BOARD OF COUNTY COMMISSIONERS

COUNTY OF KITTITAS

STATE OF WASHINGTON

ORDINANCE NO _____

ORDINANCE CREATING PROCESSES FOR THE OBTAINING OF AN EVENT PERMIT AND FOR THE MODIFYING OR REVOKING OF A CONDITIONAL USE PERMIT.

WHEREAS, the health and safety of the people of Kittitas County is of great concern to the Board of Kittitas County Commissioners, and

WHEREAS, the Board desire to promote the orderly and lawful conduct of persons holding events, and

NOW, THEREFORE, BE IT ORDERED, that Chapter 5.20 of Kittitas County Code is modified to read as follows:

Chapter 5.20
EVENT PERMITS

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5.20.005 Legislative Intent.

The Board of County Commissioners declares it to be the public interest, and for the protection of the health, welfare and property of the residents of the county of Kittitas to provide for the orderly and lawful conduct of any assembly of persons for the primary purpose of entertainment, amusement, or sporting events or shows to be held within Kittitas County by assuring that the proper sanitary, health, fire, safety and police measures are provided and maintained.

5.20.010 Basic clause.

It is unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, sporting event, or show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show unless a valid county permit has been obtained for the operation of said public amusement, entertainment or assembly. One such permit shall be required for each public entertainment or other amusement events. Criminal or civil liability for failure to comply with the provisions of this chapter shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for obtaining permits under this section.

5.20.015 Exceptions.

The requirement of KCC 5.20.010 to obtain a permit shall not apply to:

(1) De Minimus Exception

Persons, corporations, organizations, landowners or lessors believing that an event falling under KCC 5.20.010 will attract less than 300 person and will comply with all other county ordinances and laws of the State of Washington, assuming that such belief is reasonable.

(2) Conditional Use Permit Exception

Events that occur on a parcel or parcels with a valid Conditional Use Permit that specifically contemplates and authorizes gatherings of more than 300 persons.

(3) The Kittitas County Fair, events conducted on the Kittitas County Fairgrounds, or Events conducted by Kittitas County or its subdivisions.

(4) Events held in connection with and upon the same lot as a building that has been permitted, including a passing final inspection, for occupancy of at least as many individuals as are reasonably

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anticipated at the event, inclusive of any persons that will be at the building or on the lot even if not in connection with the event. Provided that such building has recieved a passing fire and life safety inspection from the Kittitas County Fire Marshall's Office within the last year.

Note: The exceptions in this section only waive the requirement of obtaining a permit found in KCC 5.20.015, not the requirement for a public assembly/special event permit from the Fire Marshal, or any other requirement of this Chapter or State or local law.

5.20.020 Permit application - Approval - Denial.

Written application for event permits shall be made to the Board of County Commissioners and the application must be submitted 60 or more days prior to the day upon which such event is to be or may be held. When available, the application should include a completed Event Application Form. Approval or denial of permits as provided for in this chapter shall be made within 45 days after application. The board of county commissioners may waive or shorten any deadlines set out in this chapter upon the request of the applicant. Denial of the permit or waiver or shortening of deadlines by the Board of County Commissioners shall be in writing with reasons for the same stated therein. Any denial of the permit shall be subject to appeal to the superior court by action filed within 10 days of the denial.

When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five or more days before event for which an application is submitted shall begin and shall be subject to inspection by the approving agencies or departments at their convenience. The inspections shall be made and approval or disapproval granted on or before the fifth day preceding the event. Failure to act by the County within said period constitutes a waiver of the before mentioned inspection by the County. Should the actual facility or construction fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn and any and all permits granted subject to such approval shall be withdrawn. No inspection fee or approval fee shall be charged other than the general permit fee required hereunder.

Every application made under this chapter shall be accompanied by plans for sanitary facilities, food and drink services and facilities, solid waste disposal, fire safety and protection, traffic control, parking, security, liability insurance and a statement of the anticipated impact, including noise, of the public entertainment, amusement or assembly on the citizens and public agencies of Kittitas County.

