

**BOCC DRAFT**  
**Proposed Changes Considered**

Yakima County Code  
Chapter 8.10

Chapter 8.10  
~~OUTDOOR~~ FESTIVAL REGULATIONS

1      Sections:

2      8.10.010 Legislative Declaration.

3      8.10.020 Definitions.

4      8.10.030 Permit Required.

5      8.10.040 Application for Permit – Contents – Filing.

6      8.10.050 Decision Approval or Denial of Permit – Corrections – Judicial Review.

7      8.10.060 Reserved.

8      8.10.070 Cash Deposit – Surety Bond – Insurance.

9      8.10.080 Revocation of Permits.

10     8.10.090 Access and parking Reserved.

11     8.10.095 Temporary structures.

12     8.10.100 Distance from Habitation.

13     8.10.110 Noise Levels.

14     8.10.115 Vibration.

15     8.10.116 Exterior lighting.

16     8.10.120 Age of Patrons.

17     8.10.130 Posting Permits – Non-transferability.

18     8.10.140 Hours.

19     8.10.150 Penalty.

20     8.10.160 Preparations – Completion Requirements.

21

22     8.10.010 Legislative Declaration.

23     The board of county commissioners declares it to be the public interest, and for the protection of  
24     the health, welfare and property of the residents of ~~the county of~~ Yakima County, to provide for  
25     the orderly and lawful conduct of festivals to include, but not limited to, festivals, entertainments,  
26     amusements, and assemblies catering to the general public, that certain rules and regulations be  
27     established, and further that there is a danger to the people attending the gathering if proper  
28     sanitary, police, fire and other health and safety measures are not adequately provided for. In  
29     addition, the purpose of this section is to provide an effective administrative process for the review  
30     and enforcement of these standards to protect the safety and general welfare of the  
31     community. Therefore, festivals are subject to the following minimum requirements. ~~to be held~~  
32     ~~outdoors by assuring that the proper sanitary, health, fire, safety and police measures are provided~~  
33     ~~and maintained. This invocation of the police powers is prompted by and based upon a finding of~~  
34     ~~the board of county commissioners that there is danger to both people attending and the property~~  
35     ~~in close proximity of such a festival if proper sanitary, health, fire, safety and police measures are~~  
36     ~~not adequately provided for.~~

37

38     8.10.020 Definitions.

39     For the purposes of this chapter, the following words and phrases shall have the indicated  
40     meanings:

**BOCC DRAFT**  
**Proposed Changes Considered**

Yakima County Code  
Chapter 8.10

1 (1) "Applicant" means the promoter who has the right of control of the conduct of a festival who  
2 applies to the appropriate legislative authority for a license to hold an ~~outdoor~~ festival.

3 (2) "Board" means the board of county commissioners.

4 (3) "Out**door** festival" means an indoor or outdoor assembly of persons at a given place and time,  
5 generally a planned social occasion to bring people together in a group for a public or private  
6 performance, entertainment, affair, function, occasion, social function, or special occasion where  
7 the predicted total number of persons on the site is five hundred persons or more, and where the  
8 duration of the program is five hours or longer except:

9 (a) **Out**door** f**estivals at a structure or facility such as a stadium, athletic field, arena,  
10 auditorium, coliseum, or other similar permanently established place of assembly that has been  
11 permitted for assembly purposes under the land-use, building safety, fire safety and health  
12 safety regulations of Yakima County and other applicable state or local regulation;

13 (b) Government-sponsored fairs held on regularly established fairgrounds;

14 (c) Circuses, traveling amusements, or carnivals, rodeo, animal show or rides, and all other  
15 occasional amusements, sporting events, or shows required to be licensed under other county  
16 ordinances including YCC 5.16.

17 (4) "Person" means any natural individual, partnership, corporation, association, society, or  
18 fraternal or social organization. The singular shall include the plural.

19 (5) "Promoter" means any person issued a permit to conduct a festival.

20 8.10.030 Permit Required.

21 No person shall knowingly allow, conduct, hold, maintain, cause to be advertised, or permit an  
22 ~~outdoor~~ festival in the unincorporated area of the county unless a valid permit has been obtained  
23 as required by this chapter. One such permit shall be required for each festival. A permit may be  
24 granted for a period not to exceed sixteen consecutive days, and a festival may be operated during  
25 any or all of the days within such period.

26 A person may apply for an ~~outdoor~~ festival permit for an event which would not otherwise be  
27 required to obtain one due to having a predicted total number of persons on site is below 500 ~~and~~  
28 ~~or a program duration less than 5 hours, or both~~. The application will be processed as an ~~outdoor~~  
29 festival and the permitting requirements will be those required of ~~outdoor~~ festivals.

