

## Chapter 11.15

## SPECIAL EVENTS PERMITTING CODE

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**11.15.010 Definitions.**

“Applicant” means the individual whose name is primary on the special event permit application form, and to whom all communications will be directed regarding the application process.

“Block party” means an event that involves a one-block-long residential street closure, is not open to the public, requires no admission fee, and offers no food or beverage sales.

“Building” means any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. It includes push carts or sidewalk cafes for which the sale of goods, food, or beverages has been authorized.

“Certified traffic controller” means police or traffic control professional who is certified or otherwise licensed to maintain traffic safety and control within or around a special event, whether barricaded or not.

“Commercial special event” means any special event organized and conducted by any person that does not qualify as a tax-exempt nonprofit organization, unless admission fees are required.

“Constitutionally protected activity” means activity that is an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article 1, Sections 3, 4, 5, or 11 of the Washington Constitution. It includes but is not limited to political or religious activities intended primarily for the communication or expression of ideas.

“Event organizer or coordinator” means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a commercial or noncommercial special event, and other duties performed to the benefit of the special event.

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“Fixed venue” means the area within a barricaded or blocked street, sidewalk, park, parking lot, or other contained area, which is maintained as such for the event duration.

“Gross Revenues” means the sum of all revenues received by an event organizer for a special event including, but not limited to, cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions.

“Moving route” means the area within a barricaded or blocked street, or other area in which a special event is conducted for a part or all of the event duration. A moving route may include “rolling closures” of streets, etc.

“Noncommercial special event” means any special event organized and conducted by a person that qualifies as a tax-exempt nonprofit organization.

“Permit holder” means the individual upon whom the primary applicant bestows the responsibility of holding an issued special event permit; before, during and after the special event date.

“Permitting Authority” means any person or organization authorized in writing by the City Manager to issue Special Event Permits.

“Reasonable radius” means an area surrounding the event venue which delineates a boundary within which an applicant is required to distribute notification to the public, residents, businesses or others, regarding details of the special event. The Permitting Authority has discretion to determine the size of the reasonable radius based on factors including the event size and its impact on surrounding properties.

“Right-of-way” or “City right-of-way” means the traveled portion of public streets and alleys, as well as the border area, which includes, but is not limited to, any sidewalks, planting strips, traffic circles, or medians.

“Sidewalk” means that portion of a highway or street, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

“Sign” means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

“Special event” means:

1. Any organized formation, parade, procession, or assembly consisting of 50 or more persons and which may include animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street that does not comply with normal or usual traffic regulations or controls;
2. Any organized assemblage of 50 or more persons at any public beach or public park or plaza which is to gather for a common purpose under the direction and control of a person or organization; or
3. Any other organized activity conducted by a person for a common or collective use, purpose, or benefit that involves the use of or has an impact on other public property or facilities and the provision of City public safety services in response thereto.

Examples of special events include but are not limited to concerts, parades, circuses, fairs, festivals, block parties, community events, fund-raising events, private parties, promotional events, mass participation sports (such as marathons and running events, bicycle races or tours, tournaments), or spectator sports (such as football, basketball and baseball games, golf tournaments, or vehicle or boat races).

“Special event permit” means a permit issued under this chapter for an event that takes place within Tacoma City limits, and on City of Tacoma property or Right-of-way.

“Special event venue” means that area for which a special event permit has been issued.

“Sponsored by the City of Tacoma special event” means any special event that has officially received funding, in-kind services, or other measurable support from the City of Tacoma and has received permission in writing from the City Manager to promote the event as a “Sponsored by the City of Tacoma” special event.

“Street” means a way or place of whatever nature publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highways.

“Tax-exempt nonprofit organization” means an organization that is exempted from payment of income taxes by federal or state law and has been in existence for a minimum of six months preceding the date of application for a special event permit.

“Vendor” means any person who sells or offers to sell any goods, food, or beverages within a special event venue.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.020 Special event permit required.**

A. Except as provided elsewhere in this chapter, for any person to conduct, promote, or manage a special event that takes place within Tacoma City limits, and on City of Tacoma property or rights-of-way, the person shall obtain a special event permit from the Permitting Authority.

