

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2020-02**

**SUBJECT: Special Events Ordinance Update**

### CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 01/09/2020
- ☒ Passed by the City Council: 01/22/2020
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 01/31/2020
- ☒ Effective: 02/05/2020
- ☐ Recorded: \_\_\_\_\_

### DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: 01/23/2020
- ☒ Code Publishing
- ☐ City Attorney
- ☒ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
- ☐ \_\_\_\_\_

Rhiannon Fernandez

City Clerk

01/23/2020

Date

## **ORDINANCE NO. 2020-02**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE POULSBO MUNICIPAL CODE TO REPEAL SUBSECTION 5.04.090(B), REGARDING SPECIAL EVENT MASTER LICENSE; AMENDING TITLE 5 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 5.30 IN ORDER TO PROMOTE, PROTECT AND PRESERVE THE PUBLIC INTEREST BY REGULATING SPECIAL EVENTS; REPEALING CHAPTER 5.32 TO BE INCLUDED IN THE NEW CHAPTER 5.30; AMENDING THE POULSBO MUNICIPAL CODE TO UPDATE FEES FOR PROCESSING SPECIAL EVENT APPLICATIONS AND REPEALING FEES FOR CARNIVAL LICENSES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, Section 5.04.090 of the Poulsbo Municipal Code ("PMC") regulates Special Event Licenses within the City; and

**WHEREAS**, the City desires to make the PMC consistent with the current requirements and regulations of the city's risk pool and separate the regulations for Temporary Business Licenses and Special Event Permits into different chapters; and

**WHEREAS**, the City desires to amend the title of PMC Section 5.04.090 to Temporary Business License; and

**WHEREAS**, the City desires to repeal Subsection 5.04.090.B, regarding Special Event Licensing, and create a new Chapter 5.30 PMC for Special Event Permits; and

**WHEREAS**, the City desires to repeal Chapter 5.32 PMC, regarding carnivals, circuses, traveling shows and outdoor amusements, with the intent that these events will be covered under the new Chapter 5.30 PMC, Special Event Permits; and

**WHEREAS**, the City desires to update Subsections (D) and (J) of Section 3.12.040, Miscellaneous fees and charges, to reflect the cost of city staff time to review Special Event Permit applications; and

**WHEREAS**, the Community Services Committee reviewed these proposed code amendments at their November 13, 2019 committee meeting and recommended approval by the City Council; NOW THEREFORE,

**THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** Section 5.04.090 of the Poulsbo Municipal Code is hereby amended to read as follows (strikethroughs indicate deletions, underlining indicates additions):

**5.04.090 ~~Fee-Temporary and special events~~ Business License.**

A. Any person engaged in business within the city for a period not to exceed fourteen days within any three consecutive months may obtain a temporary business license upon application to the city clerk. The fee for this temporary license is set forth in Section 3.12.040(D)(5). The temporary license may not be renewed during that calendar year.

~~B.— A master license shall be required for all special events held within the city limits of Poulsbo. Requirements of the special event master license are as follows:~~

~~1.— The promoter, sponsor or other person, firm, company, corporation or legal entity of whatsoever nature or kind organizing, managing, operating or conducting any promotional activity or special event within the city shall obtain a special event master license to cover all dealers/vendors involved in the activity/special event.~~

~~2.— Application shall be made on a form provided by the city clerk at least three months prior to the date of the event to provide adequate time for input from city departments, community services committee and/or city council if required or deemed necessary.~~

~~3.— Dealers/vendors participating in a convention, show, sale or other promotional activity or special event shall be covered under the special event master license and shall not be required to have separate licenses for the event.~~

~~4.— The city reserves the right to charge any sponsor of a special event direct costs incurred by the city as a result of the event. Such costs may include, but are not limited to, the cost of barricading streets, police officers to direct or block pedestrian or vehicular traffic, plan reviews, or other public safety involvement such as periodic cleanup or other services.~~

~~5.— The sponsor of the special event shall provide the city clerk with a list of all participating dealers/vendors at least ten days prior to the event. The list shall include the vendor's name, business name (if appropriate), mailing address, telephone number and state sales tax number. A map or layout of booths and booth numbers and the business in that booth shall also be provided, if appropriate. Only those dealers/vendors~~

