

## Chapter 18.68 TEMPORARY ACTIVITIES

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### **18.68.010 Temporary activity ~~definition~~ application and decision.**

~~Temporary activities are those structures, facilities, or uses that occur on a seasonal or sporadic basis and involve the processing and/or sale of commodities, and the provision of temporary structures to facilitate construction and operation of new development. The intent of this section is to facilitate the seasonal sale of goods, such as produce, firewood, fireworks, and Christmas trees; and to facilitate project-specific construction-related activities. (Ord. 2003-008; Ord. 97-019 § 4, Exh. B)~~

~~All temporary activities require a Temporary Activity permit granted under the provisions of SMC 20.01.080 for a Type A-1 application and decision.~~

### **18.68.011 ~~Special event definition.~~**

~~A special event includes but is not limited to a parade, festival, exposition, show, sale, party or other similar activity conducted wholly on public property or partly on public property. (Ord. 2003-008)~~

### **18.68.020 Temporary activity ~~permit~~ application fees.**

~~All persons who wish to initiate a temporary activity or structure within all zoning districts of the city must first apply to the planning department for a permit granting approval, using an application form supplied by the planning department. Temporary activities and structures shall be reviewed and approved or denied administratively by the planning director. Permit fees shall be as established by resolution (Ord. 2005-029 § 2; Ord. 2003-008; Ord. 97-019 § 4, Exh. B) Temporary Activity Permit fees shall be as established by resolution (Ord. 2005-029 § 2; Ord. 2003-008; Ord. 97-019 § 4, Exh. B)~~

### **18.68.021 ~~Special event application— Appeals.~~**

~~A. All persons who wish to initiate a special event within all zoning districts of the city must first apply to City Hall for a permit granting approval, using an application form supplied by the special event coordinator. Special events shall be reviewed and approved or denied administratively by the city manager.~~

~~B. Applications will be deemed incomplete and will be denied if details about the event are insufficient for staff to properly analyze and determine the impacts on city services, or if not submitted enough in advance of the date of the event to allow for city staff to evaluate the impacts and coordinate any city services required to insure a successful event. (Typically, this could range from 30 days to six months.)~~

~~C. Applications must include evidence of compliance with any required permits from outside agencies (e.g., health department, liquor license, etc.), proof of required insurance, hold harmless agreements and any other documents identified in the application procedure.~~

~~D. All fees required for the event must be paid prior to issuance of a permit. Permit fees shall be as established by resolutions. (Ord. 2005-029 § 2; Ord. 2003-008)~~

#### **18.68.022 Approval / denial of special event permit.**

~~A. The completed application will be reviewed by a panel consisting of the city manager, city clerk, planning director, public works director, police chief and any outside agency whose services may be needed or impacted by the event. Once the review is completed, the applicant will be notified whether the application has been approved or denied.~~

~~B. If approved, the special events coordinator will collect the appropriate fee and issue the permit for the special event in the form of a letter of understanding between the city and the event sponsor(s).~~

~~C. If denied, the special events coordinator will notify the applicant and give the reason for the denial. If time permits, the applicant may correct the reasons for denial and resubmit the application for approval.~~

~~D. Any event subject to the provisions of this chapter that is staged without complying with all conditions of this article shall be subject to closure by the city police department.~~

~~E. Appeal. An applicant denied a permit may appeal the denial, in writing, within 14 days of the date of the written denial by filing a written notice of appeal with the city clerk. The appeal shall be heard at a regular city council meeting which is more than seven days later than the date upon which the appeal is filed. The appeal shall be decided after a properly noticed public hearing. The applicant/appellant shall first deposit with the city clerk an amount sufficient to pay for the cost of publishing a public notice of the hearing on the appeal. The city council decision on the appeal is final. (Ord. 2003-008)~~

#### **18.68.030 Effectiveness of temporary activity or structure permit. Classification of Temporary Activity**

~~Following administrative approval, the temporary activity or structure or special event shall be permitted for a period of 90 days. No later than 10 working days prior to the termination of the initial 90-day period, the applicant may file a written notice with the planning department, requesting that the temporary activity or structure be allowed to continue for an additional 90 days. Under no circumstances shall a temporary activity or structure or special event be permitted to continue for more than 180 days, excepting project specific construction-related temporary uses which may be permitted for longer periods. (Ord. 2003-008; Ord. 97-019 § 4, Exh. B)~~

A. Temporary activities are classified into five Groups for the purposes of permit administration and assessment of fees. The classification is determined by the relative operational impact on the community and demand on city resources associated with the temporary activity. The five Groups and types of temporary activities within each are as presented in Figure 18.68.030 Classification of Activities.

