ORDINANCE NO. 35B

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

AN ORDINANCE REPEALING ORDINANCE N0.35A THAT REGULATES ASSEMBLIES AND SUBSTITUTING NEW RULES PERTAINING TO LARGE GATHERINGS

WHEREAS, an Ordinance pertaining to social events and assemblies is necessary to protect the health, safety, and welfare of the general public;

WHEREAS, there is a danger to people attending or taking part in large gatherings if proper police services, sanitary conditions, and other health and safety measures are not present;

WHEREAS, Pacific County Ordinance No. 35 which pertains to assemblies was adopted in 1970;

WHEREAS, a new Ordinance needs to replace Pacific County Ordinance No. 35A in order to implement various technical corrections; now therefore,

IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, AS FOLLOWS:

SECTION 1. SCOPE OF ORDINANCE; PERMIT REQUIREMENT

It shall be unlawful for any person to allow, encourage, organize, promote, conduct, permit or cause to be advertised a social event or assembly for any purpose which said person believes, or has reason to believe, will attract two thousand (2,000) or more persons during any day at a particular location within Pacific County that is outside the limits of incorporated cities and towns, unless a valid and current permit has been obtained from Pacific County for operating the social event or assembly. A permit may be issued for a single event or assembly or may encompass a series of social events or assemblies of a like kind in nature that are scheduled to take place at the same location at specified times within a given calendar year.

SECTION 2. DEFINITIONS:

A. *Assembly* -"Assembly" means the gathering together of two thousand (2,000) or more persons at the same place and time.

B. *Board of Commissioners* - "Board of Commissioners" means the Board of Commissioners, Pacific County, Washington.

C. *Health Hazard* - "Health Hazard" means a condition or situation where disease potential exists and if left unabated the disease potential will increase and may result in a public. health emergency.

D. *Health Officer* - "Health Officer" means the Health Officer appointed by the Pacific County Board of Health pursuant to RCW 70.05.040 and RCW 70.05.050, or a representative authorized by and under the direct supervision of the appointed Health Officer.

E. *Social Event* - "Social Event" means any act or event associated with religious, spiritual, artistic, educational, recreational or sporting endeavors.

F. *Person* - "Person" means an individual, a partnership (including partners and managers), a corporation (including board members, officers, and manager), or any other entity of any kind. "Person" also includes an applicant, a re-applicant, a permit holder, an authorized agent of the entity, or any third party acting on behalf of any entity.

G. *Regulation* - "Regulation" means a statute. "Regulation" also means an administrative rule or adjudicatory decision which is adopted under the authority of the Washington State Board of Health, the Pacific County Board of Health, the Board of Pacific County Commissioners, the State of Washington, or the Federal government.

H. *Statute* - "Statute" means any ordinance of the Pacific County Board of Health or the Pacific County Board of Commissioners, or any State of Federal law.

I. *Toilet Facilities* - "Toilet Facilities" mean adequately designed and maintained privies, chemical toilets, or other facilities that provide privacy and are intended for the collection and disposal of human wastes.

SECTION 3. LICENSING

Written application for a social event or assembly permit shall be made to the Board of Commissioners. Beginning January 1, 2008, an application must be submitted a minimum of one hundred and twenty days (120) days prior to the first day upon which such social event or assembly is intended to take place. An application must include an analysis of how the requirements of Section 5 through Section 8 of this Ordinance will be met. An application also must contain a site plan with a scale drawing of the facilities that will be used for the social event or assembly. The site plan must indicate where sanitary and parking facilities will be located, where fire protection devices and equipment will be stationed, and where traffic/crowd control personnel will be positioned. This site plan requirement is not applicable to those social events or assemblies that have occurred on a regular basis during the five-year period immediately prior to the adoption of this Ordinance: provided, however, that this exemption shall not apply unless it is expected that the social event or assembly will experience no significant changes regarding the conditions covered under this Ordinance. The Board of County Commissioners shall hold a public hearing on the permit application. The public hearing must be advertised in the official county newspaper at least six (6) calendar days prior to the hearing. At the conclusion of the public hearing, the Board of Commissioners shall determine whether the requirements listed in Section 5 through Section 8 of this Ordinance have been met or likely will be met before the anticipated start of the social event or assembly. The Board

of County Commissioners shall issue a permit with conditions if the requirements listed in Section 5 through Section 8 have been met or likely will be met before the anticipated start of the social event or assembly. The Board of Commissioners may reject the permit application if the requirements listed in Section 5 through Section 8 of this Ordinance have not been met or likely will not be met before the anticipated start of the social event or assembly. The Board of County Commissioners also may waive part or all of the requirements of this Ordinance, if it finds that the public benefit of granting a waiver will exceed any public harm thereby created. If the Board of Commissioners grants a waiver, it may require additional conditions to mitigate any potential public harm which could be caused by the waiver.