B. The Permitting Authority is authorized to issue permits for special events occurring within the City limits, pursuant to the procedures established in this chapter. The Permitting Authority is authorized to determine the special event venue. The Permitting Authority shall set reasonable boundaries for the special event venue, balancing the special event requirements and public health, safety, and welfare. The Permitting Authority is authorized to coordinate the issuance of a special event permit with other public agencies through whose jurisdiction or property the special event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.030 Exceptions to special event permit requirement.**

A. A special event permit is not required for any activity listed in TMC 11.15.030.C.

B. Although not required to get a special event permit, an event organizer of an activity exempted, pursuant to TMC 11.15.030.C, is required to comply with all laws and regulations governing public safety or health.

C. The following activities are exempt from the special event permit requirement:

1. Funeral processions by a licensed mortuary;
2. Activities conducted by a governmental agency acting within the scope of its authority; and
3. Lawful picketing on sidewalks.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.040 Issuance of a special event permit does not obligate City services.**

A. Issuance of a special event permit to this chapter does not obligate or require the City of Tacoma to provide City services, equipment, or personnel in support of a special event.

B. Subject to approval of the City Council, the City Manager may provide City services, equipment, or personnel for commercial special events. Approval of the City Council is not required for the City Manager to provide City services, equipment, or personnel for a commercial special event if the City Manager makes provision by written agreement with the event organizer for cost recovery or revenue sharing, or both, from the special event.

C. Without the City Council's authorization, the City Manager may provide City services, equipment, or personnel in direct support of a noncommercial special event if the cost to the City does not exceed the City Manager's contracting authority as defined in TMC 1.06 for the entire special event and if the City Manager finds that a public purpose will be served. The City Manager may find that a public purpose is served if all four of the factors provided in TMC 11.15.040.C, 1 through 4, are met:

1. The special event is organized and conducted by a tax-exempt nonprofit organization that operates from or provides services within the City.
2. The special event provides a benefit to the general public.
3. The special event includes participation by the general public (notwithstanding an admission or participation fee).
4. Provision of City services will result in improved crowd or special event control and general public safety.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.050 Priority of special event permit issuance.**

Except for a special event sponsored by the City, and wherever possible, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations operating in and providing services to the citizens of the City.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.060 Time for filing application for special event permit.**

The application process shall allow sufficient time for the applicant and/or its agents to notify the public, residents, and/or businesses which are identified by the Permitting Authority to be within a reasonable radius of the event venue, in a timely and effective manner. Therefore:

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A. Application for a special event permit shall be filed with the Permitting Authority not less than 60 calendar days, nor more than two years, before the time when it is proposed to conduct the special event. Upon good cause shown and provided that no risk or burden to the City ensues, the Permitting Authority has discretion to allow a later filing.

B. Application for a special event permit involving constitutionally protected activity shall be filed with the Permitting Authority not less than seven calendar days, nor more than two years, before the time when it is proposed to conduct the event. Upon good cause shown and provided that no risk or burden to the City ensues, the Permitting Authority has discretion to allow a later filing.

C. Application for a special event at City facilities, such as the Greater Tacoma Convention and Trade Center, the Tacoma Dome, the Broadway Center for the Performing Arts, or Cheney Stadium, shall be submitted to such officials and in accordance with such time limits and procedures as may be established for such facilities and are not subject to the provisions of this chapter.

D. Application for a special event to be held on the Thea Foss Waterway Esplanade shall be submitted to the Executive Director of the Foss Waterway Development Authority ("FWDA") who, for a special event at that venue, shall have all authority granted to the Permitting Authority herein and shall process the application in accordance with this chapter. Appeals from a denial of a special event permit for the Thea Foss Waterway Esplanade shall be heard by the FWDA Board.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.070 When application for special event permit is deemed complete.**

An application for a special event permit is deemed completed when the applicant has provided all of the information required in TMC 11.15.090, including any additional information required by the Permitting Authority, and where City services are to be provided, the application has been approved by any involved City department, the City Manager, and the City Council, if required.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.080 Date of special event not confirmed until permit issued.**

