

ORDINANCE NO. 1385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S SPECIAL EVENT CODE; AMENDING CHAPTER 5.28 TO THE GIG HARBOR MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor owns and operates over 35 park properties; and

WHEREAS, the parks are owned by the citizens of Gig Harbor; and

WHEREAS, normal and regular park usage should be available to the citizens of Gig Harbor; and

WHEREAS, permitted and non-permitted events on park property have an impact on park usage of citizens; and

WHEREAS, the City of Gig Harbor seeks to keep its park properties open to citizens for normal and regular park usage;

Now, therefore,

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

Section 1. Chapter 5.28 of the Gig Harbor Municipal Code is hereby amended to read as follows:

Sections:

- 5.28.010 Purpose and intent.
- 5.28.020 Definitions.
- 5.28.030 Permit – Required.
- 5.28.040 Permit – Application – Fee.
- 5.28.050 Permit – Application – Contents.

5.28.060 Permit – Application – Filing period.

5.28.070 Costs of clean-up.

5.28.080 Insurance required.

5.28.090 Permit – Issuance standards.

5.28.100 Traffic control.

5.28.105 Alcoholic Beverages.

5.28.108 Smoking

5.28.110 Appeal procedure.

5.28.120 Permit – Revocation.

5.28.130 Violation – Penalty.

5.28.140 Businesses participating in a special event.

5.28.150 Skansie, Ancich Waterfront, and Eddon Boat Parks.

Section 5.28.160 “Special Expressive Events

Section 2. Section 5.28.010 ‘Purpose and Intent’ is as follows:

A. The purpose of this chapter is to provide reasonable supervision of any movement of persons, or vehicles or boats within the limits of the city by way of runs, parades, street dances, special events, or other demonstrations or exhibition, for the protection of persons and property.

B. The intent of this chapter is to allow sponsorship of special events on public thoroughfares and public waterways, and to provide guidelines that protect the public’s health, safety, and welfare.

Section 3. Section 5.28.020 ‘Definitions’ of the Gig Harbor Municipal Code is hereby amended to read as follows:

A. “Parade” means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except wedding processions and funeral processions, upon any public street or sidewalk which does not comply with normal and usual traffic regulations or controls.

B. “Run” means an organized procession to contend in a race consisting of people, bicycles, or other vehicular devices or combination thereof containing 10 25 or more persons upon a public street or sidewalk.

C. "Special event" means any event expected to cause a public gathering that is not part of the normal course of business at the location, including any parade, run, street dance, or other demonstration and exhibition to include on-water activities on public property (including public tidelands). Examples of special events include, but are not limited to; weddings, funerals, festivals, concerts, walks/runs, Free Speech/Demonstration, and uses/activities that impact regular park operations or normal park usage.

D. "Street" or "streets" mean any public roadway, sidewalk, or portions thereof in the city of Gig Harbor dedicated to the public use.

E. "Street dance" means any organized dance of three or more couples on any public street, public sidewalk, or publicly owned parking lot.

F. "Commercially organized events" Other Event – For Profit" means a special event organized or put on by a for profit organization, company, agency or group. Such events are limited to no more than one per month per park. No events will be allowed that are designed for the primary purpose of selling products. A "For Profit" event includes all events where a business entity intends to make a profit from the event on public property. This includes all special events managed, planned or overseen by a business or commercial entity.

G. "Other Event – Not for Profit" means a special event organized or put on by a non-profit organization, company or group of people.

H. "Weekend" for the purposes of this Section means Fridays, Saturdays, and Sundays.

I. "Special Expressive Event" means a special event organized primarily to convey ideas, opinions, or thoughts through words or conduct. Examples of special expressive events include political demonstrations and/or rallies, picketing, and similar types of free speech or conduct typically given a higher level of constitutional protection than commercial speech.

J. "Normal Park/Regular Park Usage" means those legal active and passive recreational uses for which the public park is maintained by the City for public use, not requiring a special event permit under this section, including, but not limited to picnics, throwing frisbee, sunbathing, game playing, etc.