The Board of Commissioners shall adopt written findings of fact and conclusions of law to support its final decision. Such findings and conclusions do not need to be adopted at the same time that the decision is rendered.

After the Board of Commissioners makes a final decision, an aggrieved party can appeal the decision by filing an appeal in Superior Court within twenty-one (21) calendar days of the decision.

SECTION 4. INSPECTION

All facilities that will be used for a social event or assembly for which a permit has been obtained shall be in existence prior to the start of the event. All such facilities shall be subject to inspection by Pacific County Department of Community Development. If the facilities fail to meet the requirements of any regulation or statute, or if the terms of the permit are violated, the Administrator of the Department of Community Development or his or her designee may revoke the permit and cancel the authority to hold the social event or assembly.

SECTION 5. SANITARY FACILITIES

An applicant for a social event or assembly permit shall provide evidence that the following requirements have or will be met prior to the start of a social event or assembly and throughout the event.

A. *Water Supply*. There must be an adequate supply of water, in terms of quality and quantity, for the social, event or assembly. In determining what constitutes an adequate water supply, substantial deference shall be given to findings and conclusions which are rendered by the Health Officer. The water which will be used at the social event or assembly must comply with the standards for quality as specified in Chapter 246-290 WAC, or any amendments thereto.

B. *Sewage Disposal*. All sewage and liquid wastes must be disposed of through a sanitary sewer system or in a manner that complies with the requirements of Pacific County Board of Health Ordinance No. 3A, 3B, 3C and 3D, or any amendments thereto.

C. *Toilet Facilities*. The total number of toilets required for a social event or assembly shall be based on the projected maximum daily attendance. The applicant shall provide a minimum of eight (8) toilets for the first one thousand (1.000) attendees that are expected and two (2) additional toilets for each additional five hundred (500) attendees, or fraction thereof, that are expected. Toilet facilities shall be located within three hundred (300) feet of all portions of all day use and overnight camping areas. At least two (2) of the toilets must be accessible by the disabled. Toilets shall be kept free of insects and rodents. An adequate supply of toilet paper shall be provided. Toilet facilities must be accompanied with hand washing facilities of a sufficient number to prevent a public health hazard.

D. *Solid Waste*. All solid waste including, but not limited to, garbage, trash, or other refuse, must be collected, transported and disposed of in a manner that complies with the requirements of Pacific County Board of Health Ordinance No. 2, 2A, 2B and 2C (Solid Waste Handling, Litter, and Unauthorized Dumping) and Pacific County Board of Health Ordinance No. 4 (Public Nuisances), or any amendments to these regulations.

E. *Food Preparation*. Food Service Facilities and Liquor Services. If food will be prepared, if public food services will be provided, and/or if liquor will be served at the social event or assembly, such activities and facilities shall comply with relevant regulations and statutes. Food preparation facilities shall be considered a temporary food service establishment and shall comply with the requirements of Pacific County Board of Commissioners/Pacific County Board of Health Ordinance No. 132 (Food Service Establishments), or any amendments thereto.

F. *Overnight Camping*. Overnight camping and/or the use of recreational vehicles that is associated with a social event or assembly shall comply with the requirements of Pacific County Board of Health Ordinance No. 5 (Recreational Vehicles and Other Camping), or any amendments thereto.

SECTION 6. FIRE PROTECTION

An applicant for a social event or assembly permit shall provide evidence that sufficient approved fire protection devices and equipment will be present at, in, or near any building, tent, stadium, or enclosure where ten (10) or more persons are reasonably expected to congregate at any time during the course of the social event or assembly.

SECTION 7. TRAFFIC/CROWD CONTROL

Prior to issuance of any assembly permit, the applicant must first meet with the Sheriff and other appropriate public health and safety entities and provide a specific plan for traffic and crowd control and public safety. All such plans must be reviewed and approved by the aforementioned public safety entities prior to the permit being issued by the Board of County Commissioners.

