

CITY OF QUINCY, WASHINGTON

ORDINANCE NO. 22-579

**AN ORDINANCE AMENDING TITLE 5 OF
THE QUINCY MUNICIPAL CODE TO ADD
CHAPTER 5.14 RELATED TO SPECIAL
EVENTS.**

WHEREAS, the festivals, parades, athletic events and other special events contribute to the unique character and vitality of the City of Quincy; and

WHEREAS, special events range in size and may impact the City's rights of way, parks, or facilities; and

WHEREAS, when more than one special event occurs in the same general area, the occupancy level of adjacent streets and sidewalks increase, which may create an unsafe condition and strain on the City's resources and infrastructure; and

WHEREAS, the City's public safety personnel are better able to respond to issues affecting the public when they are alerted in advance to the timing, location, and nature of special events occurring in the City; and

WHEREAS, a special events permit process will allow the City to manage competing uses of its resources and public spaces for special events.

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

Section 1. Chapter 5.14 QMC. A new chapter shall be added to Title 5 of the Quincy Municipal Code and shall be codified as Chapter 5.14, and shall be as stated on Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 2. Corrections. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules or regulations; or ordinance numbering and section/subsection numbering.

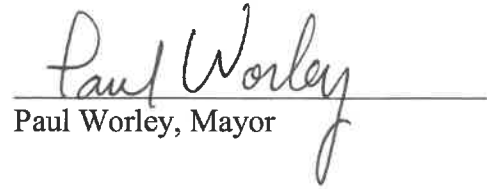
Section 3. Severability. If any section, clause, or provision of this Ordinance or its application to any person or circumstance is declared by a court to be invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City of Quincy and shall take effect and be in full force five days after passage and publication.


ADOPTED by the City Council of the City of Quincy, Washington, on this 4th day of October, 2022.

ATTEST:


Nancy E. Schanze, Finance Officer/City Clerk


Paul Worley, Mayor

Approved as to form:
OFFICE OF THE CITY ATTORNEY


Danielle R. Marchant

FILED WITH THE CITY CLERK:	September 29, 2022
PASSED BY THE CITY COUNCIL:	October 4, 2022
PUBLISHED:	October 5, 2022
EFFECTIVE DATE:	October 10, 2022
ORDINANCE NO.:	22-579

EXHIBIT A

QUINCY MUNICIPAL CODE CHAPTER 5.14 Special Events

5.14.010	Purpose and Policy
5.14.020	Intent
5.14.030	Definitions
5.14.040	Exemptions
5.14.050	Administration
5.14.060	Permit Required
5.14.070	Permit Fee and Deposit
5.14.080	Waiver from Permit Fee
5.14.090	Permit Application
5.14.100	Permit Requirements
5.14.110	Permit Conditions
5.14.120	Denial of Application
5.14.130	Indemnification
5.14.140	Insurance Required
5.14.150	Revocation or Suspension
5.14.160	Appeal Procedure
5.14.170	Closure of Event
5.14.180	Penalty for Violation
5.14.190	Prospective Application

5.14.010 Purpose and policy.

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, and the like. Special events shall be allowed by a special events permit granted by the Municipal Services Director.

5.14.020 Intent.

It is the specific intent to place the obligation of complying with the requirements of this chapter and the permit conditions upon the applicant or permittee, 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 permittee to comply with this chapter or the permit conditions.

5.14.030 Definitions.

The following definitions shall apply to this chapter:

Applicant: Any person or organization who seeks a special event permit to hold an event governed by this chapter.

Athletic or sporting event: An occasion in which a group of persons collect to engage in or watch a sport or form of exercise on public property which is anticipated to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic or sporting events include, but are not limited to, bicycle and foot races, and sport tournaments.

Block party: A festive gathering on a street, alley or sidewalk which may or may not require the closure of a street or alley or a portion thereof to vehicular traffic, or closure of a sidewalk or a portion thereof to pedestrian traffic, or use of the street, alley or sidewalk for the festivity including, but not limited to, barbecues, picnics, music or games.

