

ORDINANCE NO. \_\_\_\_\_

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Whitman County Board of Commissioners met in their Chambers on this 29th day of July 2019; and,

WHEREAS, a public hearing was conducted this day to consider revisions to Whitman County Code, Title 5, Chapter 5.08-Outdoor Amusements or Assemblies.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Whitman County Board of Commissioners duly approves the attached revisions to Whitman County Code, Title 5 Chapter 5.08 as described herein.

PASSED, APPROVED AND ADOPTED this 29th day of July 2019 and effective as of this date.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Arthur D Swannack, Chairman

\_\_\_\_\_  
Dean Kinzer, Commissioner

ATTEST:

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Maribeth Becker, CMC  
Clerk of the Board

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Michael Largent, Commissioner

## **Chapter 5.08 - OUTDOOR AMUSEMENTS OR ASSEMBLIES\***

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### **5.08.005 - Legislative intent:**

The Board of County Commissioners declares it to be in the public interest, and for the protection of the health, safety, welfare and property of the residents of the county of Whitman to provide for the orderly and lawful conduct of any assembly of persons for which the primary purpose of said event is entertainment, amusement, sporting events or show to be held within the unincorporated areas of Whitman County by assuring that the proper sanitary, health, fire, safety and police measures are provided and maintained.

It is not the general intent of the Board of County Commissioners to regulate family gatherings, graduations, weddings or other family events or neighborhood celebrations of 300 people or less occurring on one day in unincorporated areas of Whitman County.

However there are public health concerns for large family events or neighborhood celebrations which are defined as events expecting greater than 300 but less than 750 people on any one day and/or which occur for 2 or more days. These events are a potential cause of concern with regards to public health.

For large family events or neighborhood celebrations, the organizer(s) shall meet with the County Public Health department at least two weeks prior to the event to ensure that proper measures are taken to protect public health. After Public Health concerns are adequately addressed as determined by the Whitman County Public Health Director or designee and have been detailed in a written plan, the Public Health Director or his designee are herein granted authority to sign a statement declaring that public health concerns have been addressed by the organizer(s). Such written statement will be considered a permit to hold the event and all fees are waived.

Very large family events or neighborhood celebrations are defined as greater than 750 people on one or more days and will require a regular permit and be charged the regular fees.

**5.08.010 - Permit required:**

It is unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, sporting event, show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show unless a valid county permit has been obtained for the operation of said public entertainment, amusement, sporting event or assembly. One such permit shall be required for each public entertainment or other amusement event. Criminal or civil liability for failure to comply with the provisions of this chapter shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for obtaining permits under this section. Please see section 5.08.210 for exemptions.

An applicant who seeks to sponsor an outdoor music festival which is regulated under Chapter 246-374 WAC (Washington Administrative Code), or any amendments thereto, also must comply with the requirements listed in the WAC.

**5.08.020 - Application - Review by Board:**

Written application for event permits shall be made to the Board of County Commissioners and must be submitted 60 or more days prior to the day upon which such event is to be or may be held. The application shall include a completed Event Application form. Approval or denial of permits as provided for in this chapter shall be made within 45 days after application. The Board of County Commissioners may waive or shorten any deadlines set out in this chapter upon the request of the applicant. Denial of the permit or waiver or shortening of deadlines by the Board of County Commissioners shall be in writing with reasons for the same stated therein. Any denial of the permit shall be subject to appeal to Superior Court by action filed within 10 days of the denial.

When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific written plans proposed and submitted by the applicant. All such facilities shall be in existence five or more days before event for which an application is submitted shall begin and shall be subject to inspection by the approving agencies or departments at their convenience. The inspections shall be made and approval or disapproval granted on or before the third day preceding the event provided that the applicant has notified the departments that the facilities are ready for inspection five or more days before event for which the application is submitted shall begin. Failure to act by the County within said period constitutes a waiver of the before mentioned inspection by the County. Should the actual facility or construction fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn and any and all permits granted subject to such approval shall be withdrawn. No inspection fee or approval fee shall be charged other than the general permit fee required hereunder. However additional department specific fees may be required should department-specific permits (for example: a temporary food event permit from public health) be needed in addition to the general permit.

Every application made under this chapter shall be accompanied by a site plan with a scale drawing of the site and facilities that will be used. Every application will also include written plans for sanitary facilities, food and drink services and facilities, solid waste disposal, buildings intended to be used, fire safety and protection and emergency medical services, traffic control, parking, security, liability insurance and a statement of the anticipated impact, including noise, of the public entertainment, amusement or assembly on the citizens and public agencies of Whitman County.

