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ROBERT OMANS

CITY CLERK  
DEBBIE LEE

FINANCE DIRECTOR  
ROBIN NEWCOMB

PUBLIC WORKS DIRECTOR  
MATHEW BAILEY

POLICE CHIEF  
RICH ALBO

FIRE CHIEF  
ED MILLS

PLANNER  
COLLEDA MONICK

**Lodging Tax & Events Committee  
Study Session  
August 12, 2025  
5:00 PM**



119 W FIRST STREET  
CLE ELUM, WA 98922

MAYOR  
MATTHEW LUNDH

MAYOR PRO TEM  
STEVEN HARPER

LODGING TAX & EVENTS  
COMMITTEE

STEVEN COOK - CHAIR  
STEVEN HARPER  
AUDREY MALEK

CITY ATTORNEY  
CURTIS CHAMBERS

Join Virtually with Zoom: <https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09>  
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

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**DISCLAIMER:** The City does not guarantee that virtual or telephonic access to the City Council meeting will be available and the City does not warrant audio quality. Attendees are encouraged to attend in-person.

1. **Call to Order/Pledge of Allegiance**
2. **Unfinished Business**
  - a. Special Events Code
3. **New Business**
4. **Other Committee Comments**
5. **Adjourn**

***Upcoming Meetings:***

***Regular Council Meeting: August 12, 2025 @ 6:00 p.m.***

***Lodging Tax & Events Committee Meeting: August 13, 2025 @ 8:30 a.m.***

***Historic Preservation Commission Meeting: August 19, 2025 @ 3:00 p.m.***

***Planning Commission Meeting: August 19, 2025 @ 6:00 p.m.***

***Public Safety & Health Committee Meeting: August 20, 2025 @ 2:00 p.m.***

***General Government Committee Meeting: August 27, 2025 @ 8:30 a.m.***

***Coal Mines Trail Commission Meeting: September 1, 2025 @ 4:00 p.m.***

***Public Works & Community Development Committee Meeting: September 3, 2025 @ 8:30 a.m.***

**Chapter X.XX**  
**SPECIAL EVENTS**

- ~~X.XX.XXX Purpose.~~
- ~~X.XX.XXX Definitions.~~
- ~~X.XX.XXX Special event permit required; authority of responsible official.~~
- ~~X.XX.XXX Fees, cost recovery for special events; security deposit.~~
- ~~X.XX.XXX Exemptions from the special event permit requirement.~~
- ~~X.XX.XXX Time for filing application for special event permit; priority; expressive activity event.~~
- ~~X.XX.XXX When application for special event permit is deemed complete; routing.~~
- ~~X.XX.XXX Content of special event permit application.~~
- ~~X.XX.XXX Date of special event not confirmed until notice of confirmation issued.~~
- ~~X.XX.XXX Conditions affecting issuance of a special event permit.~~
- ~~X.XX.XXX Events where alcohol is to be provided, sold or served.~~
- ~~X.XX.XXX Events requesting street closure.~~
- ~~X.XX.XXX Parades, races and processions.~~
- ~~X.XX.XXX Insurance required to conduct special event.~~
- ~~X.XX.XXX Committee action on special event permit application.~~
- ~~X.XX.XXX Reasons for denial of a special event permit.~~
- ~~X.XX.XXX Appeals from denial of special event permit.~~
- ~~X.XX.XXX Use of City logo or name.~~
- ~~X.XX.XXX Display of special event permit required.~~
- ~~X.XX.XXX Revocation of special event permit.~~
- ~~X.XX.XXX Effect of receipt of donations on status of tax-exempt nonprofit organizations.~~
- ~~X.XX.XXX Authorized special event vendors and license fees.~~
- ~~X.XX.XXX Other permits, licenses, fees and taxes.~~
- ~~X.XX.XXX Unlawful to conduct special event without permit.~~
- ~~X.XX.XXX Unlawful to sell goods in special event venue without authorization.~~
- ~~X.XX.XXX Penalties for violation.~~
- ~~X.XX.XXX Cost recovery for unlawful special event.~~
- ~~X.XX.XXX Purpose.~~
- ~~X.XX.XXX Definitions.~~
- ~~X.XX.XXX Special event permit required; authority of responsible official; application fee.~~
- ~~X.XX.XXX Exemptions from the special event permit requirement.~~
- ~~X.XX.XXX Time for filing application for special event permit; priority; expressive activity event.~~
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- ~~X.XX.XXX Content of special event permit application.~~
- ~~X.XX.XXX Date of special event not confirmed until notice of confirmation issued.~~
- ~~X.XX.XXX Conditions affecting issuance of a special event permit.~~
- ~~X.XX.XXX Events where alcohol is to be provided, sold or served.~~
- ~~X.XX.XXX Insurance required to conduct special event.~~
- ~~X.XX.XXX Waiver of insurance requirements.~~
- ~~X.XX.XXX Responsible official's action on special event permit application.~~
- ~~X.XX.XXX Reasons for denial of a special event permit.~~
- ~~X.XX.XXX Appeals from denial of special event permit.~~
- ~~X.XX.XXX Use of City logo or name.~~

