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5-24-94

**ORDINANCE NUMBER 550, 1994**

An Ordinance establishing a new chapter of code and creating procedures for the licensing of outdoor and music festivals and requiring that permits for such events be issued in the County of Clallam, State of Washington.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

C.C.C. CHAPTER 15.08

FESTIVALS

SECTIONS:

- 15.08.010 Legislative Declaration
- 15.08.020 Definitions
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- 15.08.060 Reimbursement of Expenses Incurred in Reviewing Request
- 15.08.070 Cash Deposit-Surety Bond-Insurance
- 15.08.080 Revocation of Permits
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C.C.C. 15.08.010 Legislative Declaration. Chapter 70.108 RCW authorizes the Board of Clallam County Commissioners to enact ordinances for the regulation of outdoor festivals. WAC Chapter 246 establishes minimum sanitation requirements for outdoor music festivals. The Board of Clallam County Commissioners hereby declares it to be the public interest, and for the protection of the health, welfare and property of the residents of Clallam County to provide for the orderly and lawful conduct of outdoor festivals by assuring that proper sanitary, health, fire, safety, and police measures are provided and maintained.

C.C.C. 15.08.020 Definitions. For the purposes of this chapter the following words and phrases shall have the indicated meanings:

A. "Outdoor Music Festival" or "Music Festival" or "Festival" means an assembly of persons gathered primarily for outdoor, recorded musical entertainment, live entertainment, or other entertainment where amplified sound is used as part of the entertainment or for public address, where the predicted total attendance over the duration of the event is one thousand five hundred persons or more and where the duration of the event is three hours or longer: PROVIDED, That this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state.

B. "Promoter" means any person or other legal entity issued a permit to conduct an outdoor festival.

C. "Applicant" means the promoter who has the right of control of the conduct of an outdoor festival who applies to the appropriate legislative authority for a license to hold an outdoor festival.

D. "Issuing Authority" means the Board of Clallam County Commissioners of the local governmental unit where the site for an outdoor festival is located.

E. "Local Health Officer" means the legally qualified physician who has been appointed as the health officer of the city, town, county or district public health department as defined in RCW 70.05.010(2), or his authorized representative.

F. "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a festival.

C.C.C. 15.08.030 Permits-Required-Compliance With Rules And Regulations. No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised or permit an outdoor festival unless a valid permit has been obtained from the issuing authority for the operation of such festival as provided for by this chapter. One such permit shall be required for each outdoor festival. A permit may be granted for a period not to exceed sixteen consecutive days and a festival may be operated during any or all of the days within such period. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this chapter shall be subject to the appropriate penalties as prescribed by this chapter.

C.C.C. 15.08.040 Application For Permit-Contents-Filing. Application for an outdoor festival permit shall be in writing and filed with the clerk of the Board of Commissioners. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

A. The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

B. A financial statement of the applicant;

C. The nature of the business organization of the applicant;

D. Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

E. The principal place of business of applicant;

F. A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

G. The scheduled performances and program;

H. Written confirmation from the Health Officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the County. Such rules and regulations shall include criteria as to the following and such other matters as the County deems necessary to protect the public's health:

1. Submission of plans
2. Site
3. Water supply
4. Sewage disposal
5. Food preparation facilities
6. Toilet facilities
7. Solid waste
8. Insect and rodent control
9. Shelter
10. Dust control
11. Lighting
12. Emergency medical facilities
13. Emergency air evacuation
14. Attendant physicians
15. Communication systems
16. Bathing areas required by WAC
17. Noise
18. Access
19. Fire protection

I. A written confirmation from the Sheriff where the outdoor festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

1. One person for each one hundred fifty persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control (not including parking) or as otherwise specified at the discretion of the Sheriff.

2. The names and addresses of all traffic and crowd control personnel shall be provided to the Sheriff; PROVIDED, That not less than thirty percent of the traffic and crowd control personnel shall be commissioned Deputy Sheriffs.

3. During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned Deputy Sheriff employed by the County for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor festival site.

4. All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

5. That arrangement for payment of or reimbursement for all traffic and crowd control personnel, parking control personnel and law enforcement officers deemed necessary by the Sheriff have been made.

J. A written confirmation from the Sheriff and County Roads Director that sufficient access roads are available for ingress and egress to the parking areas of the outdoor festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are

capable of accommodating one auto for every four persons in estimated attendance at the outdoor festival site and that issues of traffic patterns, signage and detours have been sufficiently addressed.

K. A written confirmation from the Fire Chief in the district where the festival will be held that all fire prevention requirements have been complied with.

L. A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor festival.

M. The names and mailing addresses of all real property owners within 1000 yards of the festival site.

N. A statement that the applicant is familiar with and will abide by the provisions of this chapter.

O. The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

C.C.C. 15.08.050 Approval Or Denial Or Permit-Corrections-Procedure-Judicial Review. Within thirty days after the filing of the application the Board of Commissioners shall hold a public hearing and shall either approve or deny the permit to the applicant. Notice of the public hearing shall be mailed to each property owner within 1000 yards of the festival site. Any denial shall set forth in detail the specific grounds therefor. The applicant shall have fifteen days after the receipt of such denial or such additional time as the Board of Commissioners shall grant to correct the deficiencies set forth and the Board of Commissioners shall within fifteen days after receipt of such corrections either approve or deny the permit. Any denial shall set forth in detail the specific grounds therefor.

Any property owner within 1000 yards of the festival site may also, within 15 days after issuance of the permit, request a review of the decision by the Board of Commissioners. The review process shall be similar to those outlined below

If the applicant has made the required corrections and the Board of Commissioners has thereafter again denied the permit, the applicant may within five days after receipt of such second denial seek judicial review of such denial by filing a petition in the Superior Court for the County of the Board of Commissioners. The review shall take precedence over all other civil actions and shall be conducted by the court without a jury. The court shall, upon request, hear oral argument and receive written briefs and shall either affirm the denial or order that the permit be issued. An applicant may not use any other procedure to obtain judicial review of a denial.

