

CITY OF MAPLE VALLEY, WASHINGTON
ORDINANCE NO. O-15-572

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, ADOPTING A NEW CHAPTER 12.40 ENTITLED “SPECIAL EVENT PERMITS”; REPEALING LANGUAGE IN CHAPTER 5.05 REFERENCING “LIMITED SPECIAL USES”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined there is a need for a uniform system for the granting of special event permits in the City of Maple Valley; and

WHEREAS, the current system for the granting of special licenses found in Section 5.05.100 does not create a sufficient structure by which to grant special event permits in a uniform manner; and

WHEREAS, after review and discussion, the City Council has determined it appropriate to amend Title 12 of the Maple Valley Municipal Code (“MVMC”), Streets, Sidewalks, and Public Places, to adopt a new chapter relating to special event permits;

WHEREAS, in order to ensure consistency with the language in new Chapter 12.40 of the Maple Valley Municipal Code, references to “Limited Special Uses” in Chapter 5.05 of the Maple Valley Municipal Code shall be repealed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 12.40 entitled “Special Event Permits,” is hereby added to the Maple Valley Municipal Code to read as follows:

CHAPTER 12.40
SPECIAL EVENT PERMITS

- 12.40.010 Special Event Permit – Purpose.**
- 12.40.020 Definitions.**
- 12.40.030 Exemptions to special event permit requirement.**
- 12.40.040 Issuance of a special event permit does not obligate city services.**
- 12.40.050 Application – Form.**
- 12.40.060 Application - Review.**
- 12.40.070 Criteria for issuance.**
- 12.40.080 Signage.**
- 12.40.090 Issuance of special event permit.**
- 12.40.100 Appeals.**
- 12.40.110 Display of special event permit required.**
- 12.40.120 Revocation or suspension of special event permit.**
- 12.40.130 Cost recovery for special events.**

- 12.40.140** **Cost recovery for expressive activity special event.**
- 12.40.150** **Authorized special event vendors.**
- 12.40.160** **Unlawful to conduct or promote attendance at special event without permit.**
- 12.40.170** **Other permits and licenses.**
- 12.40.180** **Unlawful to sell goods in special event venue without authorization.**
- 12.40.190** **Cost recovery for unlawful special event.**
- 12.40.200** **Violation – Penalties.**

12.40.010 Special Event Permit – Purpose.

It is the purpose of the city to establish a process for permitting special events that impact city right-of-way, public property and other facilities or services. It is recognized that these special events enhance the Maple Valley lifestyle and provide benefits to the citizens through the creation of venues for expression and entertainment that are not normally provided as a part of governmental services. Notwithstanding any provision of the Maple Valley Municipal Code, this code authorizes special events which would otherwise be prohibited by City ordinance.

By recognizing special event venues, it is further intended to supplement land use and street right-of-way regulations, to provide a coordinated process for the regulation of certain activities to be conducted in conjunction with special events and to ensure the health and safety of patrons of special events. It is further intended to create a mechanism for cost recovery without having an adverse effect on those events that contribute to the community. It is also the intent of the city to protect the rights of its citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities.

12.40.020 Definitions.

A. “Activity” shall, for purposes of the definition of “special event,” mean and refer to any one or more of the following: outdoor athletic events, promotional or fund-raising events, weddings, block parties, socials, street dances, parades, marches, rallies, demonstrations, public assemblies, performances, exhibitions, entertainment or amusement events, farmers markets, public markets, craft fairs, parking lot sales, public street or public sidewalk sales, tent sales, displays, filming of movies, taping of video or television shows, fireworks displays, motorcades, motorized vehicle races or contests, soapbox derbies, rodeos, and tournaments.

B. “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.

C. “Demonstration” means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

D. “Departmental service charges” means the actual costs which a department of the city incurs in connection with activities for which a permit is required under this chapter, including, but not limited to, costs associated with fire safety, traffic and/or pedestrian control, water safety, the closure of streets or intersections, the diverting of traffic, the salaries of city personnel involved in administration or coordination of city services for the event, the city cost to bill and collect

any fees incurred over the estimated amount, and the cost to the city to provide support personnel, equipment, materials and supplies, and related city costs such as fringe benefits or employee overtime.

E. “Event organizer” means any person who conducts, manages, promotes, presents, sponsors, organizes, aids, or solicits attendance at a special event.

F. “Exhibition, entertainment or amusement events” shall have their ordinary meanings and shall include the following organized events: arts and craft shows, concerts, carnivals, circuses, fairs, shows, theatrical performances, musical performances, and festivals, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games, and the like.