City Administrator: The person designated by the Mayor to be the City Administrator, and includes the Administrator's designee.

City Clerk: The person designated by the Mayor to be the City Clerk, and includes the Clerk's designee.

Expressive Activity: Conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive Activity includes, but is not limited to, public oratory and the distribution of literature.

Finance Director: The person designated by the Mayor to be the Finance Director, and includes the Director's designee.

Mayor: The elected mayor for the city or, in the mayor's absence, the mayor pro-tem.

Municipal Services Director: The person designated by the Mayor to be the Municipal Services Director, and includes the Director's designee.

Nonprofit Corporation: Has the same meaning as stated in RCW 24.03A.010.

Permit application fee: The fee to be paid by the applicant at the time the application is filed with the City Clerk. Such fee shall be set by the City's Rate Resolution.

Permittee: Any person or organization who has been issued a special events permit by the Municipal Services Director.

Person: Has the same meaning as stated in QMC 1.01.010.

Police Chief: The person designated by the Mayor to be the Police Chief for the Quincy Police Department, and includes the Chief's designee.

Public property: Publicly owned or controlled property and includes, but is not limited to, a city street, sidewalk, alley, parking lot, park or other right-of-way.

Special event:

- A. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, alley, sidewalk or other public right-of-way owned or controlled by the city which does not comply with applicable traffic regulations, laws or controls; or
- B. Any organized assemblage of persons at any public property which is to gather for a common purpose under the direction or control of a person.

Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, street markets, community events, on the water activities, mass participation sports (such as marathons and other running events), athletic or sporting events, firework displays, and community celebrations and observances.

Special events permit: The permit issued by the Municipal Services Director after the applicant has met all applicable reviews and requirements set forth in this chapter.

5.14.040 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 only at pedestrian crosswalks in accordance with traffic regulations and controls;
- D. Expressive activities; provided that if practicable, the organizers should give notice to the Municipal Services Director at least four hours prior to the event informing the city of the date and time of the event and provide an estimate of the approximate number of persons who will be participating;
- E. Activities of state and federal governmental agencies, including military units, which are performed within

- the scope of such agency's duties and functions;
- F. Events held at what is commonly known as the Reiman Simmons House or Pioneer Church that have been approved by the Quincy Valley Historical Society and Museum;
 - G. Events held exclusively on property owned or controlled by the Quincy School District that have been approved by the Quincy School District; or
 - H. Events held by the City of Quincy.

5.14.050 Administration.

The Municipal Services Director shall, after consultation with appropriate city departments and governmental agencies, have discretionary authority regarding special event permits. The Municipal Services Director may approve, modify, condition, or deny a special events permit, in accordance with the principles this chapter.

5.14.060 Permit required.

Any person desiring to hold a special event shall first obtain a special events permit.

5.14.070 Permit fee.

The fee for issuance of a special events permit shall be set forth in the City's Rate Resolution.

5.14.080 Waiver from permit fee.

The permit fee may be waived for applicants that are a nonprofit corporation and which further the goals and objectives of the city, as determined in the Mayor's sole discretion, and for applicants that are a governmental agency.

5.14.090 Permit application.

A. Filing of the Application.

1. Any person wishing to hold a special event shall apply for a special event permit by filing an application with the City Clerk at least forty-five days prior to the date on which the special event is to begin.
2. The application for a special events permit shall be made on forms furnished by the Municipal Services Director.
3. The applicant shall file with their application proof of commercial general liability insurance with a minimum policy limit of one-million dollars (\$1,000,000) combined single limits per occurrence, two-million dollars (\$2,000,000) aggregate, and an endorsement naming the City of Quincy as an additional insured.
4. The applicant must pay the permit fee at the time of filing the application unless waived under QMC 5.14.080.