~~X.XX.XXX Display of special event permit required.~~  
~~X.XX.XXX Revocation of special event permit.~~  
~~X.XX.XXX Effect of receipt of donations on status of tax-exempt nonprofit organizations.~~  
~~X.XX.XXX Authorized special event vendors and license fees.~~  
~~X.XX.XXX Unlawful to conduct special event without permit.~~  
~~X.XX.XXX Other permits, licenses, fees and taxes.~~  
~~X.XX.XXX Unlawful to sell goods in special event venue without authorization.~~  
~~X.XX.XXX Cost recovery for unlawful special event.~~  
~~X.XX.XXX Delegation of city manager's authority.~~  
~~X.XX.XXX City manager authorized to adopt rules and regulations.~~  
~~X.XX.XXX Unlawful to conduct special event without permit.~~  
~~X.XX.XXX Unlawful to sell goods in special event venue without authorization.~~  
~~X.XX.XXX Penalties for violation. X.XX.XXX Cost recovery for unlawful special event.~~

**X.XX.XXX Purpose.**

It is the purpose of this code to provide for the issuance of special event permits to regulate events on the public rights-of-way, public property, and on private property if the event will impact the delivery of governmental services, in the interest of public health, safety and welfare of the city; and to provide for fees, charges and procedures required to administer the permit process.

**X.XX.XXX Definitions.**

"Business" means and includes any activity which involves sale of any goods or services, whether conducted for profit or not, and regardless of by whom conducted.

"Event organizer" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.

"Expressive activity" includes conduct including but not limited to marches, rallies or gatherings, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of 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, fundraising events, or events the principal purpose of which is entertainment.

"Sidewalk" includes any and all structures or forms of street improvement included in the space between the street margin and roadway, and specifically includes curbs or other delineation for pedestrian travel.

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

"Special event" means any activity which is to be conducted on public property or on a public right-of-way, or any event held on private property which would:

1. Have a direct significant impact on traffic congestion or traffic flow to and from the event over public streets or right-of-ways; or

2. Substantially impact public streets or right-of-way near the event; or
- 2-3. \_\_\_\_\_ Significantly impact the need for emergency services, such as police, fire or medical aid; or
4. Is to be held in the city's **Central Commercial Zone** and involves the sale of tickets for attendance or is open to the general public with attendance expected to exceed more than **100-50** people.

**Commented [SC1]:** I think this is Yakima-specific terminology. What language is Cle Elum using for the downtown?

Any event on private property which involves an open invitation to the public to attend, or an event where the attendance is by private invitation of **100-50** or more people, is presumed to be an event that will have a direct significant impact on the public streets, right-of-way or emergency services, and therefore a "special event." Special events might also include, but are not limited to, fun runs/walks, athletic competitions, auctions, bike-a-thons, public fundraisers, parades, festivals, shows or exhibitions, outdoor film/movie events, block parties and fairs, trade shows, arts and crafts shows, home shows, recreational vehicle shows, boat shows, and antique shows.

"Special event permit" means a permit issued under this chapter.

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

"Street" means a way or place of whatever nature publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highway.

"Tax-exempt nonprofit organization" means an organization that is exempted from payment of income taxes under Section 501 of the Internal Revenue Code.

"Vendor" means any person, association, group, partnership, corporation or firm selling goods, food, beverages or services within a special event venue.

"Use" shall mean to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public place, any building, structure, sign, equipment or scaffolding, to deface any public right-of-way by painting, spraying or writing on the surface thereof, or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public place within the City, including a use related to special events.

**X.XX.XXX Special event permit required; authority of responsible official; application fee.**

A. Except as provided elsewhere in this chapter, a special events permit issued by the appropriate council committee must be obtained from the city to conduct, promote, or manage a special event.

AB. All events planned to take place on public property must submit an event application and obtain a special events permit.

C. An event application is also required for events on private property if they have the potential to substantially impact the normal operations of the city. This includes, but is not limited to, effects on

pedestrian traffic flow, parking availability, vehicle traffic flow, street access (such as the need for street closures), or any potential risk to public safety.

Substantial, in this context, refers to any impact that is significant enough to noticeably alter or disrupt the normal operations of the city in more than a temporary or minor way. This includes but is not limited to causing delays, congestion, or increased demand on city resources, services, or infrastructure, and necessitating additional planning, resources, or measures to maintain public safety and order. The duration of the event may also be a factor in determining whether the impact is substantial.

~~Except as provided elsewhere in this chapter, a special events permit issued by the city manager or their designee ("responsible official") must be obtained from the city to conduct, promote, or manage a special event.~~

~~B. The responsible official is authorized to:~~

- ~~1. Issue, deny or revoke permits for special events occurring within the city limits, pursuant to the procedures established in this chapter.~~
- ~~2. Determine the special event venue, including the setting of reasonable boundaries for the special event venue, balancing the special event requirements and the public health, safety, and welfare.~~

~~Coordinate the issuance of a special event permit with other local, state or federal public agencies in whose jurisdiction or on whose property the special event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved.~~ **X.XX.XXX Fees, cost recovery for special events; security deposit.**

Application Fee

A.

