

City of Black Diamond, Washington

ORDINANCE NO. 07-834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ADOPTING A NEW CHAPTER 2.59 TO THE BLACK DIAMOND MUNICIPAL CODE REGARDING SPECIAL EVENT PERMITS

WHEREAS, the City Council finds that it is in the best interests of the City and its citizens to protect the public's health, welfare and safety by adopting polices regarding special events being held in the City of Black Diamond; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. There is hereby added a new section 2.59 to the Black Diamond Municipal Code which shall read as follows:

2.59 Special Event Permits

2.59.010 Definitions.

1. "Public property" shall mean all property owned by any public entity, well as public waters, or on a public right-of-way.

2. "Special Events" include any event, that is not otherwise permitted by the underlying zoning code, which is to be conducted on public property or 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 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 not be limited to, fun runs, roadway foot races, fundraising walks, auctions, bikeathons, parades, boat races, regattas, carnivals, shows or exhibitions, filming/movie events, circuses, block parties, markets, sporting events and fairs. Special events shall also include a use of property that meets all of the following criteria: 1) the use will occur on private property that will be included in a master plan community; and 2) the use is directly and solely related to the preparation or processing of an application for a master plan community, such as temporary office space for personnel that are preparing or processing the application; and 3) the use is solely for employees or consultants of the property owner or master plan community permit applicant; and 4) the use is temporary.

2.59.020 Permit required.

(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 or lakes, without first having obtained a special event permit from the city of Black Diamond.

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

(a) Parades, athletic events or other special events that occur exclusively within the City and are sponsored or conducted in full by the city of Black Diamond. An internal review process will be conducted for these events;

(b) Funerals and weddings;

(c) Groups required by law to be so assembled;

(d) Gatherings of 50 or fewer people in a city park, unless merchandise or services are offered for sale or trade;

(e) Temporary sales conducted by businesses on the business premises, such as holiday sales, grand opening sales, or anniversary sales; or

(f) Garage sales and rummage sales conducted no more than 4 times per year at a residence.

2.59.030 Permit Application.

(1) An application for a special event permit can be obtained at the office of the city clerk and will be completed and submitted to the city clerk no later than 30 days prior to the proposed event. A completed application does not constitute approval of the permit.

(2) A waiver of application deadline shall be granted upon a showing of good cause or at the discretion of the city clerk (risk manager). 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 participants to file within the time prescribed, and that the event is for the purpose of exercising the right of free speech.

(3) The following information shall be provided on the special event permit application: purpose of the special event; name, address and telephone number of the sponsoring organization and/or individual(s); proposed date of event, location and hours of operation, schedule of events, estimated attendance, special facility requirements, city assistance required, and such other information as the city deems reasonably necessary to determine that the permit meets the requirements of this chapter and to determine the impacts and mitigation measures that are necessary to protect the public health, safety and welfare.

2.59.040 Approval.

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

(1) Approval by City Staff. The City Administrator shall be responsible for issuing the Special Events Permit for one-day events occurring on a single site.

(2) Approval by City Council. The City Council shall be responsible for approving all Special Events Permits except those delegated to the City Administrator in the previous

subsection. A public hearing is required prior to the approval of a special event involving uses on a property that will be included within a master plan community.

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

(4) If permits and/or coordination is required from other agencies, i.e., Community Transit, Department of Transportation, etc., these must be submitted prior to the issuance of the permit.

2.59.050 Fees.

There is no fee for a special event permit. Failure to obtain a special event, however, shall be a civil infraction.

2.59.060 Departmental analysis.

(1) The city clerk will send copies of special event permit applications to all pertinent city departments for review and determination of services required.

(2) The applicant is required to contract with the City in order to provide for such police and fire protection as is determined necessary for security, public safety and traffic control.

(3) Cost of city services, i.e., police, fire, 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. The city may in its discretion require a cash deposit for such costs.

2.59.070 Insurance required.

The applicant is required to obtain and present evidence of comprehensive liability insurance naming the city of Black Diamond as an additional insured for use of streets, public rights of way and publicly owned property such as parks or lakes. The insurance requirement is a minimum of \$1,000,000 for individual incidents, \$2,000,000 aggregate, per event, against all claims arising from permits issued pursuant to this chapter. A certificate of insurance shall be required naming the city as an additional insured and indemnifying the city, its officers, employees and agents from all causes of action, claims or liabilities occurring in connection with the permitted event. In circumstances posing an unusual risk of liability the city may, in its discretion, increase the minimum insurance requirements.

2.59.080 Denial of permit.

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

(1) The event will disrupt traffic within the city of Black Diamond beyond practical solution;

(2) The event will protrude into the public space open to vehicle, boat 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 obtain a city business license and/or fails to pay the special event permit fee;
- (9) The event would violate current zoning requirements, and the permit cannot be conditioned in such a way as to eliminate adverse impacts on City services and surrounding properties.
- (10) The applicant has not made adequate provisions to ensure that the health and safety of participants in, and spectators of, such special event will not be unduly endangered;
- (11) The applicant fails to obtain local, county, state and federal permits as required.

2.59.090 Appeal.

The applicant has the right to appeal any denial of a special events permit to the city council.

2.59.100 Sanitation.

(1) 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.

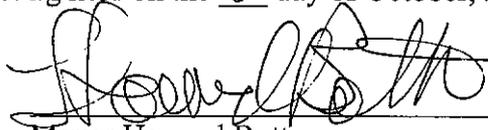
(a) If the permittee fails to clean up such refuse, the clean-up will be arranged by the city and the costs charged to the permittee.

(2) 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 King County health district's review and certification process.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

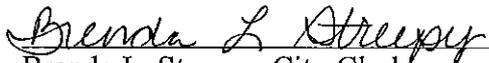
Section 3. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Passed by the City Council at a meeting held on the 18 day of October, 2007.



Mayor Howard Botts

Attest:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

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