

**CITY OF MARYSVILLE AGENDA BILL**  
**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: 6/22/2015**

<b>AGENDA ITEM:</b> Approval of Special Event Permit Application; Marysville-Tulalip Chamber of Commerce	
<b>PREPARED BY:</b> Carol Mulligan <b>DEPARTMENT:</b> Community Development	<b>DIRECTOR APPROVAL:</b>
<b>ATTACHMENTS:</b> 1. Copy of Special Event Permit Application. 2. Cover Letter and Facility Use Application - Marysville School District. 3. Copy of Site Plan. 4. MMC 5.46.	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>

**SUMMARY:**

The Marysville-Tulalip Chamber of Commerce has submitted an application to obtain a special event permit to hold a carnival involving rides, games, and concessions, at the Allen Creek Elementary School, 6505 – 60<sup>th</sup> Drive NE, from July 9<sup>th</sup> to July 12<sup>th</sup> of this year. The applicant is requesting city assistance in the form of set-up approval, police monitoring, and water/electricity usage accountability. Inspections will be conducted by the Washington State Department of Labor and Industries, as well as the city’s Building Department and Fire District, prior to opening the event to the public.

The Community Development Staff has reviewed all related department comments and determined that this application has been submitted in its entirety and to the satisfaction of all said departments.

<p><b>RECOMMENDED ACTION:</b> The Community Development Staff recommends City Council approve the application for the Marysville-Tulalip Chamber of Commerce to conduct a special event as described above from July 9 - 12, 2015.</p>
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Received

JUN 01 2015

City of Marysville  
Community Development



SPECIAL EVENT PERMIT APPLICATION

Community Development Department • 80 Columbia Avenue • Marysville, WA 98270  
(360) 363-8100 • (360) 651-5099 FAX • Office Hours: Monday - Friday 7:30 AM - 4:00 PM

FOR AGENCY USE	Date:	File:	Fee: \$100.00
	NAME OF EVENT		PROPOSED DATES
	1st Annual Chamber Carnival		7/6-7/13 (Carnival open) 7/9-7/12
	APPLICANT	SPONSORING NON-PROFIT	EVENT ORGANIZER
Name	Marysville Tulalip Co	M. T. Chamber of Com	Mary Jane Harmon
Mailing Address	8825 34th AVE NE #2		James Eubanks
City, State, ZIP	Marysville WA 98271		
Phone (home/office)	360 659 7700		
Phone (cell)	Mary Jane 360 618 2787 James Eubanks 425 903-2432		
E-mail	maryjane@marysville-tulalip-chamber.com		
SITE INFORMATION			
Set-up date/time	Mon 7/6 5am-7/9	Dismantling Date/time	Mon 7/13-7/14
Estimated number of participants	over 4 days Approx 3500-4,000	Will admission fee be charged? (please note amount)	NO. JUST FOR Tickets to Ride
Will alcohol be served at event? (if yes please explain)	NO		
Type of activity planned (Describe event) and Proposed Activities	12 Rides + Carnival games + Food + Drink in Midway 5-6 Food Vendors - in Midway 2 Vendors: 1 Sewing + 1 other (both Native art work)		
Location to be used (Describe area to be used, attach map/route plan)	Allen Creek Elementary 6505 60th DR NE - Marysville WA 98270		
List any City Assistance that May be Required.	Fire Dept. to approve set on 7/9 AM. Police walk thru + addl Drive bys on 7/9-10-11-12 in the evenings Water meter to measure carnival water usage Help w/ setting meter w/ fidd for electric		
Does event involve political or religious activity intended primarily for the communication or expression of ideas?	NO		



**Received**  
**JUN 01 2015**  
**City of Marysville**  
**Community Development**

May 29, 2015

Kate Moore, Facilities Scheduler  
Marysville School District  
4220 80<sup>th</sup> Street NE  
Marysville, WA 98270  
360-653-0816

Re: Summer Carnival Event at Allen Creek Elementary

Dear Kate,

Attached is the Facilities Use Application for the upcoming Chamber Carnival event. This event will be a large fundraiser for the Chamber of Commerce non-profit agency. The Chamber is a partner in education, so we are thrilled to have this event at a Marysville school location.

