

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE 1400

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING PORTIONS OF STANWOOD MUNICIPAL CODE CHAPTER 5.06 ENTITLED SPECIAL EVENTS AND AMENDING SECTION 5.06.010 DEFINITIONS; SECTION 5.06.020 PERMIT REQUIRED; ADDING A NEW SECTION 5.06.025 ENTITLED PERMIT EXEMPTIONS; AMENDING SECTION 5.06.030 PERMIT APPLICATION; SECTION 5.06.035 APPLICATION FOR CITY SPONSORSHIP; SECTION 5.06.040 APPROVAL; SUBSECTION 5.06.060(1); SUBSECTION 5.06.065(1); SUBSECTION 5.06.075(1); SECTION 5.06.090 REVOCATION OF SPECIAL EVENTS PERMIT; ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, a number of community and business groups desire to promote community involvement and activity by organizing special events in the City of Stanwood; and

WHEREAS, the City Council supports these community activities as a means of promoting economic development and furthering community awareness; and

WHEREAS, the City Council previously adopted Ordinance 1309, codified in Chapter 5.06 SMC entitled "Special Events" establishing regulations relating to special events in the City of Stanwood; and

WHEREAS, the existing rules and regulations surrounding special events were extremely broad and included regulation of events held on private property; and

WHEREAS, the proposed changes set forth in this Ordinance are intended to identify and define special events as only those events utilizing public property, events which require closure of city streets (right-of-way), and event which involve city contribution; and

WHEREAS, both the City Public Works Committee and Community Development Committee have reviewed the revisions set forth in this Ordinance, supports the same and recommends adoption by the City Council;

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

Section 1. SMC Section 5.06.010 entitled "Definitions" is hereby amended to read as follows:

“5.06.010 Definitions.

~~(1) “Special events” include any event in the city of Stanwood which is to be conducted on public property or on a public right-of-way; and, also, 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 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 is 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 not be limited to, fun runs, roadway foot races, fundraising walks, auctions, bikeathons, parades, carnivals, shows, exhibitions, filming/movie events, circuses, block parties, temporary markets, sporting events and fairs. This definition excludes events held on school district property and events held inside facilities zoned for use as a “meeting hall” as defined in SMC 17.20.140 or “house of worship/church” as defined in SMC 17.20.090.~~

~~(2) Special events protected under the First and Fourteenth Amendments” includes any event involving political or religious activity intended primarily for the communication or expression of ideas.~~

~~(3) When the city determines that an event is neither a special event nor an allowed use in the applicable zone, a temporary use permit is required per SMC 17.100.080. (Ord. 1309 § 5, 2012).~~

In this chapter, unless the context requires otherwise, the following definitions apply:

“Event organizer” means the individual or company who is sponsoring or organizing a special event.

“Special event” means any temporary or ongoing activity that occurs on public property that affects the ordinary use of public streets, rights-of-way, sidewalks, traffic and other public places that is reasonably expected to cause or result in more than 75 people gathering in a public place; and/or is reasonably expected to have an uncommon impact on such public place; and/or is reasonably expected to require the provision of public services.”

Section 2. SMC Section 5.06.020 entitled “Permit required” including a change in section name to “Permit Require – Criteria” is hereby amended to read as follows:

“5.06.020 Permit rRequired - Criteria.

~~(1) 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 (i.e., parks) without first having obtained a special event permit from the city of Stanwood.~~

~~(2) A special event permit is not required for the following:~~

~~(a) Funerals and weddings;~~

~~(b) Groups required by law to be so assembled;~~

- ~~(c) Gatherings of 30 or fewer people in a city park, unless merchandise or services are offered for sale or trade;~~
- ~~(d) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;~~
- ~~(e) Garage sales and rummage sales;~~
- ~~(f) 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; and~~
- ~~(g) Other similar events and activities which do not directly affect or use city services or property. (Ord. 1309 § 5, 2012).~~

1. It is unlawful for any person to hold or conduct any special event in the city, or to use any street, right-of-way, or other public place in the city for any purpose unless such person has obtained and has in full force and effect a permit to do so, issued by the city.

2. A special event permit is required to use any type of a city-owned property when one or more of the following conditions exist:

- (a) The event is reasonably likely to involve more than 75 people;
- (b) The proposed event is reasonably likely to require city personnel for road closures, traffic control, crowd control, or other safety and logistical support;
- (c) Public rights-of-way are impeded by the event's activities;
- (d) The proposed event requires the event organizer to obtain a use permit from two or more city departments;
- (e) Special circumstances which require (a) the coordination of multiple uses of public property; (b) assuring the preservation of public property and public places; (c) prevention of dangerous, unlawful or impermissible uses; and/or (d) protection of the safety of persons and property around the event; as determined by the City Administrator or designee."

Section 3. Adding a new SMC Section 5.06.025 entitled "Permit Exemptions" is hereby added to read as follows:

"5.06.025 Permit Exemptions.