~~listed on the application or its amendments are approved under the special event master license.~~

~~6.— No license shall be issued to any person, firm, company or corporation to run, operate, conduct or manage any special event within the city which is in violation of any ordinance of the city or Kitsap County, or any statute of the state.~~

~~7.— Any person, firm, company or corporation receiving a special event master license pursuant to this chapter may be required to provide a certificate of insurance with a comprehensive general liability policy covering bodily injury and property damage, with respect to the use and occupancy of city property with liability limits of not less than one million dollars, per occurrence, and shall include products liability if food and/or beverage vending is part of the special event or public activity. The city shall be named as additional insured on all such policies, which policies shall in addition provide that they may not be canceled or modified for any reason without fifteen days' prior written notice to city. Sponsor shall provide the city with a certificate or certificates of such insurance ten days prior to the date of the event. Greater or lesser coverage may be required based upon an objective assessment of risk to the public health, safety and welfare of the special event.~~

~~8.— The following special events shall be exempt from the requirement to obtain a special event master license under this chapter: (a) dances or other social events conducted by schools or churches; (b) temporary sales conducted by businesses, such as holiday sales, grand opening/closing business sales or anniversary sales; (c) bazaars or arts and craft shows sponsored by churches, lodges or other nonprofit social groups; (d) garage sales and rummage sales; (e) organized amateur sporting events such as little league baseball, amateur soccer, and day camps sponsored by the city's recreation department; (f) charitable, religious or nonprofit organizations on premises under their control; and (g) other events and activities which do not directly affect or use city services.~~

~~9.— All applications for a special event master license shall be accompanied by a nonrefundable application fee as set forth in Section 3.12.040(D)(6). (Ord. 2018-22 § 1 (part), 2018; Ord. 2010-20 § 1 (part), 2010; Ord. 2003-16 § 11 (part), 2003; Ord. 2000-03 § 1, 2000; Ord. 96-10 § 6, 1996; Ord. 92-33 § 2, 1992; Ord. 91-37 §§ 8, 11, 1991; Ord. 84-32 § 12, 1984)~~



**Section 2. Adoption of Chapter 5.30 PMC.** To preserve the general health, safety and welfare of all the public, a new chapter, 5.30 Special Events Permit, is hereby added to the Poulsbo Municipal Code as shown in Attachment A.

**Section 3. Repeal of Chapter 5.32 PMC.** Poulsbo Municipal Code Chapter 5.32 is hereby repealed in its entirety.

**Section 4. Amendment.** Subsections 3.12.040(D) and 3.12.040(J) of the Poulsbo Municipal Code are hereby amended to read as follows (~~strikethroughs~~ indicate deletions, **bolding** indicates additions):

**3.12.040 Miscellaneous fees and charges.**

\* \* \*

D. Business License Fee—Late Payment—Prorated Out of Town Renewals.

1. The fee for the initial application for an annual business license shall be sixty-five dollars and the master license service handling fee to be submitted with the application. Businesses whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than two thousand dollars shall be no fee or zero dollars.

2. The fee for renewal of the business license shall be sixty-five dollars and the master license service handling fee per year to be received by the State Department of Revenue on or before the expiration date as determined by the State of Washington Department of Revenue.

3. If any license issued under this chapter is not renewed by the date of expiration, the Business Licensing Service may assess the late renewal fee authorized by RCW 19.02.085 in addition to the license fees due for renewal.

4. The fee for a temporary license, of a period not to exceed fourteen calendar days within any three consecutive months, shall be twenty dollars and may not be renewed during that calendar year.

~~5. The fee for a special event license shall be a nonrefundable application fee of twenty-five dollars; provided, that the application fee may be waived if, in the opinion of the city clerk, the imposition of such fee will create an undue hardship on the applicant.~~

~~6. The city reserves the right to charge any sponsor of a special event direct costs incurred by the city as a result of the event. Such costs may include, but are not~~

~~limited to, the cost of barricading streets, police officers to direct or block pedestrian or vehicular traffic, plan review or other public safety involvement and staff performing cleanup or other city services.~~

~~J. Carnivals, Circuses, Traveling Shows and Outdoor Amusements~~**Special Event—**  
**License**~~License—~~Fee.