The dates of this event will require use from July 6<sup>th</sup> – 13<sup>th</sup>. The schedule would be as follows:

July 6 – Carnival employees/RVs arrive and are set up  
July 7 - Carnival rides arrive and are set up  
July 8 – Rides are tested and certified by the State office  
Carnival Open (July 9-12)  
July 9 – 4pm-11pm  
July 10 – 11am-11pm  
July 11 – 11am-11pm  
July 12 – 12pm – 10pm  
Carnival Closed  
July 13 – Pack up rides and clean up lot  
July 14 – AM - Port-o-potties pick up by United Rentals and Boy Scouts will clean up the land.

The 5 port-o-potties (including 1 ADA) and 2 sinks will be delivered the 7<sup>th</sup> and cleaned and emptied daily. Trash dumpster will be delivered on the 7<sup>th</sup> as well. PUD and Water Dept will be met and completed on the 6<sup>th</sup>.

The Carnival is done by Butler Amusement. PO BOX 2210, Fairfield, CA 94533-0220. Office Phone: 707-429-4788. The on-site Manager is Bob, cell: 928-941-2684.

Sincerely,

Jesica Stickle  
President/CEO  
The Greater Marysville Tulalip Chamber of Commerce &  
Regional Visitors Information Center  
(360) 659-7700 Fax: (360) 653-6539  
[www.marysvilletulalipchamber.com](http://www.marysvilletulalipchamber.com)



**Marysville School District**

**Facilities Scheduling Department**  
 4220 60th Street NE - Marysville, WA 98270  
 360-653-0816 office | 360-653-3682 fax  
 facilities\_scheduling@msvl.k12.wa.us

District Use:
Permit # _____
Classification <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u>
Date _____
Approved _____

**FACILITY USE APPLICATION**

**Please read and complete both sides of application. Completed Application to be submitted at least fifteen (15) working days prior to the scheduled event.** Once approval is granted, a copy of the Facility Use Permit will be issued as a confirmation.

~Marysville School District Facilities exist primarily for the benefit of the educational program, rescheduling, relocating or cancellation of reservations may be necessary due to school-related events/activities.

~Rental fees, where applicable, shall be determined by the latest established rental rates.

~RCW 17.21 requires school districts to notify the public of our pest control and herbicide use. Interested persons can contact the district for information on our Integrated Pest Management Plan (IPM) by calling 360-653-0847.

**DO NOT SEND MONEY WITH APPLICATION** – A Facility Use Invoice will be mailed to the billing contact.

**A copy of your Certificate of Insurance and Endorsement document is required at time of application (see reverse side).**

**User Group Information**

Name of Organization: Marysville Tulalip Chamber Contact Person: Jessica Stuckles Position: Pres/CEO  
 Address: 8825 - 343 Ave NE, Ste C City: Tulalip State: WA Zip: 98271  
 Phone (day): 360 659-7700 (evening): cell 425-931-8553 e-mail address: jessica@MarysvilleTulalipChamber.ca

**Billing Information**

Billing Contact: Mary Jane Harmon Position: Director of Administration  
 Billing Address: same City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone (day): \_\_\_\_\_ (evening): NA e-mail address: maryjane@MarysvilleTulalipChamber.ca

**Event Information**

Name of Event: Carnival Description of Event/Activity: Outdoor Fair w/ rides + games  
 Date(s) Requested: July 6th - 13th Use attached calendar if applicable

Day(s) of the week: (M) (T) (W) (Th) (F) (S) (Su)

TIME IN (Including SET-UP) 7/6 - AM TIME OUT (Including CLEAN-UP) 7/14 - AM TIME EVENT STARTS 7/9 @ 4pm TIME EVENT ENDS 7/12 @ 10pm