Section 4. Section 5.28.030 "Permit – Required" of the Gig Harbor Municipal Code is hereby amended to read as follows:

No person shall engage in, participate in, aid, form or start any special event, unless a permit has been obtained from the city administrator or his their designee. A permit is required if the event meets the standard set forth in 5.28.020 (C) and/or if the event will have 30 or more people. Additionally, if an event includes the need for tents, amplified sound, stages, generators, vendor booths, involves public promotion of event or collection of money, a special event permit is required. Additionally, any activity that impacts regular traffic circulation and park operations will require a special event permit. The City Administrator or their designee has authority to determine when a permit is required.

Section 5. Section 5.28.040 "Permit – Application - Fee" of the Gig Harbor Municipal Code is hereby amended to read as follows:

There shall be paid by the sponsor(s) at the time of application a nonrefundable fee for each special event (or approved series of not for profit special events) as follows:

- A. City Event: \$0.00
 - a. Events held by City leaseholders shall be considered a "City Event".
- B. City-co-sponsored Event: \$50.00
- C. Nonprofit event Other Event – Not for Profit: \$ 50.00 \$150.00;
- D. Commercially organized event Other Event – For Profit: \$500.00

Section 6. Section 5.28.050 "Permit – Application - Contents" of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

- A. Name and address of applicant;
- B. Date and time of event;
- C. Name of sponsoring organization;
- D. Probable number of participants;
- E. Route(s) to include starting point and termination;
- F. Required access to public right-of-ways;
- G. Location of assembly areas;
- H. Copy of liability insurance coverage;
- I. Security and traffic control provisions;

- J. Emergency medical provisions;
- K. A clean-up plan;
- L. Hold harmless agreement that removes all liability from the city;
- M. List of all participating vendors.

N. Proposed Site Plan of Event

Section 7. Section 5.28.060 "Permit – Application – Filing Period" of the Gig Harbor Municipal Code is hereby amended to read as follows:

- A. A complete application for a special events permit shall be filed with the city administrator or his their designee not less than 60 days nor more than 365 days before the date on which the event will occur. Applications received with less than 60-days until the event will not be reviewed and will be disapproved.
- B. The city administrator or his their designee shall notify the applicant in writing of approval or disapproval, no later than 20 days following the date of the application.

Section 8. Section 5.28.070 "Costs of Clean-Up" of the Gig Harbor Municipal Code is hereby amended to read as follows:

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 will 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 9. Section 5.28.090 "Permit – Issuance Standards" of the Gig Harbor Municipal Code is hereby amended to read as follows:

After departmental review, the city administrator or his their designee may issue a special event permit unless:

- A. The time, route, and size will unreasonably disrupt the movement of other traffic contiguous to the route;
- B. The size or nature of the event requires the diversion of so great a number of city staff and/or police officers of the city that police protection or city services to the remainder of the city is unreasonably diminished;
- C. The applicant failed to remit all customary and reasonable fees, insurance documents, or bonds;
- D. The event exceeds five consecutive days of occurrence.

E. In the case of an application for an "Other Event – For Profit" commercially organized event, a ~~commercially organized~~ "For Profit" event has already been scheduled in the month requested or the city administrator or his designee determines a primary purpose of the event is to sell products.

Section 10. Section 5.28.100 "Traffic Control" of the Gig Harbor Municipal Code is hereby amended to read as follows:

A. The chief of police may require any reasonable and necessary traffic control. If such traffic control cannot be handled by the sponsor and shall require the deployment of additional police personnel, the permittee shall be responsible for the expense. The chief of police or his designee shall notify the applicant(s) of the actual projected expense.

B. If a Special Event constitutes a road closure, request for such closure must be submitted in the Special Event Application no less than 90-days prior to the event.

C. Road Closure requests not associated with a City or City-Sponsored Event must receive approval from the City's Finance and Safety Committee.

D. Events with grandfathered road closure approvals are: Maritime Gig Festival, Beatnik's Concert, National Night Out, Trick or Treat, PAL Arts Festival, Turkey Trot and Race for a Soldier.

