



**TOPPENISH CITY COUNCIL
STUDY SESSION AGENDA
MARCH 1, 2021 – 5:00 P.M.**

TELEVISED LIVE ON MIDVALLEY TELEVISION
SPECTRUM CABLE CHANNEL 194

REMOTE MEETING INSTRUCTIONS: Pursuant to Governor Inslee's Emergency Proclamation regarding suspending certain provisions of the Open Public Meetings Act during the COVID-19 Outbreak, Toppenish City Council Chambers will not be open for the public to attend the meeting in person. Call-in information for "listen-only" mode is: (253) 215-8782 [Meeting ID: 892 9020 7058] [Passcode: 676776] Email CityClerk@cityoftoppenish.us or call (509) 865-6754 with questions.

1. Call to Order/Roll Call
2. Continue discussion on Proposed Ordinance 2021-01, Amending Chapter 5.65 of the Toppenish Municipal Code for Special Event Permits
3. Receive updates from Tony Miller, Director of Yakima County Emergency Medical Services (EMS) on:
 - a. Yakima County's Current EMS Delivery System
 - b. Yakima County's EMS Levy for 2024
4. Adjournment

Next Regular Council Meeting will be on March 8, 2021.



City of Toppenish
Administrative Services Department
MEMORANDUM

DATE: February 26, 2021

TO: City Council

CC: Lance Hoyt, City Manager

FROM: Debbie Zabell, Administrative Services Director 

RE: **Special Event Permit – Requested Information from City Council**

At the January 11, 2021 Regular Council Meeting, proposed Ordinance 2021-01 was presented for Council's consideration. During Council discussion, the question was raised regarding the specific number of attendees (30 or more at City Park and 100 or more at a private residence) the current Code sets as the threshold for requiring a Special Event Permit, as well as the review time required.

Council directed staff to provide additional information and bring back to a Council Study Session for further review. This memo serves to provide the Council with the requested information for their use in further consideration of Ordinance 2021-01.

A recap of the information presented to Council for the proposed ordinance, included amendments and additions to five sections in Chapter 5.65 of the Toppenish Municipal Code, that include the following:

- Amending Section 5.65.030 Definitions - Purpose: remove superfluous language so that the definition is clear and concise.
- Amend Section 5.65.040 Permit Required - Purpose: remove superfluous language and listing of activities that are exempt from needing a permit, so that the requirement section for a permit is clear and concise.
- Adding new Section 5.65.045 Special Event Permit Exemption – Purpose: to provide a specific section for the list of activities that are exempt from a permit.
- Amending the title of Section 5.65.50 (from Contents of Permit Application to Special Event Permit Application Requirements), and expanding the language to allow for the review time to be at the discretion of the City (to reduce or increase) in consideration of the application and staff availability.

- Amending the title of Section (from Fees, indemnification agreement and insurance to First and Fourteenth Amendment special events). The language in this section remains the same.

The attached Special Event Permit – City Comparison worksheet, provides the thresholds for attendees, review times, and fees required by the cities of Zillah, Grandview, Prosser, Yakima, Sunnyside, Moses Lake, Ellensburg, and Benton City.

Also included is a section from the Washington Cities Insurance Authority’s (WCIA) Special Event Tool Kit. The Tool Kit is provided to Cities to assist in establishing Special Event Permits, so that cities can minimize risk exposures associated with the operation of special events. As noted below, the “attendee” amount of 100 is the number identified by WCIA.

DEFINITION OF A SPECIAL EVENT

“Special Events” include any activity which is to be conducted on public property or on a public right-of-way; any event held on private property which would have a direct significant impact on traffic congestion; or traffic flow to and from the event over public streets or right-of-ways; or which would significantly impact the need for Member-provided emergency services; such as police, fire or medical aid. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of 100 or more people are each presumed to be an event that will have a direct significant impact on the public streets, right-of-way or emergency services. Special events might include but are not limited to fun runs/walks, athletic competitions, auctions, bike-a-thons, public fundraisers, parades, carnivals, festivals, shows or exhibitions, film/movie events, circuses, block parties and fairs.

The attached Special Event Permit–City Comparison Worksheet includes Staff’s recommendations for the thresholds pertaining to attendees, review times, and fees. As policy makers, it is the City Council’s discretion to reduce or increase the current or recommended thresholds.

