

CHAPTER 5.52 - OUTDOOR MUSIC FESTIVALS

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5.52.010 - Purpose.

This chapter is an exercise of the police power for the protection of the health, welfare, and safety of the residents of the City, to provide for the orderly and lawful conduct of outdoor music festivals, by assuring that proper sanitary, health, fire, safety and police measures are maintained.

(Ord. 2050 Ch. 15 § 1, 1/1/1980)

5.52.020 - Definitions.

The following definitions shall apply to the provisions of this chapter:

- A. "Applicant" means a person who is the promoter of an outdoor music festival and who applies to the City for a license to hold an outdoor music festival.
- B. "Outdoor music festival" or "music festival" or "festival" means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is 300 persons or more, and where the duration of the program is four hours or longer.
- C. "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a music festival.

(Ord. 2050 Ch. 13 § 2, 1/1/1980)

5.52.030 - License—Required—Compliance.

No person shall knowingly allow, conduct, hold, maintain, cause to be advertised, permit, or participate in an outdoor music festival within the City without first securing from the City Clerk a business license for such purpose. Such festival shall be conducted in accordance with the requirements of this chapter. One such license shall be required for each outdoor music festival, and such permit shall allow conduct of a festival for no more than five consecutive days. Any person failing to comply with the rules, regulations, or conditions contained in this chapter shall be subject to the penalties prescribed by this title.

(Ord. 2050 Ch. 13 § 3, 1/1/1980)

5.52.040 - License—Application—Contents.

Application for an outdoor music festival license shall be made not less than 30 days prior to the first

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scheduled day of the festival, and shall be accompanied by the proper permit fee. In addition to all other information required of an applicant for a business license, each applicant for an outdoor music festival license shall provide the following information:

- A. The name of the person or other legal entity on behalf of whom said application is made; provided, that a natural person applying for such permit must be 18 years of age or older;
 - B. Financial statement of the applicant;
 - C. Nature of the business organization of the applicant;
 - D. Names and addresses of all persons having a ten percent or more proprietary interest in the festival;
 - E. Principal place of business of the applicant;
 - F. Legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of the said owner to the conduct of an outdoor music festival if the land be owned by a person other than the applicant and a site plan indicating the proposed layout of the festival;
 - G. The scheduled performances and program;
 - H. Written confirmation from the local health officer that he has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the State and local boards of health;
 - I. Written confirmation from the Chief of Police of the City that Police have been contracted for or otherwise provided by the applicant meeting the following conditions:
 - 1. One commissioned police officer or deputy sheriff for each 200 persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control outside the confines of the actual outdoor music festival, which officers shall be present outside the festival for a minimum of two hours before the beginning and two hours after the close of the festival;
 - 2. One commissioned police officer or deputy sheriff for each 200 persons reasonably expected to be in attendance at any time, which officer shall be within the confines of the actual outdoor music festival for the entire time it is open to the public;
 - J. Written confirmation from the Police Chief and the Fire Chief of the City that sufficient access roads are available for ingress and egress to the parking areas of the festival, and that parking areas are available on the site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival;
 - K. Written confirmation from the Fire Chief of the City that requirements of the International* Fire Code have been complied with;
- *Uniform Fire Code" updated to "International Fire Code."
- L. Written statement of the applicant that all State and local law enforcement officers, fire officials and other necessary governmental personnel shall have free access to the site of the

outdoor music festival at any time during the festival;

M. Written statement that the applicant will abide by all requirements of this Chapter;

N. Verification of the applicant warranting the truth of all matters set forth in the application to the best of applicant's knowledge, under the penalty of perjury.

(Ord. 2988 § 1 (part), 4/17/1998; Ord. 2050 Ch. 15 § 4, 1/1/1980)

5.52.050 - License—Fee.

A. The fee for any outdoor music festival shall be based upon the reasonably expected attendance at such festival, and shall be as set forth in Chapter 3.70 PAMC.

B. If, after the festival, the actual attendance exceeded the reasonably expected attendance upon which the fee amount was based, the applicant shall immediately remit to the City the amount required for a license for the festival, based upon that actual attendance.

