

**CITY OF GRANITE FALLS
GRANITE FALLS, WASHINGTON**

ORDINANCE NO. 830-2012

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON,
ADOPTING SPECIAL EVENT PERMITTING PROCEDURES AND
REQUIREMENTS AND ADOPTING CHAPTER 5.36 OF THE GRANITE FALLS
MUNICIPAL CODE.**

WHEREAS, the Granite Falls City Council finds that there are an increasing number of organizations requesting the use of Granite Falls streets, rights of way, sidewalks, and publicly owned property such as parks for special events; and

WHEREAS, the City Council finds that special events typically impact vehicular and pedestrian traffic and result in crowds or other situations that unless properly controlled, may potentially endanger the health, safety and welfare of the general public; and

WHEREAS, the City Council finds that special events such as “Railroad and Reunion Days”, “Mountain Loop Experience”, and “Show and Shine” are a vital tradition in the City of Granite Falls; and

WHEREAS, the City Council finds that special events promote tourism, foster economic revitalization and provide cultural activities for residents; and

WHEREAS, the City Council finds there are no general special event permitting procedures or requirements in City Code;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 5.36 of the Granite Falls Municipal Code is hereby adopted to read as follows:

Chapter 5.36 - SPECIAL EVENTS

- 5.36.010 Definitions.
- 5.36.020 Permit required.
- 5.36.030 Permit application.
- 5.36.040 Departmental analysis.
- 5.36.050 Insurance required.
- 5.36.060 Sanitation.
- 5.36.070 Approval.
- 5.36.080 Denial of permit.
- 5.36.090 Permit conditions.
- 5.36.100 Fees for city services.
- 5.36.110 Cleanup deposit.
- 5.36.120 Revocation of special event permit.
- 5.36.130 Appeal.
- 5.36.140 No special duty created.
- 5.36.150 Violation - Penalty

5.36.010 Definitions.

For purpose of this chapter, the following definitions shall apply:

(A) "Special event" means a temporary activity, including, but not limited to carnivals, parades, assemblies, processions, block parties, fun-runs, roadway foot races, community sponsored activities, art and craft fairs, farmers markets, fundraising walks, bikeathons, carnivals, shows, exhibitions, circuses and fairs or other similar functions. Any event shall be considered a "special event" if any two (2) or more of the following apply:

- (1) The event is conducted wholly or partly on public property.
- (2) The event on private property that involves an open invitation to the public or where the attendance is by private invitation of 100 or more people.
- (3) The expenditure of city resources is contemplated or is deemed necessary by city personnel to maintain public health, safety and welfare.
- (4) The event requires the use of any city facilities, staff or property.
- (5) The event is expected to have a visual, noise or other environmental impact upon the immediate vicinity or surrounding area of the event.

(B) "Temporary" means, for the purposes of this chapter only, no more than seven (7) consecutive days during any calendar year.

(C) "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.

5.36.020 Permit required.

(A) 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, such as parks, without first having obtained a special event permit from the city of Granite Falls.

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

- (1) Events which are sponsored or conducted in full by the city of Granite Falls.
- (2) Sports events conducted on city property.
- (3) Funerals and weddings.
- (4) Events conducted in a facility designed for that purpose, such as churches, event centers, schools, sports facilities, senior centers, Boys and Girls Clubs, and community centers.
- (5) Groups required by law to be so assembled.
- (6) Gatherings of 30 or fewer people in a city park, unless merchandise or services are offered for sale or trade.
- (7) Temporary sales conducted by a city of Granite Falls licensed businesses, such as holiday sales, grand opening sales, or anniversary sales.
- (8) Garage or rummage sales.
- (9) Display of legal fireworks by individuals in proximity of their residence.
- (10) Other similar events and activities which do not directly affect or use city services or property.

(C) Multiple Events. The city will consider a single event application for repeating special events commencing during a single calendar year if the activities are identical in design, duration and activity and a complete schedule of activities for the calendar year is provided at the time of application.

5.36.030 Permit application.

(A) A special event permit application can be obtained at the office of the city clerk and will be completed and submitted to the city clerk no later than sixty (60) days prior to the proposed event. Permit applications can be submitted up to two years in advance of an event date.

(B) A waiver of the 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 applicant to file within the time prescribed, and the event is for the purpose of exercising rights under the First and Fourteenth Amendments of the United States Constitution.

(C) Permit application shall be submitted on a special event permit application form or other form as deemed appropriate by city staff.

(D) Fees will be established in accordance with the city of Granite Falls' currently effective fees and charges resolution.

(E) The applicant shall provide a clean-up deposit and pay the city for actual costs of supplies, services and the use of equipment incurred by the city in accordance with sections 5.36.100 and 5.36.110.

5.36.040 Departmental analysis.

(A) All special event applications shall be submitted to the city clerk who shall coordinate the application review process. The city clerk will send copies of the special event permit application to all pertinent city departments for review and determination of services required.

(B) Preliminary comments and recommended conditions shall be assembled from the departmental review and forwarded to the applicant within two weeks of the application date.

(C) Any department head may recommend conditions that are considered necessary to protect the public health and safety.

(D) 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 and be charged to the applicant in accordance with subsection 5.36.030(E).

(E) The applicant may respond to all comments and conditions either in writing or at a meeting with staff within seven (7) calendar days of the comments and conditions being forwarded from the city to the applicant.

(F) 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.

