

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

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 – Corrections – Judicial Review.
- 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 County, to provide for the orderly and lawful conduct of events to include, but not limited to, outdoor festivals, entertainments, amusements, and assemblies catering to the general public, that certain rules and regulations be established, and further that there is a danger to the people attending the gathering if proper sanitary, police, fire and other health and safety measures are not adequately provided for. In addition, the purpose of this section is to provide an effective administrative process for the review and enforcement of these standards to protect the safety and general welfare of the community. Therefore events are subject to the following minimum requirements. ~~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. 2-2016 (part), 2016: 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.

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Commented [OS1]: Emily - Have we defined what an event is (is this in the definitions section?) If so, it appears to be limited to very specific events, which is great? Outside of regular business operations? A one-day occurrence? I would like to see some protections for regular operations.

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

1 (2) “Board” means the board of county commissioners.
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4 (3) “Outdoor festival” means an indoor or outdoor assembly of persons at a given place and
5 time, generally a planned social occasion to bring people together in a group for a public or
6 private performance, entertainment, affair, function, occasion, social function or special occasion
7 where the predicted total number of persons on the site is five hundred persons or more at any
8 point in time, and where the duration of the program is five hours or longer except:
9

10 (a) Outdoor festivals at a structure or facility such as a stadium, athletic field, arena,
11 auditorium, coliseum, or other similar permanently established place of assembly that has been
12 permitted for assembly purposes under the land-use, building safety, fire safety and health safety
13 regulations of Yakima County and other applicable state or local regulation;
14

15 (b) Government-sponsored fairs held on regularly established fairgrounds;
16

17 (c) Circuses, traveling amusements, or carnivals, rodeo, animal show or rides, and all other
18 occasional amusements, sporting events, or shows required to be licensed under other county
19 ordinances including YCC 5.16.
20

21 (4) “Person” means any natural individual, partnership, corporation, association, society, or
22 fraternal or social organization. The singular shall include the plural.
23

24 (5) “Promoter” means any person issued a permit to conduct a festival.
25

26 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §2, 1995: Ord. 8-1976 §1(part), 1976).
27
28

29 8.10.030 Permit Required.

30 No person shall knowingly allow, conduct, hold, maintain, cause to be advertised, or permit an
31 outdoor festival in the unincorporated area of the county unless a valid permit has been obtained
32 as required by this chapter. One such permit shall be required for each festival. ~~A permit may be~~
33 ~~granted for a period not to exceed sixteen consecutive days, and a festival may be operated~~
34 ~~during any or all of the days within such period.~~
35

36 ~~A person may apply for an outdoor festival permit for an event which would not otherwise be~~
37 ~~required to obtain one due to having a predicted total number of persons on site is below 500 and~~
38 ~~or a program duration less than 5 hours, or both. The application will be processed as an outdoor~~
39 ~~festival and the permitting requirements will be those required of outdoor festivals.~~
40

41 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §3, 1995: Ord. 8-1976 §1(part), 1976).
42
43

44 8.10.040 Application for Permit – Contents – Filing.

45 Application for an outdoor festivalevent permit shall be in ~~writing and filed with the clerk of the~~
46 ~~board.~~accordance with the provisions set forth below.

Commented [OS2]: Derrick voted to include, “ and where the duration of the program is five hours or longer”.

Emily voted no, more clarification was needed for either option.

Wilridge voted to delete the draft all together.

Agritourism Advisory Group DRAFT

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

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2 (1) Except as provided herein, a complete application shall be ~~filed~~ submitted in writing to the
3 Yakima County Public Services Planning Division at least ninety (90) not less than forty-five and
4 ~~not more than three hundred sixty-five calendar~~ days prior to the proposed first scheduled day of
5 the festival event and shall be accompanied with a permit fee in the amount ~~of one thousand~~
6 ~~dollars~~ identified in the fee schedule listed in YCC Title 20. Application for an outdoor festival
7 permit shall include:

8
9 (a) A completed application form signed by the owner(s) of record and the event promoter (if
10 applicable). The application form shall be provided by the Administrative Official. The name of
11 the person or other legal entity on behalf of whom said application is made; provided, that ~~a~~
12 ~~natural person applying for such permit~~ the applicant shall be eighteen years of age or older;