B. Review of the Application.

1. Unless good cause is shown, the application shall be reviewed by the appropriate city departments and governmental agencies to include police, fire, public works, building and planning, and others as determined by the Municipal Services Director no later than thirty days after the application has been filed with the City Clerk and payment of the permit fee, unless the permit fee has been waived as provided for QMC 5.14.080.
2. The Municipal Services Director shall approve, conditionally approve, or deny an application based on the recommendations of city departments or governmental agencies involved in the review process.
3. The Municipal Services Director may issue the special event permit once the application has been appropriately reviewed, the applicant has agreed in writing to comply with any terms and conditions of the permit, and payment of the permit fee, unless such have been waived as provided for QMC 5.14.080.

5.14.100 Permit requirements.

- A. Temporary signage and temporary structures, including temporary parking facilities, will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the Municipal Services Director.
- B. Requests for street closures for special events shall be subject to provisions of this code and approved at the discretion of the City Council. Street closures for any portion of a state highway or right-of-way (such as F Street SE and SW) shall be subject to state requirements and approvals.
- C. Requests for fire and emergency medical services shall be subject to requirements and interpretive authority and discretion of the Grant County Fire District No. 3 and the city's emergency medical service provider.
- D. Requests for police services shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the Police Chief and provided at the discretion of the Police Chief.
- E. A city services deposit is required to be paid by the permittee within two business days after issuance of the special events permit. The city services deposit shall be in an amount reasonably anticipated by the Finance Director for expenses that the city may incur for fire, police, medical services, parks, and public works crews for coverage at the special event. The payment of the estimated expenses shall be required, even if the permit fee has been waived. If the actual expense for city services and equipment on the date(s) of the special event is greater than the estimated expense, the permittee will be billed for the difference and is responsible for payment; provided that if the actual cost for city services and equipment is less than the deposit, then any remaining funds after the deposit has been applied toward the expense shall be refunded to the permittee.
- F. A clean-up deposit is required to be paid by the permittee within two business days after issuance of the special events permit for special events involving the sale of food or beverages for immediate consumption, the erection of structures, the use of horses or other animals excluding dogs and cats, or the use of fireworks or other incendiary devices. The clean-up deposit shall be in an amount reasonably anticipated to be incurred by the city in removing debris or litter caused by such special event, as determined by the Finance Director. The clean-up deposit shall be required, even if the permit fee has been waived. The clean-up deposit may be returned to the permittee after the special event if the permittee cleans and restores the public property used for the special event to the same condition as existed prior to the special event as determined by the Municipal Services Director. If the public property used for the special event has not been properly cleaned or restored, the clean-up deposit shall be applied toward the city's costs in cleaning up the special events area and any remaining deposit funds shall be refunded to the permittee. If the actual cost for clean-up is greater than the clean-up deposit, the permittee will be billed for the difference and is responsible for payment.
- G. Adequate sanitation and other required health facilities shall, as required by applicable statutes and the Grant County Health District, be provided or made available in or adjacent to any public assembly areas.

5.14.110 Permit conditions.

The Municipal Services Director may condition the issuance of a special event permit by imposing reasonable requirements concerning time, place, and manner of the event; and such conditions as are necessary to protect the safety and rights of persons and property and the control of traffic. The Municipal Services Director may modify the conditions of the special event permit if after the approval of the permit good cause is shown for the modification.

5.14.120 Denial of application.

A special event permit may be denied based upon a determination that:

- A. The event would endanger public safety or health;
- B. The proposed event would seriously inconvenience or impair the general public's use of public property, services or facilities;
- 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 qualified 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 of 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 conditions requested to be imposed by any of the reviewing city departments or governmental agencies;
- I. Other issues in the public interest were identified by the Mayor, City Council, city departments or any governmental agency;
- J. Failure to pay expenses, fees, charges, deposits, insurance or bonds required by this chapter;
- K. Failure to file proof of insurance as required by QMC 5.14.090(A)(3);
- L. The application was not timely filed with the City Clerk;
- M. The applicant fails to provide the writing required by QMC 5.14.130(A);
- N. The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;
- O. The purpose of the proposed event is to incite crime or the event would engage in or encourage participants to engage in illegal acts;
- P. The primary purpose of the special event is for advertising products, goods or events that are for private profit, and the special event is primarily for private profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the special event; or
- Q. The event is unlawful.