Upon receipt of the application, the clerk for the Board of County Commissioners shall submit copies of the application to the following officers, agencies or elected officers of Kittitas County or other governmental or regulatory agencies for their input on the following :

1. The County Health Officer regarding the plan for sanitary facilities, food and drink services and facilities; and
2. The County Fire Marshal regarding fire protection and safety; and
3. The County Sheriff regarding traffic control, parking, security, noise and any other health and safety problems; and
4. The County Prosecuting Attorney regarding liability insurance; and
5. The County Auditor regarding filings or registrations for the payment of any county taxes related to the application; and
6. The County Public Works Department regarding potential impacts on roads; and

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7. The County Solid Waste Programs Department regarding solid waste disposal.

The application must provide written approval of any other federal, state or local agency if the application involves an event, activity or instrumentality regulated by such agency. If any of the above county officers, agencies or elected officials of Kittitas County do not approve of the portions of the applicant's plans submitted to them; they shall set forth in writing the details supporting their disapproval.

5.20.030 Application Form.
Event Application Form: The Clerk of the Board of County Commissioners is hereby charged with creation of a standard "Event Application Form." The Clerk should consult with the county Health Officer, Fire Marshal, Sherriff, Prosecutor, Auditor, Public Works Director and the Solid Waste Director to ensure that the Event Application Form solicits the information necessary for them to make a recommendation on the issues enumerated in KCC 5.20.020.

5.20.040 Sanitary facilities.
Repealed by Ord. 92-17. (Ord. 69-11 § 5, Vol. O, pp. 129, 130, 1969).

5.20.050 Fire facilities.
Repealed by Ord. 92-17. (Ord. 69-11 § 6, Vol. O, p. 130, 1969).

5.20.060 Traffic control - Crowd protection.
Repealed by Ord. 92-17. (Ord. 69-11 § 7, Vol. O, p. 130, 1969).

5.20.070 Parking facilities.
Repealed by Ord. 92-17. (Ord. 69-11 § 8, Vol. O, p. 130, 1969).

5.20.080 Inspection - Enforcement.
No permit shall be granted hereunder unless the applicant shall in writing upon the application for such a permit consent to allow the law enforcement, public health, fire control, and other officers of the County to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions under which the permit is granted. (Ord. 99-06, 1999; Ord. 9217, 1992; Ord. 69-11 § 9, Vol. O, p. 130, 1969).

5.20.090 Permit required - Fee - Regulations.
No public assembly of persons for the primary purpose of entertainment, amusement, or sporting events or shows may be held in the county outside the limits of incorporated cities and towns unless the person or persons sponsoring said event shall first obtain a permit as hereinafter provided and shall comply with all regulations and approvals herein provided and that the fee for such permit to meet the cost of administering the same shall be set by resolution of the Board of County Commissioners, but shall initially be $200.00 for each event.

5.20.100 Penal bond - Bond of indemnity.
No permit shall be issued hereunder until the applicant has on deposit with the county treasurer the sum of $5,000 cash or bond as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the county from any and all damage that may be caused by vehicles, employees, or participants in such amusement, entertainment or assembly and to be used, if necessary, to restore the ground where such amusement, entertainment or assembly is held to a sanitary condition and pay all charges and losses to the county for damage to the streets, pavements, bridges and other property; provided further, that should the licensed event necessitate the

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deployment of additional county personnel, such added expense, which together with other county expense that exceeds the original permit fee shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the board of county commissioners certifies to the treasurer that no damage has been done and that the county did not incur additional expenses due to said licensed event or that the costs of the above have been paid by the licensee. (Ord. 99-06, 1999; Ord. 92-17, 1992; Ord. 69-11 § 11, Vol. O, p. 131, 1969).

