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WP0282C-ORD
12/06/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4622

AN ORDINANCE adopting the Special Events Code and adding a new Chapter 14.50 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 14.50 is hereby added to the Bellevue City Code, to read as follows:

14.50.010 Title. This Chapter shall be known as the Special Events Code. It is referred to herein as the "Code".

14.50.020 Purpose. It is the purpose of this Code to provide for the issuance of special event permits to regulate events on the public streets and public property of the City of Bellevue in the interest of public health, safety and welfare; and to provide for fees, charges, and procedures required to administer the permit process.

14.50.030 Territorial Application. This Code and the procedures adopted hereunder shall be in effect throughout the City of Bellevue.

14.50.040 Policy. It is the policy of the City, as implemented through this Code and any procedures adopted hereunder, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment, promote economic vitality, and enhance community identity and pride. They also may provide opportunities for family activities and funding for our community's non-profit agencies. Partnerships between the City, event sponsors and the community are valuable in ensuring successful events.

Therefore, the City will strive to accommodate special events. The City recognizes that events can be difficult to implement successfully and that the City requirements may represent a significant portion of an event's costs. When setting fees and conditions for events, the City will be sensitive to their impacts on the event's costs while balancing the City's obligation to protect public health and safety. It is the City's goal to have successful special events that enrich and enliven the community.

14.50.050 Intent. It is the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this Code upon the applicant or sponsor, and no provision hereof is intended to impose any duty upon the City of Bellevue or any of its officers, employees or agents. Nothing contained in this Code or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the City of Bellevue, or its officers, employees or agents, for any injury or damage resulting

from the failure of the applicant or sponsor to comply with the provisions hereof.

14.50.060 Definitions. The following words and phrases when used in this chapter shall mean:

Annual Event - An event recurring each year at approximately the same date which has previously complied with the permit requirements of this Code.

Applicant - The authorized agent of the sponsor who completes the application and acts as primary contact for the special event.

Closed Route - A route along or across a public right-of-way on which non-emergency vehicle traffic is not permitted to proceed for the entire duration of a special event.

Event Participants - A person in attendance at an event, including spectators, vendors, event staff, City staff, and all others present for the purpose of the event.

Fair/Carnival - A stationary event, held for one or more days.

Notice of Intent - A notice to stage a special event submitted by an applicant which informs the City of a proposed event.

Parade - Any organized group marching or in procession, whether on foot, animal, or vehicle.

Private Event - An event which uses the public right-of-way for the purpose of monetary or personal gain by any person, partnership, group, organization, company, or corporation or which is closed to the general public.

Procedure - A procedure adopted by the Special Events Committee, to implement this Code, or to carry out other responsibilities as may be required by this Code or by other codes, ordinances, or resolutions of the City or other agencies.

Public Event - An event which is open to the public and does not meet the definition of Private Event.

Race/Run - An organized event upon a public street, sidewalk, or trail in which ten or more persons participate by walking, running, riding a bicycle, or operating a wheelchair.

Right-of-Way Use Permit - A permit issued pursuant to the Right-of-Way Use Code Chapter 14.30 of the Bellevue City Code.

Rolling Closure Route - A street, sidewalk, trail, walkway, or other right-of-way closure to accommodate an event, where as the event passes, the right-of-way is reopened for use by the general public.

Special Event - A sponsored event held on the public streets, sidewalks, walkways, or on other publicly owned property which interferes with normal vehicular or pedestrian traffic and requires the use of City services.

Temporary Special Events License - The license required under Bellevue City Code, Chapter 5.12.

Sponsor - The person or group responsible for the special event to be held.

Temporary Use Permit - A permit issued pursuant to Land Use Code 20.30.

Transportation Management/Parking Plan - A plan developed by the applicant/sponsor to identify and mitigate traffic/parking impacts, conditions, and proposed solutions associated with a special event. (Includes Transportation Demand Management measures.)

14.50.070 Special Events Committee - Membership. There is created hereby a Special Events Committee to carry out the provisions of this Code to consist of the following members:

A. One representative each from the City Manager's Office, the Department of Community Development, Fire Department, Police Department, Parks and Community Services Department, and the Transportation Department

B. A representative of Metro Transit.

C. Three citizens appointed by the City Manager. One shall be a representative of the business community, one a community representative, and one a representative with experience in organizing special events. Members shall serve without compensation.

D. The chair of the committee shall be from the lead department. The Chair shall provide for maintaining committee records, arranging meeting times and places, and issuing permits on behalf of the Committee.

14.50.080 Powers of the Special Events Committee. The Special Events Committee shall have the power to:

A. Interpret and administer this Code.

B. Represent the City, under the authority of the City Manager, in discussions and in maintaining agreements with the person(s) who represent the event.

C. Coordinate with City Departments and with other government agencies for the provision of governmental services for such special events.

D. Establish terms and conditions, appropriate fees, and the time(s), place and manner of the event.

E. Approve or deny permits.

F. Adopt procedures for administering this Code as necessary.

14.50.090 Application and Processing of Permits and Post Event Evaluation. A Special Events permit must be obtained from the City to stage a special event. (If a proposed use or event would require both a Right-of-Way Use Permit under Bellevue City Code Chapter 14.30 and a Special Events Permit under this Chapter, then the application will be processed under this Chapter and a Right-of-Way Use Permit under Bellevue City Code Chapter 14.30 will not be required.) The following procedure applies:

A. A Notice Of Intent must be submitted to the City by the special event applicant/sponsor, listing location/route, date, and time. The Notice Of Intent must be filed at least 60 days prior to the date of the proposed event to allow adequate review time. A Notice Of Intent for Annual Events must be submitted by January 15th of the year in which the event is to be held. First time events will be required to list several options for location, route, date, and time.

