ORDINANCE NO. 16-18

AN ORDINANCE of the City of Kent, Washington, relating to, regulating and licensing outdoor musical entertainments, amusements, and assemblies; establishing licensing procedures therefor; and prescribing offenses and penalties.

WHEREAS, it appears necessary for the protection, health and welfare of the Citizens of the City of Kent in regard to outdoor musical entertainments, amusements and assemblies (hereinafter referred to as assemblies) catering to the general public, that certain rules and regulations be established; and

WHEREAS, there is a danger to the people attending or taking part in the gathering if proper sanitary, police and other health and safety measures are not adequately provided for, the Kent City Council hereby finds and declares that it is necessary to pass under the police power of the City of Kent, an Ordinance to regulate and license the holding of such outdoor musical assemblies.

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

Section 1. Basic Clause - License Required. It shall be unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment which said person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract 250 or more persons and where a charge or contribution is required for admission unless a valid City of Kent permit has been obtained for the operation of said assembly. Provided, however, that said assembly may be advertised by the sponsors and/or organizers thereof after application for such permit has been made.
Section 2. Application - Permit. Written application for outdoor musical amusements, entertainments or assembly permits shall be made to the City Clerk of the City of Kent forty (40) days or more prior to the date upon which such assembly is scheduled to be held. Written notice of approval or disapproval of said application shall be given to the applicants no later than fifteen (15) days after the application has been filed. Permits shall not be denied providing the conditions enumerating in Section 5 of this Ordinance are met by the applicant. Provided, that no permit may be granted to anyone who has been convicted of a felony or a crime involving moral turpitude. Provided, further, that each application shall be accompanied by the fingerprints and a 3" x 5" photograph to each and every person having any proprietary interest in said licensed activity. The City Clerk shall be empowered to obtain adequate photographs of all persons having any proprietary interest.

Section 3. Fee. The basic fee required shall be One Hundred Dollars ($100.00) for each event. No permit shall be granted for a period of more than one (1) day expiring at midnight of that day and no permit shall be granted for consecutive days at the same location. Said basic permit fee shall be retained by the City of Kent whether a permit be granted, denied or withdrawn.

Section 4. Submission of Plans for Approval - Approving Agencies. Whenever approval by a governmental agency other than the City of Kent is required hereunder, the applicant for such approval shall be required to cooperate fully with such agencies to insure that full review of the proposals may be accomplished by the agencies within the fifteen (15) day time limit set out in Section 2 above. When any type of physical facility is required or subject to approval hereunder, preliminary approval
may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five (5) or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments. Should the actual facility or construction fail to meet with the standards approved in the proposed plans, such preliminary approval may be withdrawn and any and all permits granted subject to such approval may be withdrawn.

Section 5. Conditions: Condition #1: Location.

No permit for an outdoor musical assembly shall be granted unless said assembly is to be held in those areas of the City of Kent which have been zoned for parks and recreational purposes, provided, however, that a permit may be granted for other areas if a zoning variance has been granted in advance by the City Council of the City of Kent for such location.

Condition #2: Sanitary Facilities. No permit shall be granted unless the applicants obtain the written approval of the Health Officer of the City of Kent, indicating that the applicants for said permit have complied with the health requirements of the City of Kent for like or similar facilities. Said approval shall indicate the type and adequacy of water supply to be provided, the type and adequacy of toilet, waste collection and washing facilities to be provided, and if there is to be food served on the premises, the type and adequacy of food preparation and food service facilities to be provided.

