

ORDINANCE NO. O2025-005

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Tumwater Municipal Code (TMC) 12.28, Public Events, as more particularly described herein.

WHEREAS, the City of Tumwater desires to adopt a comprehensive administrative review and approval process for Special Events that is efficient, clear, and predictable for both City staff and event organizers; and

WHEREAS, it is part of the City of Tumwater Strategic Priorities to provide sustainable quality public safety services and expand the Community Risk Reduction Program; and

WHEREAS, Special Events provide the Tumwater community with substantial public benefits, including cultural enrichment, economic vitality, tourism, and enhanced community identity and pride; and

WHEREAS, regulation of Special Event permits for Parades, Processions and other assemblies occurring throughout the City supports public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12.28, Public Events, of the Tumwater Municipal Code is hereby amended to read as follows:

PUBLIC EVENTS-SPECIAL EVENTS

PERMITS

- 12.28.005 Purpose**
- 12.28.010 ~~Public Event Defined.~~ Definitions.**
- 12.28.020 Permit required.**
- 12.28.030 Permit application.**
- 12.28.040 Grounds for Denial of Permit.**
- 12.28.050 Permit Conditions.**
- 12.28.060 Hold Harmless, Indemnification, and Defense.**
- 12.28.070 Insurance Required.**
- 12.28.080 Appeals.**
- 12.28.090 Fees.**
- 12.28.100 Penalties.**

12.28.005 Purpose.

The purpose of this chapter is to protect the public's health, safety and welfare through the issuance of Special Event permits for Parades, Processions and other assemblies occurring on public property.

12.28.010 Public Event Defined. Definitions.

For the purpose of this chapter, a "public event" means and includes any festival, celebration, fair, rally, sporting event or similar occurrence which is open to the public and is conducted, at least in part, on city streets.

"Applicant" means the authorized agent of the Sponsor who completes the application and acts as primary contact for the Special Event.

"City" means the City of Tumwater.

"Event Participant" means a person in attendance at an event, including spectators, vendors, event staff, City staff, and all others present at the event.

"Parade," "Assembly" and "Procession" mean any Parade, march, ceremony, show, exhibition, or pageant of any kind, or any similar display or gathering, in or upon any street, park or other public place in the City, which would have a direct impact on traffic flow or congestion or the public's ability to use public streets, parks or other public places, or which would significantly impact the need for City-provided emergency services. "Parades," "Assemblies" and "Processions," as referenced herein, shall include, but are not limited to, traditional Parades, fun runs, roadway foot races, fundraising walks or runs, auctions, bikeathons, carnivals, shows or exhibitions, filming/movie events, circuses, block parties and street fairs.

"Rolling closure route" means a street, sidewalk, trail, walkway, or other right-of-way closure to accommodate an event, where, as the event passes, the right-of-way is reopened for use by the general public.

"Special Event" includes any activity which is to be conducted on public property or public right-of-way; and, 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 which would significantly impact public streets or rights-of-way near the event, 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, or events where the attendance is by private invitation of 100 or more people are each 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 are not limited to, fun runs/walks, athletic competitions, bike-a-thons, Parades, carnivals, City heritage celebrations, holiday festivals, music festivals, shows or exhibitions, circuses, block parties and fairs.

“Sponsor” means the person or group responsible for the Special Event to be held.

(Ord. 1080, Added, 05/19/1987)

12.28.020 Permit Required.

~~No person, firm or organization shall conduct or sponsor a public event in the city without having first procured a permit therefor from the police department. The fee for such permit shall be as established by resolution of the city council.~~

A Special Event Permit from the City is required for any event on public property or public right-of-way, or on private property where it will significantly impact public sidewalks, roadways or services. Such Special Event Permit shall be in addition to any street or park use, or other additional permits as required by law, such as a City of Tumwater Business License, Food Handlers Permits, Mobile Food Vendors Permit/License, Alcohol “Special Occasion” or “Banquet Permit” Licenses, Right of Way Permits, Park Vendor Permits, or Fireworks Permits. It is the responsibility of the Sponsor to ensure that all Permits and Licenses are obtained as required for all participating vendors, and proof of such provided to the City fourteen (14) days prior to the start of the event. For Permits that must be obtained from the City, the fee for such permit shall be as established by resolution of the City council.