5.14.130 Indemnification.

- A. Prior to the issuance of the special event permit, the applicant or permittee must agree in writing to reimburse the city for any costs incurred by the city in repairing damage to public property occurring in connection with the special event.
- B. By applying for the special event, the applicant and permittee (collectively “indemnitor”) agree to the following:
 - 1. The indemnitor hereby agrees to release, indemnify and hold harmless the City of Quincy from any and all liability, claims, demands, causes of action, charges, expenses, and attorney fees (including attorney fees to establish the city’s right to indemnity or incurred on appeal) resulting from involvement in this event whether caused by any negligent act or omission of the city or otherwise. This agreement shall not apply to any liability resulting from the sole negligence of the city.
 - 2. The indemnitor agrees to reimburse the city for any loss, theft of, or damage to public property and

equipment.

3. The indemnitor agrees to comply with all applicable laws, statutes, ordinances, rules and requirements including, but not limited to, not admitting more attendees than designated by Fire Department as safe for the particular event or facility.
4. The indemnitor expressly agrees that this release and hold harmless agreement is intended to be as broad and inclusive as permitted by Washington law and that if any portion thereof is held invalid, notwithstanding, the balance shall continue in full legal force and effect.
5. Falsification and/or misrepresentation in completing the application may result in revocation or suspension of the special events permit, and increase in any permits fees or expenses as provided by this chapter.
6. The indemnitor agrees to immediately notify the Municipal Services Director of any inaccuracies in the application.

5.14.140 Insurance required.

- A. As required by the City Administrator or designated appointee, the permittee shall provide the city with proof of commercial general liability insurance generally in the amount of at least one-million dollars (\$1,000,000) (combined single limits per occurrence), two-million dollars (\$2,000,000) aggregate, and an endorsement naming the city of Quincy as an additional insured must be provided. Upon determination by the City Administrator, higher limits may be required for certain events.
- B. Certificates of insurance shall be submitted to the city for approval directly from the insuring agency via postal mail, fax or email. 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 hours prior to the event and extending for a period not less than twenty-four hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon thirty days' written notice to the city. Acceptability of insurance is subject to approval by the City Administrator.

5.14.150 Revocation or suspension.

- A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the permittee, and may be immediately revoked or suspended by the Municipal Services Director if:
 1. The permittee has made a misstatement of material fact in the application;
 2. the permittee has failed to fulfill a term or condition of the permit in a timely manner;
 3. The check submitted by the applicant or permittee in payment of the permit fee, deposit or prepayment of expense for a permit has been dishonored;
 4. The permittee requests the cancellation of the permit or cancels the event;
 5. The activity at the special event endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
 6. The activity at the special event is in violation of any of the terms or conditions of the special events permit;
 7. An emergency or supervening occurrence requires the cancellation or termination of the special event in order to protect the public health or safety;
 8. The permittee fails to pay expenses, fees, charges, deposits, insurance or bonds required by this chapter;

9. The insurance by QMC 5.14.140 has been cancelled or suspended.

- B. If any event, use or occupancy for which the special events permit has been revoked or suspended is not immediately discontinued, the Municipal Services Director may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all attorney fees associated with enforcement of the collection of the same.

