

**CITY OF BINGEN  
ORDINANCE NO. 2019-03-694**

**AN ORDINANCE AMENDING BMC 9.24, CITY PARK REGULATIONS**

**WHEREAS**, the City Council has considered the effectiveness of Chapter 9.24 of the Bingen Municipal Code

**WHEREAS**, the City Council has determined that it is in the best interest of the City to revise the provisions of Chapter 9.24:

**NOW, THEREFORE**, the City Council of the City of Bingen do ordain as follows:

**Section 1.** Chapter 9.24 of the Bingen Municipal Code (BMC) is incorporated here by reference and by such reference set forth at full length.

**Section 2.** Chapter 9.24 as currently written is repealed and hereafter shall read as follows:

**Chapter 9.24**

**CITY PARK REGULATIONS**

**Sections:**

- 9.24.010 Police power.
- 9.24.020 Removal or destruction of park property.
- 9.24.030 ~~Camping.~~ **Permit Policy**
- 9.24.040 Depositing litter.
- 9.24.050 Closing hours-Unlawful entry.
- 9.24.060 Prosecution for violation/aiding and abetting.
- 9.24.070 Penalty for violation.

**9.24.010 Police power.**

This chapter constitutes the park code of the city and is an exercise of the police power of the city and to be necessary for the public peace, health, safety and welfare.

**9.24.020 Removal or destruction of park property.**

It is unlawful to willfully remove, destroy, mutilate or deface any structure, monument, statue, fountain, wall, plumbing fixtures, electrical fixtures, fence railing, vehicle, bench, shrub, tree, lawn or grass, plant, flower, lighting system or sprinkling system or other property lawfully in any park or ball field.

**9.24.030 ~~Camping.~~ Park Use Permit Policy**

~~It is unlawful to camp in any park, except as authorized by the city council for civic events.~~

**A Park Use Permit is required for any public or private event involving more than routine use of a park where facilities are to be reserved. Permit holders must adhere to all of the provisions of BMC Chapter 9.24 as well as all applicable local, state, and federal laws.**

**A. Definitions**

**Attendees - Number of patrons, spectators, and participants expected per day of the event.**

**Vehicles - Street-legal cars and trucks, also to include trailers, food trucks, vendor carts, golf carts, ATVs, or other wheeled vehicles which may or may not be street-legal.**

**B. Application**

**An application for use of a City Park shall be obtained from City Hall. Complete applications shall be submitted to the City Clerk in accordance with the following schedule:**

0-100 Attendees	Application must be submitted 2 days in advance
101+ Attendees	Application must be submitted 7 days in advance

**C. Complete Application**

1. The City Clerk or their designee shall consider an application complete if it is filled out accurately and legibly, with information regarding the proposed use, bearing the applicant's signature, and submitted in accordance with the timeline in BMC 9.24.030(B).
2. Events with over 200 attendees shall also be required to submit the following documents:
  - a) Event Map clearly showing placement of the following (if applicable): Vendors, dumpsters, portable restrooms, portable handwashing stations, animal attractions, fences, and parking (may be required for events with less than 200 attendees in accordance with BMC 9.24.030 parts E, H, J, or N, or for those events with vendors)
  - b) Narrative describing Garbage Plan, Sanitation Plan, Parking Plan, and Security Plan.
  - c) Proof of Insurance Coverage
  - d) Other Documentation may be required at the discretion of the City Clerk including but not limited to any health department permits, certification of weed-free feed, list of vendors, and description of proposed connections to electrical outlets and or water spigots.

**D. Deposits and Fees**

Deposits and fees shall be paid to the City Clerk's office at the time of application, in accordance with the following schedules:

**1. Reservation Deposit**

0-100	Attendees	\$100	Refundable
101+	Attendees	\$500	Refundable

2. **Utility Fee (required for access to the following services)**

Electricity Use	\$50 Non-Refundable
Water Use	\$50 Non-Refundable

3. **Other Fee (required for the following activities)**

Animal Attractions	\$100 Non-Refundable
Driving on Grass	\$50 Non-Refundable

4. **Refundable permit deposits shall be returned to the applicant within 7 days of the end of the event, less any fines charged under BMC 9.24.030(U).**

E. **Garbage**

1. **Permit holders are responsible for the coordination, delivery, and removal of trash and/or dumpsters during and after the permitted event.**

2. **Dumpsters must be provided as follows:**

1 Dumpster per every 10 vendors
1 Dumpster per every 200 attendees for events with no vendors

3. **Placement of dumpsters to be shown on the event map and approved by the Superintendent of Public Works.**

