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RMC 5.28, Carnivals,
Circuses and Amusement
Activities

ORDINANCE NO. 1664

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,
AMENDING REDMOND MUNICIPAL CODE (RMC) BY
REPEALING THE EXISTING RMC CHAPTERS 5.28 AND
5.32; ADOPTING A NEW RMC CHAPTER 5.28 TO BE
ENTITLED CARNIVALS, CIRCUSES AND AMUSEMENT
ACTIVITIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Redmond has determined that existing Redmond Municipal Code (RMC) provisions set out in Chapters 5.28 and 5.32 pertaining to circuses, carnivals and the like are outdated and in need of revision; and

WHEREAS, such updating and revision would be in the best interest of the public welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. The existing Chapter 5.28 Shows, Carnivals and Circuses and Chapter 5.32 Transitory Amusement Franchise Fee are hereby repealed.

Section 2. A new chapter codified as RMC 5.28 and to be entitled "Carnivals, Circuses and Amusement Activities" is hereby adopted and shall read as follows:

Chapter 5.28
CARNIVALS, CIRCUSES AND AMUSEMENT ACTIVITIES

- .010 Definitions
- .020 Carnival, circus and amusement license required
- .030 Business license required
- .040 Additional food permit required
- .050 License fees
- .060 Clean-up deposit
- .070 License application

- .080 License review
- .090 Conditions upon issuance of license -
review of operations
- .100 Appeal of license denial
- .110 Conditions of operation
- .120 Inspection
- .130 Insurance
- .140 Indemnification
- .150 Revocation or suspension
- .160 Penalty for violation

5.28.010 Definitions.

- A. "Amusement" means recreation or entertainment to which the general public is invited for an admission charge.
- B. "Applicant" means any person or organization seeking a license from the City to conduct or sponsor an event governed by this chapter. The applicant, including the person seeking a permit on behalf of an organization, must be eighteen years of age or older.
- C. "Carnival" means any mobile enterprise or the temporary use of a device or devices for the purpose of providing entertainment, amusement, sport or merriment for patrons and includes, but is not limited to, roller coasters, merry-go-rounds, swings, ferris wheels, games of shooting, pitching and throwing, and phenomenal exhibitions.
- D. "Circus" means any institution featuring exhibits for the purpose of entertainment and includes, but is not limited to, exhibitions of animals and performances by clowns, acrobats and/or animals.
- E. "Exhibition" means any display by an exhibitor(s) for public view and includes, but is not limited to, stationary exhibits; performances or presentations; and displays of crafts, trinkets, photographs, paintings or other art pieces.
- F. "Fraternity" means an association or society of persons formed for mutual aid and benefit, but not for profit.
- G. "Religious organization" means an organization engaged in the practice of a

particular faith or central beliefs.

- H. "Transient" means temporary, short-lived, non-permanent or non-lasting.

5.28.020 Carnival, circus and amusement license required. It is unlawful for any person, organization, association, firm, partnership or corporation to conduct or engage in carnivals, circuses, amusements or exhibitions in the City without first obtaining a carnival, circus and amusement license from the City to engage in such activity.

Provided that, the grant of any such license in no way relieves any applicant from the duty to comply with all applicable City or state laws.

5.28.030 Business license required. In addition to any licenses and fees required under Chapter 5.28 of the Redmond Municipal Code, every applicant shall also obtain a business license pursuant to Section 5.04.070 of this Code.

5.28.040 Additional food permit required. Every applicant for a carnival, circus and amusement license who makes food or beverages available to patrons must also obtain a permit from the Seattle-King County Health Department.

5.28.050 License fees.

- A. Every applicant must submit an advance payment of license fees with the carnival, circus and amusement license application. Both such payment and the application must be filed at least thirty (30) days prior to commencement of the activity. The fee for each day the business shall operate shall be set by Council resolution. Provided that, nontransient, community based applicants such as schools, churches, religious organizations or local fraternities shall be exempt from this fee upon submitting proof that the applicant operates as a non-profit entity in the State of Washington. This exemption shall not apply to applicants which, although locally charitably sponsored, regularly engage in for profit intrastate or interstate commerce and are therefore transient in nature.

- B. Additional fees may be imposed for the actual costs of providing support services. In addition, the City may charge an administrative fee computed by charging up to ten (10) percent of the actual costs of providing support services. The services shall include, but not be limited to, services provided by the departments of Public Works, Fire and Police. These additional fees shall also apply to non-profit applicants.
- C. Pursuant to RMC 3.28.040, a tax shall be levied and collected by the City for each charge of admission to the activity for which a permit is being sought.

