.

(Ord. 1141 § A (part), 2002).

**Commented [DT16]:** While the review by all the departments seems a bit onerous, it is probably warranted. Police and Fire should be aware and the directors may need to decide to post additional officers or fire apparatus specifically for the event. PW obviously needs to know if road closures / barriers are going to be necessary. Most cities charge the event for this service - some require a monetary deposit (that can be used for cleanup or even public costs incurred). I saw at least one that stated the event organizers are responsible for placing barriers, etc.

(Ord. No. 1586, § 1, 6-17-19)

**9.325.30.085 Animal prohibition.**

- A. General Authority. At the request of the chief of police, the parks director if the special event will use city park facilities, or on his or her own initiative, the city administrator may condition the approval of a special event permit on the limitation or prohibition of animals from the event area during the hours of the special event. Such a condition on a special event permit approval shall require a written finding by the city administrator that the presence of animals would present an undue risk to the health and safety of persons or animals attending the event.
- B. Specific Special Event Prohibitions. Animals are prohibited from all event areas of the following event in the city: annual Raspberry Festival.
- C. Signage. Permittees for any special event for which animals are restricted or prohibited pursuant to subsections (A) or (B) herein shall post conspicuous signage in and around the event area. Said signage must clearly describe the event area from which animals are restricted or prohibited. Sign locations and content shall be approved in advance by the city administrator or his or her designee.
- D. Exemptions. This section does not apply to:
  - 1. Service animals as defined in the Americans with Disabilities Act, 42 USC § 12101 et seq. or the Washington Law Against Discrimination, Chapter 49.60 RCW; or
  - 2. Animals being used by a public officer in the performance of official duties.

(Ord. No. 1586, § 2, 6-17-19)

**9.325.30.090 Permit—Compliance with directions—Display.**

- A. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The chair~~man~~ of the event, or other person heading or leading such activity shall carry the special event permit upon ~~their~~~~his~~ person throughout the entire duration of the event.
- C. The chair~~man~~ of the event, or other person heading or leading such activity shall be responsible for dissemination to every person responsible for each component of a special event and/or any entry in a parade, of the pertinent law and safety regulations for participation in such activity as set forth in the special event permit.
- D. Any violations of the requirements set forth in the special event permit will be grounds for immediate revocation of the permit and termination of the event.

(Ord. 1141 § A (part), 2002).

**9.325.30.100 Public conduct.**

- A. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or event assembly or with any person, vehicle or animal participating or used in an event.
- B. No driver of a vehicle shall drive between the vehicle or persons comprising a special event or parade when such vehicles or persons are in motion.

**Commented [DT17]:** I don't think I saw an "Animal Prohibition" section in any other city code. Is there some history on this section...? I'm guessing the Razz Fest wanted to prohibit dogs at some point. I am fine keeping this section but is there further clarification that might be good to consider. Any other events that should explicitly prohibit animals?

**Commented [DT18]:** I don't think I saw a "Public Conduct" section in any other codes.

- C. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event or parade. The city shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof and the same may be impounded for safekeeping by the city police. No person shall be liable for parking on an unposted street.
- D. Whenever animals have been limited or prohibited from an event area pursuant to Section 9.32.085(A) or (B), no person having custody of an animal may knowingly cause or allow the animal to be in the area designated for the event during event hours, except as specified in Section 9.32.085(D).

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 3, 6-17-19)

#### **9.325.30.110 Violation—Penalty.**

Any person found guilty of a violation of the provisions of **9.325.30.100** shall be deemed guilty of a misdemeanor.

(Ord. 1141 § A (part), 2002).

**Commented [HG19]:** Clarify the penalty. Civil? Or Misdemeanor?

**Commented [DT20R19]:** Most that I found made it a misdemeanor with possible fines (\$500 is common). A couple made it a civil infraction.

#### JW Comments

Some other factors that need to be discussed and considered in the issuance of permits:

- Fee?
- Requirements for street closures i.e. traffic plan, barricades and control requirements
- What is the threshold we should require security or police presence
  - 60-75?
  - Alcohol
- Must provide own trash collection and disposal
- Comfort stations
- Insurance requirements
- Processing of applications and required forms needs review

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