

CITY OF MONROE
ORDINANCE NO. 007/2023

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 5.28 MMC SPECIAL EVENTS; UPDATING AND CLARIFYING THE STANDARDS, CRITERIA, INSURANCE REQUIREMENTS, APPEAL PROCEDURES, AND OTHER PARAMETERS FOR SPECIAL EVENT PERMITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant Chapter 5.28 MMC, the City has established Special Events regulations providing for the issuance of special event permits for events affecting public streets, rights-of-way, and public property of the City of Monroe in the interest of public health, safety and welfare; and

WHEREAS, the City Council desires to amend Chapter 5.28 MMC in order to update and clarify the event criteria, insurance requirements and appeal procedures, together with other appropriate housekeeping revisions, as set forth in this ordinance; and

WHEREAS, such amendments will facilitate an efficient and equitable review process for special event applications; and

WHEREAS, the City Council finds that the proposed amendments strike an appropriate balance by protecting the public health, safety and welfare while also respecting applicable constitutional rights;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 5.28 MMC. Monroe Municipal Code Chapter 5.28, Special Events, is hereby amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

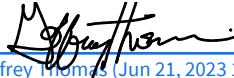
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe,
at a regular meeting held this 20th day of June, 2023.


First Reading: 05/23/2023
Adoption: 06/20/2023
Published: 06/24/2023
Effective: 06/29/2023


CITY OF MONROE, WASHINGTON:


Geoffrey Thomas (Jun 21, 2023 12:55 HST)
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:


Jodi Wycoff (Jun 22, 2023 12:38 PDT)
Jodi Wycoff, City Clerk


Zach Lell (Jun 21, 2023 15:31 PDT)
J. Zachary Lell, City Attorney

Chapter 5.28

SPECIAL EVENTS

Sections:

5.28.010	Definitions.
5.28.020	Purpose
5.28.030	Intent and limitation of liability
5.28.040	Permit – Required.
5.28.050	Permit – Not required.
5.28.060	Permit – Application – Requirements.
5.28.070	Permit – Application – Review.
5.28.080	Permit – Denial.
5.28.090	Conditions.
5.28.100	Permit – Issuance.
5.28.110	Indemnification agreement.
5.28.120	Insurance requirements.
5.28.130	City services and equipment use fees.
5.28.140	Cleanup deposits.
5.28.150	Appeal procedure.
5.28.160	Revocation of permit.
5.28.170	Duties of permittee/sponsor of event.
5.28.180	Violation – Penalty.
5.28.190	Special expressive events.

5.28.010 Definitions.

A. “Applicant” means any person or organization who seeks a special event permit from the city to conduct or sponsor an event governed by this section. An applicant must be eighteen years of age or older.

B. “Athletic event” means 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, and walk-a-thons..

C. "Motorcade" means any organized procession containing ten or more vehicles, except funeral processions, upon a public street, sidewalk, alley or other public right-of-way.

D. "Parade" means 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.

E. "Special event" means any parade, fair, show, festival, carnival, rally, party, filming of movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walks, 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, 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. "Special event" shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or public rights-of-way where merchandise or services are offered for sale, whether by for-profit or nonprofit organizations, except where such activity is expressly authorized by a sidewalk use permit issued pursuant to Chapter [12.30](#) MMC.

F. "Special expressive event" means a special event organized primarily to convey ideas, opinions, or thoughts through words or conduct. Examples of special expressive events include political demonstrations and/or rallies, picketing, and similar types of free speech or conduct typically given a higher level of constitutional protection than commercial speech.

G. "Street dance" means any dance of three or more couples 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.

5.28.020 Purpose.

It is the purpose of this code to provide for the issuance of special event permits for events affecting public streets, rights-of-way, and public property of the City of Monroe in the interest

of public health, safety and welfare; and to provide for fees, charges and procedures required to administer the permit process.

The City recognizes the significant community benefits that result from special events. These events provide cultural enrichment, promote tourism and economic vitality, and enhance community pride and identity. The City of Monroe has a role in regulating and supporting special events. It is the City's goal to have successful events that are safe and well-planned, enrich and enliven the community and further the goals of the City. It is the City's obligation to protect public health and safety, and to ensure that impacts to the surrounding areas are addressed.

The provisions of this chapter shall be reasonably construed, administered and enforced in a manner consistent with applicable First Amendment and Fourteenth Amendment standards.

5.28.030 Intent and limitation of liability.

A. It is the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this code upon the applicant, and no provision of this chapter is intended to impose any duty upon the City or any of its officers, employees or agents. The issuance of a special event permit under this chapter does not obligate or require the City to provide city services, equipment, or personnel in support of a special event.

B. This chapter shall not be construed as imposing upon the City or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permits have been issued. The City and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of any inspections performed, the issuance of any permit, or the approval of any use of the right-of-way.