5.28.060 Clean-up deposit. Under section 5.28.020 every applicant must also enclose with the carnival, circus and amusement license application a cash clean-up deposit in an amount to be set by Council resolution. Such deposit shall be refunded by the City upon expiration, suspension or revocation of the license if the area used by the applicant has been cleaned and restored to the same condition as existed prior to such use. If the area used is not cleaned and restored to original condition, the applicant shall be billed for the actual cost to the City for clean-up and restoration. The clean-up deposit shall be applied to the payment of the bill.

5.28.070 License application. The application shall be upon a form furnished by the City Clerk and shall contain:

- A. The names, addresses and telephone numbers of the business, individual applicant and contact person;
- B. The individual applicant's date of birth;
- C. A statement indicating whether the applicant is an individual, association, organization, firm, corporation or partnership and a list of all officers and partners, respectively;
- D. A complete description of the proposed event or activity for which the license is being sought;

- E. The location(s) of the proposed event or activity; a basic site map;
- F. The number of individual mechanical devices and amusement rides, a brief description of each, and a list of concession stands, game booths or exhibitions that will be in operation;
- G. Proof of liability insurance as required under Section 5.28.130;
- H. The date that the application was made and the date(s) of the proposed activity or event;
- I. A description and the location of public rest rooms to be provided by the applicant for the proposed event or activity as required under Section 5.28.110(F), and
- J. A statement indicating whether the proposed activity will require the use of any City street or right-of-way and, if so, the location and dimensions of the proposed use and the remaining unobstructed street or right-of-way along with a street use permit, if applicable, as defined in Redmond Municipal Code section 12.08.010. Corresponding fees to this permit are not waived for any applicant;
- K. Such other data as the City Clerk may reasonably require in the interest of public health, safety or welfare.

5.28.080 License review. No license to operate an activity or event under this chapter shall be issued without the prior written approval of the City Departments of Public Works, Planning, Police, Parks, Fire and Finance. A license may be denied if, after review by the aforementioned Departments and the City Clerk, it is determined that the event or activity would:

- A. Significantly increase traffic volumes which may adversely affect vehicular and pedestrian safety;
- B. Create potential crowd control problems dangerous to the well-being of the public;

- C. Expose the public to harmful psychological and physiological effects and adverse impacts due to excessive noise;
- D. Be otherwise detrimental to the health, safety and welfare of the public; or
- E. When such proposed activity or event does not comply with any provision of this chapter, or with other laws and regulations of the City, or of the state of Washington.

Upon denial of a carnival, circus and amusement license application, all fees and deposits submitted with the application shall be refunded to the applicant, less a non-refundable fee for processing the application, to be set by Council resolution.

5.28.090 Conditions upon issuance of license - review of operations. The City Clerk may review the operations of any activity operating under a carnival, circus and amusement license at any time after commencement of operation to determine whether additional or revised conditions are needed in order to prevent incompatibility with surrounding land uses and to protect the public health, safety and general welfare.

5.28.100 Appeal of license denial. All decisions with respect to the issuance, denial, revocation or suspension of any license issued under this chapter shall be final unless the applicant makes a written appeal to the City Hearing Examiner within ten (10) days pursuant to Section 5.04.084.

5.28.110 Conditions of operation.

- A. Time of Operation. Any activity for which a license is issued under this chapter shall only operate in accordance with the times set forth below:

During months when schools are regularly in session-

9:00 a.m. - 11:00 p.m.
Sunday through Thursday

9:00 a.m. - 12:00 midnight
Friday, Saturday and holidays

During summer months when schools are not regularly in session-

9:00 a.m. - 12:00 midnight

- B. Distance From Schools and Churches. Any activity for which a license has been granted under this chapter shall not be conducted within one thousand (1,000) feet of any school or church, unless the school or church provides a written statement waiving such requirement.
- C. Conduct. Every applicant shall:
 - (1) Comply with all applicable City or state laws; and
 - (2) Refrain from engaging in any unlawful gambling.
- D. Alcohol. The sale, consumption or possession of any alcoholic beverages in conjunction with any activity permitted under this chapter is prohibited.
- E. Noise and Amplifying Equipment. Every applicant must comply with all noise and amplifying regulations as set forth in Redmond Municipal Code Chapter 9.42 and in Redmond Community Development Guide (RCDG) 20C.20.120, unless specifically exempted under RCDG 20C.20.120.
- F. Provision of Public Rest Rooms. Every applicant must provide sufficient public rest rooms, such sufficiency to be determined by Appendix C of the Uniform Plumbing Code or as deemed by the authorizing building official during review of the applicant's application.
- G. Posting of Game Rules. The rules of any game, the cost of participating in such game, and the prizes to be awarded shall be clearly indicated and prominently displayed at the game site. The admission price to any game, ride or other amusement device shall also be clearly indicated and prominently displayed at the site of such game, ride or device.