E. Roads that may not be closed: Olympic Drive, Point Fosdick Drive, 56th Street, Soundview Drive (between Olympic Drive and Grandview Street), Stinson Avenue (between Pioneer Way and Rosedale), Borgen Boulevard (between Burnham Drive and Harbor Hill Drive), Wollochet Drive, 38th Avenue (between 56th Street and Hunt Street), Skansie Avenue (between 72nd Street and Rosedale Street), and Rosedale Street (between Skansie Avenue and 54th Avenue).

F. Harborview Drive may not be closed more than once per calendar month for Special Event purposes.

Section 11. Section 5.28.105 "Alcoholic Beverages" of the Gig Harbor Municipal Code is hereby created to read as follows:

Consumption of alcohol is illegal on public property. No Special Event shall allow the sale or consumption of alcoholic beverages. The only exceptions to this rule is where the City leases a structure to a tenant. In those instances, their approved lease may allow consumption of alcoholic beverages for approved events within the leased structure. Lessees shall not permit drinking alcohol outside of leased structure. Lessee must also must obtain a license from the Washington State Liquor Board and provide a minimum of \$1,000,000 liquor liability coverage. Locally produced alcohol sales are allowed at Farmers Market Special Events. No consumption is allowed.

Section 12. Section 5.28.105 “Smoking” of the Gig Harbor Municipal Code is hereby created to read as follows:

Smoking (including vaping) is not permitted during Special Events.

Section 13. Section 5.28.110 “Appeal Procedure” of the Gig Harbor Municipal Code is hereby amended to read as follows:

Upon denial of a permit by the city administrator or his their designee, an applicant may appeal to the city council by filing a written notice of appeal for hearing by the city council at its next meeting. Upon such appeal, the city council may reverse, affirm, or modify the administrator’s determination.

Section 14. Section 5.28.120 “Permit - Revocation” of the Gig Harbor Municipal Code is hereby amended to read as follows:

The city administrator or his their designee shall have the authority to revoke a permit upon application of the standards for issuance as herein set forth. In the event of revocation, the city administrator or his their designee shall notify the permittee of the revocation, in writing, as soon as reasonably possible.

Section 15. Section 5.28.010 ‘Violation – Penalty’:

Violation of any portion of this chapter is an infraction and subject to a penalty of \$1,000 as provided in GHMC 1.16.010D.

Section 16. Section 5.28.150 “Skansie Brothers Park, Eddon Boat Park, and Ancich Waterfront Park” of the Gig Harbor Municipal Code is hereby created to read as follows:

A. During the months of May through September, no more than two (2) weekend Special Events shall be permitted per calendar month at Skansie Brother’s Park, Eddon Boat Park and Ancich Waterfront Park.

B. At Eddon Boat Park, Special Events shall be limited to a maximum of 35 people for the entire park area, excluding the Boat Yard Building.

C. The Pavilion at Skansie Brother’s Park may be reserved for periods of 90 minutes maximum with attendees not to exceed 25 people. An application must be submitted for this rental.

D. The View Platform at Skansie Brother’s Park shall not be reserved for Special Events.

Section 17. Section 5.28.160 "Special Expressive Events" of the Gig Harbor Municipal Code is hereby created to read as follows:

When a Special Expressive Event permit is sought, the following exceptions shall apply:

- A. Where the event will not require temporary street closures or other special provisions, no fee shall be required for processing the permit.
- B. The insurance requirements of 5.28.080 GHMC may be waived by the City Administrator or their designee; provided, that the event organizer has filed with the application a verified statement that he or she intends the event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of the First Amendment expression.

Section 18. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 19. 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 27th day of March 2018.

CITY OF GIG HARBOR

Kit Kuhn
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

Molly Towslee

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney



FILED WITH THE CITY CLERK: 03/07/18
PASSED BY THE CITY COUNCIL: 03/26/18
PUBLISHED: 03/29/18
EFFECTIVE DATE: 04/03/18
ORDINANCE NO. 1385