

## ORDINANCE 1529

### AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON: AMENDING GIG HARBOR MUNICIPAL CODE CHAPTER 5.28 RELATING TO SPECIAL EVENTS

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**WHEREAS**, the City of Gig Harbor recognizes that special events are an important part of civic life in Gig Harbor; and

**WHEREAS**, staff has identified some issues and gray areas with the current special events code contained within chapter 5.28 of the Gig Harbor Municipal Code and wishes to enhance the code to make it more clear; and

**WHEREAS**, the parks commission, at its May 1, 2024, meeting reviewed and recommended approval of the proposed changes; and

**WHEREAS**, the City of Gig Harbor City Council at its May 16, 2024, study session identified the need for some changes to clarify GHMC 5.28; and

**WHEREAS**, the city recognizes that the revised GHMC chapter for special events would support the council's strategic priority to maintain small town character and historic preservation while growing responsibly and the priority to promote and enhance a dynamic and robust economy.

**NOW THEREFORE**, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

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

### Chapter 5.28 SPECIAL EVENTS

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 cleanup.**
- 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 Brothers Park, Eddon Boat Park, and Ancich Waterfront Park.**
- 5.28.160 Special expressive events.**

**5.28.010 Purpose and intent.**

- 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.

**5.28.020 Definitions.**

- A. "Applicant" means "Sponsor" or "Sponsoring Organization".
- A. "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~~ playing catch, sunbathing, game playing, etc. (Ord. 1385 § 3, 2018; Ord. 1221 § 2, 2011; Ord. 427 § 2, 1983).
- B. Other Event – For Profit. 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.
- C. "Other Event – Not for Profit" means a special event organized or put on by a nonprofit organization, company or group of people and is open to the public.
- D. "Other Event – Private" means a special event held in a park or public space that is not open to the public, such as a wedding, party, or fundraising event.
- E. "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.
- F. "Run" means an organized procession to contend in a race consisting of people, bicycles, or other vehicular devices or combination thereof containing 25 or more persons upon a public street or sidewalk.
- G. "Special event" means any event expected to cause a public gathering that is not part of the normal usage or course of business at the location. A special event may includeing, but is not limited to any parade, run, street dance, or other demonstration and exhibition to include on-water activities on public property (including public tidelands and aquatic lands). 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.

H. “Special event – city-sponsored” is an event that they city contributes funding toward or provides staff support before, or during, and/or after the event for no additional cost to the applic.

I. “Special event – public” or “public special event” is an event organized by a nonprofit, agency or group that is not affiliated with the city, but is open to the public.

J. “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.

K. “Sponsor” or “Sponsoring Organization” is the entity or entities hosting the event that requires a special event application and shall also be considered the “applicant”.

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

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

M. “Weekend” for the purposes of this sectionchapter means Fridays, Saturdays, and Sundays.

#### **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 city administrator or their designee. A permit is required if the event meets the standard set forth in GHMC [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. When otherwise not specified by this code, the city administrator or their designee has authority to determine when a permit is required.

#### **5.28.040 Permit – Application – Fee.**

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.

1. Events held by city leaseholders shall be considered a “city sponsored event,”

B. City co-sponsored event: \$50.00.

C. Other event – Not for profit: \$150.00.

D. Other event – For profit: \$500.00.

#### **5.28.050 Permit – Application – Contents.**

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 rights-of-way;
- 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.

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

A. A complete application for a special events permit shall be filed with the city administrator or their designee not less than 60 days nor more than 365 days before the date on which the event will occur. Applications that are requesting a road closure must be submitted not less than 90 days before the event date. Applications received with less than 60 days until the event will not be reviewed and will be disapproved, unless authorized by the city administrator, with the following exceptions:

- 1. Applications for events that are scheduled or rescheduled with less than 60 days' notice due to a public health directive or declaration of a state or local emergency may be approved at the discretion of the city administrator or their designee.
  - 2. Applications for special expressive events received with less than 60 days' notice shall be reviewed in accordance with the other provisions of this chapter.
- B. The city administrator or their designee shall notify the applicant in writing of approval or disapproval, no later than 20-30 days following the date of the application.

**5.28.070      Costs of cleanup.**

In the event a sponsoring organization fails to adequately provide cleanup in accordance with the plan submitted under GHMC 5.28.050(K), the city will conduct the necessary cleanup 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.

**5.28.080      Insurance required.**

- A. The applicant shall show proof of liability insurance with 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 seven or fewer days.
- B. A specimen copy certificate of insurance 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 a minimum of \$1,000,000 liquor liability coverage.~~

**5.28.090      Permit – Issuance standards.**

After application and departmental review, the city administrator or their designee may issue a special events 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, application materials or bonds;
- D. The event exceeds five consecutive days of occurrence, except city-sponsored special events can exceed five consecutive days;
- E. In the case of an application for an “other event – for profit” event, a “for profit” event has already been scheduled in the month requested or the city administrator or their designee determines a primary purpose of the event is to sell products. There is another event already scheduled at the same location, or the new event would violate the special restriction in GHMC 5.28.150.
- F. The city administrator or their designee determines the primary purpose of the event is to sell products.