SITES		ROOMS		EQUIPMENT	
X site choice				Qty	Item
<input type="checkbox"/>	Marysville Getchell High School	<input checked="" type="checkbox"/>	Allencreek		Chairs
<input type="checkbox"/>	Marysville Pilchuck High School	<input type="checkbox"/>	Cascade		Speakers Table
<input type="checkbox"/>	Marysville Mountain View High School	<input type="checkbox"/>	Grove		Lunchables
<input type="checkbox"/>	Marysville Tulalip Campus	<input type="checkbox"/>	Kellogg Marsh		
<input type="checkbox"/>	Arts & Tech High School	<input type="checkbox"/>	Liberty		Kitchen use
<input type="checkbox"/>	Heritage High School	<input type="checkbox"/>	Marshall		Other*
<input type="checkbox"/>	10th Street Middle School	<input type="checkbox"/>	Pinewood		* <u>water</u>
<input type="checkbox"/>	Cedarcrest Middle School	<input type="checkbox"/>	Quil-Ceda		
<input type="checkbox"/>	Marysville Middle School	<input type="checkbox"/>	Shoultes		
<input type="checkbox"/>	Totem Middle School	<input type="checkbox"/>	Sunnyside		
		<input type="checkbox"/>	SERVICE CENTER (circle) Board Room Strawberry Room		
<input type="checkbox"/>	ALL WEATHER FIELD	<input type="checkbox"/>	Msvl Getchell	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	Quil-Ceda Stadium (circle) Field Track Seating		

ADMISSION CHARGE  
 Y  N \$ 20


Bleachers Out: YES /  NO (Secondary School Gyms Only) \*\* may require on-site MSD Food Service Employee

Expected Attendance: Adults 200 Youth 300

X [Signature] Applicant Signature (Signature required on both sides of application, adult 21 years of age or older) Date 5/29/15  
 - OVER -

**Use of District Facilities  
Rules and Regulations**

1. A Facility Use Application form shall be submitted at least fifteen (15) working days in advance of intended use for the determination of fees and approval.
2. Access to facilities will be granted in accordance with the time specified on the permit. All use will stop with sufficient time to vacate the building at the termination time stated on the building reservation permit.
3. Satisfactory sponsorship and adequate adult supervision must be provided by the applicant. Security may be required for some activities.
4. Permit confirmation must accompany user group for access to facility. This permit will allow you access to the described premises requested (along with designated restrooms) and use of the tables and chairs in the room. All other areas of the facility are off limits.
5. Facility use is cancelled when facility/building is closed due to an emergency.
6. A district employee must be present at all times when a school building is open for use by any group to render such service as is necessary, however the organization with authorized use shall assume full responsibility for supervision of the activity involved.
7. All applicable local, state, and federal laws shall be adhered to.
8. Use of alcohol, tobacco, and/or drugs is prohibited. Profane language and/or other objectionable conduct may result in barred use of facilities. Motorcycle riding, skateboarding, roller-blading or roller-skating are not allowed on school grounds.
9. Appropriate gym shoes are required for all activities on the uncovered floor of gymnasiums.
10. Applicants are responsible for special set-up requirements and clean up unless specifically requested in the application. Users shall be responsible for returning the facility to its original condition immediately following the event
11. Cancellations by applicants require at least a 24 hour notice. Otherwise, related actual costs shall be borne by the applicant.
12. Rental fees shall be determined by the latest fee schedule. Invoices will be mailed out monthly. Prepayments are not accepted. A \$5.00 change fee will be charged for all changes made to the original reservation.
13. Complete **Facility Procedures** provided in MSD Facility Use Packet, please review carefully.

 **Initial Receipt of & Reviewed the Facility Use Packet.**

**TERMS AND CONDITIONS**

**CERTIFICATE OF INSURANCE and ENDORSEMENT DOCUMENTATION:** All applicants will be required to provide proof of general liability insurance coverage in the form of a Certificate of Insurance. This certificate must show that the insurance coverage will be in effect during the event date(s) and show minimum general liability coverage in the amounts of \$1,000,000 per occurrence and \$2,000,000 in aggregate liability coverage. The School District must be named as additionally insured on said policy and a copy of the endorsement is to be included with the insurance certificate. Coverage cannot be cancelled or reduced without thirty-(30) day's written notice to the district.)