B. The Special Events Committee shall review the Notice Of Intent and determine if the event can be accommodated. The Committee shall meet with the applicant/sponsor to prioritize locations/routes.

C. A notice of pending decision on first time or significantly changed events must be mailed by the City to affected businesses/residents (to be determined on a case by case basis by the Special Events Committee) along with a request for written comments.

D. The Special Events Committee shall meet with the applicant/sponsor to discuss comments received and possible conditions and fees.

E. The applicant must formally apply for a Special Event Permit and pay an application fee in accordance with 14.50.120.

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F. The Special Events Committee shall make a decision on the application and set any conditions and fees, in accordance with 14.50.110 and 14.50.120, and upon payment issue the permit.

G. The Special Events Committee shall notify the City Council of approval of events.

H. The applicant/sponsor must send a letter to affected area (to be determined on a case by case basis by the Special Events Committee) regarding approval of the event, date(s), time(s), and location/route, to take place 15 days prior to event.

I. A post event evaluation shall be conducted by the Special Events Committee. The evaluation may include a survey of affected residents/businesses and a meeting with the applicant/sponsor and the Special Events Committee.

14.50.100 Decision. In deciding whether to approve, approve with conditions, or deny a permit, the Special Events Committee shall determine whether:

A. the event, as proposed, can be shown to function safely.

B. the diversion of police and fire resources to support the event will not deny reasonable police and fire protection to the City.

C. the special event will not cause unreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities.

D. the special event sponsor/applicant provides a transportation management/parking plan for traffic control/parking management which may include accommodating transportation demand management measures.

E. the location/route meets the criteria established in the Procedures.

14.50.110 Conditions Authorized and Additional Permits. The Special Events Committee may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; compliance with health and sanitary regulations, emergency services, and security. Additional permits may be required to meet the conditions established by the permit, and or other City codes.

In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use streets or parks, the conditions may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian

or vehicular traffic using the street; and limitations on the duration of the event.

14.50.120 Permit Fee and Charges. Permit fees and charges are based on a flat fee schedule depending on the type of event and duration/participation level. These fees represent average costs associated with City resources for the duration of the event.

Application Fee: $35.00 to cover permit processing.

FEE SCHEDULE

Type of Event	Public Event Fee	Private Event Fee
Fun Run/Bike Race (Rolling Closure)	$2,000	$3,000
Race/Parade (Closed Course)		
Less Than or Equal to 3 Hours per Day	$5,000	$7,500
Greater Than 3 Hours Per Day	$8,000	$12,000
Fair/Carnival		
Less Than 5,000 Event Participants	$1,500	$2,500
5,000 - 50,000 Event Participants	$10,000	$15,000
Greater Than 50,000 Event Participants	$15,000	$22,500

Additional fees may include Park Department User Fees. Fees associated with permit conditions (i.e. electrical, security ,etc.) are in addition to the above fee schedule and are the sole responsibility of the applicant/sponsor.

Temporary Special Event License Fees paid to the City will be deducted from the above fee schedule.

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A. **When Payable.** A $35.00 application fee is required when the applicant/sponsor files the application. Fees assessed from the fee schedule are payable 30 days prior to the event taking place.

If the applicant/sponsor is anticipating paying a Temporary Special Events License Fee, a $2,000 deposit shall be required 30 days prior to the event, and balance shall be required 30 days after the event has taken place and final assessments of fee are determined.

B. **Refund.** Fees charged from the fee schedule are refundable (minus the $35.00 application fee), if the special event is canceled after the permit is issued, and written notice is received by the Special Events Committee thirty (30) days prior to the date of the event.

A sponsor which is financially unable to pay all or a portion of the permit fees and charges under this section may apply to the Special Events Committee for a waiver of such fees and charges. The sponsor may be required to provide such financial information, including information as to income and assets, as to enable the Committee to determine if the sponsor is, in fact, unable to pay such fees and charges. The Committee may waive such fees and charges as it determines a sponsor is financially unable to pay.

14.50.130 Hold Harmless. As a condition to the issuance of any permit under this chapter, the applicant shall agree to defend, indemnify and hold harmless the City of Bellevue, its officers, employees and agents, for any and all suits, claims or liabilities caused by, or arising out of any use authorized by any such permit.

14.50.140 Insurance Requirements. The applicant shall provide general liability insurance naming the City of Bellevue as an additional insured. Limits of coverage will be determined by the City's Risk Manger at the time of application. Certificates of Insurance are to be submitted to the City for approval fourteen (14) working days prior to the day of the event. Acceptability of insurance is subject to approval by the City's Risk Manager.

14.50.150 Adoption of Procedures. The City may prepare and adopt procedures for the purpose of implementing this Code or to carry out other responsibilities as may be required by this Code or other codes, ordinances of the City or other agencies. Such procedures do not require approval by the City Council.

14.50.160 Liability. The City and employees charged with enforcement and administration of this Code, acting for the City in good faith and without malice in the discharge of their duties shall not thereby render themselves

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liable personally for any damages which may accrue to persons or property as a result of any act required by or by reason of any act or omission in the discharge of such duties.

14.50.170 Violation. Any person violating any provision of this Code is guilty of a civil infraction, Bellevue City Code 1.18.

14.50.180 Review of the Special Events Code. A review of the Code will take place every two years, with fee schedules being adjusted to meet City costs for services.

Section 2. Severability. If any one or more sections, subsections or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code and the same shall remain in full force and effect.

Section 3. In the event any conflict with any provision of this Code by any prior code, ordinance, or resolutions adopted by the City, the provision of this Code shall prevail.

Section 4. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 13th day of December, 1993, and signed in authentication of its passage this 13th day of December, 1993.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard D. Andrews, City Attorney

Richard Gidley, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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