13
14 (b) The nature of the business organization of the applicant;

15
16 (c) Names and addresses of all individuals or other entities having a ten-percent or more
17 proprietary interest in the festival;

18
19 (d) The principal place of business of the applicant;

20
21 (e) The address or parcel number(s) of the land to be occupied, the name and address of the
22 owner thereof, together with a document showing the consent of said owner to the issuance of a
23 permit, if the land is owned by a person other than the applicant;

24
25 (f) The scheduled performances and programs;

26
27 (g) Written confirmation that the Yakima Health District health officer has reviewed and
28 approved plans for the outdoor festivalevent site in accordance with rules, regulations and
29 standards adopted by the State Board of Health~~;~~;

30
31 (h) Written confirmation from the ~~county~~-sheriff's office that traffic control and crowd
32 protection policing has been contracted for or otherwise provided by the applicant in accordance
33 with the applicable regulations and policies enforced by the ~~county~~-sheriff~~;~~;

34
35 (i) Written confirmation from the county fire marshal's office that the application and site
36 plans for the outdoor festival site have been reviewed and approved as complying with the
37 provisions of the fire code and the rules and policies of the fire marshal's office.

38
39 (j) A written statement of consent from the applicant that all State and Yakima County law
40 enforcement officers, fire-control officers and other necessary governmental personnel shall have
41 free access to the site of the festival;

42
43 ~~(k) — A list of the address or parcel number of all residences located within 300 yards of the~~
44 ~~sound source the outdoor festival measured as defined in YCC 8.10 and a copy of a written~~
45 ~~waiver from the owner of the residence as provided in YCC 8.10.100;~~

Agritourism Advisory Group DRAFT

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

1 (k) A narrative describing the proposed event, including the nature of the event, anticipated
2 number of attendees, proposed days and hours of operation, methods of controlling ingress and
3 egress, and any other measures designed to minimize impacts on surrounding properties and road
4 systems;

5 (l) The Administrative Official may require additional information, such as environmental
6 consideration, if deemed necessary.

7
8 (l) The verification of the applicant warranting the truth of the matters set forth in the
9 application to the best of the applicant’s knowledge, under the penalty of perjury.

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11 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §4, 1995: Ord. 8-1976 §1(part), 1976).

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14 8.10.050 ~~Approval or Denial of Permit—Corrections—Judicial Review.~~ Administrative Official,
15 Decision, Appeal to Hearing Examiner.

16 (1) Within fifteen days after the filing of the complete application for an outdoor festival permit,
17 the ~~board~~ Administrative Official shall in writing, schedule a time at the next regular meeting of
18 ~~the board when the board shall~~ approve, deny, or approve with conditions the applicant’s permit.
19 Any denial decision by the Administrative Official in conjunction with an event may be appealed
20 to the hearing examiner, unless otherwise specified, within fifteen (15) calendar days of the
21 decision. The appeal must be in writing and must contain a brief statement of the reason why the
22 applicant feels the decision was made in error. The appeal must be accompanied by an appeal fee
23 in accordance with YCC 20.01. The decision of the hearing examiner shall be final and conclusive,
24 ~~with no further administrative appeal process available. shall set forth in detail the specific grounds~~
25 ~~therefor. The applicant shall have fifteen days after the receipt of such denial, or such additional~~
26 ~~time as the board of county commissioners shall grant, to correct the deficiencies set forth in the~~
27 ~~denial. The board of county commissioners shall either approve or deny the permit within fifteen~~
28 ~~days of receipt of the submitted corrections to the application. Any denial shall set forth in detail~~
29 ~~the specific grounds therefor.~~

30
31 ~~(2) After the board of county commissioners has issued a final decision to approve or deny the~~
32 ~~permit, the decision may be appealed as provided in RCW 36.70C.~~

33
34 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §5, 1995: Ord. 8-1976 §1(part), 1976).

35
36 8.10.060 Reserved.

37 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §6, 1995: Ord. 8-1976 §1 (part), 1976).