(Ord. 2932 § 20, 10/11/1996; Ord. 2050 Ch. 13 § 5, 1/1/1980)

5.52.060 - Cash deposit or surety bond—Insurance.

A. After approval of a license application, the applicant shall deposit with the City a cash deposit or surety bond, in an amount of \$250.00. The bond or deposit shall be used to pay costs or charges incurred to regulate the health or to clean up the festival grounds after the festival, or any extraordinary costs or charges incurred to regulate traffic or parking. The bond or other deposit shall be returned to the applicant when the City is satisfied that no further claims for damage or loss will be made, or that the loss or damage claimed is less than the amount on deposit, in which case the uncommitted balance thereof shall be returned.

In any event, such bond or cash deposit or uncommitted portion thereof shall be returned not later than 30 days after the last day of the festival. The cash deposit or surety bond required by this section shall be waived by the City if the applicant presents evidence that a cleaning deposit has been required by, and made to, the owner of the premises upon which the festival is to be conducted.

B. After approval of a license application, the applicant shall furnish evidence that he has in full force and effect a liability insurance policy in the amount of not less than \$100,000.00 bodily injury coverage per person and \$100,000.00 property damage, covering any bodily injury or property damage negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the City as an additional named insured.

(Ord. 2050 Ch. 13, § 6, 1/1/1980)

5.52.070 - Dispersal of assembly.

After the conclusion of the festival, no person, other than the applicant, his employees or agents, performers, and authorized law enforcement personnel, shall be permitted to remain at the location of the festival for more than two hours after the conclusion of the festival.

(Ord. 2050 Ch. 13 § 7, 1/1/1980)

5.52.080 - Hours of operation.

No outdoor music festival shall be conducted between the hours of 11:00 p.m. and 7:00 a.m.

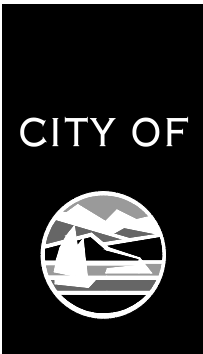
(Ord. 2050 Ch. 13 § 8, 1/1/1980)

5.52.090 - Clallam County Fairgrounds exemption.

The Clallam County Fairgrounds are hereby acknowledged to have amenities that satisfy many of the requirements for large outdoor gatherings. Therefore, outdoor music festivals held at the Clallam county Fairgrounds shall be exempt from the licensing requirements of subsections 5.52.040 F., I., J. and K., provided that estimated attendance is less than 5,000, and provided further that the applicant shall furnish the following:

- A. A signed contract with Clallam County or the Clallam County Fair Board for use of the appropriate fairgrounds facilities;
- B. Written confirmation from the City Police Chief and City Fire Chief that they are satisfied with safety and security plans for the festival.

(Ord. 2988 § 1 (part), 4/17/1998)



PORT ANGELES

WASHINGTON, U. S. A.

OUTDOOR MUSIC FESTIVAL LICENSE APPLICATION

Organization/Sponsor Name: _____

Street Address: _____

City

State

Zip

Phone: (_____) _____

Email: _____

Authorized Agent of Organization/Sponsor: _____

Last

First

Middle Initial

Birthdate: _____ Driver's License # _____

Mo. Day Year

Home Phone: (_____) _____ Business Phone: (_____) _____

Promoter's Name (if applicable): _____

Street Address: _____

City

State

Zip

Phone: (_____) _____

Type of Music Festival: _____

Date(s) and Time(s) of Music Festival: _____

Location/Address of Music Festival: _____

Anticipated Number of People in Attendance: _____

Do you plan to sell food products? Yes _____ No _____ (For any business involved in the sale, transfer or handling of food products, attach copy of Washington State or Clallam County Health Department Food Handler's Permit.)

Do you plan to sell alcoholic beverages? Yes _____ No _____ (Please attach copy of liquor license as issued by Washington State Liquor Control Board.) Is the company required to be registered with the Secretary of State? _____

If so, please attach a copy of the registration.