G. “Expressive activity” includes conduct the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include activities for which the principal purpose is entertainment.

H. “Extraordinary services” shall mean and refer to services above and beyond those routinely performed by the city police, fire and/or public works, and parks departments as a normal course of regular duty. Extraordinary services include but are not limited to those involving the closing of public streets, crowd control and security, and traffic control.

I. “March” means an organized walk or event whose principal purpose is expressive activity.

J. “Organized” in addition to its ordinary meaning shall mean functioning within a formal structure, as in the coordination and direction of planned and controlled activities.

K. “Outdoor athletic event” means an organized competitive or recreational activity in which a group of persons collectively engage in a sport or form of physical exercise that takes place in whole or in part outdoors including, by way of example and not limitation, team sports, tournaments, races and marathons. “Sport or form of physical exercise” includes, by way of example and not limitation, bicycling, walking, running, sprinting, jogging, skateboarding, rollerblading and roller skating.

L. “Parade” means an organized group of persons, animals, bicycles, vehicles, carts, balloons, musical units and/or floats, or any combination thereof, travelling in public procession and having a common purpose, design, destination or goal, and the principal purpose of which is not expressive activity.

M. “Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or manager, lessee, agent, servant, officer or employee or any of them, except where the context clearly requires a different meaning.

N. “Promotional or fund-raising events” shall have its ordinary meaning and shall mean and refer to organized activities intended to promote causes, products, or services or raise funds primarily for charitable purposes, and shall include, by way of example and not limitation, bike-a-thons, walk-a-thons, and fun runs.

O. “Rally” means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

P. "Right-of-way" means, within the city of Maple Valley, all public right-of-way and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, paths, trails, sidewalks, bikeways and horse trails, whether improved, unimproved, or unopened, including the air rights, sub-surface rights and easements related thereto, and over which the city of Maple Valley has authority and control.

Q. "Sidewalk" means that portion of a right-of-way, other than the roadway, set apart by curbs, barriers, markings, or other delineation for non-motorized travel.

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

S. "Special event" shall mean any temporary, organized activity sponsored by an event organizer and will result in people congregating at the event location for a particular and limited purpose and time, and meets any one or more of the following criteria:

1. City Property, City Parks and City Rights-of Way. The activity will be conducted in whole or in part on a city-owned or controlled property, city park or facility (as those terms are defined in MVMC 7.05.020(C) as now or hereinafter amended), or city rights-of-way, and the Community Development Director, or his or her designee, determines that the activity requires a special events permit because:

(a) The activity is likely to obstruct, delay or interfere with the free and normal use of public rights-of-way or other public property of the city within the vicinity of the event; or

(b) The activity is likely to result in the need for the city to provide extraordinary services in response to or arising out of the special event.

Criteria to be considered include, by way of example and not limitation, available parking capacity, likely pedestrian and vehicular routes, availability of public transportation, the number of days and hours of operation, the number of people anticipated to attend, the capacity and safety of the permanent and temporary structures, the proximity and availability of health and sanitation services, the proximity and availability of emergency services, the activity(ies) to be engaged in, the historical impacts of the proposed or comparable special events, if known, upon use of public rights-of-way and public property and public services including police and fire, and other considerations deemed appropriate..

2. Private Property. The activity will be conducted in whole or in part on private property and the Community Development Director, or his or her designee, determines that the activity requires a special events permit because:

(a) The activity is likely to obstruct, delay or interfere with the free and normal use of public rights-of-way or other public property of the city within the vicinity of the event. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of one hundred (100) or more people are each presumed to be an event that will have a direct significant impact on the public streets or rights-of-way; or

(b) The activity is likely to result in the need for the city to provide extraordinary

services in response to or arising out of the special event.

3. Sales Not Already Permitted. The activity will involve the sale of merchandise, food or beverages where not already permitted by city code, whether by for profit or nonprofit organizations;

4. Public Disturbance Noise. The activity will include use of sound amplification, public address, loud speaker, audio, video, or television systems or other devices likely to result in public disturbance noise in violation of MVMC 9.05.480 as now or hereafter amended.

T. "Special event permit" means a permit issued under this chapter.

U. "Special event venue" means that area for which a special event permit has been issued.

V. "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.

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

12.40.030 Exemptions to special event permit requirement.

A. It is unlawful for any person to hold or conduct any special event in the City, or to use private property, any street, right-of-way, or other public place in the City for any purpose unless such person has obtained and has in full force and effect a permit to do so issued by the City.