Notwithstanding the Permitting Authority's acceptance of a completed application, no date shall be considered confirmed until a special event permit is issued.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.090 Content of special event permit application.**

A. The application for a special event permit shall include the following:

1. The name, address, and telephone number of the applicant.
2. A certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the special event.
3. The name, address, and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any.
4. A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;
5. A statement of the purpose of the special event;
6. A statement of fees to be charged for the special event;
7. The proposed location for the special event;
8. Dates and times when the special event is to be conducted;
9. The approximate times when assembly for, and disbanding of, the special event is to take place;
10. The proposed locations of the assembly or production area;
11. The specific proposed site or route, including a map and written narrative of the route;
12. The proposed site of any reviewing stands;
13. The proposed site for any disbanding area;
14. Proposed alternate routes, sites or times, where applicable;
15. The approximate number of persons, animals or vehicles that will constitute the special event;

16. The kinds of animals anticipated to be part of the special event;
17. A description of the types of vehicles to be used in the special event;
18. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;
19. The number and location of portable sanitation facilities;
20. Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;
21. The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using City streets, sidewalks, or facilities;
22. Provisions for first aid or emergency medical services, or both, based on special event risk factors;
23. Insurance and surety bond information;
24. Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity; and
25. Any other information required by the Permitting Authority.

B. Additionally, the application may include the following:

1. If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:

- a. Authorizing the applicant to apply for the special event permit on its behalf; and
- b. Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.100 Conditions affecting the issuance of a special event permit.**

A. Where the event organizer has not requested and the special event does not require City services, equipment, or personnel, the Permitting Authority may issue a special event permit, when based upon the completed application, all of the conditions listed in TMC 11.15.100.A., 1 through 8, are met.

1. The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
2. The special event will not cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.
3. The special event will not block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on streets designated as arterials by the City's Public Works Department unless allowed by the Permitting Authority, City Manager or City Council.
4. The special event will not require the diversion of police and fire employees from their normal duties.
5. The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
6. The special event will move from its assembly location to its disbanding location expeditiously and without stopping enroute.
7. The special event will not substantially interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled special events or unscheduled governmental functions.
8. The special event will not have significant adverse impact upon residential or business access and traffic circulation in the same general venue; and the applicant has, in a timely and effective manner, provided sufficient notification to all the public, residents, and/or businesses or others within the reasonable radius of the event venue, as such reasonable radius has been determined by the Permitting Authority.

B. In order to ensure that the conditions in TMC 11.15.100.A are met, the Permitting Authority may place conditions on the special event permit.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

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### **11.15.110 Reasons for denial of a special event permit.**

A. The Permitting Authority may deny a special event permit to an applicant who has not:

1. Provided for the services of a sufficient number of trained and certified traffic controllers; or
2. Provided sufficient monitors for crowd control and safety; or
3. Provided sufficient safety, health, or sanitation equipment services, or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for health and safety; or
4. Provided sufficient off-site parking or shuttle service, or both, when required, to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the special event; or
5. Met all of the requirements for submitting an application for a special event permit.

B. The Permitting Authority may deny a special event permit if in the Permitting Authority's opinion:

1. The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage; or
2. The special event will violate public health and/or safety laws; or
3. The special event fails to conform to the requirements of law or duly established City Policy; or
4. The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this chapter; or
5. The applicant has failed to conduct a previously authorized or exempted special event in accordance with law or the terms of a permit, or both; or
6. The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or
7. The applicant has failed to provide an adequate first aid or emergency medical services plan based on special event risk factors.

C. The Permitting Authority may deny a special event permit to an applicant who has failed to comply with any term of this chapter or with any condition of a special event permit previously issued to the applicant.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.120 Denial of a special event permit application; appeals from denial.**

A. If the Permitting Authority denies the application for the special event permit, pursuant to TMC 11.15.120, he or she shall notify the applicant in writing as soon as is reasonably practical.

B. The denial of a special event permit may be appealed to the City Manager or his or her designee.

C. An appeal shall be made in writing within five calendar days of the date of the written denial. An appeal is made by filing a written petition with the Permitting Authority, setting forth the grounds for appeal.