~~Establish a nonrefundable application fee set forth in the City of Cle Elum master fee schedule adopted by city council via resolution must be submitted with any special event permit application. Any event application submitted less than four weeks before the scheduled event is subject to an additional late fee set forth in the City of Cle Elum master fee schedule adopted by city council via resolution. non-refundable application fee, subject to approval by city council resolution, to be paid by the event organizer at the time the special event permit application is first submitted to the responsible official. The application fee shall not be charged for an application to conduct an expressive activity.~~

B. City Services Permit Fee.

~~Upon approval of a special event permit application, the Finance Director or other designated official should provide the applicant with a statement of the estimated cost of city services, equipment and materials used or provided by city in providing traffic control and management for parades and vehicle events, and permit fees.~~

The City Services Permit Fee shall be calculated and assessed as follows:

1. Upon receipt of a special event application for comment and approval, the head of each city department shall provide an estimate of costs expected to be incurred by the respective department. By way of illustration, and without limitation, personnel services provided by

affected city departments include, but are not limited to, services such as police escorts and traffic control. Costs of such services are called “event management personnel costs”. Each departmental personnel activity required for the special event shall be itemized, showing hourly rate and total cost. The “total event management personnel costs to the city” shall be the sum of each department’s personnel costs.

2. Nonprofit applicants shall pay fifty percent (50%) of the costs of the personnel services provided by the city. For-profit applicants will pay one hundred percent (100%) of the total event management personnel costs.
3. The Finance Director shall require payment of fees, or a reasonable estimate thereof, at the time the completed application is approved. The special event permit will not be issued until the City Services Permit Fee is paid in full.

**Commented [SC2]:** Do we want to keep this split?

**Commented [SC3]:** Do we need to create actual permit documents?

#### C. Security Deposit.

Except for an application for a permit for a special event protected under the First and Fourteenth Amendments of the US Constitution or other events exempted from fees as described in this section, each application for a special event permit shall be accompanied by a security deposit. The security deposit shall be in an amount the Finance Director and heads of relevant City departments determine is necessary and appropriate to defray costs of cleanup, repair and/or restoration based upon:

1. The number of persons expected to attend or participate in the event;
2. The type or nature of the event;
3. The number and type of vendors participating in the event;
4. Whether alcohol will be provided, served or consumed at the event venue; and
5. Any other factor deemed relevant to determine the amount of deposit based upon reasonably foreseeable costs of cleanup, repair and/or restoration.

##### (1) Payment of Funds to Be Used for Security Deposit.

Payment of funds to be used for security deposit shall be by cash or certified check.

##### (2) Deposit of Funds.

Funds received from the applicant for security deposit shall be receipted by the city and deposited in an appropriate fund.

##### (3) Refund of Security Deposit.

Subject to compliance with the following conditions, funds held by the city as a security deposit shall be refunded to the applicant in accordance with applicable payment procedures of the city:

- (a) Applicant has complied with all requirements of the permit;
- (b) Applicant has cleaned, repaired and restored the site following the conclusion of permitted event to the condition existing prior to the event, reasonable wear and tear excepted, to the satisfaction of the economic development manager.

##### (4) Use of Funds in Security Deposit by City.

In the event applicant fails to comply with the approved cleanup plan included within the permit and/or damage to city property or facilities has occurred on the event site attributed to participants in the event, the economic development manager shall use reasonable efforts to notify the applicant that the city will proceed to clean, repair and restore the subject site and facilities, and thereupon authorize city personnel to conduct

such cleanup and restoration. The cost of such city cleaning, repair and restoration shall be computed using the hourly rate of each city employee (with overtime rate, as applicable) multiplied by the hours worked by each employee, and the hourly rate for city equipment used for the cleanup, repair and restoration multiplied by the number of hours such equipment was used. Costs incurred by the city also include the costs of any third-party contractor retained to conduct or assist with such cleanup, repair or restoration. City will document its costs incurred in cleanup, repair and restoration and deduct from the security deposit the total amount incurred by the city for such cleanup, repair and restoration. In the event applicant fails to comply with any of the requirements of the permit, any costs incurred by the city resulting from such noncompliance shall be documented and deducted from the security deposit by the city. The city shall thereupon request a refund of the remaining balance of the security deposit to be processed and paid to the applicant and shall provide the applicant with a copy of the document showing city costs incurred.

D. Recovery of Excess Costs—Responsibility of Applicant.

The applicant shall be responsible for all cleanup, repair and restoration required in this code, the approved permit and cleanup plan, and any other costs incurred by the city resulting from the applicant's failure to comply with any of the requirements of the permit. In the event city costs associated with cleanup, repair and/or restoration of the site or applicant's failure to comply with any of the requirements of the permit exceed the amount of the security deposit, applicant shall pay the excess amount to the city within fourteen days, and the city reserves the right to seek recovery of such amounts from any and all responsible parties, including but not limited to the applicant.

E. Exemption from Fees

Exempt from the fees outlined in this section are the community events listed as follows:

1. All events officially sponsored and managed by the City of Cle Elum or any of its sub-units, including but not necessarily limited to:
  - a) City of Cle Elum Public Works;
  - b) Cle Elum Fire Department;
  - c) Cle Elum-Rosly Police Department; and
  - d) Carpenter Memorial Library;
2. All events sponsored by the Cle Elum Downtown Association, including but not necessarily limited to:
  - a) Pioneer Days;
  - b) Boo-Elum; and
  - c) Christmas in Cle Elum

Privately sponsored events included on the itineraries for any of these celebrations remain subject to all fees.

3. All events sponsored by the Northern Kittitas County Historical Society.

(7) Amendment of Fees.