B. The following special events shall be exempt from the requirement to obtain a permit under this chapter, provided, that the special event shall be conducted in accordance with all laws and regulations governing public safety or health:

1. Funeral Processions. Funeral processions by a licensed mortuary or funeral home;

2. Wedding Processions. Wedding processions conducted on public rights-of-way wherein applicable traffic regulations, laws or controls are complied with;

3. School, Church and Governmental Events. Any special events held or conducted by or on behalf a public or private school, college or school district, the state of Washington or other governmental entity or any church that is legally operated in the city, so long as the activity or event is conducted on property owned, used, or leased by the entity or its sponsor and is for the benefit of the entity that owns, uses, or leased the property on which the activity takes place;

4. Expressive Activities on Sidewalks. Rallies, marches, demonstrations and picketing which take place on public sidewalks crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls and laws applicable to use of public sidewalks;

5. Special Event Facilities. Events conducted at a facility designed for the special event purpose or upon facilities where such events are normally held, such as churches, events/convention centers, schools, athletic fields, auditoriums, stadiums, and theaters;

6. Regularly Scheduled Athletic Events. Regularly scheduled outdoor athletic events conducted on property where such events are normally held;

7. Outdoor Demonstrations on Public Property. Demonstrations on publicly owned property (other than public rights-of-way), unless:

(a) The activity is likely to obstruct, delay or interfere with the free and normal use of such public property or the public rights-of-way; or

(b) The activity is likely to result in the need for the city to provide extraordinary services in response to or arising out of the special event;

8. Other Authorized Uses. Authorized uses of public property permitted by other provisions of the Maple Valley Municipal Code; and

9. Governmental Activities. Activities conducted by a governmental agency acting within the scope of its authority.

12.40.040 Issuance of a special event permit does not obligate city services.

Issuance of a special event permit pursuant to this chapter does not obligate or require the city of Maple Valley to provide city services, equipment, funding or personnel in support of a special event.

12.40.050 Application – Form.

Any person desiring to apply for a special event permit shall do so by filing a written application with the Community Development Department at City Hall not fewer than forty-five (45) days prior to the proposed event. The application shall be made on forms provided by the City and shall be accompanied by a nonrefundable application fee of \$100.00. The applicant may request a waiver of the application fee. Such request shall contain an explanation of how such a waiver of fees would be in the best interest of the public health, safety, and welfare. Requests for fee waiver will be reviewed by the City Manager.

12.40.060 Application - Review.

Upon receipt of a completed special event permit application, the City shall refer the application to the Chief of Police, Public Works Director, Parks Director, Finance Director and the Fire Chief, for their review and determination of compliance of the proposed special event with the criteria for issuance set forth in MVMC 12.40.070. The departments shall forward the results of their review and determination, including any comments, to the Community Development Department within 10 working days.

12.40.070 Criteria for issuance.

A. All permits issued under this chapter shall be issued by the Community Development Director, or his or her designee. Upon receipt of comments from the Chief of Police, Public Works Director, Parks Director, Finance Director and the Fire Chief on the application, the Community Development Director, or his or her designee, shall proceed to consider whether or not the permit should be issued. A permit may be issued to the applicant only if all of the following criteria and conditions for issuance are met:

1. The special event will not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the special event;
2. Hours of the special event will not cause noise, light or glare which unreasonably impacts surrounding uses;
3. The proposed special event will not endanger the participants, spectators, or the public;
4. The proposed special event will not unreasonably interfere with right-of-way, vehicular or pedestrian traffic flow at the proposed location;
5. Adequate plans for parking exist to meet the need generated by the proposed special event;
6. Adequate plans for sanitation and refuse facilities exist to meet the need generated by the proposed special event;
7. Adequate plans to return the area or routes to the same condition or cleanliness as existed prior to the event exist;
8. Whenever the requested permit is for an event which will require the use of any City street, or portion thereof, or other City property, the applicant must agree to indemnify, defend and hold the City harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted special event;
9. Whenever the requested permit is for an action which will require the use of any City street, or portion thereof, or other City property, and the Special Event is not protected by the First and Fourteenth Amendments of the U.S. Constitution, the applicant must secure and maintain in full force and effect throughout the duration of the permit commercial general liability insurance for bodily injury and property damage of not less than \$1,000,000.00 per occurrence combined single limits, \$2,000,000 aggregate, unless waived by the City. The insurance policy shall be written on an occurrence basis and shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period not less than twenty-four (24) hours following the completion of the event. The City shall be named as an additional insured on this policy. The applicant must submit to the City a copy of the insurance policy declaration page and additional insured endorsement as evidence of insurance coverage. The policy shall include a provision prohibiting cancellation of said policy except upon 30 days' prior written notice to the City. Depending upon the scope of the event, the City reserves the right to require higher limits of commercial general liability insurance;
10. Whenever any special event requires the provision of additional City services, including, but not limited to, the employment of police officers to direct or block pedestrian or vehicular traffic, or the provisions of standby aid car or fire protection services, the applicant shall agree to reimburse the City or affected entity for the same.