5.20.110 Posting.
The ordinance codified in this chapter shall at all times be kept posted in a conspicuous place where an entertainment, amusement, sporting event, or show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show is being conducted. (Ord. 9906, 1999; Ord. 92-17, 1992; Ord. 69-11 § 12, Vol. O, p. 131, 1969).

5.20.120 Applicant Age.
No permit shall be issued to any person under 18 years of age. Alcohol shall be prohibited at any event where applicant is under 21 years of age at the time of the event. (Ord. 99-06, 1999; Ord. 92-17, 1992; Ord. 69-11 § 13, Vol. O, p. 131, 1969).

5.20.130 Statement of right to revoke on permit.
Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a police, sanitary and fire requisition measure, and that the right of the board of county commissioners to revoke such permit without notice or formal hearing is a consideration of its issuance. (Ord. 99-06, 1999; Ord. 92-17, 1992; Ord. 69-11 § 14, Vol. O, p. 131, 1969).

5.20.140 Grounds for revocation.
Any permit granted hereunder to conduct an event may be revoked without notice or formal hearing by the board of county commissioners upon their finding that any police, sanitary, or fire regulation provided for in this chapter or in the state law has been violated by the permittee, and the action of said board in revoking any such permit shall be final and conclusive.

5.20.150 Revocation not exclusive penalty.
The revocation of any permit granted under the provisions of this chapter shall not preclude the imposition of further penalties as provided for in this chapter and the state law, but shall be considered merely as a part of the penalties imposed for violation of the rules and regulations provided for herein and in the state law. (Ord. 92-17, 1992; Ord. 69-11 § 16, Vol. O, p. 131, 1969).

5.20.160 Closing hours.
All events shall not be open to the public before the hour of 10:00 a.m., and shall remain open to the public until such time as approved by the board of county commissioners in the application process.

5.20.170 Intoxicating liquor prohibited.
Repealed by Ord. 09-XX

5.20.180 Preserving order - Operator's duty.
It is the intention to put the burden of preserving order upon the operator of the entertainment, amusement, sporting event, or show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show in the county is not being operated in accordance with the rules and regulations prescribed in this chapter and set forth in the state law, the permittee shall be subject to revocation of his or her permit, and the permittee or other individual responsible subject to such other punishment as the law and this chapter provides.

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5.20.190 Building construction.
If the entertainment, amusement, sporting event, or show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show is held within a permanent building or structure, such must be of fireproof construction when over one story in height. All buildings to which the public is admitted must have a sufficient number of exits to permit a safe evacuation of all persons therein. All exit doors in buildings of a permanent nature must be equipped with crash hardware. All canvas used in any tent or as a part of any structure must be so treated as to be fire resistant at the time the same is in use. All highly inflammable or explosive liquids or materials are to be kept in a well ventilated location and adequate fire fighting equipment must be maintained in the immediate area.

5.20.200 Distance from habitation.
No entertainment, amusement, sporting event, or show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show shall be operated in a location which is closer than 1,000 feet from any schoolhouse, church or residence; provided, however, that this section shall not apply if the owner of each residence or the governing body of each schoolhouse and/or church within said 1,000 feet shall waive its requirement in writing and the board of county commissioners specifically approves such location in the permit process.

5.20.210 Permit posting - Non-transferability.
Any permit issued as provided in this chapter shall be kept posted in a conspicuous place and no such permit shall be transferable or assignable without the consent of the board of county commissioners; and no rebate or refund of money paid for a permit shall be made. (Ord. 99-06, 1999; Ord. 92-17, 1992; Ord. 6911 § 22, Vol. O, p. 132, 1969).

5.20.220 Permit application.
An application for a permit to conduct such an event in the county outside the limits of incorporated cities and towns shall be made in writing to the board of county commissioners, and shall be accompanied by a deposit of the fee herein required. It shall be signed and verified upon oath. If the application is made on behalf of a co-partnership the names of the copartners in full, shall be given with their residences and post office addresses for a period of six months immediately prior to the date of the application, together with the location of principal office or place of business of such corporation. The application shall state the location to be occupied; and shall also state that the applicant or applicants will abide by all rules and regulations of this chapter and the state law for the protection of health, morals and safety of the persons employed therein, and for the patrons or participants thereof and for the public.