5.28.040 Permit – Required.

Any person or organization desiring to conduct or sponsor a special event in the city shall first obtain a special event permit from the mayor or mayor's designee.

5.28.050 Permit – Not required.

A special event permit is not required for the following:

- A. Funeral and wedding processions;
- B. Parades involving a total of thirty 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 fifteen or less, and shall allow vehicles to pass between each unit;
- C. Groups of students involved in exercising as part of an organized school sports turnout;
- D. Special events sponsored in whole by the city of Monroe;
- E. Gatherings of people under the following attendance thresholds in a city park, unless merchandise or services are offered for sale, or it is determined by the mayor or mayor's designee that the proposed activities are outside the scope of the park's design or pose a significant liability risk or risk to public safety:

100	Regional parks (Lake Tye Park, Sky River Park, and any future city parks designated as regional).
50	Lewis Street Park and Al Borlin Park.
30	Neighborhood parks and Travelers' Park.

5.28.060 Permit – Application – Requirements.

- A. *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 on a form supplied by the city. This application shall be filed not less than ninety days in advance of the date on which the event is to occur if the event requires the closure of any highway or street, any detouring of traffic, or any significant impact on city services. Other
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events not requiring the foregoing are to be filed not less than sixty days in advance of the proposed event.

B. *Waiver of Application Deadline.* Upon a showing of good cause, the mayor or mayor's 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 city 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 that the event is for the purpose of exercising the right of free speech under a special expressive events permit.

C. *Information Requested on Application.* In order that 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 mayor's designee shall have the authority to set the information required on the application. Such information shall include but not be limited to:

1. The name of the applicant, the sponsoring organization, the special event chairperson, and the address and telephone number of each;
2. 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;
3. Such other information as the mayor or mayor's designee may deem reasonably necessary.

D. *Application Filing Fee.* The application for a special event permit shall be accompanied by a filing fee in an amount set by the city council by periodic resolution.

5.28.070 Permit – Application – Review.

In reviewing the application for the purpose of determining whether the permit should be issued or denied, the mayor or mayor's designee shall notify and seek consultation with other city officials and shall make such review in conformance with the grounds for denial set forth in this chapter.

5.28.080 Permit – Denial.

The mayor or mayor's designee may deny an application for a special event permit if they determine from a consideration of the application, or other pertinent information, that:

- A. Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail; or
 - B. The applicant fails to complete the application form after having been notified of the additional information or documents required; or
 - C. The applicant refuses to agree, to abide or comply with all of the conditions and terms of the permit; or
 - D. The time, route, hours, location, or size of the special event will unnecessarily disrupt the movement of other traffic within the area; or
 - E. The special event is of the size or nature that requires the diversion of so great a number of police officers of the city to properly police the event, site and contiguous areas that allowing the special event would unreasonably deny police protection to the remainder of the city and its residents; or
 - F. 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 police department and/or other city departments are unable to meet the needs for police and other city services for both events; or
 - G. The location of the special event would cause undue hardship for adjacent businesses or residents; or
 - H. 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 right-of-way disturbance permit; or
 - I. 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
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- J. The event would endanger public safety or health; or
 - K. The event would seriously inconvenience the general public's use of public property, services or facilities; or
 - L. The applicant fails to comply with the liability insurance requirements, or the applicant's insurance lapses or is cancelled; or
 - M. The event would create or constitute a public nuisance; or
 - N. The event would be likely to cause significant damage to public property or facilities; or
 - O. The event would engage in or encourage participants to engage in illegal acts.
- P. In the event subsection (B) - (O) of this section applies, the city shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

5.28.090 Conditions.

The mayor or mayor's 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:

- A. Alteration of the date, time, route or location of the event proposed on the event application;
 - B. 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 city;
 - C. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
 - D. Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way transversed;
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- E. Requirements for the use of traffic cones or barricades;
- F. Requirements for the use of city personnel and equipment;
- G. Requirements for the provision of first aid or sanitary facilities;
- H. Requirements for the use of event monitors and providing notice of permit conditions to event participants;
- I. Requirements to provide notice to surrounding property owners;
- J. 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;
- K. Compliance with animal protection ordinances and laws;
- L. Requirement for the use of garbage containers, cleanup and restoration of city property;
- M. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws;
- N. Compliance with any relevant ordinance or law and obtaining any legally required permit or license;
- O. Any other restriction or requirement deemed necessary to ensure public safety and well-being;
- P. Restrictions on the sale and/or consumption of alcohol.