Upon receipt of the application, the Clerk of the Board of County Commissioners shall submit copies of the application to the following officers, agencies or elected officers of Whitman County or other governmental or regulatory agencies for their input on the following:

1. The County Health Department regarding the plan for sanitary facilities, food and drink services and facilities,

2. The local Fire Protection District regarding fire protection and safety and emergency medical services,
3. The County Sheriff regarding traffic control, parking, security, noise and any other health and safety problems,
4. The County Prosecuting Attorney regarding liability insurance,
5. The County Auditor regarding filings or registrations for the payment of any county taxes related to the application,
6. The County Public Works Department regarding potential impacts on roads,
7. The County Solid Waste Department regarding solid waste disposal, and
8. The County Building Department regarding any buildings intended for use.

The application must provide written approval of any other federal, state or local agency if the application involves an event, activity or instrumentality regulated by such agency. If any of the above county officers, agencies or elected officials of Whitman County do not approve of the portions of the applicant's plans submitted to them; they shall set forth in writing the details supporting their disapproval.

#### **5.08.030 - Application form:**

Event Application Form: The Clerk of the Board of County Commissioners is hereby charged with creation of a standard "Event Application Form." The Clerk should consult with the County Health Department, Building Department, local Fire Protection Districts' Chief, Sheriff, Prosecutor, Auditor, Public Works Director and the Solid Waste Director to ensure that the Event Application Form solicits the information necessary for them to make a recommendation on the issues enumerated in WCC 5.20.020.

#### **5.08.040 - Permit fee - Duration of permit:**

- A. A permit fee shall be filed with the application subject to the following scale:

<b>Persons</b>	<b>Amount</b>
200 to 500	\$ 300.00
500 to 1,000	400.00
1,000 to 2,000	800.00
2,000 to 4,000	1,600.00
4,000 to 6,000	3,000.00
6,000 to 10,000	6,000.00
10,000 to 20,000	8,500.00
20,000 to 50,000	10,000.00

- B. Fees shall be raised in increments of \$10,000.00 for each fifty thousand additional persons or portion thereof.

- C. The permit fees shall be retained by the county whether a permit is granted, denied or withdrawn. Additional fees may be required should department-specific permits be needed.

(Ord. 66916 (part), 2007).

#### **5.08.050 - Inspection and enforcement:**

No permit shall be granted hereunder unless the applicant shall in writing upon the application for such a permit consent to allow the law enforcement, public health, building department, fire control, and other officers of the County to enter the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions under which the permit is granted.

**5.08.055 - Estimating the number of attendees/Prohibiting access:**

An application shall state the number of persons reasonably expected and/or the number of tickets printed and sold. It shall be the duty of an applicant to record the number of persons admitted to and exited from any event coming within the provisions of this Ordinance in such a manner that the number of persons present can be reasonably known at any time. Failure to provide a reasonably accurate record of the number of persons present shall give public law enforcement personnel the right to reasonably estimate the number present. If the number of persons present at any time appears to exceed the number of persons for which the permit was granted by at least twenty (20) percent, law enforcement agencies, the Director of Public Health or their designee or the Chief of the local Fire Protection District or their designee may prohibit further access to the event until such time as the number in attendance allows for compliance with the permit.

**5.08.060 - Indemnification:**

- A. The permittee shall be required to furnish evidence of a liability insurance policy providing appropriate types and amounts of coverage to include medical, personal injury, property damage and other potential liability the event might generate.
- B. The dollar amount and types of coverage required are that which a reasonable person would obtain based on the size of the event and advice of a licensed insurance professional.  
(Ord. 66916 (part), 2007).

**5.08.070 - Applicant age:**

No permit shall be issued to any person under 18 years of age. Alcohol shall be prohibited at any event where applicant is under 21 years of age at the time of the event.

**5.08.080 - Permit requirements - Who may not receive a permit:**

A permit may be denied to anyone who has been convicted of a felony or a crime involving the use of firearms, illegal drugs or violence.  
(Ord. 66916 (part), 2007).

**5.08.090 - Posting:**

The ordinance codified in this chapter shall at all times be kept posted in a conspicuous place where an entertainment, amusement, sporting event, show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event or show is being conducted.

**5.08.100 - Permit posting - Non-transferability:**

Any permit issued as provided in this chapter shall be kept posted in a conspicuous place and no such permit shall be transferable or assignable without the consent of the Board of County Commissioners; and no rebate or refund of money paid for a permit shall be made.

**5.08.110 - Hours of operation:**

No event shall be open to the public before the hour of 8:00 a.m., and shall remain open to the public until such time as approved by the Board of County Commissioners in the application process.  
(Ord. 66916 (part), 2007).