30 8.10.040 Application for Permit – Contents – Filing.

31 Application for an ~~outdoor~~ festival permit shall be in ~~writing and filed with the clerk of the~~  
32 ~~board~~accordance with the provisions set forth below.

**BOCC DRAFT**  
**Proposed Changes Considered**

Yakima County Code  
Chapter 8.10

1 (1) Except as provided herein, a complete application shall be ~~filed submitted in writing to the~~  
2 ~~Yakima County Public Services Planning Division at least sixty (60) not less than forty five and~~  
3 ~~not more than three hundred sixty five calendar~~ days prior to the ~~proposed~~ first scheduled day of  
4 the festival and shall be accompanied with a permit fee in the amount ~~of one thousand~~  
5 ~~dollars~~identified in the fee schedule listed in YCC Title 20. An application may be submitted less  
6 than sixty (60) days prior to the proposed first scheduled day of the festival, however, if an  
7 application is delayed due to incompleteness or deficiencies in the application, an appeal may not  
8 be available due to the limited time. Application for ~~a~~outdoor festival permit shall include:

9

10 (a) A completed application form signed by the owner(s) of record and the festival promoter  
11 (if applicable). The application form shall be provided by the Administrative Official. The  
12 name of the person or other legal entity on behalf of whom said application is made; provided,  
13 that ~~a natural person applying for such permit~~the applicant shall be eighteen years of age or  
14 older;

15

16 (b) The nature of the business organization of the applicant;

17

18 (c) Names and addresses of all individuals or other entities having a ten-percent or more  
19 proprietary interest in the festival;

20

21 (d) The principal place of business of the applicant;

22

23 (e) The address or parcel number(s) of the land to be occupied, the name and address of the  
24 owner thereof, together with a document showing the consent of said owner to the issuance of  
25 a permit, if the land is owned by a person other than the applicant;

26

27 (f) The scheduled performances and programs;

28

29 (g) Written confirmation that the Yakima Health District health officer has reviewed and  
30 approved plans for the ~~outdoor~~ festival site in accordance with rules, regulations and standards  
31 adopted by the State Board of Health:z

32

33 (h) Written confirmation from the ~~county~~ sheriff's office that traffic control and crowd  
34 protection policing ~~has have~~ been contracted for or otherwise provided by the applicant in  
35 accordance with the applicable regulations and policies enforced by the ~~county~~ sheriff:z

36

37 (i) Written confirmation from the county fire marshal's office that the application and site  
38 plans for the ~~outdoor~~ festival site have been reviewed and approved as complying with the  
39 provisions of the fire code and the rules and policies of the fire marshal's office:z

40

41 (j) A written statement of consent from the applicant that all State and Yakima County law  
42 enforcement officers, fire-control officers and other necessary governmental personnel shall  
43 have free access to the site of the festival;

44

## BOCC DRAFT Proposed Changes Considered

## Yakima County Code Chapter 8.10

(k) A list of the address or parcel number of all residences located within 300 yards of the sound source the outdoor festival measured as defined in YCC 8.10 and a copy of a written waiver from the owner of the residence as provided in YCC 8.10.100;

(k) A narrative describing the proposed festival, including the nature of the festival, anticipated number of attendees, proposed days and hours of operation, methods of controlling ingress and egress, and any other measures designed to minimize impacts on surrounding properties and road systems;

(l) The Administrative Official may require additional information, such as environmental consideration, if deemed necessary;

(m<sup>1</sup>) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

## 8.10.050 Approval or Denial of Permit – Corrections – Judicial Review. Decision.

(1) Within fifteen days after the filing of the complete application for an ~~outdoor~~ festival permit, the ~~board~~ Administrative Official shall in writing, schedule a time at the next regular meeting of the board when the board shall recommend approv~~e~~al, denial, or approv~~e~~al with conditions the applicant's permit. Deficiencies identified by the Administrative Official as part of application review Any denial shall be forwarded to the applicant for correction set forth in detail the specific grounds therefor. The applicant shall have fifteen days after the receipt of such denialnotice, or such additional time as the ~~board~~ ~~of county commissioners~~ Administrative Official shall grant, to correct the deficiencies set forth in the denialnotice. The ~~board~~ ~~of county commissioners~~ Administrative Official shall either approve or deny the permit application within fifteen days of receipt of the submitted corrections to the application. Any denial shall set forth in detail the specific grounds therefor.

