

New Proposed Chapter: 5.16 to Naches Municipal Code Title 5: Business Licenses and Regulations

Chapter 5.16 SPECIAL EVENTS

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5.16.010 Definitions

1. **Application.** Any person or organization who seeks a special event permit from the town to conduct or sponsor an event governed by this chapter. An application must be 18 years of age or older.
2. **Athletic Event.** An occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public street, sidewalk, alley or other public right-of-way which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Athletic events include bicycle and foot races, bike-a-thons, walk-a-thons, and volksmarches.
3. **Major Event.** Any special event that has the potential to adversely impact the health and safety of the surrounding community or significantly impact the Town. Major events may involve multiple Town blocks, multiple street closures, many hundreds of people, be offered for more than one day, or include driving vehicles in the park or Town green-spaces.

4. **Minor Event.** Any special event that has minimal impact on the health and safety of the surrounding community or minimal impact to the town. Minor events may involve a limited number people or be offered for less than one day.
5. **Moderate Event.** Any special event that has the potential to impact health and safety of the surrounding community or may have an impact upon the Town resources. Moderate events may involve one Town block, one street closure, a number of people that would impact the normal public use of the property or may be offered for one day or more.
6. **Motorcade.** Any organized procession containing 10 or more vehicles, except funeral processions, upon a public street, sidewalk, alley or other public right-of-way.
7. **Parade.** Any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except funeral processions, on any public street, sidewalk, alley or other public right-of-way which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.
8. **Special Events.** Any parade, fair, show, festival, carnival, rally, party, motorcade, run, street, dance, bike-a-thon, race, walk, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public right-of-way, or if held wholly upon private property, but will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. A “special event” is of a limited time and duration. “Special event” shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or public right-of-way where merchandise or services are offered for sale, whether by for-profit or nonprofit organizations.
9. **Street Dance.** Any dance of 10 or more people on or within any publicly owned parking lot or other publicly owned property, or any public street, alley, sidewalk, or other public right-of-way.
10. **Yard Sale or Garage Sale.** An event where used household belongings are sold.

5.16.020 Permit-Required

Any person or organization desiring to conduct or sponsor a special event in the Town shall first obtain a special event permit from the mayor or his/her designee unless specifically exempted in this chapter.

5.16.030 Permit-Not Required

1. Funeral and wedding processions, as long as all traffic laws are followed throughout the duration of travel;
2. Parades involving a total of 30 or fewer pedestrians marching along a parade route that is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls. Pedestrians participating in the parade shall cross crosswalks in units of 15 or less, and shall allow vehicles to pass between each unit;

3. Groups of P-12 grade students involved in an event of a nonprofit educational organization such as schools, daycares, and preschools, unless it could be categorized as a major event, and as long as all travel occurs on sidewalks where available, and all participants shall cross crosswalks in units of 15 or less, and shall allow vehicles to pass between each unit;
4. Special events sponsored in whole by the Town of Naches;
5. Yard sales are generally exempt from obtaining a special event permit. A special use permit must be obtained if a yard sale is more than two days in length within seven days or occurs more frequently than four times in the same calendar year.
6. The following events are deemed to have historical and/or culture significance to the Town of Naches and shall be exempt from obtaining a permit. Insurance requirements and indemnification agreement are still required to be filed with the town clerk/treasurer prior to the date of the event.
 - A. The Naches Sportsman's Day Event
 - B. Christmas in Naches Event

5.16.040 Permit – Application – Requirements.

1. **Filing of Application.** Any person or organization desiring to sponsor a special event not exempted by this chapter shall apply for a special event permit by filing a completed application with the Mayor or his/her designee on a form supplied by the Town. This application shall be filed not less than 28 calendar days in advance of the date on which the event is to occur if the event requires the closure of any street, any detouring traffic, or any significant impact on Town services. Other events not requiring the foregoing are to be filed not less than 14 calendar days in advance of the proposed event.
2. **Waiver of Application Deadlines.** Upon a showing of good cause or at the discretion of the mayor or his/her designee, the mayor or his/her designee 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 Town services for the event. 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/or that the event is for the purpose of exercising the right of free speech.
3. **Information Requested on Application.** In order that the adequate arrangements may be made for the proper protection of the special event, the people in attendance, as well as the general public, the mayor or his/her designee shall have the authority to set the information required on the application. Such information shall include but is not limited to:
 - A. The name of the applicant, the sponsoring organization, and/or the special event responsible part, and the address, telephone number, and email address for each;
 - B. The purpose of the special event, the date when it is proposed to be conducted, the location and the hours of operation, including site map or maps, schedule of events and location of events;

- C. Such other information as the mayor or his/her designee may deem responsibly necessary, in consultation with the planning commission.
4. **Application Fee.** The application for a special event permit shall be accompanied by a nonrefundable fee in the amount as set by resolution. Fee is due in full to the Town a minimum of thirty (30) days or more prior to the event.

5.16.050 Permit – Application – Review.

In reviewing the application to determine whether the permit should be issued or denied, the mayor or his/her designee shall notify and seek consultation with other Town officials and shall make such review in conformance with the grounds for denial set forth in this chapter.