~~Carnivals, Circuses, Traveling Shows and Outdoor Amusements—License—Fee.~~  
The fee for each permit issued under the provisions of Chapter 5.32 of the Poulsbo Municipal Code shall be twenty-five dollars for each day or part of the day that the business is operated, to be collected by the city clerk.

1. The fee for a special event license shall be a nonrefundable application fee of seventy-five dollars for applications received 90 days or more prior to the event. The fee for an expedited special event license shall be an additional nonrefundable application fee of fifty dollars for applications received less than ninety days, but more than 45 days, prior to the event, for events that require no road closures.

2. The city reserves the right to charge any sponsor of a special event direct costs incurred by the city as a result of the event. Such costs may include, but are not limited to, the cost of barricading streets, police officers to direct or block pedestrian or vehicular traffic, plan review or other public safety involvement and staff performing cleanup or other city services.

**Section 5. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 6. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

PASSED by the Poulsbo City Council this 22nd day of January, 2020.

APPROVED:

  
\_\_\_\_\_  
MAYOR, BECKY ERICKSON

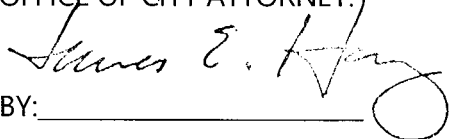
ATTEST/AUTHENTICATED:



CITY CLERK, RHIANNON FERNANDEZ CMC

APPROVED AS TO FORM:

OFFICE OF CITY ATTORNEY:



BY: \_\_\_\_\_

JAMES E. HANEY

OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 01-09-2020

PASSED BY THE CITY COUNCIL: 01-22-2020

PUBLISHED: 01-31-2020

EFFECTIVE DATE: 02-05-2020

ORDINANCE NO. 2020-02

**SUMMARY OF ORDINANCE NO. 2020-02**

of the City of Poulsbo, Washington

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On the 22nd day of January, 2020, the City Council of the City of Poulsbo, passed Ordinance No. 2020-02. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE POULSBO MUNICIPAL CODE TO REPEAL SUBSECTION 5.04.090(B), REGARDING SPECIAL EVENT MASTER LICENSE; AMENDING TITLE 5 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 5.30 IN ORDER TO PROMOTE, PROTECT AND PRESERVE THE PUBLIC INTEREST BY REGULATING SPECIAL EVENTS; REPEALING CHAPTER 5.32 TO BE INCLUDED IN THE NEW CHAPTER 5.30; AMENDING THE POULSBO MUNICIPAL CODE TO UPDATE FEES FOR PROCESSING SPECIAL EVENT APPLICATIONS AND REPEALING FEES FOR CARNIVAL LICENSES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 22nd day of January, 2020.



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CITY CLERK, RHIANNON FERNANDEZ



## **Attachment A**

### **Chapter 5.30 SPECIAL EVENTS**

Sections:

[5.30.010 Purpose.](#)

[5.30.020 Definitions.](#)

[5.30.030 Permit - Required](#)

[5.30.040 Permit – Application Requirements](#)

[5.30.050 Permit – Application Processing](#)

[5.30.060 Permit – Standard of Issuance](#)

[5.30.070 Permit – Conditions](#)

[5.30.080 Permit – Grounds for Denial](#)

[5.30.090 Appeal Procedure](#)

[5.30.100 Fees, Indemnification Agreement, and Insurance](#)

[5.30.110 Fees for City Services](#)

[5.30.120 Revocation of Permits](#)

[5.30.130 Violation – Penalty](#)

[5.30.140 Savings Clause](#)

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#### **5.30.010 Purpose.**

The purpose of this chapter is to recognize the impact that special events have on the availability of city services and to provide procedures to allow the events, but to protect the general health, safety, and welfare of all public. This chapter is not to override any constitutional rights of the public to exercise their free speech or other rights under the United States Constitution.