38
39 8.10.070 Cash Deposit – Surety Bond – Insurance

40 (1) After an application for an outdoor festival has been approved, the promoter shall deposit
41 with the county treasurer the sum of ten thousand dollars cash, or surety bond in like sum. The
42 bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean
43 up afterwards outside the festival grounds, or any extraordinary costs or charges incurred for law
44 enforcement or to regulate traffic or parking.

Agritourism Advisory Group DRAFT

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

1
2 (2) Bond or other deposits shall be returned to the promoter when the board is satisfied that no
3 claims for damage or loss will be made against said bond or deposit, or that the loss or damage
4 claimed is less than the amount of the deposit, in which case the uncommitted balance thereof
5 shall be returned; provided, that the bond or cash deposit or the uncommitted portion thereof
6 shall be returned not later than thirty days after the last day of the festival.
7

8 (3) The promoter shall furnish proof of occurrence basis liability insurance in an amount of not
9 less than five hundred thousand dollars per occurrence and one million dollars in the aggregate
10 property damage and bodily injury coverage covering any officer, employee, volunteer, member,
11 agent or representative of the promoter while acting in the performance of his or her duties. The
12 policy shall name Yakima County as an additional named insured.
13

14 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §7, 1995: Ord. 8-1976 §1(part), 1976).
15
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8.10.080 Revocation of Permits.

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18 (1) Revocation of any permit granted pursuant to this chapter shall not preclude the imposition
19 of penalties as provided for in this chapter and the laws of the state of Washington. Any permit
20 granted pursuant to the provisions of this chapter to conduct an outdoor festival shall be
21 summarily revoked by the issuing authority when it finds that by reason of emergency the public
22 peace, health, safety, morals or welfare can only be preserved and protected by such revocation.
23

24 (2) Any permit granted pursuant to the provisions of this chapter to conduct an outdoor festival
25 may otherwise be revoked for any material violation of this chapter or the laws of the state of
26 Washington after a hearing held upon not less than three days' notice served upon the promoter
27 personally or by certified mail.
28

29 (Ord. 2-2016 (part), 2016: Ord. 8-1976 §1(part), 1976).
30
31

8.10.090 ~~Access and parking Reserved.~~

32 ~~(1) Provide adequate access from a county road. A shared or private road must submit a road~~
33 ~~maintenance agreement.~~
34

35 ~~(2) Provide a traffic and parking management plan. Occupancy calculation will be based on~~
36 ~~building capacity and available outside useable area.~~
37

8.10.095 Temporary structures

38
39 ~~(1) All temporary facilities or structures shall be completed no more five (5) days before the event.~~
40 ~~The Administrative Official shall inspect the structures for safety standards prior to the first day~~
41 ~~of the event. Should the temporary facility fail to meet the standards approved in the proposed~~
42 ~~plans, the event permit approval may be withdrawn.~~
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46 (Ord. 2-2016 (part), 2016: Ord. 3-1995 §9, 1995: Ord. 8-1976 §1(part), 1976).

Agritourism Advisory Group DRAFT

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

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8.10.100 Distance from Habitation.

No outdoor festival shall be operated in a location which is closer than three hundred ~~yards~~ feet 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. Applicant shall provide such waivers at time of application submittal.
(Ord. 2-2016 (part), 2016; 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.

8.10.115 Vibration

Any vibration generated by the event, other than that caused by vehicles or equipment as part of the approved permit, which is discernible without instruments at the property line, is prohibited.

8.10.116 Exterior lighting

Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

(Ord. 2-2016 (part), 2016; 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. 2-2016 (part), 2016; 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. 2-2016 (part), 2016; 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. The hours and days may be adjusted as determined by the Administrative Official review of the application, public and agency comments based upon the public health, safety, and welfare.

(Ord. 2-2016 (part), 2016; Ord. 8-1976 §1(part), 1976).

Agritourism Advisory Group DRAFT

Agritourism Advisory Group DRAFT

Yakima County Code
Chapter 8.10 Event Regulations

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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.

(Ord. 2-2016 (part), 2016: Ord. 7-2010 § 1, 2010: Ord. 3-1995 §17, 1995: Ord. 8-1976 §1 (part), 1976. Formerly 8.10.150).

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.

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