D. The City Manager shall hear the appeal as soon as is reasonably practicable.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.130 Display of special event permit required.**

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the Permitting Authority applicable to the particular special event and shall be exhibited upon demand of any City official.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.140 Contents of special event permit.**

A special event permit may contain the following information or conditions:

- A. The location of the special event venue, which may be identified by a map attached to the special event permit;
- B. The date, assembly area, time for assembly, and starting time of the special event;
- C. The specific route plan to the special event;
- D. The minimum and maximum speeds of the special event;

- E. The number and types of persons, animals, and vehicles; the number of bands, other musical units, and equipment capable of producing sound, if any; and limitations thereon pertaining to noise abatement;
- F. The maximum interval of space to be maintained between booths or other structures to be used for the special event;
- G. The portion of the street and sidewalk that is to be occupied by the special event;
- H. The location of reviewing or audience stands, if any;
- I. The number and location of traffic controllers, monitors, other support personnel and equipment, and barricades to be furnished by the special event organizer;
- J. The area and time for disbanding;
- K. The conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;
- L. The provisions for any required emergency medical services; and
- M. Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for the on-site presence of the event organizer or its designated representative for all special event coordination and management purposes.
- N. As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions for cleaning the area or route of the special event both during and upon completion of the special event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the special event.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.150 Permitting Authority’s action on special event permit application.**

- A. Except as provided in TMC 11.15.150.B, the Permitting Authority shall take final action upon a completed application for a special event permit as soon as practicable.
- B. The Permitting Authority is not required to take final action upon any special event permit application prior to 180 calendar days before the special event.
- C. The Permitting Authority is not required to take final action on an incomplete or untimely special event permit application.
- D. The Permitting Authority is not required to process more than one application for a special event permit per applicant during any two-week period.
- E. The Permitting Authority is not required to take final action upon two or more special event permit applications submitted by the same applicant unless two or more weeks shall have elapsed between the respective dates of submission of each.
- F. Final action on a completed special event permit application shall consist of one of the following:
  - 1. Issuance of a special event permit in accordance with the terms of the application; or
  - 2. Issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the Permitting Authority and the applicant; or
  - 3. Denial of the special event permit application by the Permitting Authority.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.160 Insurance required to conduct special event.**

- A. The event organizer of a special event must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event. Such insurance shall name the City of Tacoma, its officers, employees, and agents, and, as required, any other public entity involved in the special event, as additional insured. Insurance coverage must be maintained for the duration of the special event. Notice of cancellation shall be provided immediately to the City.
- B. Except as provided in TMC 11.15.160.C, comprehensive general liability insurance coverage required by TMC 11.15.160.A shall be in a combined single limit of at least \$1,000,000.
- C. If the special event is of a demonstrated high- or low-risk category, according to recognized insurance and risk management standards, the City’s Risk Manager may authorize a greater or lesser amount of coverage than required by TMC 11.15.160.A and TMC 11.15.160.B, or may require a particular type of insurance coverage different from that specified in TMC 11.15.160.A and TMC 11.15.160.B. The insurance requirements herein are not applicable to a neighborhood block

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party or similar activity to be conducted within a non-arterial street area not exceeding one city block, in an area residentially zoned, if such event is sponsored by the owners or residents of a property fronting upon such area, is not for commercial or advertising purposes or for profit, and if no sales of any food or article will be made and no payment for admission to such event is to be made or solicited; provided, however, that insurance may be required (in amount and form as approved by the City's Insurance Risk Manager) even if all the above-stated criteria are met if it is determined by the Permitting Authority that the activity proposed will create an appreciable degree of risk of loss or liability to the City.

D. The insurance required by TMC 11.15.160.A shall encompass all liability insurance requirements imposed for other permits required under other sections of this chapter and is to be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants.