(2) After the ~~board of county commissioners~~Administrative Official has issued a final decision to approve or deny the permit, the decision may be appealed to the Board of County Commissioners as provided in RCW 36.70C.

#### 8.10.070 Cash Deposit – Surety Bond – Insurance.

(1) After an application for an ~~outdoor~~ festival has been approved, the promoter shall deposit with the county treasurer the sum of ten thousand dollars cash, or surety bond in like sum. The bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up afterwards outside the festival grounds, or any extraordinary costs or charges incurred for law enforcement or to regulate traffic or parking.

(2) Bond or other deposits shall be returned to the promoter when the board is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall

**BOCC DRAFT**  
**Proposed Changes Considered**

Yakima County Code  
Chapter 8.10

1 be returned; provided, that the bond or cash deposit or the uncommitted portion thereof shall be  
2 returned not later than thirty days after the last day of the festival.

3 (3) The promoter shall furnish proof of occurrence basis liability insurance in an amount of not  
4 less than five hundred thousand dollars per occurrence and one million dollars in the aggregate  
5 property damage and bodily injury coverage covering any officer, employee, volunteer, member,  
6 agent or representative of the promoter while acting in the performance of his or her duties. The  
7 policy shall name Yakima County as an additional named insured.

8 8.10.080 Revocation of Permits.

9 (1) Revocation of any permit granted pursuant to this chapter shall not preclude the imposition  
10 of penalties as provided for in this chapter and the laws of the state of Washington. Any permit  
11 granted pursuant to the provisions of this chapter to conduct an ~~outdoor~~ festival shall be summarily  
12 revoked by the issuing authority when it finds that by reason of emergency the public peace, health,  
13 safety, morals or welfare can only be preserved and protected by such revocation.

14 (2) Any permit granted pursuant to the provisions of this chapter to conduct an ~~outdoor~~ festival  
15 may otherwise be revoked for any material violation of this chapter or the laws of the state of  
16 Washington after a hearing held upon not less than three days' notice served upon the promoter  
17 personally or by certified mail.

18 8.10.090 Access and parking Reserved.

19 Provide adequate access from a county road and have a traffic and parking management plan.

21 8.10.095 Temporary structures

22 (1) All temporary facilities or structures shall not be started more than 14 days prior to the  
23 beginning of the event. The Administrative Official shall inspect the structures for safety standards  
24 prior to the first day of the event. Should the temporary facility fail to meet the standards approved  
25 in the proposed plans, the event permit approval may be withdrawn. All temporary facilities or  
26 structures shall be completely removed within 10 days of the completion of the event.

27 8.10.100 Distance from Habitation.

28 No ~~outdoor~~ festival shall be operated in a location which is closer than three hundred ~~yards~~feet  
29 from any house, residence or other human habitation as measured from the sound source; provided,  
30 however, that this section shall not apply if the owner of each residence within said distance waives  
31 this requirement in writing. The applicant shall provide such waivers at the time of application  
32 submittal.

34 8.10.110 Noise Levels.

35 Sounds created by an ~~outdoor~~ festival permitted by this chapter shall be exempt from the provisions  
36 of YCC 6.28 from 6:00 a.m. to 12:01 a.m.

**BOCC DRAFT**  
**Proposed Changes Considered**

Yakima County Code  
Chapter 8.10

8.10.115 Vibration

Any vibration generated by the event, other than that caused by vehicles or equipment as part of the approved permit, which is discernible without instruments at the property line, is prohibited.

8.10.116 Exterior lighting

Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

8.10.120 Reserved Age of Patrons.

~~No person under the age of eighteen years shall be admitted to any outdoor festival without the escort of his or her parents or legal guardian and proof of age shall be provided upon request.~~

8.10.130 Posting Permits – Non-transferability.

Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of the festival. A permit issued pursuant to this chapter shall not be transferable or assignable.

8.10.140 Hours.

~~Outdoor~~ Festivals may be conducted between the hours of 6 a.m. and 12:01 a.m. Monday through Sunday. The hours and days may be adjusted as determined by the Administrative Official review of the application, public and agency comments based upon the public health, safety, and welfare.

8.10.150 Penalty.

~~(1)~~—Any person, firm, or corporation violating any of the provisions of this Title, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be subject to a civil infraction as provided for by Chapter 7.80 RCW in the amount of not less than \$500.00.

8.10.160 Preparations – Completion Requirements.

All event preparations required to be made by the provisions of this chapter on the ~~outdoor~~ festival site shall be completed prior to the first day scheduled for the festival. If a material violation exists, the board shall move to revoke the festival permit in the manner provided by Section 8.10.080.