#### **5.30.020 Definitions**

A. “Administrator” means the City Clerk or his/her designee.

- B. "Applicant" means the person, organization, company, non-profit, or corporation managing, running operating, sponsoring, or conducting the special event and has authority to do so.
- C. "Block party" means an event that involves blocking any part of a residential street to hold an event which is open to the public.
- D. "Carnival" means a traveling enterprise offering amusements, such as circuses, or an organized program of entertainment or exhibition.
- E. "City property" means land the city owns that has the capacity and capability to hold an event.
- F. "Parade" means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except funeral processions, upon any city street, state highway, or sidewalk which does not comply with normal and usual traffic regulations or controls.
- G. "Parks" means any site owned by the city designed or developed for recreational use by the public.
- H. "Permit" means a document issued by the city granting permission to engage in an activity not allowed without a permit.
- I. "Right-of-way (ROW)" means any road, public parking lot, city street, highway, boulevard or place in the city open as a matter of right to public travel and shall include arterials, neighborhood streets, alleys, bicycle paths and pedestrian ways; including streets or portions thereof which are designated as portions of the state highway system.
- J. "Run" means an organized procession to contend in a race consisting of people, bicycles, or other vehicular devices or combination thereof upon a city street, state highway, or sidewalk.
- K. "Special Events" include any activity which is to be conducted on public property or on a public right-of-way; 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; or which would significantly impact public streets or right-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 to attend 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, right-of-way or emergency services. Special events might include, but are not limited to, fun runs/walks, athletic competitions, auctions, bike-a-thons, public fundraisers, parades, carnivals, festivals, shows or exhibitions, film/movie events, circuses, block parties and fairs.
- L. "Special Event Permit" means a required permit for an activity requiring a permit.

- M. "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.
- N. "Street dance" means any organized formation of a dance on any public right-of-way.
- O. "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.
- P. "Use" shall mean to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public place, any building, structure, sign, equipment or scaffolding, to deface any public right-of-way by painting, spraying or writing on the surface thereof, or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public place within the City, including a use related to special events.
- Q. "Vendor" means any person or company offering a service or sale of product.

#### **5.30.030 Permit – Required**

- A. No person, firm, company, nonprofit, or corporation shall run, manage, operate, or conduct any special event without having applied for and received a special event permit in advance of such special event, as required by this chapter.
- B. There shall be a nonrefundable administrative fee to process each application submitted, which is to be paid to the city as set forth in Section 3.12.040(J). The fee is due upon when the application packet is submitted to the city clerk's office. Each application shall be for only one event.
- C. An application for a special event permit shall be filed with the city clerk's office no less than 90 calendar days, and no more than one calendar year, before the date when the proposed special event is to take place. If the special event permit application packet is received by the city clerk's office less than 90 calendar days, but more than 45 calendar days, in advance of the event, and the application requires no road closures, then the city may expedite the application with the payment by the applicant of an additional nonrefundable administrative processing fee as set forth in Section 3.12.040(J).
- D. Waiver of Application Deadline: Upon a showing of good cause or at the discretion of the City, the City may 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 circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and the event is for the purpose of exercising rights under the First and/or Fourteenth Amendments of the United States Constitution. The showing of good cause includes events that bring benefit to the citizens of Poughkeepsie, not an individual or specific organization, or events that are organized as a result of unforeseen catastrophic events for fundraising aid.

- E. A safety plan may be required upon request of the Police Chief after review of the application. A safety plan shall be in addition to any street or park use, or other regular permits as may be required by ordinance.
- F. When such 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 the applicant(s) and the public.
- G. The provisions of this chapter shall not apply to the following:
  - 1. Funeral and wedding processions;
  - 2. Dances or other social events conducted by schools or churches on their property;
  - 3. Groups required by law to be so assembled
  - 4. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;
  - 5. Garage or rummage sales on private property;
  - 6. Bazaars or arts and craft shows sponsored by churches or other non-profit groups on private property;
  - 7. Organized amateur sporting events such as little league baseball, amateur soccer, or day camps sponsored by the City's recreation department; and
  - 8. Other similar events and activities which do not directly affect or use City services or right-of-way property.