E. The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the Permitting Authority at least 30 calendar days before the special event, unless the Permitting Authority for good cause modifies the filing requirements.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.170 Waiver of insurance requirements.**

A. Except for special events where the sale of alcoholic beverages is authorized or where traffic control permits are issued, the insurance requirements of TMC 11.15.160 may be waived. The City's Risk Manager may authorize waiver of insurance requirements based on its consideration of the following factors:

1. Whether the event is primarily for the purpose of constitutionally protected activity governed by TMC 11.15.220;
2. Whether it is objectively impossible to obtain insurance coverage;
3. Whether the special event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks, or pyrotechnics; or
4. Whether a fee or donation is charged or required as a condition of admission or participation in the special event.

B. To claim that it is objectively impossible to obtain insurance coverage pursuant to TMC 11.15.170.A.2, the applicant shall submit a statement from at least two independent licensed insurance brokers demonstrating the insurance is unavailable in the market place.

C. Even though insurance is waived, the City may require the event organizer of a special event to defend, indemnify, and hold harmless, in written form submitted to the office of Risk Management, the City from any claim or liability arising from the special event.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.180 Revocation of special event permit.**

A. Any special event permit issued pursuant to this chapter is subject to revocation, pursuant to TMC 11.15.180.

B. A special event permit may be revoked if the City determines:

1. That the special event cannot be conducted without violating the standards or conditions for special event permit issuance; or
2. The special event is being conducted in violation of any condition of the special event permit; or
3. The special event poses a threat to health or safety; or
4. The event organizer or any person associated with the special event has failed to obtain any other permit required pursuant to the provisions of this chapter; or
5. The special event permit was issued in error or contrary to law.

C. Except as provided in TMC 11.15.180.D, notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

D. If immediate revocation of a special event permit is required, the Permitting Authority, Tacoma Police Department, or Tacoma Fire Department has the authority to revoke the permit and shall notify the permit holder verbally of the revocation as soon as is reasonably possible.

E. An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permits, pursuant to TMC 11.15.120.



(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.190 Cost recovery for special events.**

A. Except as otherwise provided in this chapter or when funded or waived by the City Council resolution or ordinance, for any special event, the Permitting Authority shall charge for the actual cost of:

1. The City personnel involved in permit processing, special event traffic control, fire safety, or other facility or special event support; and
2. The use of City equipment and other nonpersonnel expense.

B. The Permitting Authority shall require payment of fees required, pursuant to TMC 11.15.190.A, or a reasonable estimate thereof, at the time the completed application is approved, unless the Permitting Authority for good cause extends time for payment.

C. If the event organizer fails to comply with TMC 11.15.140.N, the event organizer will be billed for actual City costs for cleanup and repair of the area or route occasioned by the special event. If the event organizer failed to comply with TMC 11.15.140.N under a previously issued special event permit, the Permitting Authority may require the event organizer to deposit adequate surety in the form of cash or bond.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.200 Effect of receipt of donations on status of tax-exempt nonprofit organizations.**

A tax-exempt nonprofit organization sponsoring a special event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes, or other consideration from for-profit organizations without causing the special event to be considered a commercial special event within the meaning of this chapter. Such acknowledgment may include use of the name, trademark, service mark, or logo of such a for-profit organization in the name or title of the special event or the prominent appearance of the same in advertising or on collateral material associated with the special event.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.210 Revenue sharing.**

A. An event organizer of a commercial special event shall pay the City a negotiated percentage of gross revenues, a flat fee, a combination of percentage of gross revenues and a flat fee, or any other revenue sharing agreement the Permitting Authority, in consultation with the City Manager deems to be the best interests of the City.

B. Cost recovery under TMC 11.15.210 shall not be required of commercial special events where payment for such services has been provided for within a written revenue-sharing agreement with the City.

C. An event organizer of a commercial special event shall not be required to enter into a revenue-sharing agreement with the City where the City has waived cost recovery pursuant to TMC 11.15.210.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.220 Constitutionally protected activity.**

When a special event permit is sought for an event where the participants will primarily engage in constitutionally protected activity as is defined in this chapter the following exceptions shall apply:

A. Where the special event will not require temporary street closures, cost recovery, pursuant to TMC 11.15.190, shall be limited solely to a fee based on the administrative cost of processing the permit application.