C.C.C. 15.08.060 Reimbursement Of Expenses Incurred In Reviewing Request. Any local agency requested by an applicant to give written approval as required by this chapter may within fifteen days after the applicant has filed his application apply to the Board of Commissioners for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred the Board of Commissioners shall reimburse the local agency therefor from the funds of the permit fee. The Board of Commissioners shall prior to the first scheduled date of the festival return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

C.C.C. 15.08.070 Cash Deposit-Surety Bond-Insurance. After the application has been approved the promoter shall deposit with the Board of Commissioners, a cash deposit or surety bond. The bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up afterwards outside the festival grounds or any extraordinary costs or charges incurred to regulate traffic,

parking or other law enforcement services. The bond or other deposit shall be returned to the promoter when the Board of Commissioners is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount of not less than one hundred thousand dollars bodily injury coverage per person covering any bodily injury negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name Clallam County as an additional named insured.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a five hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this chapter. The policy shall have Clallam County as an additional named insured.

C.C.C. 15.08.080 Revocation Of Permits. Revocation of any permit granted pursuant to this chapter shall not preclude the imposition of penalties as provided for in this chapter and the laws of the state of Washington. Any permit granted pursuant to the provisions of this chapter to conduct a festival shall be summarily revoked by the Board of Clallam County Commissioners when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

Any permit granted pursuant to the provisions of this chapter to conduct a festival may otherwise be revoked for any material violation of this chapter or the laws of the state of Washington after a hearing held upon not less than three days notice served upon the promoter personally or by certified mail.

Every permit issued under the provisions of this chapter shall state that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the Board of Commissioners to revoke such permit is a consideration of its issuance.

C.C.C. 15.08.090 Drugs Prohibited. No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a festival permit has been granted shall, during the time an outdoor festival is in operation, knowingly permit or allow any person to bring upon the premises of said festival, any narcotic or dangerous drug as defined by chapter 69.40 RCW, or knowingly permit or allow narcotic or dangerous drug to be consumed on the premises, and no person shall take or carry onto said premises any narcotic or dangerous drug.

C.C.C. 15.08.100 Proximity To Schools, Churches, Homes. No festival shall be operated in a location where the stage or location of the performance(s) is closer than one thousand yards from any schoolhouse, church, house, residence or other human habitation unless waived by occupants.

C.C.C. 15.08.110 Age Of Patrons. No person under the age of sixteen years shall be admitted to any outdoor festival without the escort of his or her parents or legal guardian and proof of age shall be provided upon request.

C.C.C. 15.08.120 Permits-Posting-Transferability. Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of the outdoor festival and such permit shall be not transferable or assignable without the consent of the Board of Clallam County Commissioners.

C.C.C. 15.08.130 Penalty. Any person who shall willfully fail to comply with the rules, regulations, and conditions set forth in this chapter or who shall aid or abet such a violation or vfailure to

comply, shall be deemed guilty of a gross misdemeanor: PROVIDED, That violation of a rule, regulation, or condition relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule, regulation, or condition equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 is a misdemeanor, and that drug or narcotics violations are crimes under RCW.

C.C.C. 15.08.140 Inspection Of Books And Records. The Department of Revenue and/or the County Sheriff and/or the County Auditor shall be allowed to inspect the books and records of any outdoor festival during the period of operation of the festival and after the festival has concluded for the purpose of determining whether or not the tax laws of this state and Clallam County are complied with.

C.C.C. 15.08.150 Firearms-Penalty. It shall be unlawful for any person, except law enforcement officers, to carry, transport or convey, or to have in his possession or under his control any firearm while on the site of an outdoor festival.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars or by imprisonment in the County Jail for not less than ten days and not more than ninety days or by both such fine and imprisonment.

C.C.C. 15.08.160 Preparations-Completion Requirements. All preparations required to be made by the provisions of this chapter on the festival site shall be completed thirty days prior to the first day scheduled for the festival. Upon such date or such earlier date when all preparations have been completed, the promoter shall notify the Board of Clallam County Commissioners thereof, and the issuing authority shall make an inspection of the festival site to determine if such preparations are in reasonably full compliance with plans submitted pursuant to this chapter. If a material violation exists the Board of Clallam County Commissioners shall move to revoke the festival permit in the manner provided for in this chapter.

C.C.C. 15.08.170 General.

A The applicant or his designated agent shall familiarize himself with this ordinance and shall maintain the festival site and facilities in a clean and sanitary condition. The applicant or his designated agent shall be on the site at all times and shall be responsible for the operation of the festival and compliance with these rules and regulations.

B. When, in the opinion of the local Health Officer and/or Sheriff, a hazard to health or safety exists, or is developing, before, during or after the festival, that is not contemplated in these regulations, he may direct the applicant or his designated agent to take appropriate action to remedy the situation.

C. The local Health Officer, in his discretion and with the concurrence of the assistant secretary, Washington State Department of Health Services, or the Sheriff, may waive, modify, or approve reasonable alternatives to any of the requirements of these regulations.

ADOPTED this 24<sup>th</sup> day of May, 1994.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Lawrence Gaydeski  
Lawrence Gaydeski, Chair

Dorothy Duncan  
Dorothy Duncan

Dave Cameron  
Dave Cameron

Attest:

Karen Flores  
Karen Flores  
Clerk of the Board

ORDINANCE NO. 550, 1994

cc: Sheriff  
Community Development  
minutes