#### **5.30.040 Permit - Application Requirements**

- A. The special event permit application shall be submitted to the city clerk's office. Such application shall state and include, at a minimum, the following information:
  - 1. Name, organization, phone number, and address of the applicant, and the name, address and phone number of its authorized representative, if a corporation, association or other entity;
  - 2. Name of the proposed event, including a complete description of the event sought to be permitted, and the proposed location, date, start and end times of the event;
  - 3. Anticipated number of exhibitors/vendors and visitors;



4. Whether police services will be required;
5. The dimensions and plans for any temporary structure(s) proposed to be erected for the event;
6. Whether there will be cooking, or food sales/consumption done on site;
7. Garbage/Recycling Plan;
8. Parking/Traffic Mitigation Plan & Towing Waiver;
9. A certificate of insurance evidencing Commercial General Liability insurance in amounts determined by the City. The applicant's insurance policy shall name the City of Poulsbo an additional insured by additional insured endorsement at least as broad as ISO form CG 2012 and shall be submitted to the City for approval at least 7 working days prior to the event. Additional types and amounts of insurance may be required depending on the specific elements of the event. Acceptability of insurance is subject to approval by the administrator.
10. A Vendor List of all participating vendors within the event. Vendors listed on the special events permit list, may be exempt from requiring a City of Poulsbo General Business license. Only vendors listed on the event's vendor list will be approved to operate during the event. The vendor list must include vendor's name or business name; mailing address; telephone number; and Washington State Master Business License Identification Number (UBI). The applicant shall provide the administrator with a list of all participating dealers/vendors at least ten days prior to the event. A map or layout of booths and booth numbers and the business in that booth shall also be provided, if appropriate. Only those dealers/vendors listed on the application or its amendments are approved under the special event permit.
11. A detailed map showing the location of event routes, tents, vendors, beer gardens, exits/entrances, fire lanes, garbage cans, and restrooms/sani-can(s), signage, barricades, first aid, traffic patterns, parking, road closures/detours and other applicable event details;
12. If alcoholic beverages will be served on city property, a permit approved by the Washington State Liquor and Cannabis Board (note: you may be subject to additional insurance requirements);
13. If an event will be using both public and private property, the applicant shall provide written documentation to the city that the private property owner(s) have granted permission to them to use the private property for the event;
14. If the event is a parade or a run, the following additional information shall be required:
  - a. The exact location of any marshaling or staging areas for the parade/run;

- b. The time at which units of the parade/run will begin to arrive at the staging areas and the times at which all such units will be disbursed therefrom;
  - c. The exact route to be traveled, including the starting point and termination point;
  - d. The approximate number of persons, animals, and vehicles which will constitute the parade/run, and the types of animals and descriptions of the vehicles, as applicable; and
  - e. A statement as to whether the parade/run will occupy all or only a portion of the width of the street, roadway, or sidewalks to be used.
15. If the event requires a state highway closure, the application must include at least one of the following three documents: (a) event agreement with WSDOT; (b) letter of acknowledgment from WSDOT; or (c) written proof that the event organizer has submitted the completed application to WSDOT;
  16. Any other relevant information required by the city to fully evaluate the application.

#### **5.30.050 Permit – Application Processing**

Special event permits shall be processed as follows:

- A. If a special event is proposed to be held in the same location and during the same time frame as the immediately previous year, that event's organizer will be given first priority over other special event permit applicants; provided, that this applicant notifies the clerk's office by February 1st of each year; otherwise, the special event location and time frame will be available on a first-come, first-served basis to other applicants. The remaining requirements of this chapter will still apply.
- B. The administrator shall route the application to the city police, finance, public works, planning & economic development, risk manager, parks and recreation departments, and fire authority to review. Each of the above-listed departments/authorities shall provide the administrator a written recommendation of approval (conditional or otherwise) or denial of the application. The application will also be routed to Kitsap Transit, and other applicable agencies for informational purposes;
- C. The parks & recreation department shall notify (via council committee meeting notice) the public of each special event proposed to allow citizens to provide written comments regarding how allowing the special event will impact their property, business or quality of life. The administrator will consider any information provided by citizens/business owners and may deny the special event permit application if a showing is made of severe financial impact or other undue hardship on a citizen's property, business or quality of life;

- D. The parks & recreation department shall bring forth all applications to the council community services committee for review and input.
- E. The administrator shall approve or deny all special event permit applications subject to conditions as outlined in this chapter.