B. The insurance requirement of TMC 11.15.160 shall be waived only if the event organizer or an officer of the sponsor has filed with the application a verified statement that he or she intends the special event purpose to be a constitutionally protected activity and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on that constitutionally protected activity. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted by the event organizer to determine premium rates for coverage.

C. Where the special event will require temporary street closures and any one or more of the conditions of TMC 11.15.220.C, 1 through 7, are met requiring the City to provide services in the interests of public health, safety, and welfare, the Permitting Authority may condition the issuance of the special event permit upon payment of costs incurred by the City to a maximum of \$500. Any fee schedule adopted by the City will contain a provision for waiver of or a sliding scale for payment of fees for city services, including police costs, on the basis of indigency, so that an indigent applicant's constitutional rights are not impaired because of an inability to pay fees.

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1. The special event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route, and/or
2. The special event will cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility, and/or
3. The special event will block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on streets designated as arterials by the City's Public Works Department, and/or
4. The special event will require the diversion of police employees from their normal duties, and/or
5. The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets, and/or
6. The special event will substantially interfere with another special event for which a permit has already been granted or with the provision of City services in support of other scheduled special events, and/or
7. The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

D. With regard to the permitting of special events involving constitutionally protected activity where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

E. Sections 11.15.100, 11.15.110, 11.15.210, 11.15.230, and 11.15.260 of this chapter shall not apply to special events involving constitutionally protected activity.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.230 Audits and accounting procedures.**

- A. An event organizer of a commercial special event shall make payment and provide a final financial statement audited by a certified public accountant to the City Manager no later than 30 calendar days after the special event for the fees and revenues to be paid to the City.
- B. Upon the request of the City Manager, an event organizer of a Noncommercial Special Event shall provide a final financial statement audited by a certified public accountant no later than 30 calendar days after the request.
- C. At any time during normal business hours and as often as the City Manager or City Finance Director deems necessary, all data and records pertaining to the special event shall be made available to the City for examination at reasonable locations within the City of Tacoma.
- D. The City will be allowed to audit, examine, and make excerpts or transcripts from the records. The records shall be retained for a period of not less than three years following the special event unless the City agrees to an earlier disposition.

(Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.240 Delegation of City Manager's authority.**

The City Manager may delegate any or all of his or her functions under this chapter to his or her deputies or subordinates.

(Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.250 City Manager authorized to adopt rules and regulations.**

The City Manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event.

(Ord. 27155 § 1; passed Oct. 21, 2003)

### **11.15.260 Authorized special event vendors.**

- A. The issuance of a special event permit confers upon the permit holder or event organizer the right to control and regulate the sale of goods, food, and beverages within the special event venue in accordance with the terms and conditions of the special event permit.
- B. Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by the City Manager. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the Special Event Venue.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.270 Unlawful to conduct a special event without permit.**

A. It is unlawful to conduct a special event without a special event permit as required pursuant to this chapter.

(Ord. 28097 Ex. A; passed Nov. 13, 2012; Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.275 Hold City of Tacoma harmless.**

Prior to the issuance of a special event permit, or in the event a permit is denied, any persons associated with the special event (the applicant, permit holder, coordinator(s), sponsor(s), manager(s) and/or agent(s)) shall hold the City of Tacoma harmless for any and all expenses incurred for the purposes of promotion, coordination, fund raising, management or other expenses. Therefore, if any person conducts, promotes, or manages any special event without the issuance of a special event permit they do so at their own risk.

(Ord. 28097 Ex. A; passed Nov. 13, 2012)

**11.15.280 Other permits and licenses.**

The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Tacoma Municipal Code or any other applicable law.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.290 Unlawful to sell goods in special event venue without authorization.**

It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food, or beverages in a special event venue, except:

1. From any building; or
2. From any tent, booth, or temporary structure expressly authorized pursuant to a special event permit.

(Ord. 27155 § 1; passed Oct. 21, 2003)

**11.15.300 Cost recovery for unlawful special event.**

Whenever a commercial or noncommercial special event is conducted without a special event permit, when one is required, or a special event is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the City shall charge the event organizer for, all City costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the special event or the violation of the special event permit upon public safety.

(Ord. 27155 § 1; passed Oct. 21, 2003)