12.40.080 Signage.

A sign plan shall be submitted with the special event permit application if an applicant requests signage in addition to the signage allowed per MVMC. Special Event signage shall be allowed subject to Chapter 18.50, with the following exceptions:

1. Number of Temporary Signs. The total number of temporary signs for a special event shall not exceed two (2) large event signs and six (6) off premises/directional signs.
2. Size Limit. Maximum size for large event signs shall not exceed 30 square feet each; maximum size for directional signs shall not exceed four square feet each.
3. Time Limit. Directional signs may be erected, in accordance with the applicant's sign plan, forty-eight hours prior to the start of the event for which the signage is requested. Large event signs may be erected, in accordance with the applicant's sign plan, 30 days prior to the start of the event for which the sign is requested.
4. Removal. Directional signs shall be removed within three days of the last day of the special event. Large event signs shall be removed within five days of the last day of the special event. Should the organizer of the event fail to do this, the City may confiscate the signs. If the signs are not claimed by the event organizer within 15 days of the event, the signs will be disposed of.

12.40.090 Issuance of special event permit.

- A. The Community Development Director, or his or her designee, shall endeavor to take final action upon a completed application for a special event permit within 30 days of receipt of the completed application.
- B. The Community Development Director, or his or her designee, is not required to take final action upon any special event permit application prior to 180 calendar days before the special event.
- C. The Community Development Director, or his or her designee, is not required to take final action on an incomplete or untimely special event permit application.
- D. The Community Development Director, or his or her designee, 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.
- E. 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 by the Community Development Director, or his or her designee, with such conditions as deemed necessary for the application to meet all of the criteria set forth above; or
 3. Denial of the special event permit application by the Community Development Director, or his or her designee.

12.40.100 Appeals.

- A. If the Community Development Director, or his or her designee, denies the application for the special event the applicant shall be notified 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 city clerk, setting forth the grounds for appeal.

D. The city manager, or his or her designee, shall hear the appeal as soon as is reasonably practicable. The City Manager shall determine if the application was denied by the Community Development Director, or his or her designee based upon an error of fact or law and shall limit his/her review to the record; provided, that City Manager may, in his or her discretion, allow submission of additional evidence relevant to the alleged error of fact or law.

12.40.110 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 city applicable to the particular special event and shall be exhibited upon demand of any city official.

12.40.120 Revocation or suspension of special event permit.

All permits issued pursuant to an applicant pursuant to this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be revoked or suspended by the city as follows:

A. In the event of a violation of any of the terms and conditions of the permit; or

B. The special event poses a threat to health or safety of persons or property, or if any structure or obstruction permitted becomes insecure or unsafe; or

C. The special event permit was issued in error or contrary to law.

D. Except as provided in subsection (E) of this section, notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

E. If there is an emergency requiring immediate revocation of a special event permit the responsible public official may notify the permit holder verbally of the revocation.

F. If any event for which the permit has been revoked is not immediately discontinued, the City may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same.

G. 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 MVMC 12.40.100.

H. It shall be unlawful to operate a special event after revocation of a special event permit.

12.40.130 Cost recovery for special events.

A. Except as otherwise provided in this chapter, or when funded or waived by the City Manager, for any special event, the City may impose a fee and/or bond for expected departmental service charges. Factors that the City will consider in evaluating whether to impose a fee and/or bond are:

1. the extent of use of public property or right-of-way:
2. the extent of use of city services, facilities or affected entities:
3. whether the city is sponsoring or co-sponsoring the event: and
4. whether the event is sponsored by an organization for the necessary support of the poor or infirm.

B. The City shall require payment of the expected departmental service charges imposed pursuant to A above, at the time the completed application is approved and prior to the issuance of the special event permit, unless the City determines there is good cause and extends time for payment.

C. If the event organizer fails to clean the special event venue 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, 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 such requirements under a previously issued special event permit, the City may require the event organizer to deposit adequate surety in the form of cash or bond.

D. The applicant will be billed for any city departmental charges in excess of the estimate in section B above, including any billing and collection costs incurred.

