

# **BOARD OF YAKIMA COUNTY COMMISSIONERS**

## **IN THE MATTER OF AMENDING YAKIMA COUNTY CODE CHAPTER 8.10 AND ORDINANCE 3-1995, PERTAINING TO OUTDOOR FESTIVALS**

### **ORDINANCE NO. 2-2016**

**WHEREAS**, Ordinance 3-1995 pertaining to outdoor festivals within un-incorporated Yakima County, as codified in Yakima County Code Title 8.10, is in need of review for coordination with regulations referenced in Ordinance 3-1995; and

**WHEREAS**, Ordinance 3-1995 Chapter Title 8.10 of the Yakima County Code is in need of review of processes and procedures contained in Ordinance 3-1995; and

**WHEREAS**, Ordinance 3-1995 Chapter Title 8.10 of the Yakima County Code is in need of review for clarification and simplification of the regulations contained in Ordinance 3-1995; and

**WHEREAS**, The Board of Yakima County Commissioners held a duly advertised public hearing on January 19, 2016, wherein testimony was heard from all those persons present who wished to be heard; and

**WHEREAS**, after considering the testimony and materials presented, the Board believes that it is in the best public interest to amend the ordinance as proposed; now, therefor.

**BE IT HEREBY ORDAINED**: Yakima County Ordinance 3-1995 is amended to read as follows:

#### **Chapter 8.10 OUTDOOR FESTIVAL REGULATIONS**

##### **Sections:**

- 8.10.010 Legislative Declaration.
- 8.10.020 Definitions.
- 8.10.030 Permit Required.
- 8.10.040 Application for Permit – Contents – Filing.
- 8.10.050 Approval or Denial of Permit.
- 8.10.060 Reserved.
- 8.10.070 Cash Deposit – Surety Bond – Insurance.
- 8.10.080 Revocation of Permits.
- 8.10.090 Reserved.
- 8.10.100 Distance from Habitation.
- 8.10.110 Noise Levels.
- 8.10.120 Age of Patrons.
- 8.10.130 Posting Permits – Non-transferability.
- 8.10.140 Hours.

8.10.150 Penalty.

8.10.160 Preparations – Completion Requirements.

### **8.10.010 Legislative Declaration.**

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 Yakima, to provide for the orderly and lawful conduct of festivals to be held outdoors by assuring that the proper sanitary, health, fire, safety and police measures are provided and maintained. This invocation of the police powers is prompted by and based upon a finding of the board of county commissioners that there is danger to both people attending and the property in close proximity of such a festival if proper sanitary, health, fire, safety and police measures are not adequately provided for.

(Ord. 3-1995 §1, 1995: Ord. 8-1976 §1(part), 1976).

### **8.10.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the indicated meanings:

- (1) “Applicant” means the promoter who has the right of control of the conduct of a festival who applies to the appropriate legislative authority for a license to hold an outdoor festival.
- (2) “Board” means the board of county commissioners.
- (3) “Outdoor festival” means an outdoor assembly of persons where the predicted total number of persons on the site is five hundred persons or more, and where the duration of the program is five hours or longer except:
  - (a) Outdoor festivals at a structure or facility such as a stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly that has been permitted for assembly purposes under the land-use, building safety, fire safety and health safety regulations of Yakima County and other applicable state or local regulation;
  - (b) Government-sponsored fairs held on regularly established fairgrounds;
  - (c) Circuses, traveling amusements, or carnivals, rodeo, animal show or rides, and all other occasional amusements, sporting events, or shows required to be licensed under other county ordinances including YCC 5.16.
- (4) “Person” means any natural individual, partnership, corporation, association, society, or fraternal or social organization. The singular shall include the plural.
- (5) “Promoter” means any person issued a permit to conduct a festival.

(Ord. 3-1995 §2, 1995: Ord. 8-1976 §1(part), 1976).

### **8.10.030 Permit Required.**

No person shall knowingly allow, conduct, hold, maintain, cause to be advertised, or permit an outdoor festival in the unincorporated area of the county unless a valid permit has been obtained as required by this chapter. One such permit shall be required for each 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.

A person may apply for an outdoor festival permit for an event which would not otherwise be required to obtain one due to having a predicted total number of persons on site is below 500 and or a program duration less than 5 hours, or both. The application will be processed as an outdoor festival and the permitting requirements will be those required of outdoor festivals.

(Ord. 3-1995 §3, 1995; Ord. 8-1976 §1(part), 1976).

#### **8.10.040 Application for Permit – Contents – Filing.**

Application for an outdoor festival permit shall be in writing and filed with the clerk of the board.

(1) Except as provided herein, a complete application shall be filed not less than forty five and not more than three hundred sixty five calendar days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of one thousand dollars.

Application for an outdoor festival permit 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) The nature of the business organization of the applicant;
- (c) Names and addresses of all individuals or other entities having a ten-percent or more proprietary interest in the festival;
- (d) The principal place of business of applicant;
- (e) The address or parcel number 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 is owned by a person other than the applicant;
- (f) The scheduled performances and programs;
- (g) Written confirmation that the Yakima Health District health officer has reviewed and approved plans for the outdoor festival site in accordance with rules, regulations and standards adopted by the State Board of Health.
- (h) Written confirmation from the county sheriff's office that traffic control and crowd protection policing has been contracted for or otherwise provided by the applicant in accordance with the applicable regulations and policies enforced by the county sheriff.