#### **5.30.060 Permit – Standard of Issuance**

The administrator shall issue (or approve with conditions) a special event permit as provided herein upon certification from the departments/authorities listed in PMC 5.30.050(B) who have been consulted, based on the following considerations:

- A. The applicant has provided all the required application materials and has provided any additional documents or information requested by the city;
- B. The applicant has paid the non-refundable administrative processing fee as set forth in Section 3.12.040(J);
- C. The proposed special event location is available because no other events are scheduled to take place at the location on that date and time or, if another event is scheduled to take place, that event organizer has provided written consent to the administrator to allow a parallel event to take place at the same location, date, and time;
- D. The applicant is holding an event using both public and private property and has provided written documentation that the private property owners allow them to use the private property for their event;
- E. The applicant has provided a copy of either an event agreement with WSDOT or a letter of acknowledgment from WSDOT, as needed;
- F. The police department, fire authority, and public works department have determined the following:
  - 1. The proposed event will not endanger public safety or health;
  - 2. The proposed event will not seriously inconvenience or impair the general public's use of public property, services, or facilities;
  - 3. The location of the proposed event will not substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit; and
  - 4. The proposed event is not scheduled to occur along a route or at a location adjacent to a school or class 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 or class.

- G. The administrator received no written comments from the public demonstrating undue hardship or other substantial negative effects of the special event on their property, business or quality of life; and
- H. No permit shall be issued to any person, firm, company or corporation to run, operate, conduct or manage any special event within the city which is in violation of any ordinance of the city or Kitsap County, or any statute of the state.

#### **5.30.070 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. The following conditions may apply:

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

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

- D. Requirements for the use of traffic cones or barricades;
- E. Requirements for the provision of first aid or sanitary facilities;
- F. Requirements for use of event monitors and providing notice of permit conditions to event participants;
- G. 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 fire safety;
- H. Compliance with animal protection ordinances and laws;
- I. Requirements for use of garbage containers, cleanup, and restoration of City property;
- J. Restrictions on the use of amplified sound and compliance with noise ordinance, regulations and laws;



- K. Notice to residents and/or businesses regarding any activity which would require a street closure;
- L. Restrictions on the sale and/or consumption of alcohol;
- M. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability risk to the City;
- N. Requirements regarding the use of City personnel and equipment;
- O. Compliance with any other applicable federal, state or local law or regulation; or
- P. Payment of special event fees as stated in section **"FEES FOR CITY SERVICES."**

#### **5.30.080 Permit – Grounds for Denial**

- A. The City may deny an application for a special event permit if in the sole discretion of the administrator or his or her designee:
  - 1. The applicant provides false or misleading information;
  - 2. The applicant fails to complete the application or to supply other required information of documents, including but not limited to, failing to remit all customary and reasonable fees, charges, deposits, insurance or bonds, or local, county, state or federal permits or approvals, if any, required by the city for the use of the public place that is the subject of the permit application submittal, or the applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit;
  - 3. The permit is submitted less than 90 days prior to the event, or less than 90 calendar days, but more than 45 calendar days, in advance of the event, and the application requires no road closures;
  - 4. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property;
  - 5. The proposed event would seriously inconvenience or impair the general public's use of public property, services, or facilities;
  - 6. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic and would present an unreasonable risk of injury or damage to the public;
  - 7. The proposed event is scheduled to occur at a route or location adjacent to a school or class 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 or class;

8. There are not sufficient safety personnel or other necessary City staff to accommodate the event.

In the event subsection 4, 5 or 6, above applies, the City shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

- B. Should the application be denied; the administrator shall notify the applicant by certified mail within five business days of the denial. This notification shall include the reasons for the denial of the permit and shall advise the applicant of the appeal procedure.

#### **5.30.090 Appeal Procedure**

- A. The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of fees imposed pursuant to section **FEES FOR CITY SERVICES**, or a determination by the City that the applicant's insurance does not comply with the requirements specified in the permit. A written Notice of Appeal shall be filed with the City Clerk within three (3) business days after receipt of a notice of denial or permit conditions from the City. The written Notice of Appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The City Council shall hear the appeal on the record provided from the designated City official and upon public comment given at the scheduled hearing before the Council. The hearing shall be scheduled no later than thirty (30) days after receipt of a timely and proper Notice of Appeal. Public comment at the appeal hearing shall be limited to three (3) minutes per individual and fifteen (15) minutes each for appellant and City respondent. The decision of the City Council is final.
- B. If there is insufficient time for a timely appeal to be heard by the City Council prior to the date on which the event is scheduled, the applicant may, at its own option, request that the designated City Clerk schedule the appeal before the Mayor or designee. The Mayor or designee shall hold a hearing no later than five (5) business days after the filing of the appeal and will render a decision no later than one (1) business day after hearing the appeal. If the appeal is requested and heard before the Mayor or designee, the Mayor's or designee's decision is final. There is no further appeal to the City Council.

