



FEES: Special Event Application off City Property \$50.00

Special Event Application on City Property \$100.00

For use of City Utilities (Water or Power) include additional: \$25.00

Application is required 30 days in advance of event or application is considered late and will be charged a late fee of \$50.00.

SPECIAL EVENT PERMIT APPLICATION

1. Applicant's legal name: _____
Street address: _____
City/State/Zip: _____
Telephone: _____
Fax number: _____
Are you a non-profit organization recognized by the Internal Revenue Service under Internal Revenue Code § 503? No Yes (provide Tax ID / UBI: _____)

2. Local representative or agent: _____
Telephone: _____
Contact person: _____
Fax number: _____

3. Summary of proposed event:
a. General description: (Include locations and property ownership, and specify whether event will take place in City Park.) _____

b. Date of event: _____
c. Number of persons involved in event on behalf of Applicant: _____
d. Number of vehicles and other special equipment: _____
e. Date(s) parking spaces or areas required: _____
f. Number of persons expected to attend the event: _____
g. Traffic or crowd control requirements: _____

h. Street closures required: _____
i. Safety and security measures required: _____

j. Special effects, e.g. explosives, pyrotechnics, aircraft: _____

k. Animals being used: _____

l. Other features: _____

m. Public Liability Insurance Company: _____

Policy No. _____ Agent: _____

Expiration Date _____ Amount _____

n. Safety and security measures provided by the Applicant: _____

o. Electric power, water and sewage requirements: _____

p. Emergency services required: _____

q. Will there be any of the following? (If yes, please check the box.)

Open flame or cooking facilities?

If yes, please describe facilities: _____

(Please note that State law may require Food Handlers' Permits and applicant should contact the Department of Health as soon as possible.)

Compressed gas cylinders?

If yes, please describe: _____

Garbage dumpster(s)?

If yes, please describe: _____

Tents, canopies or awnings?

If yes, please describe: _____

Floats?

If yes, please describe: _____

Smoking allowed?

If yes, please describe: _____

(Please note that Tieton prohibits smoking on any premises owned, leased or managed by Tieton.)

Alcoholic beverages served/consumed?

If yes, please describe: _____

(Please note that Tieton prohibits consuming or possessing alcoholic beverages on any premises owned, leased or managed by Tieton. State law may require a liquor license and applicant should contact the Liquor Control Board as soon as possible.)

RCW 66.44.270

Furnishing liquor to minors—Possession, use—Penalties—Exhibition of effects—Exceptions.

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of

this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

4. Insurance: The City of Tieton does not maintain insurance that will cover claims against the Applicant arising out of the use of City property or facilities by the Applicant, its members, or those attending the event. Depending on the nature of your organization, the Applicant may be required to obtain bodily injury and property damage liability insurance of \$1,000,000.00 or \$5,000,000.00 and be responsible for obtaining and paying for said insurance. If required, attach a copy of the policy and the receipt for its payment. The policy must stipulate that the Applicant may not cancel the policy prior to its expiration date without prior written approval from the City of Tieton.

5. The Applicant agrees to defend, indemnify and hold the City of Tieton, its agents, employees and officials, while acting within the scope of their duties, harmless from any and all claims, suits, demands and judgments, including the attorney's fees and other costs of their defense, for public or private nuisance, inverse condemnation, personal injuries, property damage or death arising out of, occurring during or the result of activities or appliances of the Applicant, its employees or otherwise, except for the sole negligence of the City. The Applicant further agrees to comply with all provisions of pertinent laws, rules and regulations. This permit may be revoked at any time.

6. The Applicant agrees to pay all fees and costs including, but not limited to, permit fee, utility costs, clean up costs, and emergency response personnel costs, prior to the granting of a permit.

I declare under penalty of perjury of the laws of the State of Washington that the above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, 20__.

Signature of Applicant or Agent

Approved

Denied

Signature of Administrative Official

Date

ORDINANCE NO. 785**AN ORDINANCE AMENDING ORDINANCE NO 568 REQUIRING A PERMIT FOR CONDUCTING SPECIAL EVENTS WITHIN THE CITY OF TIETON TO BE EFFECTIVE AS OF JUNE 01, 2022**

The City Council of the City of Tieton, Washington, do ordain as follows:

Section 1. Purpose and Policy.