1. The following activities that otherwise comply with city, state, and federal law are exempt from having to obtain a special event permit:

- (a) Parades, athletic events or other special events that conducted in full by the city of Stanwood;
- (b) Funeral procession by a licensed mortuary;
- (c) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales;
- (d) Garage sales, rummage sales, lemonade stands and car washes outside of the right-of-way;
- (e) Lawful picketing/demonstrating in public places protected by the First and Fourteenth Amendments to the United States Constitution.

2. An event organizer of an activity exempted from this chapter is required to comply with all local, state and federal laws and regulations governing public safety or health."

Section 4. SMC Section 5.06.030 entitled "Permit Application" is hereby amended to read as follows:

"5.06.030 Permit aApplication.

(1) An application for a special event permit can be obtained at the ~~office of the city clerk~~ Community Development Department and will be completed and submitted to the ~~city clerk~~ Community Development Director ("Director") or designee no later than ~~420~~ 60 days prior to the proposed event. A completed application does not constitute approval of the permit.

(2) A waiver of application deadline shall ~~may~~ may be granted ~~by the Community Development Director~~ upon a showing of good cause, ~~or at the discretion of the city clerk.~~ The ~~city clerk~~ Director 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 participants to file within the time prescribed, and or that the event is for the purpose of exercising rights under the First and Fourteenth Amendments of the United States Constitution.

(3) The following information shall be provided on the special event permit application:

- (a) Purpose of the special event; name, address and telephone number of the sponsoring organization and/or individual(s);
- (b) Proposed date of event, location and hours of operation, schedule of events, and estimated attendance;
- (c) Special facility requirements and city assistance required; and
- (d) Sanitation Requirements.
 - (i) Adequate waste disposal facilities shall be identified and information demonstrating how facilities will be obtained shall be provided.
 - (ii) Adequate restroom and washroom facilities shall be identified and information demonstrating how facilities will be arranged for or obtained by the applicant subject to the Snohomish Health District's review and certification process shall be provided.

(4) Permits and/or approvals/coordination from other public agencies (i.e., Community Transit, Department of Transportation) when required must be submitted prior to the issuance of the permit.

(5) ~~If a special event is proposed on private property, signature of the private property owner of record or authorized agent is required.~~

(6) Five days prior to the event, a complete list of concessionaires operating any booths shall be submitted to the ~~city clerk~~ Director, with payment of fees.

~~(7)~~ (6) The city may require other information deemed reasonably necessary to determine that the permit meets the requirements of this chapter.

~~(8)-(7)~~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. (Ord. 1309 § 5, 2012).”

Section 5. SMC Section 5.06.035 entitled “Application for City Contribution” is hereby amended to read as follows:

“5.06.035 Application for ~~e~~City sponsorship Contribution.

(1) An application for city sponsorship contribution towards of a special event can be obtained at the ~~office of the city clerk~~ Community Development Department and will be completed and submitted to the ~~city clerk~~ Director no later than ~~120~~ 60 days prior to the proposed event. The application shall include the information required in SMC 5.06.030(3) and shall include cost estimates for any needed city services. City share of the cost of the event shall be determined by the city council at their discretion. Requests for city sponsorship contribution shall be approved by the city council.

(2) A waiver of application deadline for requests for City contribution shall be granted upon a showing of good cause or at the discretion of the ~~city clerk~~ Director. The ~~city clerk~~ Director shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain city council approval for the event. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the ~~permit~~ application for contribution did not reasonably allow the participants to file within the time prescribed.

(3) Criteria for Approval of City Sponsorship Contribution.

(a) As part of the review of a city sponsorship contribution the following findings shall be made:

(i) The event contributes to the marketing of the city.

(ii) The event will attract the general public into the downtown or uptown commercial areas and will be conducted in a way that creates potential for additional retail or service business transactions that contribute to the city’s tax base.

(iii) The event provides recreation benefit to the general public.

(iv) The event promotes the general public welfare.

(b) As part of city sponsorship contribution the city of Stanwood logo and/or text indicating the city role shall may, in sole discretion of the City be included in signage, posters and other advertising materials for the event. (Ord. 1309 § 5, 2012).”

Section 6. SMC Section 5.06.040 entitled “Approval” is hereby amended to read as follows:

“5.06.040 Approval.

~~Based on the type of event and the extent to which city services will be required, approval or denial of special event permit applications will be made by the following authorities:~~

All permits issued under this chapter shall be issued by the Community Development Director or designee, except permits requesting city contribution and/or public road closure shall be approved by the city council. Upon receipt of the comments of affected city departments on the application, the Director shall proceed to consider whether or not the permit should be issued. A permit may be issued to the applicant only if all of the following criteria and conditions for issuance are met:

~~(1) Administrative Approval/Denial by City Administrator~~ Director.