- (i) Written confirmation from the county fire marshal's office that the application and site plans for the outdoor festival site have been reviewed and approved as complying with the provisions of the fire code and the rules and policies of the fire marshal's office.
- (j) A written statement of consent from the applicant that all State and Yakima County law enforcement officers, fire-control officers and other necessary governmental personnel shall have free access to the site of the festival;
- (k) A list of the address or parcel number of all residences located within 300 yards of the sound source the outdoor festival measured as defined in YCC 8.10 and a copy of a written waiver from the owner of the residence as provided in YCC 8.10.100
- (l) 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.

(Ord. 3-1995 §4, 1995: Ord. 8-1976 §1(part), 1976).

#### **8.10.050 Approval or Denial of Permit – Corrections – Judicial Review.**

- (1) Within fifteen days after the filing of the complete application for an outdoor festival permit, the board shall schedule a time at the next regular meeting of the board when the board shall approve, deny, or approve with conditions the applicant's permit. 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 county commissioners shall grant, to correct the deficiencies set forth in the denial. The board of county commissioners shall either approve or deny the permit within fifteen days of receipt of the submitted corrections to the application. Any denial shall set forth in detail the specific grounds therefor.
- (2) After the board of county commissioners has issued a final decision to approve or deny the permit, the decision may be appealed as provided in RCW 36.70C.

(Ord. 3-1995 §5, 1995: Ord. 8-1976 §1(part), 1976).

#### **8.10.060 Reserved.**

(Ord. 3-1995 §6, 1995: Ord. 8-1976 §1 (part), 1976).

#### **8.10.070 Cash Deposit – Surety Bond – Insurance.**

- (1) After an application for an outdoor festival has been approved, the promoter shall deposit with the county treasurer the sum of ten thousand dollars cash, or surety bond in like sum. 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 for law enforcement or to regulate traffic or parking.
- (2) Bond or other deposits shall be returned to the promoter when the board 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; provided, that the bond or cash deposit or the uncommitted portion thereof shall be returned not later than thirty days after the last day of the festival.

(3) The promoter shall furnish proof of occurrence basis liability insurance in an amount of not less than five hundred thousand dollars per occurrence and one million dollars in the aggregate property damage and bodily injury coverage covering any officer, employee, volunteer, member, agent or representative of the promoter while acting in the performance of his or her duties. The policy shall name Yakima County as an additional named insured.

(Ord. 3-1995 §7, 1995: Ord. 8-1976 §1(part), 1976).

#### **8.10.080 Revocation of Permits.**

(1) 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 an outdoor festival shall be summarily revoked by the issuing authority 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.

(2) Any permit granted pursuant to the provisions of this chapter to conduct an outdoor 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.

(Ord. 8-1976 §1(part), 1976).

#### **8.10.090 Reserved.**

(Ord. 3-1995 §9, 1995: Ord. 8-1976 §1(part), 1976).

#### **8.10.100 Distance from Habitation.**

No outdoor festival shall be operated in a location which is closer than three hundred yards from any house, residence or other human habitation as measured from the sound source; provided, however, that this section shall not apply if the owner of each residence within said distance waives this requirement in writing.

(Ord. 3-1995 §10, 1995: Ord. 8-1976 §1(part), 1976).

#### **8.10.110 Noise Levels.**

Sounds created by an outdoor festival permitted by this chapter shall be exempt from the provisions of YCC 6.28 from 6:00 a.m. to 12:01 a.m.

(Ord. 3-1995 §11, 1995: Ord. 8-1976 §1(part), 1976).

#### **8.10.120 Age of Patrons.**

No person under the age of eighteen 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

(Ord. 3-1995 § 12, 1995; Ord. 8-1976 §1(part), 1976).

**8.10.130 Posting Permits – Non-transferability.**

Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of the festival. A permit issued pursuant to this chapter shall not be transferable or assignable.

(Ord. 3-1995 §13, 1995; Ord. 8-1976 §1(part), 1976).

**8.10.140 Hours.**

Outdoor festivals may be conducted between the hours of 6 a.m. and 12:01 a.m. Monday through Sunday.

(Ord. 8-1976 §1(part), 1976).

**8.10.150 Penalty**

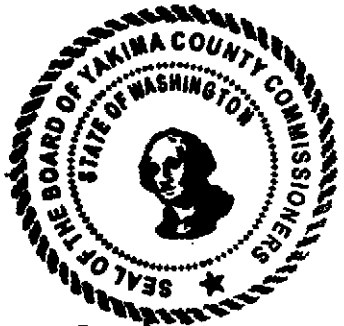
(1) Any person, firm, or corporation violating any of the provisions of this Title, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be subject to a civil infraction as provided for by Chapter 7.80 RCW in the amount of not less than \$500.00.

**8.10.160 Preparations – Completion Requirements.**

All event preparations required to be made by the provisions of this chapter on the outdoor festival site shall be completed prior to the first day scheduled for the festival. If a material violation exists, the board shall move to revoke the festival permit in the manner provided by Section 8.10.080.

(Ord. 3-1995 §18, 1995; Ord. 8-1976 §1(part), 1976).

DONE this 1st day of March, 2016



*Tiera L. Girard*

Attest: Tiera L. Girard  
Clerk of the Board

*Michael D. Leita*

Michael D. Leita, Chairman

*Kevin J. Bouchey*

Kevin J. Bouchey, Commissioner

*J. Rand Elliott*

J. Rand Elliott, Commissioner

*Constituting the Board of County Commissioners  
for Yakima County, Washington*