**AGREEMENT:** The undersigned hereby makes application to Marysville School District for use of school facilities described above and certifies that the information given in the applications is correct. The undersigned further states that he/she has the authority to make this application for the Applicant and agrees that the Applicant will observe all rules and regulations established herein for the site requested. The Applicant agrees to pay Marysville School District #25 the scheduled fees and for any damages arising from the Applicant's use of said facilities. The Applicant agrees to pay Marysville School District #25 if needed a NSF check fee, plus bank fee.

The applicant agrees that the School District and its agents or employees will not be liable for any damage to person or property by reason of negligent acts of applicant, its agents, employees, invitees, or subcontractors. Applicant agrees to protect, indemnify for legal costs and other expenses, and hold harmless, the School District and its officers, employees, directors and agents from claims, liabilities, or suits, arising out of injury to person or property from negligent acts of applicant, directly or indirectly attributable to user's activities and/or use of premises except for sole negligence of the School District..

**I hereby acknowledge receipt of the Facility Use Procedures and agree to comply with the guidelines set therein regarding use of district facilities.**

X   
Applicant Signature (same as on front)

  
Date

Revised 12 2014



Equip. &  
RV Parking

6505 60th Dr NE

Allen Creek  
Elementary School

60th Dr NE

64th St NE

YMCA  
Marysville Family YMCA

Food  
Vendors

Games

Generators

Kiddie  
&  
Med Rides

Large  
Rides

Fun House

## Chapter 5.46 SPECIAL EVENTS

### Sections:

- 5.46.010 Definitions.
- 5.46.020 Special event permit required.
- 5.46.025 Exceptions to special event permit requirement.
- 5.46.030 Permit application.
- 5.46.040 Approval.
- 5.46.050 Fees.
- 5.46.060 Departmental analysis.
- 5.46.070 Insurance required.
- 5.46.080 Denial of permit.
- 5.46.090 Appeal.
- 5.46.100 Sanitation.
- 5.46.110 Revocation of special event permit.
- 5.46.120 Cost recovery for unlawful special event.
- 5.46.130 Expressive activity special event.
- 5.46.140 Penalties for violation.

### **5.46.010 Definitions.**

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Terms used in this chapter shall have the following meanings:

- (1) "Demonstration" means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.
- (2) "Event organizer" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.
- (3) "Event management company" means an entity with expertise in managing special events.
- (4) "Expressive activity" includes conduct for which the sole or principal object is expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include sports events, including marathons, fundraising events, or events the principal purpose of which is entertainment.
- (5) "Gross revenues" means the sum of all revenues received by an event organizer for a special event including, but not limited to, cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions.
- (6) "March" means an organized walk or event whose principal purpose is expressive activity in service of a public cause.
- (7) "Noncommercial special event" means any special event organized and conducted by a person or entity that qualifies as a tax-exempt nonprofit organization, or a special event whose principal purpose is expressive activity.

(8) "Rally" means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

(9) "Sidewalk" means that portion of a right-of-way, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

(10) "Sign" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

(11) "Special event" means any fair, show, parade, run/walk, festival, or other publicly attended entertainment or celebration which is to be held in whole or in part upon publicly owned property or public rights-of-way, or if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public or public rights-of-way within the vicinity of such event.

(12) "Special event permit" means a permit issued under this chapter.

(13) "Special permit venue" means that area for which a special event permit has been issued.

(14) "Street" means any place that is publicly maintained and open to use of the public for purposes of vehicular traffic, including highways.

(15) "Tax-exempt nonprofit organization" means an organization that is exempted from payment of income taxes by federal or state law and has been in existence for a minimum of six months preceding the date of application for a special event permit.

(16) "Vendor" means any person who sells or offers to sell any goods, food, or beverages within a special event venue. (Ord. 2901 § 1, 2012).

