

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF MILLWOOD, WASHINGTON ADOPTING MILLWOOD MUNICIPAL CODE TITLE 12 CHAPTER 12.10 SPECIAL EVENTS, AND RESCINDING AND REPLACING ALL SECTIONS OF PREVIOUS ORDINANCES, RESOLUTIONS, LAWS AND REGULATIONS RELATING TO THE REGULATION OF SPECIAL EVENTS.

WHEREAS, pursuant to chapter 35 RCW, the Council of the Town of Millwood has the care of town property and management of town funds and businesses, and

WHEREAS, the Council of the Town of Millwood acknowledges the substantial benefits that citizens derive from special events occurring within the community, and

WHEREAS, it is the desire of the Council of the Town of Millwood to assist and cooperate with individuals desiring to hold activities and events in the Town of Millwood, and

WHEREAS, the Council of the Town of Millwood desires to minimize any negative impacts to the Town of Millwood and its residents and businesses during special events, and

WHEREAS, the Council of the Town of Millwood desires to ensure for the safe and beneficial use of public property by the public for special events;

WHEREAS, procedures need to be established to provide guidance

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MILLWOOD as follows:

That the following is adopted as an ordinance of the Town of Millwood amending Millwood Municipal Code Title 12, Streets, Sidewalks and Public Places, by adding Chapter 12.10 Special Events.

**TITLE 12 Streets, Sidewalks and Public Places
Chapter 12.10 Special Events**

Sections:

- 12.10.010 Purpose
- 12.10.020 Definitions
- 12.10.030 Permit Required
- 12.10.040 Permit Application Required
- 12.10.050 Insurance Required
- 12.10.060 Bond Required
- 12.10.070 Traffic Control Required
- 12.10.080 Fee Required
- 12.10.090 Permit Application Filing
- 12.10.100 Permit Issuance
- 12.10.110 Appeal Procedures
- 12.10.120 Permit Revocation or Suspension
- 12.10.130 Adoption of Rules and Regulations
- 12.10.140 Violation – Penalty

12.10.010 Purpose

The purpose of this chapter is to allow for the reasonable and safe use of public property by the public for those events which, by their nature, attract the public’s attention and interest while minimizing any negative impacts to the town and its residents and businesses during such events.

12.10.020 Definitions

The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be construed as set out in this section:

“Applicant” means the person, firm, organization, or entity that seeks to conduct or sponsor any special event.

"Parade" means any march or procession consisting of people, animals, bicycles, vehicles, or any combination thereof upon a public street or sidewalk which does not comply with adopted traffic regulations or controls.

"Run" means an organized procession or race consisting of people, bicycles, or other vehicular devices or any combination thereof comprising of 10 or more persons upon a public street or sidewalk.

"Public Property" means property under control and authority of the town.

"Special Event" means any parade, run, street dance, demonstration, or exhibition on public property. "Special Event" shall not mean any wedding or funeral procession, any event solely involving a group required by law to be so assembled, a pedestrian procession along a route that is restricted to sidewalks and crossing streets using only a pedestrian crosswalks in accordance with traffic regulations and controls, any activity or event sponsored or hosted by the town, or any activity or event deemed by the town's appointed designee to not require a special event permit.

"Street dance" means any organized dance of five or more persons on a public street, sidewalk, or other public property.

12.10.030 Permit Required

No person shall conduct a special event on public property unless a permit shall have been first obtained from the town.

12.10.040 Permit Application Required

Applicants seeking to hold a special event in the town shall submit a written application for approval together with the required documentation and the required fee. A complete application must include the written application, required documentation and required fee. The application form will be provided by the town and will contain at a minimum:

- A. Name and address of applicant;
- B. Type of special event;
- C. Date(s) and time(s) of event;
- D. Name of sponsoring person or organization;
- E. Probable number of participants;
- F. Starting point, route, and ending point;
- G. Requested access to public property; and
- H. Location of any assembly area(s).

In addition to the application, the following documentation must be provided:

- A. Documentation of current general liability insurance stating amount of coverage;
- B. A copy of a performance bond;
- C. A traffic control plan;
- D. Restroom access agreement;
- E. A security and emergency medical plan;
- F. A clean-up plan; and
- G. Evidence of compliance with any required permits from outside agencies.

12.10.050 Insurance and Indemnification Required

The applicant shall provide the town a copy of documentation of current general liability insurance with a combination single limit of \$1,000,000 per occurrence. Evidence of insurance shall be filed with the application and shall name the Town of Millwood as an additional named insured. Depending upon the nature of the special event and its apparent risk to the public, the Clerk-Treasurer, upon advice of the town's legal counsel, may increase the required liability limits.

Prior to the issuance of the special event permit, the applicant shall agree to reimburse the town for any costs incurred by the town in repairing damage to town property occurring in connection with the permitted event. The holder of the permit shall further agree to defend, indemnify and hold harmless the town, its appointed and elected officers and employees from and against all

loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the town, its appointed and elected officials or employees for damages because of personal or bodily injury, including death at any time therefrom, sustained by any person or persons and on account of damage to property or loss therefrom, arising out of any activity under or in connection with the special event, except only such injury as shall have been occasioned by the sole negligence of the town or its appointed or elected officers or employees.