**Commented [SC4]:** Suggestion only. Open to debate.

Amendment of fees shall be made by action of the full City Council.

**X.XX.XXX Exemptions from the special event permit requirement.**

~~A. A.~~ 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.

~~B. B.~~ Nothing in this chapter shall be construed to abrogate or limit the authority and jurisdiction of the city to enforce any other provisions of the Cle Elum Municipal Code.

~~C. C.~~ The following activities are exempt from having to obtain a special event permit under this chapter:

~~1. Parades, athletic events or other special events that occur exclusively in city parks or in the public right of way or sidewalks, streets, or publicly owned property, and which are organized or conducted by the City of Cle Elum.~~

~~2-1. Funeral and wedding processions.~~

~~3. Use of city park picnic shelters for which a permit has been issued to the user or gatherings of fewer than one hundred (100) people in a city park, unless merchandise, food or services are offered for sale or trade to the public, in which case a special event permit is required.~~

~~4. Farmers markets, which may require a separate agreement and city council approval for street closure pursuant to CEMC X.XX.XXX;~~

~~5-2. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales.~~

~~6. Carnivals or rodeos, which require a separate permit and license pursuant to Chapter X.XX CEMC.~~

~~7. Events held at the Kittitas Valley Event Center.~~

~~8-3. Garage sales, rummage sales, lemonade stands and car washes.~~

~~9-4. The indoor exhibition of films or motion pictures.~~

~~10-5. Other similar events and activities which do not directly affect or use City services or right-of-way property, as determined by the responsible official.~~

~~6. Activities conducted by a governmental agency acting within the scope of its authority.~~

~~11.~~

~~D. D.~~ Notwithstanding an event being exempt from the requirement to obtain a special event permit, the event organizer may still be required to obtain a right-of-way permit, noise waiver, or other appropriate permits as required by the Cle Elum Municipal Code.

**X.XX.XXX Time for filing application for special event permit; priority; expressive activity event.**

~~A. A.~~ Application for a special event permit, on a form provided by the city, shall be filed with the responsible official not less than sixty (60) calendar days, and nor more than one year, before the date and time when it is proposed to conduct the special event.

~~B. B.~~ Upon good cause shown and provided that no risk or burden to the City results, the responsible official has discretion to allow a later filing. Allowance of a later filing may result in the responsible official adjusting other deadline requirements in this chapter. Notwithstanding

**Commented [SC5]:** Should we adjust this, considering the section on parades, etc. below?

**Commented [SC6]:** Need to define.

the foregoing, applications for special events which require city council approval pursuant to CEMC X.XX.XXX must be submitted by no later than thirty (30) days prior to the scheduled event.

Commented [SC7]: Review.

~~C.~~ ~~C.~~ Priority may be given for the scheduling of a special event permit to local tax-exempt nonprofit organizations operating in and providing services to the citizens of the city. Priority may also be given to annual, semiannual, or other regularly scheduled or recurring special events if the event organizer notifies the responsible official within ninety (90) days of an event of their intent to hold the same event on a specific date the following year, and otherwise complies with all requirements of this chapter. If competing applications cannot be resolved on this basis, permits shall be granted to the earliest completed application received for the time and place requested.

~~D.~~ ~~D.~~ An application for an expressive activity special event permit shall be filed with the responsible official no less than seven (7) calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown, the responsible official may, in their discretion, allow a later filing.

#### **X.XX.XXX When application for special event permit is deemed complete; routing.**

~~A.~~ ~~A.~~ An application for a special event permit is deemed complete when the applicant has submitted all of the ~~information~~ information required in Section X.XX.XXX on the city's application form, including any additional information required by the responsible person, and paid the special event application fee;

~~B.~~ ~~B.~~ A completed application will be routed by the responsible official for review to other city departments, ~~the city manager, mayor and, ultimately, or the~~ city council, ~~as applicable~~. Each of the ~~above-listed~~ departments and/or officials shall provide the responsible official a written recommendation of approval (conditional or otherwise) or denial of the application based on the considerations referenced in CEMC X.XX.XXX.

#### **X.XX.XXX Content of special event permit application.**

~~A.~~ ~~A.~~ Except as provided elsewhere in this chapter, the application for a special event permit shall include the following:

1. Contact information such as the name, address, telephone number, cell phone number, website address and e-mail address of the applicant.
2. A statement of the purpose of the special event, including the dates, times and location(s) (or routes, with map, if applicable), along with estimated attendance.
3. ~~A list~~Details of emergency contacts that will be in effect during the event.
4. A statement of fees to be charged for the special event.
5. The proposed plan for clean-up, sanitation facilities, garbage and recycling collection, for the period during and after the event is completed.
6. Information documenting compliance, if needed, with the Americans with Disabilities Act (ADA) requirements for accessibility, parking and restrooms.

7. A description of the nature of any equipment to be used to produce sounds or noise. An outdoor event which will include amplified sound requires a noise waiver pursuant to CEMC X.XX.XXX.
8. 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, together with any anticipated security and/or traffic control provisions.
9. The anticipated quantity and types of any alcohol that will be served at the event, for which a separate Washington State Liquor and Cannabis Board permit is required.

~~10.~~ Liability insurance documentation, including the certificate(s) of insurance, along with a Hold Harmless ~~and Indemnity~~ Agreement in such form as may be issued by, or acceptable to, the city.