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, etc. Special events shall be allowed by a special event permit granted by the Mayor or designated appointee. Such actions, whether conducted on private or public properties, may generate temporary conditions, such as crowds, a need for rerouting of traffic, potentially hazardous circumstances, or a diversion of use, that adversely impact normal activities of the community. Accordingly, the City Council deems it necessary to establish the following policies and procedures to control such actions.

Section 2. Permit.

It is the specific intent to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and nothing contained in this chapter is intended to be construed to create or form the basis for liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein.

Section 3. Definitions.

For the purpose of this chapter, words and phrases used herein are as follows:

“Applicant” shall mean any person or organization who seeks a special event permit to conduct or sponsor an event governed by this ordinance.

“Non-Profit Organization” shall mean an entity exempt from the payment of income taxes by the Internal Revenue Service due to its religious, charitable, or social nature.

“Participant” shall mean any person, corporation, partnership, association, limited liability company, or other entity.

“Permit application fee” shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the City Clerk. Such fee shall be set by the City Council.

“Permittee” shall mean any person or organization that has been issued a special event permit by the Mayor or appointed designee. The permittee shall have authority, subject to approval by the City, to determine participation in commercial activities during a special event.

“Refundable deposit” shall mean the amount of money required of a permittee by the Public Works Supervisor in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon the completion of the event and approval of the Public Works Supervisor.

“Special event permit” shall mean the permit issued by the Mayor or appointed designee after the applicant has met all reviews and requirements set forth in this chapter.

Section 4. Exemptions.

The provisions of this chapter shall not apply to:

- (a) Funeral processions;
- (b) Groups required by law to be so assembled;
- (c) Pedestrian processions along a route that is restricted to sidewalks and crossing streets or at pedestrian crosswalks in accordance with traffic regulations and controls;
- (d) Activities and events sponsored by the City and deemed by the Mayor or appointed designee to not require a special event permit including, but not limited to, Flag Day, Christmas and New Years;
- (e) Dances or other social events conducted by schools or churches on premises under their control;
- (f) Temporary sales conducted by businesses, such as holiday sales, grand opening/closing business sales, or anniversary sales;
- (g) One-day bazaars or arts and craft shows sponsored by churches, lodges, or other nonprofit social groups;
- (h) Garage sales and rummage sales;
- (i) Organized amateur sporting events such as little league baseball, amateur soccer, and day camps sponsored by the City or Highland School District; and
- (j) Charitable, religious or nonprofit organizations. Or at the discretion of the Mayor.

Section 5. Administration

The Mayor or designated appointee shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special event permits. The Mayor or designated appointee may approve, modify, or condition an application for a special event permit.

Section 6. Permit required.

- (a) Any person desiring to conduct or sponsor a special event on private or public property, and/or which will necessitate the use of the public right-of-way, shall first obtain a special event permit, at least 30 days in advance of the event date.
- (b) When such an event will be an exercise of rights protected 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, 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 liberties of applicants and the public.
- (c) A special event permit shall not exceed five consecutive days.

Section 7. Permit fee.

- (a) The fee for issuance of a special event permit shall be \$50.00, unless the event is held in a city park or on city property then the fee will be \$100.00.
- (b) A \$50.00 late fee will be issued if the permit is not submitted at least 30 days prior to the event date.
- (b) The special event permit shall substitute for a business license required under Tieton Municipal Code § 5.02.020.
- (c) The applicant shall be responsible for obtaining the permit and paying the fee. When two or more participants temporarily gather under the direction and supervision of any organization or business, regardless of profit status, only one special permit shall be

required, but a fee of \$10.00 shall be paid by the permit applicant for each additional for-profit participant.

(d) The Mayor or designated appointee has the authority to require a refundable deposit as suggested by the Public Works Department for reimbursement of the costs for cleanup services.

(e) In addition to the permit fee and refundable deposit for cleanup services, the City shall charge a fee for any participant's use of City utilities such as electricity, water and sewer. If possible, the City will estimate the cost of furnishing such services and the applicant shall pay the cost in advance. If the use of City utilities is determined to be minimal, the City shall charge a flat fee of \$25.00 which shall be paid in advance.

Section 8. Exemptions from permit fee.

(a) 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.

(b) Fees may be waived for special events sponsored by nonprofit organizations and which further the goals and objectives of the City. The cost of use of City utilities cannot be waived.

Section 9. Permit application.