5.28.100 Permit – Issuance.

The mayor or mayor's designee shall 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 as well as the sections of this chapter dealing with indemnification, insurance, fees for city services, and cleanup deposits, when applicable. (Ord. 923, 1989)

5.28.110 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 city against, and indemnify and hold the city, 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 the negligent acts or omissions of the city, its officers, employees and agents. (Ord. 923, 1989)

5.28.120 Insurance requirements.

A. *Liability Coverage Required.* The applicant/sponsor of an event must possess or obtain General 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 thirty days prior to the event with the mayor or mayor's designee.. Insurance coverage must be maintained for the duration of the event.Coverage shall be a commercial general liability policy. Minimum limits required are one million dollars each occurrence combined single limit bodily injury and property damage; two million dollars aggregate. Higher limits of coverage may be required by the City based on the size and risks of the event. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for product liability. If alcoholic beverages are sold or served at the event, the policy must also include an endorsement for host liquor liability. If the event involves athletic or other types of active participants, the policy must include participant coverage. The risk manager may require additional endorsements depending upon the proposed activity.

C. *Waiver or Reduction of Required Limits.* The mayor or mayor's designee may waive or reduce the insurance requirements of this chapter under the following conditions:

1. The applicant or an officer of the sponsoring organization signs a verified statement that they believe the event's purpose is First Amendment expression, and that the cost of obtaining insurance is so 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.
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2. 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.
3. The mayor or mayor's designee determines that the insurance limits are in excess of the reasonable risk presented by the proposed special event. (Ord. 1198, 2000)

5.28.130 City services and equipment use fees.

A. *Payment of Fees.* Upon approval of an application for a special event permit, and the City agrees to provide services, the mayor or mayor's designee shall provide the applicant with a statement of the estimated cost of providing city personnel and equipment. The applicant/sponsor of the event shall be required to pay standard rental rates for city services and equipment 10 days prior to the event. Final billing of additional accommodations and staff hours will be billed after the event and must be paid within 30 days.. City services and equipment may include 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. *Refunds or Overruns.* If the actual cost 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. *Waiver of Fees.*

1. Only fees associated with City facilities may be waived if they meeting the following criteria:
 - a. The activities are conducted by a non-profit organization;
 - b. The activities are open to the public without discrimination;

c. The activities will benefit the public health, safety, or welfare; and

d. There is no charge for admission, participation, or a vendor fee.

2. The fees for city services and equipment may also be waived in part or in full by the mayor or mayor's designee if the applicant/sponsor signs a verified statement that the event's purpose is First Amendment expression, and that the cost of city services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

5.28.140 Cleanup deposits.

A. *Required for Certain Special Events.* 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 another event likely to create a substantial need for cleanup shall be required to provide a cleanup deposit prior to the issuance of a special event permit. The cleanup deposit shall be in amount set by the city council by periodic resolution.

B. *Refunds and Overruns.* The cleanup 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 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 cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

5.28.150 Appeal procedure.

A. *Right to Appeal.* The applicant shall have the right to appeal the denial of a permit, revocation of a permit, or permit conditions. Permit conditions include conditions established in the approved permit, the amount of fees or cleanup deposits imposed pursuant to this chapter, and a determination by the city that the applicant's insurance policy does not comply with the requirements specified in this chapter.

B. *Written Notice of Appeal.* A written notice of appeal shall be filed within five days after receiving the notice of denial, revocation, permit condition with the mayor or mayor's designee. This appeal shall set the grounds for the appeal.

C. *Appeal to Mayor or Designee.* The mayor or his designee shall hear the applicant or a designated representative, receive any relevant information and documents, and act on the appeal within five business days.

5.28.160 Revocation of permit.

Any permit issued pursuant to this chapter may be summarily revoked by the mayor or mayor's designee at any time when, by reason of disaster, public calamity, riot or other emergency, the mayor or mayor's designee determines that the safety of the public or property requires such revocation. The mayor or mayor's designee may also summarily revoke any permit issued pursuant to this chapter if findings show the permit has been issued based upon false information, the permittee has not complied with the permit requirements or when the permittee exceeds the scope 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 his application.

5.28.170 Duties of permittee/sponsor of event.

Each permittee/sponsor of an event shall:

- A. Comply with all the terms and conditions of the special event permit;
 - B. Ensure that the person leading a parade or other event 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 person for the duration of the event;
 - C. 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.
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5.28.180 Violation – Penalty.

A. *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 that the sponsor of the event has not been issued a required, valid permit.

B. *Unlawful to Exceed Scope of Permit.* The special event permit authorizes the permittee/sponsor to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and condition of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.

C. *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 five hundred dollars or by imprisonment of not more than ninety days, or by both such fine and imprisonment.

5.28.190 Special expressive events.

When a special expressive event permit is sought, the following exceptions shall apply:

A. Where the event will not require temporary street closures or other special provisions, no fee shall be required for processing the permit.

B. The insurance requirements of MMC 5.28.120 may be waived by the mayor or their designee; provided, that the event organizer has filed with the application a verified statement that he or she intends the event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of the First Amendment expression.











Ord 007_2023 Amending MMC 5.28 Special Events

Final Audit Report

2023-06-22

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✔ Agreement completed.

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