4. **Removal of any materials, including but not limited to sawdust, that are deposited in the park shall be the responsibility of the permit holder and shall be removed by noon the day following the event.**

5. **Trash left in City Garbage receptacles from the permit holder, its agents, employees, invitees, attendees, or vendors will subject the permit holder to a \$150 Fine.**

6. **Trash left strewn on the ground from the permit holder, its agents, employees, invitees, attendees, or vendors will subject the permit holder to a \$250 Fine.**

F. **Electricity Use**

1. **The applicant shall pay the \$50 non-refundable Fee described in BMC 9.24.030(D)(2) for access to a ----- electrical circuit at a City Park.**

2. **It is prohibited to connect multiple power strips consecutively to the electrical outlets.**
3. **Use of electricity shall be monitored by the permit holder for the duration of the event, and any keys issued to access the electrical outlets shall be promptly returned following the event.**
4. **Failure to adhere to these requirements will subject the permit holder to a \$150 Fine.**

#### **G. Water Use**

1. **The applicant shall pay the \$50 non-refundable Fee described in part B of this section for access to water spigots at a City Park.**
2. **It is prohibited to waste water and/or collect water for the purpose of resale.**
3. **Use of water shall be monitored by the permit holder for the duration of the event.**
4. **Failure to adhere to these requirements will subject the permit holder to a \$150 Fine.**

#### **H. Animals**

1. **The applicant shall pay the \$100 non-refundable Fee described in 9.24.030(D)(3) for any event featuring animal attractions (including but not limited to pony rides, petting zoos, etc.).**
2. **Any animal waste must be cleaned up during and after the event.**
3. **Any feed for animals must be certified weed-free (verification to be submitted to the Superintendent of the Public Works Department) and must be completely cleaned up and removed from the City Park at the end of the event.**
4. **All animals must remain under the control of their handler at all times**
5. **Placement of Animal attractions must be shown on the event map.**

6. Failure to adhere to these requirements will subject the permit holder to a \$150 Fine.

**I. Driving on Grass**

1. The applicant shall pay the \$50 non-refundable Fee described in BMC 9.24.030(D)(3) for any event where vehicles will be driven on the grass at a City Park.
2. It is required for the permit holder to coordinate with the Superintendent of the Public Works Department prior to any vehicles being driven on the grass so as to avoid damage to irrigation lines and minimize damage to landscaping.
3. Failure to adhere to these requirements will subject the permit holder to a \$150 Fine.

**J. Sanitation**

1. Portable restrooms and/or portable handwashing stations are required as follows:

1 portable restroom per every 100 attendees above 200 attendees 1 portable handwashing station per every 100 attendees above 200 attendees
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2. Permit holders are responsible for arranging the coordination, delivery, cleaning, removal of portable restrooms and/or portable handwashing stations.
3. Placement of portable restrooms and/or portable handwashing stations to be shown on the event map and approved by the Superintendent of Public Works.
4. Failure to adhere to these requirements will subject the permit holder to a \$150 Fine.

**K. Damages**

If City property, or any portion of any improvement on the Property, is damaged as a result of the act or omission of the permit holder, its agents, employees, invitees, attendees, or

**vendors, the permit holder shall pay to the City, upon demand, the amount requested by the City necessary to restore the Property to its prior condition.**

1. **Damage to trees including that from staples, nails, screws, or any other fasteners may be considered damage to property.**

**L. Alterations**

**The permit holder shall not make any alteration or improvement, or allow any to be made, without the prior written consent of the City, which consent may be withheld in the City's sole discretion.**

**M. Locates**

1. **Applicants must indicate on their application whether they are requesting to place stakes, tent poles, temporary sign posts, fencing, or plan to in any way disturb the ground or place anything into the soil.**
2. **Permit holders are responsible for requesting locate services in accordance with RCW Chapter 19.122.**

**N. Alcohol in Parks**

1. **If the event includes a beer garden or other sale of beer, wine, or other alcoholic beverages, the applicant or permit holder shall:**
  - i. **Obtain a separate liquor liability insurance policy.**
  - ii. **Obtain the appropriate license as required by the Washington State Liquor Cannabis Board.**
  - iii. **Develop a security plan, subject to approval by the Chief of Police.**
  - iv. **Show the location of alcohol sales on the event map**
2. **Failure to adhere to these requirements will result in the denial of the permit application and/or immediate revocation of any issued Park Use Permit.**

