

ORDINANCE NO. 2418

An ordinance amending 5.20 of the Camas
Municipal Code relating to business licenses and
regulations for Special Events

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Chapter 5.20 of the Camas Municipal Code shall hereinafter be entitled "Special
Events" and shall provide as follows:

5.20.010 - Definitions

- A. "Special Events" include any event which is to be conducted out-of-doors on municipal 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 public streets or rights-of-way near the event; or which would significantly impact the need for city-provided emergency services such as police, fire or medical aid. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of 500 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, carnivals, shows or exhibitions, filming/movie events, circuses, block parties and fairs.
- B. "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 any use related to special events.

5.20.020 - Permit Required

Any person desiring to conduct or sponsor a special event shall apply for a special event permit by filing an application with the City Clerk's Office and pay a \$25.00 application fee forty five (45) days prior to the date on which the event is to occur. No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington State Constitution. Political or religious activities intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event.

A special event permit is not required for the following:

- A. Funerals and wedding processions.
- B. Other similar events and activities which do not directly affect or use in any manner City services or streets.
- C. School events which are routinely scheduled.

Waiver of Application Deadline

Upon a showing of good cause or at the discretion of the City Administrator, the City Administrator shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application. 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 that the event is for the purpose of exercising the right of free speech, right of assembly and/or the right to protest.

5.20.030 - Permit Issuance

- A. The City may issue the special events permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit and compliance with Section 5.20.080 pertaining to indemnification, Section 5.20.090 pertaining to insurance, and Section 5.20.110 pertaining to cleanup deposits (when applicable).
- B. Special Events planned in City Parks must conform with compliance issues established in Camas City Code 12.32.180 as a condition of approval.

5.20.040 - Action on Permit Application

The City Administrator may approve, conditionally approve, or deny an application based on information provided on the application and the recommendations of City Departments involved in the review process on the grounds specified in Section 5.20.050. If the application is denied or conditionally approved, the City Administrator shall inform the applicant, in writing, of the grounds for denial, or the reason for a change in the date, time, route or location of the event, and the applicant's right of appeal per Section 5.20.070. The applicant shall be notified of any permit conditions at the time the application is approved and of the applicant's right of appeal of the permit conditions.

5.20.050 - Grounds For Denial of Application

Issuance of a special event permit may be denied and/or the permit may be revoked if, the City Administrator finds that one or more of the following is more likely than not to be true:

- A. The event would endanger public safety or health.
- B. The event would seriously inconvenience the general public's use of public property, services or facilities.
- C. The applicant fails to complete the application form after having been notified of the additional information or documents required in a timely manner.
- D. Information contained in the application, or supplemental information requested from the applicant is found to be false in any material detail.
- E. The applicant refuses or fails to agree, to abide, or comply with all of the conditions and terms of the permit.
- F. The location of the event will 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.
- G. The dates of the event could conflict with other previously permitted events.

- H. The event would create or constitute a public nuisance or the noise could disrupt educational activities of a nearby school.
- I. The event would be likely to cause significant damage to public property or facilities.
- J. The event would engage in or encourage participants to engage in illegal acts.

5.20.060 - Permit Conditions

The City may condition the issuance of a special events 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.

5.20.070 - Appeal Procedure

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 cleanup deposits, or a determination by the City that the applicant's Certificate of Insurance does not comply with the requirements. A written notice of appeal shall be filed three business days after receipt or personal delivery of a notice of denial or permit conditions from the City Administrator. 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 for from the City Administrator and upon public comment given at the scheduled hearing before the council. The hearing shall be scheduled no later than 14 days after receipt of a timely and proper notice of appeals. The decision of the City Council is final.

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 City Administrator schedule the appeal before the Mayor or Mayor Pro-Tem. The Mayor/Mayor Pro-Tem shall hold a hearing no later than five business days after the filing of the appeal and will render a decision no later than one business day after hearing the appeal. If the appeal is requested and heard before the Mayor/Mayor Pro-Tem, the Mayor/Mayor Pro-Tem's decision is final. There is no further appeal to the City Council.

5.20.080 - Indemnification Agreement

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the city for any costs incurred by it in repairing damages to city property and indemnify and defend the city, its officers, employees, and agents 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.

5.20.090 - Insurance

The following insurance is required in connection with the issuance of special use permits:

\$1,000,000 commercial general liability insurance per occurrence combined single limits,
\$2,000,000 aggregate, unless waived by the City Administrator.

The City Clerk is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written on an occurrence basis, shall name the city as an additional insured, 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, and shall contain a provision prohibiting cancellation of the policy except upon thirty (30) days written notice to the City.

