

ORIGINAL

ORDINANCE 2009 - 8

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE,
WASHINGTON, AMENDING SECTIONS 5.08.040 AND 5.08.060 OF THE
SUNNYSIDE MUNICIPAL CODE PERTAINING TO SPECIAL EVENT ZONES**

WHEREAS, the City Council has previously adopted Ordinances codified at Chapter 5.08 of the Sunnyside Municipal Code pertaining to licensing of outdoor events, shows, special events and similar functions; and

WHEREAS, the City Council finds and determines that Sections 5.08.040 and 5.08.060 should be amended to provide for designation of special event zones, which zones shall be deemed to create a zone of private property for purposes of admittance and attendance of invitees to events within such zones, and to establish a license fee for such designation; and

WHEREAS, the City Council finds and determines that such amendments are in the best interests of residents of the City of Sunnyside and patrons and invitees of such special events, and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

Section 1. Section 5.08.040 of the Sunnyside Municipal Code is hereby amended to read as follows:

5.08.040 Fee – Exemptions.

The license fee shall be \$25.00 for each day of the event. The fee covers expenses of processing the license, and no refund shall be given whether the permit is granted, denied or revoked. Each application will be reviewed and either approved or denied within 10 days after a complete application has been received by the City Clerk.

The applicant shall also pay the following amount as determined by the Chief of Police. The Chief of Police, in reviewing the application, will determine the

number of police officers necessary to provide adequate public safety, pursuant to SMC 5.08.060(D). The Chief of Police shall determine the number of hours each police officer must be present to provide adequate public safety. This number of hours shall be multiplied by the overtime hourly rate for the highest patrolman classification in effect at the time of this event. The costs of each police officer shall be added together. This total, plus the \$25.00 per day fee described above, shall be the license fee required. The license fee must be paid in advance.

That portion of the police security fee attributed to services provided by the Sunnyside police reserve officers shall be paid to the City of Sunnyside Reserve Association.

The City Manager may waive the \$25.00 per day portion of the license fee and the police security portion of the license fee for any bona fide nonprofit organization making application for a license under this chapter, for any event sponsored, sanctioned and promoted by a school or community organization such as the Sunnyside Chamber of Commerce, Sunshine Days Committee, Hispanic Chamber of Commerce, or other similar civic organization. The police security portion of the license may be waived only when the City Manager finds and concludes that such waiver is in the best interests of the City of Sunnyside and its residents. School events shall be exempt from the license and license fee requirements of this chapter when the event is sponsored, sanctioned and promoted by a public school or private school duly formed and existing under the laws of the State of Washington and the event is held entirely on such school's property and attendance at such event is limited to associated student body members, their relatives, and school personnel.

The license fee for designation of a special event zone shall be \$5.00, and is not subject to waiver or exemption.

Section 2. Section 5.08.060 of the Sunnyside Municipal Code is hereby amended to read as follows:

5.08.060 Regulations.

A. Location – Special Event Zone – Designation. All activities covered by this chapter shall be located only in commercial zones of the City or such other zones as permit similar or compatible activities. The City Manager shall designate the boundaries of the area in which the special event shall occur, which shall be the special event zone for that event. Upon designation of the special event zone and approval of the license for the special event, ~~such special event zone shall become a public park during the duration of the special event subject to this chapter and Chapter 12.04 SMC. The City shall have the right to enforce all laws applicable to public parks and laws pertaining to criminal street gangs and criminal street gang activity pursuant to Chapter 9.36 SMC, such special event zone shall be deemed to be private property for purposes of admittance and attendance of invitees of the applicant. Upon designation as a special event zone, the applicant shall have the right to grant admittance and permission to enter and remain within the designated special event zone to every person deemed by the applicant to be an invitee, and shall have the right to deny~~

admittance or permission to any person to enter or remain upon such special event zone or participate in such special event. Any event that proposes to include electrical or power-generated amplification of music within Central Park must further comply with the conditions of SMC 9.34.060(F), including approval of such use by the Parks and Recreation Commission of the City of Sunnyside.

B. Sanitary Facilities. The type and adequacy of the water supply, toilet, waste collection and washing facilities, and food and drink preparation, if applicable, shall be approved by the Yakima County District Health Department.

C. Fire Prevention Standards. The adequacy of fire protection devices and equipment shall be approved by the Fire Chief.

D. Police and Other Security.

1. In reviewing each application, the Police Department shall determine the minimum number of City police officers and the number of hours for each officer to be in attendance at the event for the purpose of providing security.

2. The Police Department may require one or more police officers to be in attendance at the event in addition to any private security officer or officers.

3. The Police Department may require that at least one officer be a female or male. The Police Department may also require evidence that any private security officers to be used be physically capable of performing the task of providing security.

4. In determining the number of City police officers and/or private security officers and their hours to be required, the appropriate information contained in the application and the following shall be considered:

a. The type of activity and its estimated attendance;

b. The design and location of the premises;

c. The past history of disorder associated with events held by the applicant at the premises or for the particular type of activity; and

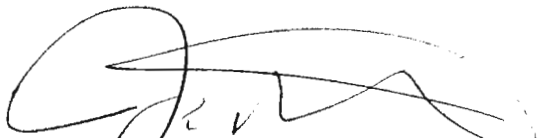
d. The past record of any private security agency providing security for such event, and the physical and other abilities of the other individual officers assigned to the event.

E. Surety. If the business covered by this chapter or any portion of its operation is located on any street, alley or right-of-way, in order for the operator to receive a license therefor, the operator must post with the City cash, bond or other surety in the amount of \$1,000 to ensure that the City street, right-of-way or property is returned to a clean condition and that any damage is repaired after the use of said property by the operator. Additionally, the operator must present to the City an insurance certificate showing coverage in an amount not less than \$250,000 in case of injury or damage resulting from the operator's business, and must include the City as a named insured in the insurance policy.

Section 3. Except as amended herein, Chapter 5.08 of the Sunnyside Municipal Code shall remain unchanged.

Section 4. This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 27th day of April, 2009.



JAMES A. RESTUCCI, MAYOR PRO TEM

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MARK A. KUNKLER, CITY ATTORNEY