(Ord. 1147, Amended, 12/15/1987; Ord. 1080, Added, 05/19/1987)

12.28.030 Permit Application.

~~A.—Each sponsor of a public event shall make application for a public event permit on a form provided by the police department at least thirty days prior to the start of the public event. This form shall state the name, address and telephone number of the person making the application, as well as the organization sponsoring the event, and the name, address and telephone number of the person who is responsible for coordinating the event, if other than the applicant. Also included on this form shall be the dates, times and locations of the public event, the estimated number of participants and spectators, if the event is expected to interfere with normal use of the streets or sidewalks, and any requests of restricted parking or use of public streets.~~

~~B.—The application shall be forwarded to the finance director, fire chief, and the public works department for evaluation and recommendations.~~

A. Each Sponsor of a Special Event shall apply for a Special Event Permit on a form provided by the City. The application must be submitted to the City Clerk at least sixty (60) days prior to the start of the Special Event. An application for a Special Event Permit which is filed less than sixty (60) days prior to the proposed event date may be considered upon a showing of good cause. For purposes of this section, “good cause” means that, the appropriate City official(s) have sufficient

time to process and investigate the application and to obtain police or other City services for the proposed event, and proof of insurance from the applicant , or that the circumstances giving rise to the permit application did not reasonably allow the Applicant to file within the time prescribed as determined by the City Administrator.

B. This form shall state the name, address and telephone number of the person making the application, as well as the organization sponsoring the event, and the name, address and telephone number of the person who is responsible for coordinating the event, if other than the Applicant. Also included on this form shall be the dates, times and locations of the Special Event, the estimated number of participants and spectators, if the event is expected to interfere with normal use of the streets or sidewalks, or parks, and any requests of restricted parking or use of public streets. This form shall also include any other information necessary to protect the public's health, safety and welfare.

(Ord. O2011-002, Amended, 03/01/2011; Ord. 1080, Added, 05/19/1987)

12.28.40 Grounds for Denial of Permit.

Approval of a Special Event Permit may be denied and/or revoked if the City reasonably determines that:

- 1) The proposed event would endanger public safety or health;
- 2) The proposed event would seriously inconvenience or impair the general public's use of public property, services or facilities;
- 3) The proposed event interferes with another Parade, Procession or Assembly for which a permit has previously been issued or requested;
- 4) The Applicant provides false or misleading information;
- 5) The Applicant fails to complete the application or to supply other required information or documents, or the Applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in this chapter, in the Special Events Permit Application, or other applicable regulations;
- 6) The location of the proposed event will substantially interfere with any construction, maintenance, or development scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit;
- 7) The proposed event is scheduled to occur at a route or location adjacent to a school during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school;
- 8) The purpose of the proposed event is to incite crime or the overthrow of the government by force; or

- 9) The Applicant refuses or fails to remit all customary and reasonable fees, charges, deposits, or insurance, if any, required by the City for the use of the public place that is the subject of the permit application.
- 10) There are not sufficient safety personnel or other necessary City staff to accommodate the event.

12.28.050 Permit Conditions.

The City may impose the following conditions on Special Event Permits as deemed necessary to protect the safety and well-being of Event Participants and the public:

- 1) Alteration of time, place, and manner of proposed event;
- 2) Additional permits or licenses may be required;
- 3) Require event Sponsor and Event Participants to comply with safety rules established by the City, including traffic safety rules, such as temporary modifications to traffic flow or sidewalk use, traffic cones, or barricades;
- 4) Require Applicant or Sponsor to provide facilities, including waste disposal receptacles, restroom facilities, sanitation facilities, or first aid facilities.
- 5) Require Applicant to dispose of all waste that exceeds the capacity of any waste receptacles located at the event location. If the Sponsor or Applicant provided waste receptacles for the event, those receptacles and all waste at the event location must be removed as part of cleanup.
- 6) Restrictions on number and type of vehicles, structures, or Participants in an event.
- 7) Require cleanup and restoration, this may include requirements that Applicant provide garbage and recycling containers for use during the event and for cleanup following the event. Cleanup deposits may be required for events at the discretion of the City. If Sponsor or Applicant fail to perform required cleanup, fines may be assessed, and future Special Event Permit applications made by Sponsor and Applicant may be denied due to failure to cleanup;
- 8) Restrictions on the sale and consumption of alcohol;
- 9) Restrictions or prohibitions against any activity that may cause danger to the Event Participants or the public, or undue liability risk to the City;
- 10) Restrictions on use of amplified sound;
- 11) Require proof of general liability insurance with City listed as additional insured as described in TMC 12.28.070 and any additional insurance coverage as deemed necessary by the City.

- 12) Require proof that amusement rides and inflatables have undergone an annual inspection by a certified Labor & Industries inspector in a manner that is satisfactory to the City;
- 13) Require amusement rides have valid L&I ride safety inspection operating permit decal and the operator is on the L&I Certified Amusement Ride Operators list.
- 14) Compliance with any applicable federal, state or local law.
- 15) Payment of any additional fees for services the City provides.

12.28.060 Hold Harmless, Indemnification, and Defense.

Before a Special Event Permit may be issued, Sponsor must agree to defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of event premises or from any activity, work or thing done, permitted, or suffered by Sponsor in or about the event premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

12.28.070 Insurance Required.

A. The Applicant shall provide general liability insurance naming the City as an additional insured with limits determined by the City at the time of application. The timeline for coverage must include setup and takedown for the event. Certificates of insurance are to be submitted to the City for approval 14 working days prior to the day of the event. Acceptability of insurance is subject to approval by the City.

B. All food vendors are required to have at a minimum \$1,000,000 in Products – completed operations aggregate insurance. Sponsors shall require all food vendors at their event to have proper insurance for mobile food vendor services. It is the responsibility of the Sponsor to provide the City with a list of all food vendors and their proof of insurance at least fourteen (14) days prior to the event.

12.28.080 Appeals.

A. The Applicant shall have the right to appeal a denial of a Special Event permit, or a condition imposed thereby, including the amount of fees or cleanup charges, or a determination that the Applicant's certificate of insurance does not comply with the requirements of TMC 12.28.070.

B. Applicants who wish to appeal must file with the City Clerk a written notice of appeal within ten (10) days from the date of the denial or conditional approval. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The City Administrator shall hear the appeal. The City Administrator shall hold the hearing no later than five business days after the filing of the appeal and shall render a

decision no later than one business day after the hearing on the appeal is closed. The appellant may appeal the City Administrator's decision to the Hearing Examiner within 10 days of the City Administrator's decision. The Hearing Examiner will schedule a hearing in accordance with Hearing Examiner rules but not later than 30 days after receipt of the notice of appeal.

12.28.090 Fees.

A. Special Event fees shall be determined by City Fee Resolution. Additional fees may be required for City provided services, use of facilities including athletic fields or park shelters, for additional permits such as firework displays, or as required by other applicable laws, rules and regulations.

B. A fee waiver may be available for certain events such as funerals, groups required to assemble by law, small gatherings, or upon a showing of hardship. A fee waiver form is available at the City Clerk's office.

12.28.100 Penalties.

A. It shall be unlawful for any person to operate or conduct any event requiring a Special Event Permit pursuant to TMC 12.28 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 organizer or operator of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.

B. 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.

C. Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty or a fine of not more than five hundred dollars or by imprisonment of not more than ninety (90) days, or both such fine and imprisonment.

Section 2. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Severability. The provisions of this ordinance are declared 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 the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 20__.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published: _____

Effective Date: _____