**Fig. 18.68.030 Classification of Activities**

<u>Group Classification</u>	<u>Activities<sup>2</sup></u>
<u>Group A1</u>	<u>political march / gathering; charity event / fundraiser; "drive" (food, blood, book, etc.); temporary stall (fireworks stand, Christmas tree lot; fall harvest stand); indoor show (dog, quit, doll, hobby, home, sportsman)</u>
<u>Group A2<sup>1</sup></u>	<u>store sales events / grand openings / tent sales; car show; customer appreciation day(s); family / kids fairs (non-profit)</u>
<u>Group B</u>	<u>commercial auctions; community-wide runs / walks; carnival</u>
<u>Group C</u>	<u>community displays (fireworks); markets / bazaars; major sport events / tournaments</u>
<u>Group D</u>	<u>music festival / concert; parade; street dance; off-site assembly; festival<sup>3</sup></u>

**Notes on Fig. 18.68.030**

<sup>1</sup> A Group A2 activity may be reclassified by the Director as a Group B activity as determined by the Classification Worksheet specified in SMC 18.68.XXX.

<sup>2</sup> Activities that are exempt from this Chapter include: Funeral procession, government meeting in normal places of assembly, conference / convention held in facilities designed for that purpose, and any other activity of a short-term nature that is conducted customarily as an incidental aspect of a primary use.

<sup>3</sup> A festival is an application that combines two or more temporary activities and generates the highest level of community impact and draw on City resources due to the great number of tourists attracted to the event.

**B. Classification Worksheet**

1. A completed Classification Worksheet provided by the Department is required to accompany a Group A2 activity application and may be submitted with any application to request reclassification of an activity.
2. The Classification Worksheet assesses the proposed temporary activity's relative operational impact on the community and its demand on the City's services. The assessment criteria include: 1) number of participants / attendees, 2) effect on traffic and available parking, 3) generation of high noise or sound levels including loud music, 4) duration of the activity, 5) display of signs and other community-wide promotions, 6) need to confirm or monitor for public health or safety, 7) generation of light and glare not customary in the zone, and 8) need to monitor the availability and consumption of alcohol.
3. The Worksheet is completed by the applicant and submitted to the Director for a determination.

**C. The Group classification for activities not listed in Figure 18.68.030 Classification Table shall be as determined by the Director as provided in SMC 18.68.030 B.**

**D. The Director may initiate a Classification Worksheet for any application to confirm or reclassify any temporary activity.**

**18.68.032 Effectiveness of special event permit.**

~~Following administrative approval, a special event shall be approved for only the specified days and at the specified locations assigned to the event. (Ord. 2003-008)~~

**18.68.040 General Permit conditions location and general standards.**

Temporary activities ~~and structures~~ may be located within all zones when consistent with the ~~standards~~conditions set forth herein below and attached to a permit.

A. ~~Structure.~~ All temporary structures approved with a temporary activity permit shall be removed within ~~five~~24 hours ~~days~~ of the ~~termination~~conclusion of ~~the~~authorized operation activity, leaving the site in the same condition as it was prior to the placement of the temporary use.

B. Setbacks. Temporary activities and structures shall be set back consistent with the zoning district in which the activity or structure is located ~~so as not to create a traffic hazard unless another setback is specified as a condition of the permit.~~

~~EC.~~ Noise. Noise levels generated shall not be in excess of levels allowable in the zone that the temporary use activity is located, consistent with Chapter 173-60 WAC, as may be amended, which is incorporated by reference herein.

~~FD.~~ Hours of Operation. Temporary activities or structures used for the processing and/or sale of commodities shall maintain business hours that are not disruptive to the normal use of adjacent residential properties. Typically, this would occur during daylight hours, and on weekdays.

~~GE.~~ Fumes, Odors, and Dust. Temporary activities that create noxious fumes, offensive odors, or excessive amounts of airborne dust shall not be permitted or shall be required to meet applicable state standards regarding the control of such nuisances.

~~H.~~ Traffic. Traffic resulting from temporary activities shall not adversely affect surrounding properties or adjoining rights-of-way.

~~I.~~ Hazardous Activities. [retain by relocate entire section to Title 8]

~~1. The use of any pyrotechnic devices as defined in RCW 70.74.010 shall be prohibited on or in all city-owned property unless specifically approved in writing by the city fire marshal with seven days' notice to the city council and written approval by the city council.~~

~~2. No black powder or smokeless powder shall be sold in or during a special event on or in city property. No loose ammunition may be displayed or sold. Boxed ammunition may be sold if permitted by the applicant.~~

~~3. Gun shows at which gun sales are to occur shall have all firearms, including antique firearms, made inoperable through the use of locks, "zip ties" or other devices to prevent the firearm from being loaded or discharged at the gun show. Sales by licensed firearms dealers may be permitted if permitted by the applicant. Sales by persons who have not been issued a valid federal firearms license may not be permitted on city property.~~

~~4. Fireworks sales activities shall, in addition, comply with Chapter 8.20 SMC and Chapter 70.77 RCW as now enacted or as hereafter amended.~~

~~JF.~~ Other Permit Requirements. The city may require proper insurance, indemnification and hold harmless agreements, proof of possession of any federal, state, county or local required permits or licenses, damage deposits, deposits for payment for cleanup, traffic control, security and other similar requirements, including any applicable provisions for business licenses and collection and reporting of sales tax; which shall be identified in the permit. (Ord. 2012-005 § 1 (Exh. A); Ord. 2003-008; Ord. 97-019 § 4, Exh. B)