5.36.050 Insurance required.

The applicant for a special event that is not protected under the First and Fourteenth Amendments of the U.S. Constitution is required to obtain and present evidence of comprehensive liability insurance naming the city of Granite Falls, its elected officials,

officers, employees and agents as an additional insured for use of streets, public rights of way, and publicly owned property such as parks for the special event. The insurance policy shall provide a minimum of \$1,000,000 per occurrence and \$2,000,000 aggregate, for each event, against all claims arising from permits issued pursuant to this chapter. The insurance policy 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 at 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.

5.36.060 Sanitation.

(A) A special event permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. 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 in accordance with subsection 5.36.030(E).

(B) A special event permit may be issued only after adequate restroom and washroom facilities have been identified and arranged for or obtained by the applicant, subject to the Snohomish County Health District's review and certification process with regard to any applicable health district concerns or regulations.

5.36.070 Approval.

(A) Approval of the special event permit applications will be made in accordance with the following:

- (1) Approval/denial by city clerk. Special event applications found to be in compliance with this chapter shall be approved administratively by the city clerk.
- (2) The city council will be notified of all special event approvals made by the city clerk.
- (3) Events lasting more than seven (7) days shall be subject to submittal of additional information and permits as may be required by the city clerk.
- (4) If permits and/or coordination are required from other agencies (i.e., Community Transit, Washington State Department of Transportation, Snohomish County Health District, etc.), evidence of approvals must be submitted prior to the issuance of the special event permit.

5.36.080 Denial of permit.

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

- (1) The event will disrupt traffic within the city of Granite Falls 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.
- (8) The applicant fails to pay the special event permit fee.
- (9) The applicant fails to obtain local, county, state and federal permits as required.

5.36.090 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.

(A) The following conditions apply to all special event permits:

- (1) Alteration of the time, place and manner of the event proposed on the event application;
- (2) Conditions concerning the area of assembly and disbanding of an event occurring along the route; and
- (3) Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

(B) Conditions on special event permit not protected under the First and Fourteenth Amendments of the United States Constitution include but are not 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 the inspections and approval of floats, structures, and decorated vehicles for fire safety;
- (5) Compliance with animal protection 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 laws;
- (8) Notice to residents and/or businesses regarding any activity which would require a 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; and
- (12) Compliance with any other applicable federal, state or local laws and regulations.

5.36.100 Fees for city services.

(A) Upon approval of an application for a permit for special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the city clerk shall provide the applicant/sponsor with a statement of the estimated cost of providing city services and equipment. The applicant/sponsor of the event is required to prepay these estimated costs ten (10) calendar days prior to the special event. City services equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and other needed, requested or required city services and the cost of operating the equipment to provide such services.

(B) If the actual cost for city services and equipment provided for the special event is less than the estimated cost, the city shall refund the difference to the applicant/sponsor. If

the actual cost for city services and equipment is greater than the estimated cost, the city shall bill and the applicant/sponsor is required to pay the difference.

(C) Permit fees and fees for the use of city services and equipment may be waived in part or in full by the city if in the review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

5.36.110 Cleanup deposits.

(A) The applicant/sponsor of an event not protected under the First and Fourteenth Amendments of the U.S. Constitution involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or any event likely to create a substantial need for a cleanup, may be required to provide a cleanup deposit prior to the issuance of a special event permit.

(B) The cleanup deposit shall be returned after the event if the area used for the permitted event has been clean and restored to the same condition as existed prior to the event.

(C) If the area used for the event has not been properly cleaned and restored, the applicant/sponsor shall be billed by the city and is responsible for the actual cost of the cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

5.36.120 Revocation of special event permit.

(A) Any special event permit issued pursuant to this chapter may be revoked by the city clerk if the city clerk determines:

(1) That the special event cannot be conducted without violating the provisions of this chapter and/or the conditions of the special event permit;

(2) The special event is being conducted in violation of the provisions of this chapter and/or any condition of the special event permit;

(3) The special event poses a threat to the public health and/or safety;

(4) 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.

(5) The permittee has failed to obtain any other permit required by the city or pursuant to other local, state and/or federal law;

(6) The special event permit was issued in error or contrary to applicable law;

(7) The permittee has not paid all applicable city fees when dues; and/or

(8) The participants in the special event are engaged in illegal activities.

(9) The applicant fails to comply with conditions of the permit determined by city staff during departmental analysis.

(B) 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/o hand-delivered to the permittee.

(C) 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.

5.36.130 Appeal.

The applicant may appeal any 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.

5.36.140 No special duty created.

(A) It is the purpose of this chapter to provide for the 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 benefitted by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

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

5.36.150 Violation – Penalty.

(A) 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.

(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 any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or both such fine and imprisonment.

Section 2. **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 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.

Section 3. **Publication and Effective Date.** This ordinance shall be in force and effect five (5) days after publication of the summary consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor this 6th day of June, 2012.

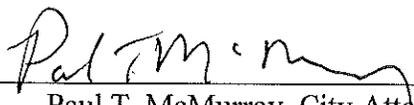
CITY OF GRANITE FALLS

By: 
Sheikh Haroon, Saleem, Mayor

ATTEST:

By: 
Darla Reese, City Clerk

APPROVED AS TO FORM:

By: 
Paul T. McMurray, City Attorney

Date of Publication: 6/10/2012
Effective Date: 6/15/2012