SECTION 8. PARKING FACILITIES

An applicant for a social event or assembly permit shall provide evidence that there will be parking facilities which are large enough to accommodate one vehicle per every three (3) persons that are reasonably expected to attend the social event or assembly at any one given time. Adequate ingress and egress shall be provided from such parking area(s) to facilitate the movement of any vehicle at any time to or from the parking area(s). However, if buses are used to transport persons to the social event or assembly, an applicant shall demonstrate that public parking or parking as described above is available at any site from which buses are scheduled to transport persons to an event regulated by this Ordinance.

SECTION 9. ACCESS BY PUBLIC OFFICIALS

No social event or assembly permit shall be granted unless an applicant agrees in writing to allow law enforcement officers and representatives of the Pacific County Department of Community Development to enter and remain upon the premises covered under a permit for the purposes of inspecting the site(s) and enforcing the terms and conditions under which a permit is granted.

The applicant shall ensure that emergency vehicles have reasonable access to the event site during the entire course of the social event or assembly.

SECTION 10. HOURS OF OPERATION

No social event or assembly coming within the provisions of Section 1 shall be conducted in the unincorporated areas of Pacific County between the hours of 2:30 AM and 7:00 AM.

SECTION 11. EXEMPTIONS

A. *Pacific County Fair*. The Pacific County Fair is exempt from the requirements of this Ordinance.
B. *School Districts*. Any school district within Pacific County is exempt from the requirements of this Ordinance.
C. *Recreational Seasons*. All Washington State Department of Fish and Wildlife recreational seasons *(hunting, fishing, clamming)*.

SECTION 12. MISCELLANEOUS

A. *Estimating the Number of Attendees/Prohibiting Access*. An application for a social event or assembly permit shall state the number of persons reasonably expected and/or the number of tickets printed and sold. It shall be the duty of an applicant to record the number of persons admitted to and exited from any event coming within the provisions of this Ordinance in such a manner that the number of persons present can be reasonably known at any time. Failure to provide a reasonably accurate record of the number of persons present shall give public law enforcement personnel the right to

reasonably estimate the number present. If the number of persons present at any time appears to exceed the number of persons for which the permit was granted by at least twenty (20) percent. law enforcement agencies or the Administrator of the Department of Community Development or his or her designee may prohibit further access to the event until such time as the number in attendance allows for compliance with the permit.

B. *Permit Fee.* A social event or assembly permit fee shall be set by resolution of the Board of Commissioners.

C. *Certificate of Insurance.* An applicant shall not receive a permit until he or she files a Certificate of Insurance in an amount specified by the County that is reasonably calculated for potential damage which may occur as result of the social event or assembly.

D. *Outdoor Music Festivals.* An applicant who seeks to sponsor an outdoor music festival which is regulated under Chapter 246-374 WAC, or any amendments thereto, also must comply with the requirements listed in the WAC.

SECTION 13. PENALTIES

A. *Criminal Penalties.* A person who violates any provision of this Ordinance or who fails to comply with any of its requirements is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars ($1.000) or imprisonment for not more than ninety (90) days, or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.

B. Civil Action. In addition to criminal penalty provisions listed above, Pacific County may take civil action against a person who violates any provision of this Ordinance or who fails to comply with any of its requirements. Such civil action includes, but is not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a civil lawsuit, the court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both. Any or all of the remedies articulated above may be used by the County to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 14. SAVINGS AND SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE/REPEAL OF ORDINANCE NO. 35A

Pacific County Ordinance No. 35B shall take effect immediately. Pacific County Ordinance No. 35A is hereby repealed.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 13th day of March, 2007.

3 AYE: 0 NAY: 0 ABSTAIN; 0 ABSENT.

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Jon C. Kaino, Chairman

Norman B. Cuffel, Commissioner

Clay E. Harwood, Commissioner

ATTEST:

Kathy Noren, Clerk of the Board

Pacific County Assembly Permit Checklist

Ordinance No. 35B

General information:

A. Written application for a social event or assembly shall be made to the Board of County Commissioners within one hundred and twenty (120) days prior to the event.
B. Submit a scaled site plan locating the following facilities:
    1. Location of sanitary facilities.
    2. Parking areas.
    3. Location of fire protection equipment.
    4. Where traffic/crowd control personnel will be positioned.
    5. Location of food booths.
C. Submit a fee (*non refundable*) in the amount of $250.00. Please make checks payable to Pacific County and mailed to P O Box 187, South Bend, WA 98586.