5.16.060 Permit – Denial.

The mayor or his/her designee may deny an application for a special event permit if it is deemed after a consideration of the application, or other pertinent information, that:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail; or
2. The applicant fails to complete the application form after having been notified of the required additional information or documents; or
3. The applicant refuses to agree or abide or comply with all of the conditions and terms of the permit; or
4. The time, route, hours, location, and/or size of the special event will unnecessarily disrupt the movement of other traffic within the area; or
5. Another special event permit application has already been received, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Town departments are unable to meet the needs for other Town services for both events; or
6. The location of the special event would cause undue hardship or adjacent businesses or residents; or
7. The location of the event will substantially interfere with any construction or maintenance work schedule to take place upon or along public property or right-of-way, or a previously granted encroachment permit; or
8. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the education activities of the school or class; or

9. If the proof of insurance is not received no later than 10 days prior to the event.

5.16.070 Conditions.

The mayor or his/her designee 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 safety of persons and property, and the control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include but are not limited to:

1. Alteration of the date, time, route or location of the event proposed on the event application;
2. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the Town;
3. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
4. Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the traversed street or right-of-way;
5. Requirements for the use of traffic cones or barricades;
6. Requirements for the use of Town personnel and/or equipment;
7. Requirements for the provision of first aid and/or sanitary facilities;
8. Requirements for the use of event monitors and providing notice of permit conditions to event participants;
9. Requirements to provide notice to surrounding property owners;
10. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures and decorated vehicles for fire safety;
11. Compliance with animal protection ordinances and laws;
12. Requirements for the use of garbage containers, cleanup and restoration of Town property;
13. Restrictions on the use of amplified sound;
14. Compliance with any relevant ordinance or law and obtaining any legally required permit or license;
15. All materials, structures and products related to the special event must be removed from the premises between days of operation on the site; provided, that materials, structures and products

related to the special use/event may be left on site overnight between consecutive days of operation. They shall be removed at the end of the permit period;

16. Any other restriction or requirement deemed necessary to ensure public safety and well-being.

5.16.080 Permit – Issuance.

The mayor or his/her designee shall issue the special event permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit, as well as the sections of this chapter dealing with indemnification, insurance, fees, and cleanup deposits, when applicable.

5.16.090 Indemnification agreement.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement to defend the Town against, and indemnify and hold harmless the Town, its officers, employees and agents, where such claim arises in whole or in part out of the activities for which such permit is issued; except any claims arising solely out of negligent acts or omissions of the Town, its officers, employees and agents.

5.16.100 Insurance requirements.

1. **Liability coverage required.** The applicant/sponsor of an event must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. A certificate of insurance shall be filed no later than 10 days prior to the event with the mayor or his/her designee, and shall name the Town, its officials, employees and agents as additional named insured. Insurance coverage must be maintained for the duration of the event.
2. **Minimum limits defined.** Coverage shall be a comprehensive general liability insurance policy. The minimum limits required are \$1,000,000 each occurrence combined single limit bodily injury and property damage.
 - A. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for products liability. If alcoholic beverages are sold or served at the event, the policy must also include an endorsement of host liquor liability. The mayor or his/her designee may require additional endorsements depending on the proposed activity.
 - B. If use of the mobile stage is requested, the special event is automatically classified as a major event and will require additional insurance. In addition to Section B above, coverage shall (at a minimum) include general liability insurance for damage to rented property in the amount of \$1,000,000 for each occurrence, and general aggregate insurance in the amount of \$200,000.
3. **Waiver or Reduction of Required Limits.** The mayor or his/her designee may waive or reduce the insurance requirements of this chapter under the following conditions:
 - A. The applicant or an officer of the sponsoring organization signs a verified statement that he/she believes the event's purpose is First Amendment expression, and that the cost of obtaining

insurance is of financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage.

- B. The applicant or an officer of the sponsoring organization signs a verified statement that insurance coverage in the limits required is impossible to obtain. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted.
- C. The mayor or his/her designee determines that the insurance limits are in excess of the reasonable risk presented by the proposed special event.

5.16.110 Town services and equipment use fees.

1. **Prepayment of Fees.** Upon approval of an application for a special event permit, the mayor or his/her designee shall provide the applicant with a statement of the estimated cost of providing Town personnel and equipment. The applicant/sponsor of the event shall be required to prepay these estimated costs for Town services and equipment 10 days prior to the special event. Town services and equipment may include the use of public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, use of the Town's performance stage including set up, take down, and event monitoring, and any other needed, requested or required Town service and the cost of operating Town equipment to provide such services.
2. **Refunds or Overruns.** If the actual cost for town 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 Town in a timely manner. If the actual cost for Town 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.
3. **Waiver of Fees.** The fee for the use of Town services and equipment may be waived in part or in full by the Town Council if in review of the application, they find that the event is of sufficient community benefit to warrant the expenditure of Town funds without reimbursement by the applicant/sponsor or those events exempted under NMC 5.16.030. The fees for Town services and equipment may also be waived in part or in full by the mayor or his/her designee if the applicant/sponsor signs a verified statement that the event's purpose is First Amendment expression, and that the cost of Town services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.
4. **Special Event Fee Schedule.** Prices depend on event type, size, length, and location as listed and defined above. A valid permit and proof of event insurance, and security deposit are required for any rental regardless of type, length, or location. Security deposit is refundable when conditions of the approved permit are met and the facility is returned in the same condition as received by renter.