#### **5.46.020 Special event permit required.**

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Except as provided elsewhere in this chapter, any person or entity who conducts, promotes, or manages a special event shall first obtain a special event permit from the city of Marysville. (Ord. 2901 § 1, 2012).

#### **5.46.025 Exceptions to special event permit requirement.**

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(1) Although not required to be issued a special event permit, an event organizer of an activity exempted from this chapter is required to comply with all local, state and federal laws and regulations governing public safety or health.

(2) The following activities are exempt from obtaining a special event permit:

(a) Parades, athletic events or other special events that occur exclusively on city property and are sponsored or conducted in full by the city of Marysville. An internal review process will be conducted for these events;

(b) Private events held entirely on private property that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services;

(c) Funeral and wedding processions on private properties;

(d) Groups required by law to be so assembled;



- (e) Gatherings of 100 or fewer people in a city park, unless merchandise or services are offered for sale or trade to the public, in which case a special event permit is required;
- (f) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, anniversary sales, or single event (one day only) concession stands;
- (g) Garage sales, rummage sales, lemonade stands, and car washes;
- (h) Activities conducted by a governmental agency acting within the scope of its authority;
- (i) Lawful picketing on sidewalks;
- (j) Block parties located entirely on private property when not requesting a street closure, and not inviting others from outside the neighborhood;
- (k) Annual Strawberry Festival which is governed by Chapter 5.48 MMC; and
- (l) Other similar events and activities which do not directly affect or use city services or property. (Ord. 2901 § 1, 2012).

#### **5.46.030 Permit application.**

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- (1) An application for a special event permit can be obtained at the office of the community development director and will be completed and submitted to the community development director and/or designee no later than 60 days prior to the proposed event. A completed application does not constitute approval of the permit.
- (2) A waiver of application deadline shall be granted upon a showing of good cause or at the discretion of the community development director and/or designee. The community development director and/or designee shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other city services for the event. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and that the event is for the purpose of expressive activity.
- (3) The following information shall be provided on the special event permit application:
  - (a) The name, address, fax, cell, day of event contact number, email address, and office telephone number of the applicant;
  - (b) A certification that the applicant will be financially responsible for any city fees or costs that may be imposed for the special event;
  - (c) The name, address, fax, cell, email address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;
  - (d) A list of emergency contacts that will be in effect during the event, and the event web address, if any; and
  - (e) If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for special event permit shall file a signed, written communication from such organization:
    - (i) Authorizing the applicant to apply for the special event permit on its behalf;

(ii) Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event; and

(iii) Attached to which shall be a copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;

(f) All permit applications shall include:

(i) A statement of the purpose of the special event;

(ii) A statement of fees to be charged for the special event, including admissions tax documentation;

(iii) The proposed location of the special event;

(iv) Dates and times when the special event is to be conducted;

(v) The approximate times when assembly for, and disbanding of, the special event is to take place;

(vi) The proposed locations of the assembly or production area;

(vii) The specific proposed site or route, including a map and written narrative of the route;

(viii) The proposed site of any reviewing stands and/or vending areas;

(ix) The proposed site for any disbanding area;

(x) Proposed alternative routes, sites or times, where applicable;

(xi) The approximate number of persons, animals, and vehicles that will constitute the special event;

(xii) The kinds of animals anticipated to be part of the special event;

(xiii) A description of the types of vehicles to be used in the special event;

(xiv) The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;

(xv) The number and location of potable sanitation facilities;

(xvi) Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;

(xvii) The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using city streets, sidewalks, or facilities, including use of public or private law enforcement personnel;

(xviii) Provisions for first aid or emergency medical services, or both, based on special event risk factors;

(xix) Insurance and surety bond information;

(xx) Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity;

- (xxi) The marketing plan with proposed timelines associated with marketing the activity to the general public;
- (xxii) Event timeline documenting activities from event set-up to event tear-down;
- (xxiii) Parking areas;
- (xxiv) Identify city assistance being requested; and
- (xxv) Any other information required by the city. (Ord. 2901 § 1, 2012).