#### **5.30.100 Fees, Indemnification Agreement, and Insurance**

No fee, indemnification agreement or insurance requirement shall be imposed when prohibited by the First and Fourteenth Amendment 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 applies 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, if part of any annual tradition or series, previous events in the sequence, and the public perception of the event.

- A. Indemnification Agreement

1. Prior to the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the City for any costs incurred by it in repairing damage to City property and indemnify, defend and hold the City, its officers, employees, volunteers and agents harmless from all causes of action, claims or liabilities occurring in connection with the permitted event, except those which occur due to the City's sole negligence.

**B. Insurance**

1. The types and amounts of insurance required shall be determined by the City and based on the risk exposure of the event (liability limit requirement will be at least \$1,000,000 per occurrence), for all events not protected under the First and Fourteenth Amendments of the U.S. Constitution.

The Risk Manager is authorized and directed to require written proof of such insurance prior to permit issuance. A liability insurance policy shall be written on an occurrence basis, shall name the City of Poulsbo as an additional insured using ISO form CG 20 12 or CG 20 26, or coverage at least as broad, shall be written 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 the completion of the event. The applicant shall provide the City and all Additional Insureds for this event with written notice of any policy cancellation within two business days of their receipt of such notice.

**5.30.110 Fees for City Services**

- A. Upon approval of an application for a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the administrator should provide the applicant with an estimated cost of providing City personnel and equipment prior to permit issuance. The applicant must sign off on the anticipated charges. Actual costs will be billed to the applicant after the event. City services and 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 any other needed, requested or required City services and the cost of operating the equipment to provide such services.
- B. Permit fees and fees for the use of City services and equipment may be waived in part or in full by the City via Council Resolution, if in 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 and would not result in the private financial gain of any individual or "for profit" entity.

**5.30.120 Revocation of Permits**

- A. Any permit issued under this ordinance may be summarily revoked by the administrator or his/her designee at any time when, by reason of disaster, public calamity, riot or other

emergency or exigent circumstances, the City determines the safety of the public or property requires such immediate revocation. In the event of a revocation caused by an emergency or exigent circumstance, the City shall refund the balance of the fee less the costs incurred through the effective date of the cancellation.

- B. The City may also summarily revoke any permit issued pursuant to this ordinance if the City finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by certified mail at the address specified by the permittee in the application.
- C. The chief of police, fire chief, planning director, or public works superintendent, or their designees, shall have the authority to revoke a permit issued hereunder instantly upon violation of any one or more of the code ordinances or conditions or standards of issuance as herein set forth.

#### **5.30.130 Violation – Penalty**

- A. It shall be unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this ordinance 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 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 and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the provisions of this chapter shall have committed a civil infraction and, upon a determination by the Poulsbo municipal court that such infraction has been committed, shall pay a civil monetary penalty to the city of a sum not to exceed two hundred dollars. In addition, each and every day during any portion of which a violation of any provision of this chapter is committed, continued or permitted constitutes a separate infraction. Penalties collected pursuant to this section shall be deposited in the city's general fund to be used for general purposes of the city.
- D. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto.
- E. Any person deemed to have committed a civil infraction under subsection C of this section who shall fail to come into compliance, or remain in compliance, with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in jail for a term not exceeding ninety days or by a fine in an amount not



more than one thousand dollars or by both such fine and imprisonment. Each day that such condition or violation continues shall be regarded as a new and separate offense and shall be punishable accordingly. (Ord. 96-30 § 17, 1996: Ord. 184 § 4, 1953)

#### **5.30.140 Savings Clause**

- A. If any section, sentence, clause, phrase, part or portion of this chapter 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 chapter, which shall continue in full force and effect.