A. Naches Train Depot

Minor: 0-50 People

Building – Local group meeting	\$25/hour
Building – Visitor group meeting	\$40/hour
Building – Event	\$150/ ½ day
Park/Green Space	\$50/ ½ day
Shelter	\$50/ ½ day
Whole Facility	\$300/day

Security Deposit	
Group meeting (local or visitor)	\$50
½ day event	\$300

Moderate: 50-150 People

Building – Local group meeting	\$40/hour
Building – Visitor group meeting	\$50/hour
Building – Event	\$250/ ½ day
Park/Green Space	\$75/ ½ day
Shelter	\$75/ ½ day
Whole Facility	\$450/day

Security Deposit	
Group meeting (local or visitor)	\$100
½ day event	\$500

Major: 150+ People

Building – Local group meeting	N/A
Building – Visitor group meeting	N/A
Building – Event	N/a
Park/Green Space	\$100/ ½ day
Shelter	\$100/ ½ day
Whole Facility	\$750/day

Security Deposit	
Group meeting (local or visitor)	N/A
½ day event	\$750

B. Naches Event Center

Minor: 0-50 People

Building – Local group meeting	\$30/hour
Building – Visitor group meeting	\$35/hour
Building – Event	\$175/ ½ day
Park/Green Space	\$75/ ½ day
Pickleball Courts	\$75/ ½ day
Little League Fields	\$75/ ½ day
Whole Facility	\$400/day

Security Deposit	
Group meeting (local or visitor)	\$50

½ day event \$300

Moderate: 50-150 People

Building – Local group meeting	\$45/hour
Building – Visitor group meeting	\$55/hour
Building – Event	\$250/ ½ day
Park/Green Space	\$100/ ½ day
Pickleball Courts	\$100/ ½ day
Little League Fields	\$100/ ½ day
Whole Facility	\$550/day

Security Deposit	
Group meeting (local or visitor)	\$100
½ day event	\$500

Major: 150+ People

Building – Local group meeting	N/A
Building – Visitor group meeting	N/A
Building – Event	N/A
Park/Green Space	\$150/ ½ day
Pickleball Courts	\$150/ ½ day
Little League Fields	\$150/ ½ day
Whole Facility	\$900/day

Security Deposit	
Group meeting (local or visitor)	N/A
½ day event	\$750

C. Additional Permit Fee Required for Add On's

- (i) Alcohol: \$10
- (ii) Inflatables: \$25
- (iii) Food Trucks: \$25
- (iv) Parade: \$75
- (v) Performance State: \$500 per ½ day. Additional refundable deposit required: \$750

5.16.120 Cleanup deposits.

1. **Required for Special Events.** The applicant/sponsor of an event shall be required to provide a deposit prior to the issuance of a special event permit. The deposit shall be in an amount set by the Town Council by resolution.
2. **Refunds and Overruns.** The deposit shall be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as it existed prior to the event. If the actual property used for the event has not been properly cleaned or restored, the

applicant/sponsor shall be billed for the actual cost by the town for cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

5.16.130 Appeal procedure.

1. **Right to Appeal.** 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 fees or cleanup deposits imposed pursuant to this chapter, or a determination by the town that the applicant's insurance policy does not comply with the requirements specified in this chapter.
2. **Written Notice of Appeal.** A written notice of appeal shall be filed within five days after the mailing or personal delivery of a notice of denial or permit condition with the mayor or his/her designee. This written notice shall set the ground for the appeal.
3. **Appeal to Council.** If there is sufficient time for a timely appeal to be heard by the town council, prior to the date on which the event is scheduled, the applicant shall request that the matter be scheduled before the town council. The decision of the town council is final.

5.16.140 Revocation of permit.

Any permit issued pursuant to this chapter may be summarily revoked by the mayor or his/her designee at any time when, by reason of disaster, public calamity, riot or other emergency, the mayor or his/her designee determines that the safety of the public or property requires such revocation. The mayor or his/her designee may also summarily revoke any permit issued pursuant to this chapter if he/she finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in person or in writing to the permittee by personal service or certified mail at the address specified by the permittee in his application.

5.16.150 Duties of permittee/sponsor of event.

1. Comply with all the terms and conditions of the special event permit;
2. Ensure that the person leading a parade or other even along a route, or the person in charge of any other event, shall be informed of the permit conditions and shall carry a copy of the special event permit on his/her person for the duration of the event;
3. Ensure that the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

5.16.160 Violation – Penalty.

1. **Unlawful to Sponsor or Participate in an Event Without a Permit.** It is unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a

valid permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge thereof to willfully violate the terms and conditions of the permit.

2. **Violation is a Misdemeanor.** Any person or organization violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof is subject to a penalty of a fine of not more than \$1,000 or by imprisonment of not more than 90 days, or by both such fine and imprisonment.