#### **5.46.040 Approval.**

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Based on the type of event and the event to which city services will be required, approval of special event permit applications will be made by the following authorities:

- (1) Approval by City Staff. Administrative approval for one-day events contained on a single site that could involve special parking arrangements and hiring of police officers for crowd control and traffic control. City staff shall include a representative from the police, planning, public works, parks and recreation, fire, streets, sanitation, and community development director departments.
- (2) Approval by City Council. Multiple-day events (four days maximum) or any event involving street closures or impacts to services city-wide. Events lasting more than four days shall be subject to submittal of additional information as required by city staff.
- (3) The city council will be notified of all special event approvals made by the city staff.
- (4) If permits and/or coordination is required from other agencies, i.e., Community Transit, Department of Transportation, Snohomish Health District, etc., these must be submitted prior to the issuance of the permit. (Ord. 2901 § 1, 2012).

#### **5.46.050 Fees.**

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There will be a \$100.00 nonrefundable application fee for a special event permit. (Ord. 2901 § 1, 2012).

#### **5.46.060 Departmental analysis.**

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- (1) The community development director or designee will send copies of special event permit applications to all pertinent city departments and/or outside agencies when deemed necessary for review and determination of services required.
- (2) The applicant is required to contract with the Marysville police department and public works department to employ police officers for security and traffic control as determined by the departmental analysis.
- (3) Cost of city services, i.e., police, public works employees, etc., for special events will be estimated prior to the event. Additional costs incurred will be evaluated following the completion of the event. The city may in its discretion require a cash deposit for such costs. (Ord. 2901 § 1, 2012).

#### **5.46.070 Insurance required.**

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Except as otherwise provided in this chapter, the applicant is required to obtain and present evidence of comprehensive liability insurance naming the city of Marysville, its officials, officers, employees and agents as additional insured for use of streets, public rights-of-way and publicly owned property such

as parks. The insurance policy shall be written on an occurrence basis and shall provide a minimum coverage of \$1,000,000 for individual incidents, \$2,000,000 aggregate, per event, against all claims arising from permits issued pursuant to this chapter. The insurance policy period shall be for a period not less than 24 hours prior to the event and extending for a period of not less than 24 hours following completion of the event. In circumstances presenting a significantly high risk of liability the city may, in its discretion, increase the minimum insurance requirements, and in circumstances presenting a significantly low risk of liability, the city may in its discretion reduce the minimum insurance requirements. (Ord. 2901 § 1, 2012).

#### **5.46.080 Denial of permit.**

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Reasons for denial of a special event permit include, but are not limited to:

- (1) The event will disrupt traffic within the city of Marysville beyond practical solution;
- (2) The event will protrude into the public space open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering the public;
- (3) The event will interfere with access to emergency services;
- (4) The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents;
- (5) The event will require the diversion of so many city employees that it would unreasonably affect other city services;
- (6) The application contains incomplete or false information;
- (7) The applicant fails to provide proof of insurance;
- (8) The applicant fails to obtain a city business license and/or fails to pay the special event permit fee and/or the applicant has failed to pay all fees due from previous special events;
- (9) The applicant failed to provide proof of sufficient monitors for crowd control and safety at least one week prior to the event;
- (10) The applicant has failed to provide proof of sufficient on- or off-site parking or shuttle services, or both, when required, to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the special event;
- (11) The applicant has failed to conduct a previously authorized or exempted special event in accordance with law and/or the terms of a permit;
- (12) The special event application conflicts with permits issued on same date and location creating hardship or financial burden to already permitted events;
- (13) The applicant does not meet current zoning requirements;
- (14) The applicant fails to obtain local, county, state and federal permits as required;
- (15) The city reasonably determines that the proposed special event conflicts with an already approved special event scheduled for same date(s). (Ord. 2901 § 1, 2012).

#### **5.46.090 Appeal.**

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The applicant has the right to appeal any denial or revocation of a special events permit to the city council. An appeal shall be made in writing, shall specify the grounds of the appeal, shall have supporting documentation attached, and it shall be filed with the community development director within seven calendar days of the date of the written denial or revocation. (Ord. 2901 § 1, 2012).