12.10.060 Bond or Deposit Required

A performance bond or deposit shall be required as guarantee that the public property will be cleaned and restored to the condition in which it was found. The amount of the bond or deposit shall not be less than \$1,000. Depending upon the nature of the special event, its estimated cost for clean up or other potential expenses, the Clerk-Treasurer, upon advice of town staff and the town's legal counsel, may increase the required bond or deposit amount or refer the matter to the town council for consideration. If a deposit is provided and the cost of cleaning and restoration of the public property is less than the full amount of the deposit, the town shall remit the remaining portion of the deposit to the applicant within 30 days of the town's incurrence and/or payment of all expenses associated with such cleaning and restoration.

12.10.070 Traffic Control Required

The applicant shall submit a traffic control plan, which may be amended by the public works department to protect the health, safety and general welfare of the public. All required traffic control shall be arranged by the applicant and shall be at the expense of the applicant.

12.10.080 Fee Required

Applications for special events shall require the payment of a fee. The fee for special events permits shall be set by the town council by resolution. 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 Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event.

12.10.090 Permit Application Filing

A complete application for a special events permit shall be filed with the town at least 90 business days before the date(s) proposed for the special event.

12.10.100 Permit Issuance

Within 15 business days of receipt of a complete application, the town will advise the applicant in writing of either the denial of the application or issuance of the permit with any conditions that may be placed on the event to protect the public's health, safety, and general welfare. The holder of a special event permit shall conduct the special event in accordance with all terms and conditions of the special event permit. If the event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Section 3, 4, 5, or 11 of the Washington State Constitution, the town will not place conditions or impose terms on the event that otherwise infringe upon such constitutional rights. If the event would require law enforcement assistance, the application for permit shall be denied. If the application is denied the town shall send written notice to the applicant within 30 days of receipt of a complete application.

12.10.110 Denial of application.

An application for a special event may be denied based upon a determination that:

- A. The event would seriously endanger public safety;
- B. The event would seriously inconvenience the general public;
- C. The event would unreasonably infringe upon the rights of abutting properties and/or property owners;

- D. The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;
- E. There is not sufficient law enforcement and/or safety personnel or other necessary town staff to accommodate the event;
- F. The applicant failed to complete the application form after being notified of the additional information or documents required;
- G. The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed;
- H. The applicant failed to prepay all fees and/or expenses; or
- I. Other issues in the public interest were identified by the town.

12.10.120 Appeal Procedures

Upon denial of an application for special event permit by the town, an applicant may appeal to the town council by submitting a written appeal within 10 business days from the date of the decision. The council shall hear the appeal at its next regularly scheduled meeting and at such time may reverse, affirm or modify the prior decision.

12.10.130 Permit Revocation or Suspension

A special event permit issued under this chapter is temporary, vests no permanent rights in the applicant, and may be immediately revoked or suspended by the town if:

- A. The applicant makes a misstatement of material fact on the application or in required or supporting documentation;
- B. The applicant fails to fulfill a term or condition of the permit;
- C. The form of payment submitted by the applicant for any fee or deposit is dishonored or the applicant otherwise fails to prepay any fee, deposit, or expense;
- D. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
- E. The activity conducted is in violation of any of the terms or conditions of the special event permit; or
- F. An emergency or occurrence requires the cancellation or termination of the event in order to protect the public health, safety, or welfare.

No event shall continue to occur after the special event permit is revoked, suspended, or expired. The town shall only refund fees in the event of an emergency not created by the applicant or the applicant's action or inaction.

If the applicant requests the cancellation of the permit or cancels the event, the permit shall be revoked and no refund of fees shall be issued.

12.10.140 Adoption of Rules and Regulations

The town shall have the power to adopt forms, policies, rules and regulations not inconsistent with the provision of this chapter or any other chapter of the Millwood Municipal Code for the management and control of special events. A copy of such forms, policies, rules and regulations shall be filed with the Clerk-Treasurer and be available for public examination. Failure to comply with any such rule or regulation shall be deemed to be a violation of this chapter.

12.10.150 Violation - Penalty

Violation of this chapter shall be a misdemeanor punishable upon conviction by a fine not to exceed \$1,000 and by imprisonment not exceeding 90 days per offense. Each day in violation is considered a separate offense.

Repeal. All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

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 unconditionally shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Effective Date. This ordinance or summary thereof consisting of the title shall be published in the official newspaper of the Town, and shall take effect and be in full force upon passage and publication.

PASSED BY THE COUNCIL OF THE TOWN OF MILLWOOD THIS 2nd DAY OF JULY, 2007.

Dan Mork
DAN MORK, MAYOR

Attest:

Eva L. Colomb, Clerk-Treasurer

STATE OF WASHINGTON)
:
County of Spokane)

Eva L. Colomb, being first duly sworn on oath deposes and says:

I am the Clerk-Treasurer of the Town of Millwood, Washington and the forgoing ordinance entitled "AN ORDINANCE OF THE COUNCIL OF THE TOWN OF MILLWOOD, WASHINGTON ADOPTING MILLWOOD MUNICIPAL CODE TITLE 12 CHAPTER 12.10 SPECIAL EVENTS. AND RESCINDING AND REPLACING ALL SECTIONS OF PREVIOUS ORDINANCES, RESOLUTIONS, LAWS AND REGULATIONS RELATING TO THE REGULATION OF SPECIAL EVENTS." is the true and correct copy of the Town of Millwood's Ordinance numbered 360 and that the same was posted and published according to law.

Eva L. Colomb

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2007.



Heather KM Cannon
Heather KM Cannon
Notary Public in and for the
State of Washington.
Residing at Spokane.
My Commission expires 7-5-07