5.28.120 Inspection.

- A. The Fire Chief or designee shall determine whether the applicant has made sufficient provisions for:
1. Adequate aisles, seats, platforms and poles; platforms and poles shall be jointly inspected by the Fire Department and the Building Department;
 2. Sufficient exits, well-marked and properly lighted;
 3. Properly lighted and unobstructed passageways to areas leading away from structure(s);
 4. Removal of all poles, ropes or other obstructions within the aisles or exits of a place of assembly;
 5. Sufficient "No Smoking" signs shall be visible at all times in those areas so designated;
 6. Proper safeguarding of any use of open flames or prohibition of such use;
 7. Safeguarding structures or other amusement devices from fire due to unsafe use of straw, dry grass, sawdust or other combustible materials;
 8. Proper facilities or devices to contact the City Fire Department or other emergency response unit;
 9. Such fire equipment as the Fire Chief deems necessary for proper fire protection;
 10. Flameproof tents, cloth, canvas, rigging, ropes or other combustible materials;
 11. The attendance of sufficient police officers and firefighters as the Chiefs of Police and Fire deem necessary for crowd control and such

other control required to protect the public health; safety and welfare;

12. Location and number of fire extinguishers to be determined by the Fire Chief;
 13. Access for a Fire Department aid car to within fifty (50) feet of twenty-five (25) percent of the perimeter of any building;
 14. Access for a Fire Department pumper to within one hundred fifty (150) feet of all portions of the exterior of a building; and
 15. A fire flow of no less than one thousand five hundred (1,500) gallons per minute. Fire flow requirements may exceed this minimum.
- B. The City Building Official or other appropriate City representative may, before the opening of an activity to the public licensed under this chapter, and periodically during its operation thereafter, inspect structures or mechanical devices to determine compliance with applicable codes and permit restrictions so as to ensure public safety.

5.28.130 Insurance.

- A. Liability Coverage Required. Every applicant must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from any activity. A certificate of insurance must be filed with the City Clerk thirty (30) days prior to the commencement of such activity, and must name the City, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the activity and for thirty (30) days after the cessation of such activity
- B. Minimum Limits Defined. Coverage must be under a comprehensive general liability insurance policy. Minimum limits required

are one million dollars (\$1,000,000.00) per each occurrence (bodily injury and property damage) combined single limit. If food is sold or served at the activity, the policy must also include an endorsement for potential product liability claims. The City may require additional endorsements depending upon the proposed activity.

C. Waiver or Reduction of Required Limits. The City may waive or reduce the insurance requirements set out in this section under the following conditions:

1. The applicant signs a verified statement indicating the names and addresses of two insurance agents or other sources of insurance coverage contacted and stating that insurance coverage in the limits required is impossible to obtain; or
2. The risk manager determines that the insurance limits are in excess of the reasonable risk presented by the proposed activity.

5.28.140 Indemnification. Prior to the issuance of a license to conduct any activity authorized under this chapter, the applicant must sign an agreement to defend the City, and indemnify and hold harmless the City, its officers, employees and agents, against any claim which arises in whole or in part out of the activity for which the license was issued. Provided that, the applicant shall not be obligated to defend the City, nor indemnify, nor hold harmless the City, its officers, employees and agents, against a claim arising solely out of the negligent acts or omissions of the City, its officers, employees or agents. The undersigned waives immunity under RCW Title 51, the Industrial Insurance Act, and similar statutes, for purposes of this agreement only and acknowledges that this waiver has been specifically negotiated.

5.28.150 Revocation or suspension. All licenses issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the City Clerk as follows:

- A. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property; or
- B. The activity conducted is in violation of any of the terms or conditions of such license.

5.28.160 Penalty for violation. Any person, association, firm, partnership or corporation that violates any of the provisions in this chapter shall be guilty of a misdemeanor and shall, upon conviction be punished by a fine not exceeding one thousand dollars (\$1,000.00) and by imprisonment not exceeding ninety (90) days. Each day or portion of a day during which a violation is committed constitutes a separate offense.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

APPROVED:



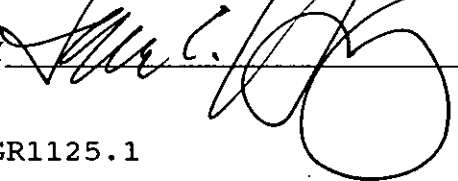
MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:



CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JGR1125.1

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FILED WITH THE CITY CLERK: January 21, 1992
PASSED BY THE CITY COUNCIL: February 4, 1992
PUBLISHED: February 9, 1992
EFFECTIVE DATE: February 14, 1992
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