5.20.100 - Fees for City Services

- A. Upon review of an application for a special event permit, and when the event requires significant City resources that exceed normal staffing for public services, the Finance Director should provide the applicant with a statement of the estimated cost of providing city personnel and equipment. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment prior to the special event. City services and equipment may include overtime incurred by City personnel, the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating city equipment to provide such services.
- B. If the actual costs for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the City in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.
- C. Permit fees and the fees for the use of city services and equipment may be waived in part or in full by the City Administrator 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/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

5.20.110 - Cleanup Deposits

- A. The applicant/sponsor of an event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide a clean-up deposit prior to the issuance of a special event permit.
- B. The clean-up deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.

If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the City for clean up and restoration. The clean-up deposit shall be applied toward the payment of the bill.

5.20.120 - Revocation of Permits

Any permit issued under this ordinance may be summarily revoked by the City Administrator, Police Chief, Fire Chief or Public Works Director at any time when, by reason of disaster, public calamity, riot or other emergency or exigent circumstances, if it is determined that the safety of the public or property requires such immediate revocation. The City Administrator may also summarily revoke any permit issued pursuant to this ordinance if the designated city official 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 personal service or certified mail at the address specified by the permittee in the application.

5.20.130 - 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 described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.
- C. Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty 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.

5.20.140 - Severability

If any section, sentence, clause, phrase, part or portion of this ordinance 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 ordinance.

Section II

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

Passed by the Council and APPROVED by the Mayor this 3rd day of October, 2005.

SIGNED: Paul Dennis
Mayor

ATTEST: John M. Surgen
Clerk

APPROVED as to form:
G. J. [Signature]
City Attorney



CITY OF CAMAS

616 Northeast Fourth Avenue
P.O. Box 1055
Camas, Washington 98607
<http://www.ci.camass.wa.us>

Example of Special Events Application

FOR OFFICE USE ONLY
PRE-PAID APPLICATION FEE \$25

Collected On: _____/_____/_____
Receipt #: _____
Received By: _____

Application for Special Events Permit Request For Use of City Streets or Public Right of Way (Allow at least 21 days for processing)

APPLICANT:

48

Name of Organization: _____
 Address: _____
 Name of Activity Coordinator: _____
 Phone: (____) _____ Alternate Phone: ie-cell, work, etc. (____) _____

ACTIVITY OR EVENT:

Title/Name of Event _____
 Date(s) and Time(s) of Proposed Activity: _____

Type of Activity: (Check All That Apply)

Parade _____ FunRun _____ Walk _____ Race _____ Car Show _____
 Sidewalk Sale _____ BlockParty _____ Exhibition _____ StreetFair _____
 VendorCart _____ Sidewalk Seating _____ Other (Specify) _____

Description of Activity or Event:

Maps and Drawings: (attach a map of legible drawings showing assembly points, routes street closures, parking locations, affected streets, sidewalks, or the applicable piece of public property affected by the event)

Maps Attached: Yes _____ No _____

Estimated Number of Persons Attending Activity, Each Day: _____

Number of Vehicles, Each Day: _____

PARKING AND TRAFFIC CONTROL:

Will Event Require Off-Street Parking? If So, Explain Applicant Provisions for Accommodating Off-Street Parking: _____

Will Event Include Vendors, Booths, Tents or Carts? Yes _____ No _____

Vendor Carts and Booths – The operator of a stand or booth will be responsible for removal of litter in the area and will provide sufficient trash receptacles. If street sweeping or extensive trash pick-up is necessary after the event, The Public Works Department may impose a fee for that service. If heat, an open flame, and/or electrical power are required for the operation of the booth or stand, the Fire Marshal or his designated representative will inspect it for compliance with applicable fire and safety codes (review & inspection fees may apply). The applicant will provide a map or drawing of the booth or stand, its relationship to other structures in the immediate area, and its impact on the traveled portion of the sidewalk or street as appropriate. The vendor cart/booth requirement is in addition to the overall event map, and should be more specific and in greater detail. The City Engineer or his designated representative will inspect the area in regards to possible obstruction of the sidewalk and/or street. Further, if the stand or booth is a motor vehicle or trailer parked on the street, all applicable parking regulations apply including time limits in the appropriate zones.