Special Event Permit - City Comparison												
	Current TMC	Staff Recommendation	Zillah	Grandview	Prosser	Benton City	Yakima	Ellensburg	Moses Lake	Sunnyside	WCIA Model municipal Ordinance	Average All Cities
Application fee	45 days notice No fee	30> days notice: \$50 resident *\$63 nonresident 30< days notice: \$75 resident *\$94 nonresident Non-profit 50%	None	\$50	30> days notice: \$100 resident \$150 nonresident 30< days notice: \$175 resident \$225 nonresident	\$25	21> days notice: \$50 21< days notice \$150 Non-profit 50%	\$25	60> days notice: \$75 60< days notice: \$100 30< days notice \$150	None	Recommended	37> days notice: \$54 37< days notice: \$95
Staff Time		Plus hourly rate for staff required for event.			Plus \$55/per hr. ea. PW staff required for event.		Plus all costs of staff required for event.					
Private property by private invitation	100 people	100 People	100 people	Does not have this requirement	Does not have this requirement	Private events not open to the public are exempt	Private events not open to the public that do not impact public safety services are exempt	100 people	Does not have this requirement	Size dependent on public impact	100 People	100
Park gathering	30 people	50 people	30 people	25 people	30 people	Required for specific defined park events only	100 or fewer unless sales occur	100 people	75 people	Size dependent on public impact	30 People	52.5

*25% outside surcharge

ORDINANCE 2021-01

**AN ORDINANCE AMENDING AND ADDING SECTIONS TO CHAPTER
5.65 OF THE TOPPENISH MUNICIPAL CODE REGULATING
PARADES, ATHLETIC EVENTS AND OTHER SPECIAL EVENTS
WITHIN THE CITY OF TOPPENISH**

WHEREAS, certain uses, because of their infrequent occurrence and temporary nature, are classified as “special events.” These types of uses are temporary, of limited duration, and may be associated with promotions, holidays, City festivals, etc.; and

WHEREAS, the City Council recognizes the value of these events to the quality of life in the community; and

WHEREAS, the City Council wishes to adopt standards for special events that promote compliance to and administration of special events to protect public health and safety,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH,
WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1: Sections 5.65.030 and 5.65.040 of the Toppenish Municipal Code are hereby amended as follows:

5.65.030 Definitions.

A. “Special events” ~~includes~~ shall mean any activity ~~which is to be~~ conducted on public property or ~~on~~ a public right-of-way; any event held on private property ~~which would have a direct significant impact on traffic congestion, or traffic flow to and from the event over public streets or rights of way, or which would significantly impact public streets or right of way near the event, or which would significantly impact the need for city provided emergency services, such as police, fire or medical aid. It is presumed that any event on private property~~ which involves an open invitation to the public to attend or events held on private property where the attendance is by private invitation of 100 or more people ~~are each presumed to be an event that will have a direct significant impact on the public streets, right of way or emergency services. Special events might include, but are not limited to, fun runs/walks, athletic competitions, auctions, bike-a-thons, public fundraisers, parades, carnivals, festivals, shows or exhibitions, film/movie events, circuses, block parties and fairs.~~

B. “Special events protected under the First and Fourteenth Amendments” include any event involving political or religious activity intended primarily for the communication or expression of ideas.

C. “Special events permit” shall mean the permit issued by the city manager or designee after the applicant has met all applicable reviews and requirements set forth in this chapter.

D. “Temporary structure” shall mean any structure that is moved onto or erected on a private lot or public right-of-way ~~for the purpose of servicing to service a temporary special event.~~ Temporary structures include, but are not limited to, stages, booths for tickets, games, vendors selling wares, and food or other concessions; tents, portable lavatories, gazebos, mobile offices or job shacks, etc.

E. "Use" shall mean to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public places, 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 places within the city, including a use related to special events.

5.65.040 Permit required.

~~A special events permit or authorization from the city is required for any event in a park, public place or on private property where it will significantly impact public sidewalks, roadways or services. It shall be unlawful to hold a special event as defined in this Chapter, without first having been issued a special event permit by the city. A special event permit is not required for activities specifically exempted in Section 5.65.045 of this Chapter. A safety plan is required to be submitted with a special event permit. Such special event permit and safety plan shall be in addition to any street or park facility use permit, or other regular permits as may be required by ordinance.~~

When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe upon constitutional freedoms, and in a manner that respects the liberty of applicants and the public.

~~A special event permit may not be required for the following:~~

~~A. Parades, athletic events or other special events that occur exclusively on City property and are sponsored or conducted in full by the City of Toppenish. (An internal review process should be considered in these instances.);~~

~~B. Funeral and wedding processions;~~

~~C. Groups required by law to be so assembled;~~

~~D. Gatherings of 30 or fewer people in a City park, unless merchandise or services are offered for sale or trade;~~

~~E. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;~~

~~F. Garage sales and rummage sales;~~

~~G. The exhibition of films or motion pictures; or~~

~~H. Other similar events and activities which do not directly affect or use city services or right-of-way property.~~

~~Any person desiring to sponsor a parade, athletic event or special event should apply for a special event permit by filing an application with the City at least forty five (45) days prior to the date on which the event is to occur.~~

Waiver of Application Deadline: Upon a showing of good cause or at the discretion of the City, the City shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other City services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and the event is for the purpose of exercising rights under the First and/or Fourteenth Amendments of the United States Constitution.

