

## ORDINANCE NO. 1165

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SPECIAL EVENTS, AMENDING CHAPTER 5.28 OF THE GIG HARBOR MUNICIPAL CODE TO REFLECT CURRENT POSITION TITLES, INCREASING THE APPLICATION FEE, ADDING HOLD HARMLESS LANGUAGE AND VENDOR LIST REQUIREMENTS TO THE APPLICATION PROCESS, AMENDING THE FILING PERIOD, UPDATING INSURANCE REQUIREMENTS, DELETING THE BOND REQUIREMENT AND THE SPECIAL EVENT TEMPORARY LICENSE GROUP BOND OR CASH DEPOSIT REQUIREMENTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, Chapter 5.28 of the Gig Harbor Municipal Code was adopted in 1983 to establish provisions for licensing and regulating special events on public right of ways; and

WHEREAS, the code does not adequately reflect current conditions; and

WHEREAS, in order to protect the city, it is necessary to require indemnification language; and

WHEREAS, a list of participating vendors will assist in the proper remittance of sales tax; and

WHEREAS, the current requirement for proof of liability insurance is inadequate and the city's insurance pool is recommending an increase in coverage limits and language to address liability when food and/or liquor are permitted; and

WHEREAS, in the interest of administrative efficiency, the City desires to eliminate the clean-up bond requirement and authorize billing in the event of failure to follow through with the clean-up required under GHMC 5.28.050(K); and

WHEREAS, the bonding or cash set-aside requirements in GHMC 5.28.140 are prohibitive for non-profit organizations and the guarantee of proper clean-up for a special event is sufficiently addressed in GHMC 5.28.050(K) and GHMC 5.28.070; and

WHEREAS, the fifteen day submittal requirement and \$25 fee are no longer sufficient to reflect the amount of employee time required to process an application; and

WHEREAS, the City Council considered this ordinance during its regular meetings of May 26 and June 8, 2009; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. Section 5.28.030 of the Gig Harbor Municipal Code shall be amended to read as follows:

**5.28.030 Permit – Required.**

No person shall engage in, participate in, aid, form or start any special event, unless a permit has been obtained from the ~~director of administration~~ City Administrator.

Section 2. Section 5.28.040 of the Gig Harbor Municipal Code shall be amended to read as follows:

**5.28.040 Permit – Application – Fee.**

There shall be paid by the sponsor(s) at the time of application, a fee of ~~\$25.00~~ \$50.00 for each special event.

Section 3. Section 5.28.050 of the Gig Harbor Municipal Code shall be amended to add new subsections L and M and as follows:

**5.28.050 Permit – Application – Contents.**

Applications for a special events permit shall ~~state~~ include, but not be limited to:

A. Name and address of applicant;

B. ...

L. Hold Harmless Agreement that removes all liability from the City;

M. List of all participating vendors.

Section 4. Section 5.28.060 of the Gig Harbor Municipal Code shall be amended to read as follows:

**5.28.060 Permit – Application – Filing period.**

A. ~~A~~ complete application for a special events permit shall be filed with the ~~director of administration~~ City Administrator or his designee not less than ~~45~~ 30 days nor more than 365 days before the date on which the event will occur.

B. The ~~director of administration~~ City Administrator shall notify the applicant in writing of approval or disapproval, no later than 20 days following the date of the application.

Section 5. Section 5.28.070 of the Gig Harbor Municipal Code is hereby deleted in its entirety and replaced with the following:

#### **5.28.070 Bond required.**

~~The director of administration shall set an amount for a cash deposit or surety bond as a guarantee that the expenses of cleaning up will be paid by the sponsoring organization. The amount shall not be less than \$50.00 nor more than \$500.00. The director shall determine the bond amount by such factors as type of event, projected number of participants and spectators, and the sponsor's experience.~~

#### **5.28.070 Costs of Clean-up.**

In the event a sponsoring organization fails to adequately provide clean-up in accordance with the plan submitted under GHMC 5.28.050(K), the City may conduct the necessary clean-up and bill the sponsoring organization for such costs. The sponsoring organization must make payment to the City upon receipt of the City's invoice for such costs.

Section 6. Section 5.28.080 of the Gig Harbor Municipal Code shall be amended to read as follows:

#### **5.28.080 Insurance required.**

A. The applicant shall show proof of liability insurance with a combined single limit of \$500,000 for each incident primary coverage limits of: \$1,000,000 General Aggregate (per event); \$1,000,000 Products Aggregate (if food and/or beverage vending is part of the event); \$250,000 Personal and Advertising Injury; \$50,000 Each Occurrence; \$50,000 Fire Legal Liability; and \$50,000 Damage to premises rented for 7 or fewer days.

B. A specimen copy listing the name and inclusive dates of the event shall be filed with the application, and shall name the city of Gig Harbor as an additional named insured for the event, including a provision prohibiting the cancellation of said policy except upon at least 30 days prior written notice to the city.

C. If alcohol is permitted and being served, the applicant must obtain a license from the Washington State Liquor Board and provide liquor liability coverage.

Section 7. Section 5.28.140 of the Gig Harbor Municipal Code shall be amended to read as follows:

#### **5.28.140 ~~Special event temporary license~~ Businesses participating in a special event.**

A. When two or more businesses temporarily gather for a special event under the direction and supervision of a nonprofit organization, only one ~~temporary license~~ special event permit shall be required. The sponsoring nonprofit organization shall be responsible for obtaining the ~~license~~ permit.

~~A group bond or cash deposit shall be filed for all profit-status businesses by the sponsoring organization as follows:~~

- ~~— 1. One through 10 businesses, \$500.00;~~
- ~~— 2. For each additional 10 businesses, an additional \$500.00.~~

B. A special event ~~temporary license~~ permit shall not exceed five consecutive days.

Section 8. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 9. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 8<sup>th</sup> day of June, 2009.

CITY OF GIG HARBOR

\_\_\_\_\_  
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_  
ANGELA BELBECK

FILED WITH THE CITY CLERK: 05/20/09  
PASSED BY THE CITY COUNCIL: 06/08/09  
PUBLISHED: 06/15/09  
EFFECTIVE DATE: 06/20/09  
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