#### **5.46.100 Sanitation.**

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(1) A special event permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. The permittee is required to clean all permitted public and private properties and the right-of-way of rubbish and debris, returning it to its pre-event condition. If the permittee fails to clean up such refuse, the cleanup will be arranged by the city and the costs charged to the permittee.

(2) A special event permit may be issued only after adequate restroom and washroom facilities have been identified and arranged for or obtained by the applicant subject to the Snohomish Health District's review and certification process. (Ord. 2901 § 1, 2012).

#### **5.46.110 Revocation of special event permit.**

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(1) Any special event permit issued pursuant to this chapter is subject to revocation, pursuant to this section.

(2) A special event permit may be revoked if the city determines:

(a) That the special event cannot be conducted without violating the provisions of this chapter and/or conditions for the special event permit issuance;

(b) The special event is being conducted in violation of the provisions of this chapter and/or any condition of the special event permit;

(c) The special event poses a threat to health or safety;

(d) The event organizer or any person associated with the special event has failed to obtain any other permit required pursuant to the provisions of this chapter;

(e) The special event permit was issued in error or contrary to law;

(f) The applicant has not paid all fees when due; or

(g) The applicant has failed to provide confirmation or proof that it has obtained the minimum number of required volunteers to perform safety functions.

(3) Except as provided in this section, notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

(4) If there is an emergency requiring immediate revocation of a special event permit, the city may notify the permit holder verbally of the revocation. (Ord. 2901 § 1, 2012).

#### **5.46.120 Cost recovery for unlawful special event.**

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Whenever a special event is conducted without a special event permit when one is required or is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the city shall charge the event organizer for, all costs incurred as a result of the

adverse impacts of the special event or the violation of the special event permit. (Ord. 2901 § 1, 2012).

#### **5.46.130 Expressive activity special event.**

When a special event permit is sought for an expressive activity such as a demonstration, rally, or march as defined in this chapter, the following exceptions shall apply:

(1) Where the special event will not require temporary street closures, cost recovery pursuant to MMC 5.46.050 shall be limited solely to a fee based on the cost of processing the permit application.

(2) The insurance requirement of MMC 5.46.070 shall be waived; provided, that the event organizer has filed with the application a verified statement that he or she intends the special 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 First Amendment expression. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

(3) Where the special event will require temporary street closures and any one or more of the conditions of subsection (4) of this section are present requiring the city to provide services in the interest of public health, safety, and welfare, the special event coordinator may condition the issuance of the special event permit upon payment of actual, direct costs incurred by the city to a maximum of \$500.00. Any fee schedule adopted by the city shall contain a provision for waiver of, or a sliding scale for payment of, fees for city services, including police costs, on the basis of ability to pay.

(4) The city may deny a special event permit for a demonstration, rally or march if:

(a) The special event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;

(b) The special event will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;

(c) The special event will block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on streets designated as arterials by the city's public works department.

(d) The special event will require the diversion of police employees from their normal duties;

(e) The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;

(f) The special event will substantially interfere with another special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events; or

(g) The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(5) With regard to the permitting of expressive activity special events where the provisions of this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail. (Ord. 2901 § 1, 2012).

**5.46.140 Penalties for violation.**

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(1) Violations of, or failure to comply with, any provision of this chapter shall constitute a civil infraction and any person found to have violated any provision of this chapter is punishable by a monetary penalty of not more than \$250.00 for each such violation. Each day that a violation continues shall constitute a new and separate infraction.

(2) The imposition of a penalty for violation of this chapter shall be in addition to any other penalties provided for in any other ordinances of the city or any other ordinances or laws applicable to the violation.

(3) Any permit fee or penalty which is delinquent or unpaid shall constitute a debt to the city and may be collected by a court proceeding in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 2901 § 1, 2012).

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**The Marysville Municipal Code is current through Ordinance 2992, passed May 11, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Marysville Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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