5.14.160 Appeal procedure.

The applicant shall have the right to appeal a denial of a special event permit, or a condition imposed thereby, including the amount of fees or clean-up deposits imposed or a determination that the applicant's certificate of insurance does not comply with the city's requirements. A permittee has the right to appeal any revocation or suspension of a special events permit. A written notice of appeal shall be filed with the City Clerk within five days from the date of the denial or conditional approval of an application, or suspension or revocation of a permit. 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 from the Municipal Services Director and upon public comment given at the scheduled hearing before the city council. The hearing shall be scheduled no later than ten days after receipt of a timely and proper notice of appeal, unless there is good cause to extend the timeframe. The city council shall render a decision on or before the next regularly scheduled city council meeting. The decision of the city council on the appeal shall be 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 the applicant's option, or the permittee may, at the permittee's option, request in writing that the City Administrator hear the appeal. Any such written request shall be filed with the City Clerk no later than five business days after the filing of the notice of appeal. The City Administrator shall hold a hearing no later than five business days after the applicant or permittee files the written request and shall render a decision no later than one business day after the hearing on the appeal is closed. If the appeal is requested and heard before the City Administrator, the City Administrator's decision shall be final.

5.14.170 Closure of Event. Any event subject to the provisions of this chapter that is held without complying with all conditions of this chapter or the conditions of the special events permit shall be subject to be closed summarily by the Police Chief.

5.14.180 Penalty for violation.

Any person that violates any of the provisions of this chapter shall be subject a civil infraction and a C-1 fine. Each day in which a violation is committed constitutes a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

5.14.190 Prospective application.

This chapter shall not apply to any special event that has been approved by the city prior to the effective date of this chapter, but has not yet been held.



Special Event Permit Application

P.O. Box 338 / 115 1st Ave. S.W., Quincy, WA 98848 509-787-3523

Applicant Information

Name of Organization/Individual:			
Contact Name:			
Phone Number:		Email:	
Mailing Address:			
City:	State:	ZIP Code:	

Event Information

Event:			
Date(s) of Event:		Hours of Event:	
Group Size:		Location:	
Street closure requested? (Council approval required) <input type="checkbox"/> Yes <input type="checkbox"/> No Time: From _____ to _____			
Will electricity be required? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Will liquor be served? (Council approval required) <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(State liquor permit & \$1 million liquor liability required)</i>			
Will you need extra City refuse containers? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Will you be using portable restroom facilities? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(Placement must be coordinated with the City)</i>			
Will goods or services be offered for sale? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(Itinerant Vendor Permit required for all vendors)</i>			
Will the event cause unusual or loud noises? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Please provide the location, dimensions and plans for any temporary structure to be erected or constructed in connection with the event.

Insurance Requirements

The Applicant shall procure and maintain for the duration of the Permit, Commercial General Liability Insurance with limits of no less than \$250,000 per person with \$1,000,000 per occurrence, \$2,000,000 general aggregate. Applicant's maintenance of insurance shall not be construed to limit the liability of the Applicant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity. The policy or policies shall be the primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Applicant's insurance and shall not contribute with it. The insurance shall be with insurers with a current A.M. Best rating of not less than A: VII. The Applicant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Applicant.

Indemnification Agreement

The Applicant shall defend, indemnify and hold harmless the City of Quincy, its appointed and elected officials, employees, volunteers and agents from and against any and all claims, suits, actions or liabilities, losses, costs, damages and expenses, including costs and attorney fees in defense thereof, arising from the Event, use of the Community Stage or Parks, or from any activity, work or thing done, permitted, or suffered in, on or suffered by in connection thereto, except only such injury or damage arising from the sole negligence of the City of Quincy.

_____	_____	_____
Printed Name	Signature	Date

FOR OFFICE USE ONLY

State Liquor Permit: <input type="checkbox"/> Received <input type="checkbox"/> Not Required Insurance Certificate: <input type="checkbox"/> Received <input type="checkbox"/> Not Required		Total Rental Fee: _____
Copied to: <input type="checkbox"/> Public Works <input type="checkbox"/> Quincy Police Department		Receipt #: _____
Date Submitted: _____	City Staff Approval: _____	
Date Approved: _____	City Staff Approval: _____	