~~(a) One-day events not involving street closures when special parking arrangements and hiring of police officers for crowd control and traffic control do not impact services citywide as determined by the city administrator.~~

~~(b) One-day events involving street closures issued a special event permit pursuant to this chapter in the prior year when the size, scope, and operating conditions of the event are not significantly changed from the prior year as determined by the city administrator.~~

~~(c) One-day events on private property which involve an open invitation to the public to attend.~~

(a) Adequate plans for parking exist to meet the need generated by the proposed special event;

(b) The proposed special event or proposed use of the street will not intrude onto or over any portion of a public right-of-way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering property or public safety;

(c) The proposed event will not unreasonably cause unreasonable impacts to other activities such as events or construction on the date(s) requested;

(d) The proposed event location has not been unreasonably impacted by the number of other events in a one-year period;

(e) City personnel and resources are available to assist with the event as deemed necessary by the Community Development Director, Chief of Police and/or Public Works Director;

(f) Such other and further conditions as the Director deems necessary to reasonably ensure that the proposed special event does not in any way create a likelihood of endangering public safety, including, but not limited to, those who may participate or be spectators.

~~(2) Approval/Denial by City Council.~~

~~(a) All special events processed the first time under this chapter except one-day events on private property.~~

~~(b) Multiple-day events (four days maximum) or any event involving impacts to services citywide. Events lasting more than four days shall be subject to submittal of additional information as required by city staff.~~

~~(c) New events involving street closures.~~

~~(d) Events involving street closures that occurred in the prior year when a significant change(s) is planned in the size, scope, and operating conditions of the event as determined by the Director.~~

~~(e) City-sponsored events. Items (1) (a) through (f) listed above.~~

(b) In the case of special events such as fun runs, marathons, etc., or in the case of any street use which requires the closure of any public street or walkway, the proposed event or use will not require closure for a period longer than that established by the city council;

(3) The city council will be advised of all special event approvals made by the city staff.

(4) Notification. Notice of special events that require city council approval shall be posted on the event site. The applicant shall be responsible for posting the event in a format approved by the city clerk Director a minimum of 10 days prior to the scheduled city council meeting at which the special event will be considered for action. When an event involves street closures, the beginning and end of the closure route and any intersecting streets shall be posted. (Ord. 1309 § 5, 2012)."

Section 7. SMC Subsection 5.06.060(1) is hereby amended to read as follows (All other provisions of SMC 5.06.060 entitled "Department analysis" remain in effect and are unchanged):

"5.06.060 Departmental analysis.

(1) City staff review shall include a representative from all departments. The city clerk Director will send copies of special event permit applications to all pertinent city departments for review and determination of services required."

Section 8. SMC Subsection 5.06.065(1) is hereby amended to read as follows (All other provisions of SMC 5.06.065 entitled "Site and/or property restoration" remain in effect and are unchanged):

"5.06.065 Site and/or property restoration.

(1) Cleanup. 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 cleanup will be arranged by the city and the costs charged to the permittee. The city may in its discretion require a cash cleanup deposit. "

Section 9. SMC Subsection 5.06.075(1) is hereby amended to read as follows (All other provisions of SMC 5.06.075 entitled "Permit conditions" remain in effect and are unchanged):

“5.06.075 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 public safety, and to protect the rights of persons and property, and to address the control of traffic control.

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

- (a) No Aalteration 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 the route; and
- (c) Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.”

Section 10. SMC Section 5.06.090 entitled “Revocation of Special Event Permit” is hereby amended to read as follows:

“5.06.090 Revocation of sSpecial eEvent pPermit.

(1) Any special event permit issued pursuant to this chapter may be revoked by the eCity aAdministrator if the eCity aAdministrator in consultation with the Mayor determines:

- (a) That the special event cannot be conducted without violating the provisions of this chapter and/or the conditions of the special event permit;
- (b) The special event is being conducted in violation of the provisions of this chapter and/or any condition of the special event permit;
- (c) The special event poses a threat to the public health and/or safety;
- (d) 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;
- (e) The permittee has failed to obtain any other permit required by the city or pursuant to other local, state and/or federal law;
- (f) The special event permit was issued in error or contrary to applicable law;
- (g) The permittee has not paid all applicable city fees when due;
- (h) The participants in the special event are engaged in illegal activities; and/or
- (i) The applicant fails to comply with conditions of the permit determined by city staff during departmental analysis.

(2) 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/or hand-delivered to the permittee.

(3) If there is an emergency requiring immediate revocation of a special event permit, the city clerk Director may verbally notify the permittee of the revocation and the reasons for the revocation. (Ord. 1309 § 5, 2012)."

Section 11. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 12. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this 12th day of November 2015.

CITY OF STANWOOD



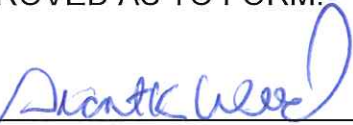
Leonard Kelley, Mayor

ATTEST:

By: 

Greg Thramer, City Clerk

APPROVED AS TO FORM:

By: 

Grant Weed, City Attorney

Date of Publication: November 17, 2015

Effective Date: November 23, 2015