**5.28.100      Traffic control.**

- 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. Road closure requests for special expressive events with less than 90 days' notice shall be reviewed in accordance with the other provisions of this chapter.
- C. Special events that are not city-sponsored and require a road closure and/or reserving or blocking off public parking spaces shall also require a temporary encroachment permit application to be submitted.
- C. If a special event requires reserving or blocking off public parking spaces, a temporary encroachment permit application shall be submitted with the special event permit application.
- CD. Road closure requests not associated with a city or city-sponsored special event must also receive approval from the chief of police in consultation with the city administrator. This requirement does not apply to special expressive events.
- DE. 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.

EE. 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).

FG. Harborview Drive may not be closed more than once per calendar month for special event purposes.

#### **5.28.105 Alcoholic beverages.**

Consumption of alcohol is illegal on public property and n. No special event shall allow the sale or consumption of alcoholic beverages except as follows:-

A. The only exceptions to this rule is wWhere the city leases a structure to a tenant. In these instances, and their approved lease may allows 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 and Cannabis Board and provide a minimum of \$1,000,000 liquor liability coverage.

B. Locally produced alcohol sales are allowed at farmers' market special events. No consumption is allowed.

#### **5.28.108 Smoking.**

Smoking (including vaping) is not permitted during special events.

#### **5.28.110 Appeal procedure.**

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

#### **5.28.120 Permit – Revocation.**

The city administrator or their designee shall have the authority to revoke a permit upon application of the standards for issuance as herein set forth. The city administrator or their designee shall also have the authority to revoke a permit if an event cannot be held due to a public health directive or declaration of a state or local emergency. If a permit is revoked due to a public health directive or other emergency measures, the application fee shall be refunded to the applicant. In the event of revocation, the city administrator or their designee shall notify the permittee of the revocation, in writing, as soon as reasonably possible.

#### **5.28.130 Violation – Penalty.**

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

#### **5.28.140 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 special events permit shall be required. The sponsoring nonprofit organization shall be responsible for obtaining the permit.

~~B. A special events permit shall not exceed five consecutive days.~~

**5.28.150 Special Restrictions - Skansie Brothers Park, Eddon Boat Park, and Ancich Waterfront Park.**

A. During the months of May through September, no more than two weekend special events shall be permitted per calendar month at each Park: Skansie Brothers Park, Eddon Boat Park, and Ancich Waterfront Park. City-sponsored events, events required/approved by a lease agreement, and special expressive events do not count toward the limit of two weekend special events.

B. At Eddon Boat Park, special events shall be limited to a maximum of 30 people for the entire park area, excluding the Boat Yard Building.

C. Skansie Brothers Park may be reserved for periods of 120 minutesfour hours maximum. All setup and cleanup must be completed within the 120 minutefour-hour event limit. City-sponsored events, public special events and special expressive events are not subject to the 120 minutefour-hour event limit but require—aAn application must be submitted ~~for this rental~~.

D. The view platform at Skansie Brothers Park shall not be reserved for special events.

**5.28.160 Special expressive events.**

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.

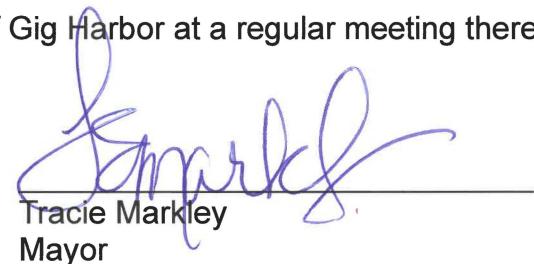
B. The insurance requirements of GHMC [5.28.080](#) GHMC may be waived by the city administrator or their designee; provided, that the event organizersponsor has filed with the application a verified statement that ~~he or she~~the sponsor intends the event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of the First Amendment expression.

**Section 2. Severability.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or 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 3. Correction of Errors.** The city clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

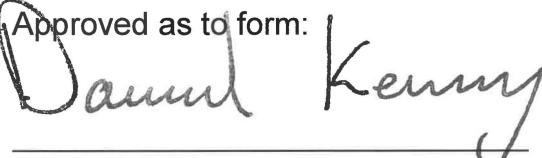
**Section 4. Effective Date.** This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof,  
held this 24<sup>th</sup> day of June, 2024.



Tracie Markley  
Mayor

Approved as to form:



Daniel Kenny  
City Attorney

Attest:



Joshua Stecker, CMC  
City Clerk