~~10.a.~~ Should evidence of purchase or renewal not be available at the time of submission, the event organizer may submit either such evidence from the previous year or a quote or other proof of communication with a vendor regarding acquisition. Notwithstanding other conditions placed on it, any approval of the event in the circumstances shall be contingent pending submission of valid coverage.

11. A list of participating vendors.

~~12.~~ Any other information required by the ~~responsible official~~City.

~~12.~~

~~B.~~ ~~B.~~ The responsible official will notify the applicant within fifteen (15) business days of receiving a special event permit application of any information that the applicant has failed to provide or is incomplete.

**X.XX.XXX Date of special event not confirmed until notice of confirmation issued.**

~~A.~~ Notwithstanding the responsible person's acceptance of a completed application, the date of the event shall not be considered confirmed until the responsible official issues a written notice of confirmation.

**X.XX.XXX Conditions affecting issuance of a special event permit.**

~~A.~~ ~~A.~~ Where the event organizer has not requested, and the special event does not require city services, equipment, or personnel, the responsible official will issue a special event permit, when based upon the completed application, all of the conditions listed in this section are met as determined by the responsible official.

1. The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
2. The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility.
3. The special event will not block principal transportation arterials during peak commute hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., or other times as determined by the city.
4. The special event will not require the diversion of police employees from their normal duties.

5. The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
6. The special event will move from its assembly location to its disbanding location expeditiously.
7. The special event will not substantially interfere with any other 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 unscheduled governmental functions.

7.

~~B.~~ ~~B.~~ In order to ensure that the conditions in this section are met, the responsible official may place conditions on the special event permit.

**Commented [SC8]:** I don't think we want to keep the current actual content of this section. However, do we want to keep a section so named and add new content pertaining to CE?

**X.XX.XXX Events where alcohol is to be provided, sold or served.**

~~A.~~ ~~A.~~ If alcohol is to be provided, sold or served on public property or public right-of-way, or if served on private property but within a special event location that encompasses public right-of-way (e.g., closed street, alley or sidewalk), the event organizer shall comply with the following conditions:

1. Obtain and comply with the applicable liquor license or permit issued by the Washington State Liquor and Cannabis Board, and provide a copy of such license or permit to the city;
2. Service of alcohol must end by 12 a.m.;
3. Liquor Liability must be included on insurance coverage;
4. ~~The alcohol service area must be clearly designated with a minimum of a four (4) foot high fencing surrounding the area; fencing, tables, chairs, etc. must be able to be removed quickly to allow passing of emergency vehicles;~~
5. ~~Clearly designated entrance/exit points must be provided;~~
6. ~~Trained volunteers or paid security personnel must be posted at every entrance/exit point to ensure that no person under 21 will be allowed into the alcohol service area; and~~
4. ~~No outside alcohol may be brought into an alcohol service area and no alcohol may be removed. Measures taken to comply with applicable State regulation must be specifically and clearly identified within the submitted event application materials.~~

7.

**X.XX.XXX Events requesting street closure.**

~~A.~~ ~~D.~~ ~~Any event requiring closure of a street or alley, or temporary suspension of parking regulations, shall be routed to the mayor or their designee for approval. Closure of streets or alleys require the following for approval/consideration:~~

1. ~~Detailed site plan clearly identifying points and means of closure;~~
  - a. ~~Private vehicles shall not be considered an acceptable means of street closure.~~
2. ~~Detailed plan and proof of contract for traffic and crowd control;~~
- 1.3. ~~Concurrence with the request(s) by both the city manager and police chief and public works director;~~
4. ~~For street or alley closures, The event sponsor must notify all adjacent residents and/or businesses of the proposed closure a minimum of three (3) weeks before the regular committee meeting at which the application will be reviewed. Notification must also inform recipients have the opportunity to comment on the proposed closure by attending the~~

~~meeting or in writing concurrence with the request by at least 75% of businesses with storefronts on streets, or with access from an alley, in the closure as evidenced by the signatures of the business owner or their agent on a form approved by the city.;~~

~~2.~~

- ~~B. Notwithstanding the foregoing, the mayor or their designee committee may refer any street or alley closure request to the city full council at the next scheduled council meeting for consideration of whether it should be approved.~~
- ~~C. In compliance with applicable law, closure of State roads or highways, notably WA 903, requires approval of the Washington State Department of Transportation. It shall be the responsibility of the event organizer to obtain such approval and provide documentation to the City.~~
  - ~~a. For reference, WA 903 consists of~~
    - ~~i. First Street from Oakes Avenue east to the junction with WA 970;~~
    - ~~ii. Oakes Avenue between First Street and Second Street;~~
    - ~~iii. Second Street from Oakes Avenue west to Bullfrog Road before turning northwest through the City of Roslyn and beyond.~~