Sanitary facilities:

A. Water supply: Water supply must come from an approved public water supply system specified in Chapter 246-290 WAC
B. Toilet facilities: The number of toilet facilities is based on the projected maximum daily attendance.

    1. Eight (8) toilets for the first one thousand (1,000) attendees.
    2. Two (2) toilets per additional five hundred (500) attendees.
    3. Two (2) toilets must be handicap accessible.
    4. Toilet facilities must be accompanied with hand washing stations of a sufficient number to prevent a health hazard.
    5. Toilet facilities must be located three hundred (300) feet of all day use and overnight camping areas.

C. Solid waste: All solid waste including but not limited to garbage, trash, or other refuse, must be collected, transported and disposed of in a manner that complies with the requirements of Pacific County Board of Health Ordinance No. 2C.
D. Food service facilities: Food service facilities shall be considered temporary food service establishments and comply with the requirements of Pacific County Ordinance. All temporary food service establishments are required to obtain a license from the Department of Community Development two (2) weeks prior to the event.
E. Overnight camping: Overnight camping and the use of recreational vehicles shall comply with the requirements of Pacific County Board of Health Ordinance No. 5.

Fire Protection:

The applicant of an assembly or social event must provide evidence that sufficient approved fire protection devices will be present at, in, or near any building, tent, stadium, or enclosure where ten (10) or more persons are expected to congregate.

Traffic/crowd control:

Prior to issuance of any assembly permit, the applicant must first meet with the Sheriff and other appropriate public health and safety entities and provide a specific plan for traffic and crowd control and public safety. All such plans must be reviewed and approved by the aforementioned public safety entities prior to the permit being issued by the Board of County Commissioners.

Parking facilities:

An applicant shall provide evidence that there will be adequate parking space to accommodate one (1) vehicle per every three (3) persons. Adequate ingress and egress shall be provided from every parking area.

Operating hours:

No social event or assembly coming within the unincorporated areas of Pacific County shall operate between the hours of 2:30 AM and 7:00 AM.

Miscellaneous:

An applicant shall not receive a permit until he or she files a Certificate of Insurance in an amount specified by the County that is reasonably calculated for potential damage which may occur as a result of the social event or assembly.

Outdoor music festival:

An applicant who seeks to sponsor an outdoor music festival which is regulated under Chapter 246-347 WAC, or any amendments thereto, also must comply with requirements listed under the WAC.

Assembly Permit Application
Pacific County Ordinance No. 35B

Pacific County Commissioners' Office
Internet Address: www.co.pacific.wa.us

PERMIT FEE: $250.00 (non-refundable)

OFFICE USE ONLY

A social event or assembly for any purposes which said persons believes, or has reason to believe, will attract two thousand (2,000) or more persons during any day at a particular location within Pacific County which is outside the limits of incorporated cities and towns, is required to obtain a permit.

EVENT/ASSEMBLY INFORMATION	
Organization/name of event:	
Location Address:	
Mailing Address:	
Contact person/person in charge:	Phone No.:
Date(s) of event:	
Overnight Camping? YES ☐ NO ☐	
Water supply:	
Sewage disposal:	
Number of people attending:	
Number of toilet facilities: *Required number of toilets: 8 toilets per 1,000 attendees, 2 toilets for each additional 500 attendees, and 2 toilets handicap accessible.*	
Number of hand washing facilities:	
Method of solid waste disposal:	
Number of food service facilities:	
Certificate of liability insurance: YES ☐ NO ☐ Filed:	Date:

Applicant's Signature:

Print Name:	Date:

Approved By:	Date Issued:

BOARD OF PACIFIC COUNTY COMMISSIONERS
P.O. Box 187
South Bend, WA 98586
360/875-9337 FAX 360/875-9335

Request for Assembly Permit Waiver
Pacific County Ordinance No. 35B

I, _____ request waiver from the Board of County Commissioners from the following item(s):

[☐] Site plan requirements

[☐] Section 5 – Sanitary facilities

[☐] Section 7 – Traffic control

[☐] Section 8 – Parking facilities

[☐] Section 10 – Operating hours

[☐] Section 12 – Certificate of Liability Insurance

[☐] Section 12 – Fees

For the following reason(s):