5.20.230 Violation - Penalty.
Any person who violates or fails to comply with any provision of this chapter or who shall counsel, aid or abet such a violation or failure to comply shall be deemed guilty of a misdemeanor and shall be punished as provided in RCW 9A.20.021(3). Violation of this chapter shall also subject the holder of a Conditional Use Permit to revocation of that permit under KCC 17.60A.100.

5.20.240 Compliance.
Compliance with the terms and conditions of this chapter shall constitute minimum health, sanitation and safety provisions and failure to comply with the terms and conditions shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

5.20.250 Enforcement.
Enforcement of this Chapter shall be through the procedure and in accordance with Title 18 KCC.

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5.20.260 Reservation.

The County reserves the right to add conditions or waive requirements or conditions of this Chapter as it determines to be in the best interests of the public. It shall give great weight to health and safety concerns in making conditions or granting waivers.

5.20.270 Severability and Savings.

If any provision of this chapter or its application to any person or property is held invalid, the remainder of this chapter or the application of the provision to other persons or property is not affected and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

NOW, THEREFORE, BE IT FURTHER ORDERED, that a subsection (1) of Section 18.01.010 of Kittitas County Code is modified to read as follows:

18.01.010 Applicability.

1. This title shall apply to the enforcement of Kittitas County ordinances and codes, related to building, zoning, and environmental health and safety, the violation of which are hereby declared a public nuisance:
    1. Title 5, Business Licenses And Regulations;
    2. Title 8, Health, Welfare, and Sanitation;
    3. Title 12, Roads and Bridges;
    4. Title 13, Water and Sewers;
    5. Title 14, Buildings and Construction;
    6. Title 15, Environmental Policy;
    7. Title 16, Subdivisions;
    8. Title 17, Zoning; and WAC 173-19-270, Kittitas County Shoreline Master Program;
    9. The Kittitas County Health Code.

NOW, THEREFORE, BE IT FURTHER ORDERED, that a new section 17.60A.100 be added to the Kittitas County Code and that it read as follows:

17.60A.100 Revocation or Modification.

The Board of County Commissioners may hold a hearing to revoke or additionally limit a Conditional Use Permit granted pursuant to the provisions of this Chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit was granted. Notice shall be deemed delivered 3 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County.

A Conditional Use Permit may be revoked or modified by the Board if any 1 of the following findings can be made:

1. That circumstances have changed so that 1 or more of the Conditions of 17.60A.020 are no longer met;
2. That the Conditional Use permit was obtained by misrepresentation or fraud;
3. That one or more of the conditions of the Conditional Use Permit have not been met;
4. That the use for which the Conditional Use Permit was granted had ceased or was suspended for twelve or more consecutive calendar months;

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5. That the actual or permitted use is in violation of any statute, ordinance, law, or regulation; or
6. That the use permitted by the Conditional Use Permit is detrimental to the public health, safety or welfare or constitutes a nuisance.

The Board's decision shall be subject to judicial appeal under the provisions of Chapter 15A.08 KCC. The Board's decision shall not be effective for 21 days after being entered. The Superior Court in reviewing the Board's decision to revoke a CUP may grant a stay during the pendency of any appeal upon a finding that such a stay is necessary to avoid manifest injustice or upon stipulation by the County.

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ADOPTED this __day of _____ 2009.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Approved as to Form

_____
Commissioner, Chairman

_____
Brent Bottoms
Civil Deputy signing for
Gregory L. Zempel
Prosecuting Attorney

_____
Commissioner, Vice-Chairman

ATTEST:
CLERK OF THE BOARD

_____
Commissioner

_____
Julie A. Kjorsvik

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