#### **X.XX.XXX Parades, races and processions.**

- ~~A. Parades, races (including but not necessarily limited to cycling, speed walking, marathons and fun runs) and large processions of ten (10) vehicles or more (including but not necessarily limited to wedding, funeral and memorial processions) shall be encouraged to use a route pre-determined and approved by the Chief of the Cle Elum-Roslyn Police Department.~~
- ~~B. Alternative routes may be proposed and are subject to the collective approval of the Chief of the Cle Elum-Roslyn Police Department, the Chief of the Cle Elum Fire Department and the Director of Public Works.~~
- ~~C. For reasons of safety, participants may distribute giveaways, including but not necessarily limited to candy, treats, promotional items, etc., to onlookers during the parade, race or procession only by handing the item directly at the route barrier.~~
  - ~~a. Throwing, tossing, firing from an air gun or any other means of distribution that renders the item a projectile shall be prohibited.~~
  - ~~b. The event organizer shall notify all participants individually in writing of this restriction and obtain signed acknowledgement thereof.~~
  - ~~c. In the case of group entries, it shall be the responsibility of the individual(s) coordinating that entry's participants to ensure compliance.~~
  - ~~d. Any person or organization violating this restriction shall be subject to a fine of five hundred (500) dollars.~~

#### **X.XX.XXX Insurance required to conduct special event.**

- ~~D. A-~~ The event organizer of a special event must possess or obtain comprehensive general liability ("GL") insurance to protect the city against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event. Coverage types and limits shall be set forth in the special event application and/or published by the responsible official.

**Commented [SC9]:** Do we have minimum coverage amounts? Should we include them in here?

~~E. The policy acquired for the purpose of complying with this section must explicitly identify The City of Cle Elum as a covered party.~~

~~F. B. The insurance required by this section shall encompass all liability insurance requirements imposed for other permits required under other sections of this chapter and is to be provided for the benefit of the city and not as a duty, express or implied, to provide insurance protection for spectators.~~

~~G. As applicable to the content and nature of the C. Special events that are primarily athletic in nature (marathons, running events, triathlons, regattas and similar events), the organizer(s) shall obtain endorsements to require the GL policy which includes for such things as:~~

- ~~a. Athletic Participant coverage, providing protection for claims made by athletic participants in events primarily athletic in nature, including but not necessarily limited to fun-runs, marathons, etc.;~~
- ~~b. Service of alcohol; and/or~~
- ~~c. Injury and/or death by animals.~~

~~D. The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the responsible official at least 30 calendar days before the special event, unless the responsible official for good cause modifies the filing requirements.~~

~~**X.XX.XXX Waiver of insurance requirements.**~~

~~A. Except for special events where the sale of alcoholic beverages is authorized or where traffic control plans are required, the insurance requirements of this chapter may be waived by the responsible official. The responsible official may determine that the insurance requirements should be waived if one or more of the following factors are associated with the special event application:~~

- ~~1. It is objectively impossible for the applicant to obtain insurance coverage;~~
- ~~2. The special event is open to the general public at no charge to the attendees;~~
- ~~3. The event is an expressive activity; and~~
- ~~4. Any other factor the responsible official deems relevant to the determination.~~

~~Notwithstanding the foregoing, the insurance requirements of this chapter shall not be waived for a special event that will involve: the sale, provision or service of alcohol; vehicles; animals; fireworks; or pyrotechnics.~~

~~B. To claim that it is objectively impossible to obtain insurance coverage pursuant to this section, the applicant shall submit a statement from at least two independent licensed insurance brokers demonstrating the insurance is unavailable in the marketplace.~~

~~C. Even though insurance is waived, the responsible official shall require the event organizer of a special event to defend, indemnify, and hold harmless the city from any claim or liability arising from the special event.~~

~~**X.XX.XXX Responsible official/Committee's action on special event permit application.**~~

~~A. Except as provided in this section, the responsible official/appropriate committee of the City Council shall take final action upon an application for a special event permit within thirty (30) calendar days of when the application is deemed "complete" in compliance with CEMC X.XX.XXX(A).~~

~~B. The committee/responsible official is not required to take final action upon any special event permit application prior to one hundred and eighty (180) calendar days before the special event.~~

~~C. C.~~ The ~~committee responsible official~~ is not required to take final action on an untimely special event permit application, nor, after providing notice pursuant to CEMC X.XX.XXX(B), on an incomplete special event permit application.

~~D. D.~~ Any event requiring closure of a street or alley, or temporary suspension of parking regulations, shall be routed to the mayor or their designee for approval. Closure of streets or alleys require the following for approval:

~~3.E. E.~~ Concurrence with the request(s) by both the city manager and police chief;

~~4.F. F.~~ For street or alley closures, concurrence with the request by at least 75% of businesses with storefronts on streets, or with access from an alley, in the closure as evidenced by the signatures of the business owner or their agent on a form approved by the city;

~~Notwithstanding the foregoing, the mayor or their designee may refer any street or alley closure request to the city council at the next scheduled council meeting for consideration of whether it should be approved.~~

~~E~~

~~The following special events, or activities associated with a special event, shall require city council approval pursuant to CEMC X.XX.XXX prior to the issuance of a permit by the responsible official:~~

~~1. Any event at which alcoholic beverages are served, subject to compliance with all other requirements of this chapter; and~~

~~2. Any event which uses city rights-of-way as a part of the event which could substantially affect the normal flow of right-of-way traffic (for example, walk-a-thons, parades, foot races, etc.);~~

~~G. F.~~ Final action on a completed special event permit application shall consist of one of the following:

~~1. Issuance of a special event permit in accordance with the terms of the application; or~~

~~2. Issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the ~~committee responsible official~~ and the applicant; or~~

~~3. Denial of the special event permit application by the ~~committee responsible official~~ pursuant to CEMC X.XX.XXX.~~