(a) Any person wishing to sponsor a special event shall apply for a special event permit by filing an application with the City Clerk at least thirty days prior to the date on which the event is to begin or occur. An exception to the time limit for filing can be made at the discretion of the Mayor or his/her designated appointee.

(b) The Mayor or designated appointee shall issue the special event permit once the application has been approved after review of appropriate agencies to include police, fire, public works, and others as determined by the Mayor or designated appointee, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

(c) The Mayor or designated appointee shall approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process.

Section 10. Permit requirements.

(a) Special event uses are to be temporary and approved for a particular zoning district by the Mayor.

(b) Temporary signage and temporary structures will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the Public Works Supervisor.

(c) Requests for temporary parking facilities for special events and street closures for special events shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the Police Chief.

(d) Requests for fire and emergency medical services shall be subject to requirements and interpretive authority and discretion of the Fire Chief.

(e) Requests for police services shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the Police Chief.

(f) Expenses for fire, police, and public works crews needed for coverage and cleanup at the special event shall be prepaid and the responsibility of the permittee, even if the permit fee has been waived.

(g) The consumption or possession of alcoholic beverages upon property owned, leased or managed by the City is prohibited. An applicant seeking to serve alcoholic beverages on property not owned, leased or managed by the City during its special event must obtain a separate permit from the Washington State Liquor Control Board prior to the event. A copy of the permit must be provided to the City five days before the start of the event.

Section 11. Permit conditions.

The Mayor or designated appointee may condition the issuance of a special event permit by imposing reasonable requirements concerning 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.

Section 12. Denial of application.

A special event permit 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;
- (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 safety personnel or other necessary City 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) Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail;
- (h) The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies;
- (i) Other issues in the public interest were identified by the Mayor or designated appointee; or
- (j) Failure to prepay expenses.

Section 13. Appeal procedure.

Upon denial of a permit by the Mayor, an applicant may appeal to the City Council by filing a written notice of appeal for hearing by the City Council at its next meeting. Upon such appeal, the City Council may reverse, affirm, or modify the Mayor's determination. The appeal must be received by the City Clerk, Deputy City Clerk or Mayor at least three business days (excluding legal holidays) before a Council Meeting for the appeal to be heard by the Council.

Section 14. Indemnification.

- (a) Prior to the issuance of the special event permit, the applicant must agree, in writing, to reimburse the City for any costs incurred by the City in repairing damage to City property occurring in connection with the permitted event.
- (b) Prior to the issuance of the special event permit, the applicant must agree, in writing, to defend, indemnify, and save harmless the City, 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 City, its 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 City, its appointed or elected officers or employees.

Section 15. Insurance requirement.

(a) The permittee shall provide the City with proof of commercial general liability insurance. If the applicant and all of the participants are nonprofit organizations, the general liability insurance must be in the amount of one million dollars combined single limits per occurrence. If the applicant or any participant is a for-profit organization, the general liability insurance must be in the amount of five million dollars combined single limits per occurrence. An endorsement naming the City of Tieton as an additional insured must be provided if requested by the Mayor.

(b) Certificates of insurance shall be submitted to the City for approval fourteen working days prior to the event. Acceptability of insurance is subject to approval by the City Attorney.

Section 16. Revocation or suspension.

(a) A special event permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the Mayor or designated appointee if:

(1) The applicant has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee for a permit has been dishonored;

(2) The applicant requests the cancellation of the permit or cancels the event;

(3) The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property;

(4) The activity conducted is in violation of any of the terms or conditions of the special event permit;

(5) The emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;

(6) The applicant fails to prepay expenses;

(b) The City shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the City shall refund the balance of the fee less the costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

Section 17. Penalty for violation.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall have committed a civil infraction and shall pay a civil monetary penalty not to exceed \$500.00. Each day or portion of a day in which a violation is committed constitutes a separate offense. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any provision of this chapter is a public nuisance and may be subject to immediate abatement.

Section 18. Severability.

If any part, provision, or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

Section 19. Effective Date.

This ordinance shall take effect five days after its passage, approval, and publication.

Passed by the City Council of Tieton, Washington, at a regular meeting thereof this 28th day of June, 2022.

Dewane Ashbrooks, Mayor

Attest:

Fred Munoz, Clerk/Treasurer

Approved as to form:

Margita Dornay, City Attorney

Date Published: _____