**O. Amusement Rides**

**Amusement rides (including inflatable structures, mechanical bulls, etc.) must be inspected and permitted by the Washington Department of Labor and Industries. Proof of such inspection and permit shall be provided to the City.**

**P. Safety and Security**

1. **Barrel cones obtained from the City must be placed over ground faucets to prevent breaking and tripping hazards.**
2. **Permit holder shall comply with all public safety requirements regarding access to and from the Property and pedestrian and vehicular traffic in and around the Property.**
3. **Permit holder shall not block or allow to be blocked any streets abutting the Property without written permission from the City.**

**Q. Insurance**

1. **Permit holder shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's liability limits naming the City as an additional insured. The liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the use for which the permit is granted and shall be primary coverage. Such insurance shall further provide that the policy shall not terminate or be cancelled prior to the completion of the event without 30 days written notice. Maintenance of this insurance shall be a continuing condition of the permit.**
2. **In lieu of meeting the insurance requirements of this section for events with less than 200 attendees, the permit holder may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from use.**



**R. Liability**

1. **The City shall not be liable for any damage to persons of property resulting from any act or negligence of any person other than itself, its agents, and employees.**
2. **Permit holders shall hold harmless and indemnify the City against all claims, losses, damage, liability, and expense, including attorney fees, for injury or damage of every nature arising or resulting from the permit holder's use of the Property, or for any occurrence on or about the Property, including without limitation and act, omission, or negligence of the Permit holder, or any agent, employee, or invitee of the applicant in, on, or about the Property, excepting only those claims based on the acts or negligence of the City.**

**S. Review**

1. **Applications for events with up to 200 attendees are subject to the review of the City Clerk and Superintendent of Public Works**
2. **Applications for events with more than 200 attendees are subject to the review of the City Clerk, Superintendent of Public Works, Chief of Police, Fire Chief, and Mayor.**

**T. Conditions**

1. **The City reserves the right to deny the applicant permission to hold any event or part of an event deemed unsafe or unnecessarily damaging to City property, or that poses a risk to the public or participants.**
2. **The City reserves the right to request changes to any application, map, or plan submitted by the applicant, if City staff deems that changes would be necessary to provide for public or participant safety, or the protection of City Property.**

#### U. Charges

1. Charges assessed under BMC 9.24.030 sections E, F, G, H, I, J, or K, shall be first applied to the Reservation Deposit pursuant to BMC 9.24.030(D)(4) of this section. If charges exceed the Reservation Deposit, those remaining charges shall be invoiced to the permit holder to be paid immediately.
2. Failure to adhere to the requirements of this section may result in denial of future Park Use Permit applications at the City's sole discretion.

#### 9.24.040      **Depositing litter.**

It is unlawful to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park or to deposit any such material therein except in designated receptacles.

#### 9.24.050      **Closing hours-Unlawful entry.**

It is unlawful to be in any city park between the hours of ten p.m. and five a.m. of any day, unless such use has been otherwise permitted by the city under BMC 9.24.030. ~~for special occasion event or for a specific recreational use.~~ The mayor or the mayor's designee may establish special park closure hours, for specific parks or areas within parks, if it is determined that such special park closure hours are necessary or appropriate to protect public property, protect public safety, prevent public nuisances or prevent breaches of the peace. Park closure hours and/or special park closure hours shall be indicated by appropriate signs.

#### 9.24.060      **Prosecution for violation/aiding and abetting.**

Any person violating this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, is and shall be a principal under the terms of this chapter and shall be prosecuted as such.

**9.24.070 Penalty for violation.**

Violation of or failure to comply with the provisions of this chapter shall subject the offender to a fine in any sum not exceeding one thousand dollars or to imprisonment in jail for a term not exceeding on hundred eighty days or to both such fine and imprisonment.

**Section 3.** This Ordinance shall take effect and be in force five (5) days after its publication according to law.

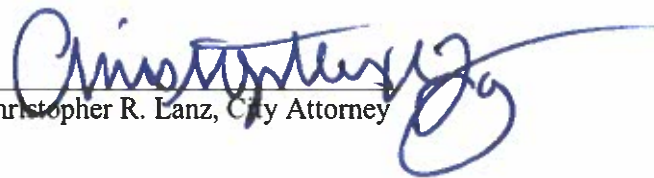
**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN**, at a regular meeting thereof and approved by the Mayor 18<sup>th</sup> day of June, 2019.

ATTEST:

  
Mayor Betty J. Barnes

  
Cheyenne Willey, City Clerk

Approved as to form only:

  
Christopher R. Lanz, City Attorney