~~3.~~

#### **X.XX.XXX Reasons for denial of a special event permit.**

~~A. A.~~ The ~~committee responsible official~~ shall deny a special event permit to an applicant who has not met one or more of the following requirements:

~~1. Provided a traffic control plan (if required); or~~

~~2. Provided sufficient monitors for crowd control and safety; or~~

~~3. Provided sufficient safety, health, or sanitation equipment services, or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for safety; or~~

~~4. Provided sufficient off-site parking or shuttle service, or both, when required, to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the special event; or~~

Commented [SC10]: Separate into designated section

5. Submittal of a completed application for a special event permit, including payment of all fees due and owing prior to the event; or

~~6. Provided a copy of any permit or license required by another local or state agency.~~

~~6.—~~

~~B.~~ ~~B.~~ The ~~committee responsible official~~ may deny a special event permit if, based on consideration of the permit application and from such other information obtained in reviewing the permit, in their opinion:

1. The special event will create the imminent possibility of violent or disorderly conduct likely to endanger public safety or to result in significant property damage; or

2. The special event will violate public health or safety laws; or

3. The special event fails to conform to the requirements of law or duly established city policy; or

4. The applicant demonstrates an inability or ~~1mwillingness unwillingness~~ to conduct a special event pursuant to the terms and conditions of this chapter; or

5. The applicant has failed to conduct a previously authorized or exempted special event in accordance with law ~~or,~~ the terms of a permit, or both; or

6. The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or

~~7.~~ ~~7.~~ The applicant has failed to provide an adequate first aid or emergency medical services plan based on special event risk factors.

~~7.—~~

~~C.~~ ~~C.~~ The ~~committee responsible official~~ shall deny a special event permit to an applicant who has failed to comply with any material term of this chapter or condition of a special event permit previously issued to the applicant.

#### **X.XX.XXX Appeals from denial of special event permit.**

~~A.~~ ~~A.~~ If the ~~responsible official~~ ~~committee~~ denies issuance of a special event permit pursuant to CEMC X.XX.XXX, they shall notify the applicant in writing, stating the reason(s) for the denial, within five (5) business days of the decision.

~~B.~~ ~~B.~~ ~~An event sponsor may appeal.~~ The denial of a special event permit ~~may be appealed~~ to the ~~same committee of the City Council~~ ~~city manager or their designee.~~

~~C.~~ ~~C.~~ An appeal shall be made within five (5) business days of the date of the written denial. An appeal is made by filing a written petition with the ~~committee responsible official,~~ addressing the committee's stated reason(s) for denial and/or setting forth ~~the alternate~~ grounds for appeal ~~and including any r~~ relevant supporting documents must be included.

~~D.~~ ~~D.~~ The ~~city manager~~ ~~committee~~ shall consider the appeal ~~and issue a written decision within five (5) business days of its receipt at its next scheduled meeting. At its discretion it may elect to convene an earlier special meeting to consider the appeal.~~

~~E.~~ ~~E.~~ Should the committee sustain its decision upon appeal, the event organizer may then appeal to the full city council at its next regularly scheduled meeting, subject to the same conditions outlined in Item C of this section. The decision of the full council shall be considered final.

~~E. Judicial review of any such final decision may be obtained through the filing of an appropriate action with a court of competent jurisdiction within thirty (30) days of issuance of the written decision.~~

**X.XX.XXX Use of City logo or name.**

~~A.~~ It is unlawful for any Event Organizer to use in the title of an event the words "The City of Cle Elum" or "City of Cle Elum"; the name of any city department; or a facsimile or duplication of any logo of the City of Cle Elum or city department; or to indicate city sponsorship of an event, without the city's written authorization.

**X.XX.XXX Display of special event permit required.**

~~A.~~ A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the responsible official applicable to the particular special event and shall be exhibited upon demand of any city official.

**X.XX.XXX Revocation of special event permit.**

~~A.~~ ~~A.~~ Any special event permit issued pursuant to this chapter is subject to revocation, pursuant to this section.

~~B.~~ ~~B.~~ A special event permit may be revoked if the city determines:

1. That the special event will or is being conducted in violation of the standards or conditions for special event permit issuance; or
2. The special event is being conducted in violation of the law or of any condition of the special event permit; or
3. The special event poses a threat to health or safety; or
4. The applicant or any person associated with the special event has failed to obtain any other permit required pursuant to the provisions of this chapter; or
5. The applicant has not paid all fees when due; or
6. The applicant has failed to provide confirmation or proof that it has obtained the minimum number of required volunteers to perform safety functions; or
7. The special event permit was issued in error or contrary to law.

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

~~D.~~ ~~D.~~ If there is an emergency requiring immediate revocation of a special event permit, the ~~responsible official~~ ~~official responsible~~ may notify the permit holder verbally of the revocation.

~~E.~~ ~~Revocation of approval may occur at any time up to and including the day of the event.~~

~~F.~~ ~~The respective Chiefs of the Cle Elum-Roslyn Police Department and the Cle Elum Fire Department and the Director of Public Works shall be empowered to revoke approval and cancel/close an event unilaterally should they deem conditions justify such decision.~~

~~G.~~ ~~E.~~ An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permits, pursuant to CEMC X.XX.XXX.