**5.08.120 - Statement of right to revoke permit:**

Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a police, sanitary and fire requisition measure, and that the right of the Board of County Commissioners to revoke such permit without notice or formal hearing is a consideration of its issuance.

**5.08.130 - Grounds for Revocation:**

Any permit granted hereunder to conduct an event may be revoked without notice or formal hearing by the Board of County Commissioners upon their finding that any police, sanitary, or fire regulation provided for in this chapter or in state law has been violated by the permittee, and the action of said board in revoking any such permit shall be final and conclusive.

**5.08.140 - Revocation not exclusive penalty:**

The revocation of any permit granted under the provisions of this chapter shall not preclude the imposition of further penalties as provided for in this chapter and state law, but shall be considered merely as a part of the penalties imposed for violation of the rules and regulations provided for herein and in state law.

**5.08.150 - Preserving order - Operator's duty:**

It is the intention to put the burden of preserving order upon the operator of the entertainment, amusement, sporting event, show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show in the county. If the event is not being operated in accordance with the rules and regulations prescribed in this chapter and set forth in the state law, the permittee shall be subject to revocation of his or her permit, and the permittee or other individual responsible subject to such other punishment as the law and this chapter provides.

**5.08.160 - Building construction:**

If the entertainment, amusement, sporting event, show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show is held within a permanent building or structure, said structure must comply with the current codes as adopted by the state. All canvas used in any tent or as a part of any structure must be so treated as to be fire resistant at the time the same is in use. All highly inflammable or explosive liquids or materials are to be kept in a well-ventilated location and adequate firefighting equipment must be maintained in the immediate area.

**5.08.170 - Distance from habitation:**

No entertainment, amusement, sporting event, show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show shall be operated in a location which is closer than 1,000 feet from any schoolhouse, church or residence; provided, however, that this section shall not apply if the owner of each residence or the governing body of each schoolhouse and/or church within said 1,000 feet shall waive its requirement in writing and the Board of County Commissioners specifically approves such location in the permit process.

**5.08.180 - Violation-Penalty:**

Any person who violates or fails to comply with any provision of this chapter, or who, having obtained a permit under this chapter, willfully fails to continue to comply with the terms and conditions hereunder, or who counsels, aids or abets such a violation or failure to comply, shall be guilty of a misdemeanor and shall be punished as provided in RCW 9A.20.021 (3). Additionally the violator must pay a civil fine of \$5,000 or the amount equal to the cost of the permit required (whichever is greater) if no permit was obtained prior to the events occurrence. Violation of this chapter shall also subject the holder of a Conditional Use Permit to revocation of that permit.

(Ord. 66916 (part), 2007).

**5.08.190 - Noncompliance as nuisance:**

Compliance with the terms and conditions of this chapter shall constitute the minimum health, sanitation and safety provisions. Failure to comply with the terms and conditions shall constitute a public nuisance and the sponsors of said event shall be subject to all criminal, civil and equitable remedies as such.

(Ord. 66916 (part), 2007).

#### **5.08.200 - Reservation:**

The County reserves the right to add conditions or waive requirements or conditions of this Chapter as it determines to be in the best interests of the public. It shall give great weight to health and safety concerns in making conditions or granting waivers.

#### **5.08.210 - Exemption:**

The requirement of WCC 5.08.010 to obtain a permit shall not apply to:

1. De Minimis exception:  
Persons, corporations, organizations, landowners or lessors believing that an event falling under WCC 5.08.010 will attract less than 200 persons and will comply with all other county ordinances and laws of the State of Washington, assuming that such belief is reasonable.
2. Family gatherings, graduations, weddings or other family events and neighborhood celebrations as defined in section 5.08.005. It is noted that large family gatherings and neighborhood events require approval of Public Health Department per section 5.08.005. Very large family gatherings and neighborhood events of greater than 750 people are subject to regular permit requirements.
3. Community parades and associated activities in unincorporated communities of Whitman County.
4. Conditional use permit exception:  
Events that occur on a parcel or parcels with a valid conditional use permit that specifically contemplates and authorizes gatherings, and
5. The Palouse Empire Fair, events conducted on the Palouse Empire Fairgrounds or events conducted by Whitman County or its subdivisions.
6. Events held in connection with and upon the same lot as a building that has been permitted, including a passing final inspection, for occupancy of at least as many individuals as are reasonably anticipated at the event, inclusive of any persons that will be at the building or on the lot even if not in connection with the event.

Note: The exceptions in this section only waive the requirement of obtaining a permit found in WCC 5.08.010, not any other requirement of the local fire protection district, of this Chapter of the State or local law.

**5.08.220 - Severability and savings:** If any provision of this chapter or its application to any person or property is held invalid, the remainder of this chapter or the application of the provision to other persons or property is not affected and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.