Condition #3: Fire Prevention Standards. No permit shall be granted hereunder unless the applicant has shown the Fire Chief of the City of Kent has approved fire protection devices and equipment available at such assembly. Fire prevention standards shall be as set out in the Ordinances of the City of Kent relating to fire protection and standards of said City of Kent.
Condition #4: Cash Bond and Indemnification. No permit shall be issued hereunder unless the applicant has on deposit with the City of Kent a cash bond in the amount as set out below to save and protect the streets, pavements, bridges, road signs and other property in the City of Kent from any and all damage that may be caused by vehicles, employees, or participants in such outdoor musical assembly and to be used, if necessary, to restore the ground where such assembly is held to a sanitary condition and pay all charges and losses of the City for damages to the streets, pavements, bridges and other property. Further, any extraordinary law enforcement costs incurred by the City of Kent which are the result of said activity shall be met by said cash bond. The amount of such cash bond shall be determined as follows:

- For gatherings of 0 to 10,000 persons, a $5,000.00 cash bond;
- For gatherings of 10,000 to 20,000 persons, a cash bond of $7,500.00;
- For gatherings of 20,000 to 30,000 persons, a cash bond of $10,000;
- And a cash bond shall be raised in increments of $2,500.00 for each additional 10,000 persons expected.

The deposit or its balance to be returned with the City Clerk of the City of Kent certifies to the Kent City Treasurer that no damage has been done or that the cost of making the above mentioned repairs was less than the cash bond amount and that the balance thereof should be returned. Further, the sponsors shall be required to furnish evidence of a liability insurance policy providing for a minimum of $100,000.00 bodily injury coverage per person; $300,000.00 bodily injury coverage per occurrence and $100,000.00 property damage covering, naming the City of Kent as an additional insured.

Condition #5: Public Safety. No permit shall be granted hereunder unless the applicant obtained the written approval of the Kent Police Department indicating that the following conditions have been complied with by the applicant. That adequate traffic
control and crowd protection policing have been contracted for or otherwise provided by the applicant. That traffic control and crowd control personnel shall be licensed merchant patrolmen or named persons meeting the Police Department's requirements for becoming patrolmen. That there shall be provided one traffic control person for each 400 persons expected or reasonably to be expected to be in attendance at any time during the event. Further, that there shall be provided one crowd control person for each 400 persons expected or reasonably expected to be in attendance at any time during the event. Provided, that if at any time during said event the size of the crowd exceeds by twenty percent (20%) the number of persons represented by the sponsors to be expected to be in attendance the Kent Police Department shall have the discretion to require the sponsor to limit further admissions. Any person with more than a ten percent (10%) proprietary interest in said event shall be required to be in attendance at said activity and shall be responsible for insuring that no person shall be allowed to remain on the premises if said person is violating State or City Laws. Any such person having a duty to remove law violators who wilfully fail to do so shall be deemed to be an aider or abettor of such violation.

Condition #6: Parking Facilities. Application for a permit hereunder shall be accompanied by a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for every four persons expected or reasonably to be expected. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time to or from the parking area. Provided, that if any non-adjacent parking facilities be approved, busses shall be used to transport the
public to said event on a no-charge basis.

Section 6. Hours of Operation. No outdoor musical assembly shall be conducted in the City Limits of the City of Kent during the hours of 12:01 A.M. and 9:00 A.M. Provided that no license shall be issued for more than one 24-hour period ending at midnight. The participants shall be required to have cleared the licensed area and its immediate environs no later than 1:00 A.M. of the day following the licensed event.

Section 7. Penalties: Any person who shall violate or fail to comply with any provision of this Ordinance, who shall, having obtained a permit hereunder, wilfully fail to continue to comply with the terms and conditions hereunder, or who shall counsel, aid or abet such a violation or failure to comply, shall be deemed guilty of a misdemeanor.

Section 8. Failure to Comply. Compliance with the terms and conditions of this Ordinance shall constitute the minimum health, sanitation and safety provisions and failure to comply with the terms and conditions shall constitute a public nuisance and the sponsors of said event shall be subject to all criminal and civil remedies as such.

Section 9. Severability. If any provision of this Ordinance, or its application to any person or circumstances is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 10. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

Attest:  
ALEX THORNTON, MAYOR

MARIE JENSEN, City Clerk
Approved as to form:

JOHN B. SCHREWER, City Attorney

PASSED the 17 day of November, 1969.

APPROVED the 18 day of November, 1969.

PUBLISHED the 21 day of November, 1969.

I hereby certify that this is a true copy of Ordinance No. 1668, passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, City Clerk