Washington State Tax I.D. # _____ (Please attach a copy of Registration with Washington Department of Revenue) The Sponsor or the Promoter **may** be required to file a report and pay a "Service B & O" tax to the Washington Department of Revenue. If applicable, the total retail sales tax to be collected in the City of Port Angeles is 8.4%. The local tax portion will be rebated to the City of Port Angeles according to the information you report on your tax return under City of Port Angeles Tax Code 0502 for sales tax collected in Port Angeles.

Each applicant for an outdoor music festival license shall provide the following information:

- A. The name of the person or other legal entity on behalf of whom said application is made; provided, that a natural person applying for such permit must be eighteen years of age or older;
- B. Financial statement of the applicant;
- C. Nature of the business organization of the applicant;
- D. Names and addresses of all persons having a ten percent or more proprietary interest in the festival;
- E. Principal place of business of the applicant;
- F. Legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of the said owner to the conduct of an outdoor music festival if the land be owned by a person other than the applicant, and a site plan indicating the proposed layout of the festival;
- G. The scheduled performances and program;
- H. Written confirmation from the local health officer that he has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the State and local boards of health;
- I. Written confirmation from the Chief of Police of the City that Police have been contracted for or otherwise provided by the applicant meeting the following conditions:
 - 1. One commissioned police officer or deputy sheriff for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control outside the confines of the actual outdoor music festival, which officers shall be present outside the festival for a minimum of two hours before the beginning and two hours after the close of the festival;
 - 2. One commissioned police officer or deputy sheriff for each two hundred persons reasonably expected to be in attendance at any time, which officer shall be within the confines of the actual outdoor music festival for the entire time it is open to the public;
- J. Written confirmation from the Police Chief and the Fire Chief of the City that sufficient access roads are available for ingress and egress to the parking areas of the festival, and that parking areas are available on the site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival;
- K. Written confirmation from the Fire Chief of the City that requirements of the Uniform Fire Code have been complied with;
- L. Written statement of the applicant that all State and local law enforcement officers, fire control officials and other necessary governmental personnel shall have free access to the site of the outdoor music festival at any time during the festival;
- M. Written statement that the applicant will abide by all requirements of this Chapter;
- N. Verification of the applicant warranting the truth of all matters set forth in the application to the best of applicant's knowledge, under the penalty of perjury.

After approval of a license application, the applicant shall deposit with the City a cash deposit or surety bond, in an amount of two hundred fifty dollars. The bond or deposit shall be used to pay costs or charges incurred to regulate the health or to clean up the festival grounds after the festival, or any extraordinary costs or charges incurred to regulate traffic or parking. The bond or other deposit shall be returned to the applicant when the City is satisfied that no further claims for damage or loss will be made, or that the loss or damage claimed is less than the amount on deposit, in which case the uncommitted balance thereof shall be returned.

In any event, such bond or cash deposit or uncommitted portion thereof shall be returned not later than thirty days after the last day of the festival. The cash deposit or surety bond required by this Section shall be waived by the City if the applicant presents evidence that a cleaning deposit has been required by, and made to, the owner of the premises upon which the festival is to be conducted.

After approval of a license application, the applicant shall furnish evidence that he has in full force and effect a liability insurance policy in the amount of not less than one hundred thousand dollars bodily injury coverage per person and one hundred thousand dollars property damage, covering any bodily injury or property damage negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the City as an additional named insured.

In the event there are any *false statements* contained in this application, the license may be denied.

Signature of Applicant: _____ Date: _____

Please submit the license fee, the completed application and any attachments to:

Kari Martinez-Bailey, City Clerk
 City of Port Angeles
 Phone: 360-417-4634
cityclerk@cityofpa.us
 321 East Fifth Street
 Port Angeles, WA 98362
www.cityofpa.us

<u>Full Year License Charge:</u>	<u>Partial Year License Charge:</u>	<u>Temporary License Charge:</u>
\$25 (July 1 – June 30)	Application Date: July 1-31: \$23 August 1-31: \$21 September 1-30: \$19 October 1-31: \$17 November 1-30: \$15 December 1-31: \$13 January 1-31: \$11 February 1 - June30: \$10	\$10 per month