Vendor Cart/Booth Map or Drawing Attached: Yes _____ No _____

Are Traffic/Pedestrian Barricades Needed? Yes _____ No _____

If yes, list barricade placement locations by attaching a detailed traffic control map indicating specific type of control barricades, number, as well as placement details for each individual day. **Arrangements for barricades must be made with the Public Works Dept. 834-2457 prior to event date(s).**

NOTIFICATION OF OTHERS:

Notification – The City of Camas recognizes that businesses, schools, churches, neighborhood associations, community groups, and residents are all stakeholders in activities occurring in the community that may inconvenience the general public’s use of public property, services or facilities. A vital piece of granting special event permits is to ensure proper notification has been made to any affected group, organization or individual so that they have the opportunity to comment on the application if they so desire. It is the responsibility of the event organizers to identify any such stakeholders and make notifications prior to submission of the permit application. Please provide a list of each business, school, church, neighborhood association, Chamber of Commerce, resident, or other organization that you have identified and contacted about your planned event.

- DO NOT OVERLOOK THIS STEP! APPLICATIONS SUBMITTED WITHOUT A COMMUNITY NOTIFICATION LIST WILL BE SUBJECT TO REJECTION.
- PLEASE ATTACH YOUR NOTIFICATION LIST TO THIS APPLICATION.

INSURANCE REQUIREMENT:

Commercial General Liability Insurance is Required – Upon Condition of Permit, Proof Of Insurance Must be Submitted (see terms below)

Pursuant to the provisions of Camas Municipal Code 5.20, before a permit may be issued, the applicant will be required to execute a certificate of insurance evidencing commercial general liability insurance with minimum limits of \$1 million combined single limits per occurrence, and a copy of the endorsement naming the City as an additional insured.

The City retains the right to require a certificate of insurance policy complying with the above limits for each event vendor, depending upon the type of activity and risk assessment of the City’s reviewing authority.

The City reserves the right to stop any or all activity, if violations of the permit conditions occur. The City further reserves the right to stop any or all activity if a condition endangers the general health or safety of the participants, or hinders efficient public safety operations.

PROVISION FOR COST RECOVERY OR FEE ASSESSMENT:

Fees for Extraordinary City Services – For special events initiated after 2002, which entail extraordinary provision of City resources (examples include, but are not limited to: personnel, equipment, materials, and services such as trash disposal) such necessary costs may be recovered by the City. In such cases, the applicant will be required, as a condition to the approval of the permit, to prepay the estimated costs or fees

of City services associated with the special event. In the event that the City of Camas requires the prepayment of certain costs and fees, the City Clerk will provide the applicant/sponsor with a statement outlining the anticipated costs. If the actual costs vary from the estimated amount, the difference shall either be refunded or billed to the applicant/sponsor.

AGREEMENT:

Agreement - The organization or entity obtaining a permit agrees to defend, indemnify, and hold harmless the City, its agents, employees, and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization's employees, or third parties on account of personal injuries, bodily injuries, death, damage to property, or theft arising out of acts or omissions of the organization, its employees or representatives, concessionaires of the event, or any person or entity, except for liability caused by the sole negligence of the city.

My signature below indicates that I have read and understand the conditions of the application for a Special Events Permit. Also, if the permit is granted, I hereby agree to abide by the conditions set forth in the permit. I have been informed that if I, or the group I represent, fails to abide by the permit conditions, the City of Camas may revoke the permit to use City streets, or the public right of way.

Signature: _____

Date Submitted: _____

STAFF APPROVAL AND NOTES:

FOR CITY OFFICIAL USE ONLY:

Police Chief _____	Approved? YES / NO	Date _____
Fire Chief _____	Approved? YES / NO	Date _____
City Clerk _____	Approved? YES / NO	Date _____
Public Works Dir. _____	Approved? YES / NO	Date _____

COMMENTS FROM DEPARTMENT HEADS:

Police Department:

Fire Department:

City Clerk:

Public Works Director:

Standard Requirements (City Official Use Only):

- _____ Must maintain sufficient access for emergency vehicles.
- _____ Coordinate barricade placement with Eric Levison (360) 817-1563.
- _____ City of Camas will need to collect updated "Proof of Insurance" prior to event.
- _____ Contact Chamber of Commerce/Surrounding Businesses/Residences of pending street closure.
- _____ Contact Fire Marshals for possible inspection of events (360) 834-6191.
- _____ Maintain a minimum 5 ft. clearance on sidewalk.
- _____ Contact Parks Board for further approval.
- _____ Contact State for use of SR-500/Contact Clark County for further approval.

Other Conditions of Approval:

CITY ADMINISTRATOR – FINAL APPROVAL
--

- _____ A permit for this event is **approved** by the City of Camas.
- _____ A permit for this event is **denied** by the City of Camas for the reasons listed below.

City Administrator: _____ Date: _____

Reason for Denial:

NOTIFICATION OF PERMIT STATUS:

On ___/___/___ I contacted _____ regarding **approval/denial**
Date Name of person contacted – usually applicant

of the special event application for _____ based on above listed factors.
Title of Event

 Signature of City Employee Making Notification