SECTION 2: Section 5.65.045 of the Toppenish Municipal Code is hereby added as follows:

5.65.045 Special event permit exemptions.

The following activities are exempt from the permit requirements for special events:

A. Parades, athletic events or other special events that occur exclusively on City property and are sponsored or conducted in full by the City of Toppenish. (An internal review process should be considered in these instances.);

B. Funeral and wedding processions;

C. Groups required by law to be so assembled;

D. Gatherings of 30 or fewer people in a City park, unless merchandise or services are offered for sale or trade;

E. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;

F. Garage sales and rummage sales;

G. The exhibition of films or motion pictures; or

H. Other similar events and activities which do not directly affect or use city services or right-of-way property.

SECTION 3: Section 5.65.050 of the Toppenish Municipal Code is hereby amended as follows:

5.65.050 Contents of Special event permit application requirements.

A. An application for a special event shall be made by applying with the city at least 45 days before the start of the event. At the discretion of the city, the city shall consider an application that is filed after the deadline if there is sufficient time to process the application and obtain departmental approvals. The application deadline does not apply if the event is to exercise rights protected under the First and/or Fourteenth Amendments of the United States Constitution.

B. An application for a special event permit shall include at the minimum the following:

A1. A statement of the purpose of the special event;

B2. A statement of fees to be charged for the special event, including admissions fees;

- ~~€~~3. The proposed location for the special event;
- ~~Đ~~4. Dates and times when the special event is to be conducted;
- ~~£~~5. The approximate times when assembly for, and disbanding of, the special event is to take place;
- ~~£~~6. The proposed locations of the assembly or production area;
- ~~€~~7. A site layout plan addressing the following:
- ~~1~~a. The size and location of all structures, canopies, vehicles and trailers;
 - ~~2~~b. Electrical and water installations serving the event, including provisions to address tripping hazards;
 - ~~3~~c. The location and type of all devices powered by portable fuel such as propane, gasoline, and alcohol and quantity of fuel at each location;
 - ~~4~~d. Identify all safety and fire hazards;
 - ~~5~~e. An emergency access corridor at least 24 feet wide must be maintained ~~to~~ for all temporary and permanent structures. Access to fire hydrants shall not be obstructed and must be maintained throughout the event;
 - ~~6~~f. The number and location of portable restroom facilities, including provisions for hand washing and number of units to be accessible to the disabled; and
 - ~~7~~g. Provisions for refuse disposal including the number, capacity and location of waste receptacles, including receptacles for disposal of food waste, wastewater and grease;
- ~~H~~8. Street Closures. Identify the location and duration of proposed street closures and use of portions of right-of-way. Street closures are subject to the approval of the city manager;
- ~~I~~9. Security Plan. Provide a security plan addressing the number of persons proposed or required to provide security, monitor or facilitate the special event, and provide spectator or participant control and direction for special events using city streets, sidewalks, or facilities. Security provisions and plans for the special event are subject to review and approval by the chief of police or designee. The chief of police may require the event organizer to retain off-duty police officers to supplement and enhance the event organizer's security personnel and security plan. The number of such police officers shall be determined by the chief of police based upon the type of event, anticipated number of attendees, plans for service and/or consumption of alcohol, and other like criteria. The event organizer shall be solely responsible to retain such officers through arrangements with the chief of police;
- ~~J~~10. Provisions for first aid or emergency medical services, or both, based on special event risk factors;
- ~~K~~11. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise. Events with outdoor entertainment, music and speeches

(particularly those with amplified sound) shall not unreasonably impact neighboring residents or businesses. No event shall exceed a maximum decibel limit of 95 dB measured at the property line over a sustained period of 10 minutes. Outdoor music and entertainment shall be limited to performing between the hours of 10:00 a.m. and 10:00 p.m.;

~~L~~12. Insurance and surety bond information;

~~M~~13. Provisions for police, fire, medical facilities, parks and public works crews;

~~N~~14. Owner’s Consent. An affidavit of consent by the property owners of the special event site and/or designated parking site or sites may be required for permit issuance; and

~~O~~15. Sales. Any person proposing to engage in sales activity in connection with a special events permit may be required to obtain a business license sales permit in accordance with the provisions of Chapter 5.01 TMC.

SECTION 4: The title of Section 5.65.090 of the Toppenish Municipal Code is hereby amended as follows:

5.65.090 Fees, indemnification agreement and insurance First and Fourteenth Amendment special events.

SECTION 5: This ordinance shall become effective five days after publication of a summary thereof.

PASSED by the Toppenish City Council during its regular meeting held on January 11, 2021.

MARK OAKS, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

GARY M. CUILIER, City Attorney