**X.XX.XXX Effect of receipt of donations on status of tax-exempt nonprofit organizations.**

~~A.~~ A tax-exempt nonprofit organization sponsoring a special event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes; or other consideration from for-profit

organizations without changing their status as a tax-exempt nonprofit organization within the meaning of this chapter. Such acknowledgment may include use of the name, trademark, service mark, or logo of such a for-profit organization in the name or title of the special event or the prominent appearance of the same in advertising or on collateral material associated with the special event.

**X.XX.XXX Authorized special event vendors and license fees.**

~~A.~~ ~~A.~~ The issuance of a special event permit confers upon the permit holder or event organizer the right to control and regulate the sale of goods, services, food and beverages within the special event venue in accordance with the terms and conditions of the special event permit.

~~B.~~ ~~B.~~ Only vendors authorized by the permit holder or event organizer shall be allowed to sell goods, services, food or beverages in the special event venue.

1. The special event permit application shall include a preliminary list of the vendors anticipated at the special event for which the license is sought, which shall include the vendor's name, addresses, business telephone numbers and Washington State tax identification number, together with a general description of the goods, food, beverages and/or services offered by each vendor. In the event that there are changes to the preliminary list, such as the addition or deletion of vendors or the completion or correction of information required from each vendor, those changes shall be set out in a final list by the promoter and submitted to the responsible official within five (5) business days following the end of the special event.
2. Food and beverage vendors shall maintain and display their food handling licenses and permits as required by state and local law.
3. All vendors at a special event shall, upon request from the responsible official or their designee, provide proof of authorization from the permit holder or event organizer to sell goods, services, food and beverages at the special event.

**C. Vendor license fees.**

1. ~~1.~~ Unless the vendor has already obtained a city business license pursuant to Chapter 5.02 CEMC, or is otherwise exempt from such requirement, each vendor participating in a special event shall be required to pay a fee to obtain a license pursuant to this chapter in the amount of \$5.00 per day for each for-profit vendor, not to exceed a total of \$20.00 for each vendor; provided, however, any bona fide charitable, educational, religious, or nonprofit organization or club is exempt from the licensing fee requirements of this subsection.
2. Each license issued under this subsection shall be limited to the number of days approved for the operation of the special event for which the license was issued. No license shall be effective for more than ten (10) consecutive calendar days.
3. The license fee required by this subsection shall be collected by the special event permit holder from each vendor who intends to participate in the special event. The special event permit holder shall be personally responsible for any sums collected, or any sum which should have been collected from a vendor. Payment of the license fees is due within five (5) business days following the end of the special event.

~~3.~~

~~**X.XX.XXX Unlawful to conduct special event without permit.**~~

**Commented [SC11]:** Should we allow after-the-fact? Is anything else feasible?

**Commented [SC12]:** Amount?

**Commented [SC13]:** Do we want to put responsibility on the promoter? Is any other option more effective/efficient?

~~It is unlawful to conduct a special event without a special event permit as required pursuant to this chapter.~~

**X.XX.XXX Other permits, licenses, fees and taxes.**

~~A.~~ The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license, and/or pay any fees and taxes, as required by the Cle Elum Municipal Code, including but not limited to any general business licensing that may be required under Chapter 5.02 CEMC, or any other applicable law.

**~~X.XX.XXX Unlawful to sell goods in special event venue without authorization.~~**

~~It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food, or beverages in a special event venue, except:~~

~~A. From any building, meaning any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind; or,~~

~~B. From any tent, booth, or temporary structure expressly authorized pursuant to a special event permit.~~

**~~X.XX.XXX Cost recovery for unlawful special event.~~**

~~Whenever a special event is conducted without a special event permit, when one is required, or a special event 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 city costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the special event or the violation of the special event permit upon public safety.~~

**~~X.XX.XXX Delegation of city manager's authority.~~**

~~The city manager may delegate any or all of their functions under this chapter to their directors, supervisors or subordinates.~~

**~~X.XX.XXX City manager authorized to adopt rules and regulations.~~**

~~The city manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event.~~

**~~X.XX.XXX Unlawful to conduct special event without permit.~~**

~~A. It is unlawful to conduct a special event without a special event permit as required pursuant to this chapter.~~

**~~X.XX.XXX Unlawful to sell goods in special event venue without authorization.~~**

~~A. It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food, or beverages in a special event venue, except:~~

~~1. A. From any building, meaning any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind; or,~~

~~2. B. From any tent, booth, or temporary structure expressly authorized pursuant to a special event permit.~~

**X.XX.XXX Penalties for violation.**

~~A.~~ ~~A.~~ The special event permit authorizes the applicant to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the applicant to violate the terms and conditions of the permit, or for any event

participant to violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired. All requests for changes to ~~a permit~~ the permit must be submitted for review by the ~~responsible official~~ committee.

~~B. B.~~ Any person or organization violating the provisions of this chapter shall be ~~guilty of a misdemeanor, and upon conviction thereof, shall be~~ subject to ~~a penalty of a fine of not more than five hundred (500) dollars, doubling with each successive violation in perpetuity or by imprisonment of not more than ninety (90) days, or both such fine and imprisonment.~~

**X.XX.XXX Cost recovery for unlawful special event.**

~~A. Whenever a special event is conducted without a special event permit, when one is required, or a special event 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 city costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the special event or the violation of the special event permit upon public safety.~~

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