12.40.140 Cost recovery for expressive activity special event.

When a special event permit is sought for a demonstration, rally, or march, which is not exempt from the permitting process as outlined in Section 12.40.030(B)(4) above, the following exceptions to cost recovery shall apply:

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

B. The insurance requirement shall be waived; provided, that the event organizer or an officer of the event organizer has filed with the application a verified statement that he or she intends the special event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

C. The City may condition the issuance of the special event permit upon payment of costs incurred by the city up to \$500.00 where the special event will require temporary street closures and any one or more of the following conditions are met requiring the city to provide services in the interests of public health, safety, and welfare:

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 irresolvable conflict with construction or development in the public right-of-way or at a public park or public facility; and/or
3. The special event will block traffic lanes or close right-of-way 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 right-of-way 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 right-of-way; 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. 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 First Amendment rights are not impaired in any fashion due to wealth.

E. With regard to the permitting of expressive activity special events where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

12.40.150 Authorized special event vendors.

A. The issuance of a special event permit confers upon the permit holder or event organizer the right to control the sale of goods, food, and beverages within the special event venue in accordance with the terms and conditions of the special event permit. The permit holder may grant no greater rights or privileges to vendors than the rights or privileges granted to the permit holder pursuant to 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. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue.

12.40.160 Unlawful to conduct or promote attendance at special event without permit.

A. It is unlawful for any person to conduct or manage a special event without a special event permit as required pursuant to this chapter.

12.40.170 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 Maple Valley Municipal Code or any other applicable law.

12.40.180 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, temporary structure or roaming vendor expressly authorized pursuant to the issued special event permit.

12.40.190 Cost recovery for unlawful special event.

Whenever a 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 caused or necessitated by the adverse impacts of the special event or the violation of the special event permit upon public safety.

12.40.200 Violation – Penalties.

Violation of the special event permit provisions of this Chapter shall be enforced pursuant to MVMC Chapter 4, either by way of civil infraction or by way of notice and order, with associated fines for such violation according to the penalty schedule found in Chapter 4.70.

Section 2. Repealer. The following are hereby repealed:

A. Section 5.05.100 of the Maple Valley Municipal Code, entitled “Limited special uses.”

Section 3. Section 5.05.010 of the MVMC, entitled “Definitions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

5.05.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. “Amusement device” means any coin-operated or remote-controlled machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand-propelled, designed to be used in whole or in part as an instrument or instrumentally for engaging in the use and exercise

of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose.

B. "Amusement device place" means any place offering amusement devices for play or entertainment.

C. "Amusement place" means an amusement, diversion, entertainment, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, direct or indirect. By way of illustration and not limitation, "public places of amusement" include live entertainment, music (other than mechanical), boxing or wrestling, exhibition skating, bowling alleys, amusement parks and carnivals.

D. "Billiard table" is a raised oblong felt-covered table with raised cushioned edges, or any substantially similar device on which is played the game known as billiards or pool involving the use of a long tapering stick called a cue to propel pool or billiard balls.

E. A "billiard or pool table place" means any establishment engaged primarily in the business of offering the use of pool or billiard tables for a commercial purpose.

F. "Charitable" means and includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported; provided, such term shall not include "religious" and "religion," which terms shall be given their commonly accepted definitions.

G. "Contributions" means and includes alms, food, clothing, money, credit, subscription, property, financial assistance or other thing of value and including any donations under the guise of a loan of money or property.

H. "Direct gift" means and includes an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

I. "Endorsement" shall mean the licensing approval given to one activity.

~~J. "Limited special uses" shall mean events of short duration (less than one week) which will occur, either wholly or partially, on City properties and/or rights of way. By way of illustration and not limitation, these events include parades, street fairs, races/runs, marches, block parties, processions, demonstrations, exhibitions and organized rallies.~~

~~K~~J. "Massage" means the treatment of a human body by another by the external manipulation or pressure of soft tissue. Massage includes the rubbing, kneading, touching, stroking, or tapping by

manual means as they relate to massage with or without the aids of superficial heat, cold, water, lubricants, or salts.

LK. “Massage business” means the operation of a business where massages are given.

ML. “Massage practitioner” means a person engaged in the practice of massage.

NM. “Outdoor musical entertainment” means an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment or other entertainment which the person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract 250 or more persons and where a charge or contribution is required for admission.

ON. “Pawnbroker” means and includes every person who takes or receives by way of pledge, pawn, or exchange goods, wares, or merchandise or any kind of personal property whatsoever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or who makes a public display of any sign indicating that he has money to loan on personal property on deposit or pledge.

PO. “Pawnshop” means every place at which the business of a pawnbroker is being carried on.

QP. “Peddler” or “transient business” shall be governed by Chapter [5.25](#) MVMC.

RQ. “Person” means any individual, firm, partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

SR. A “pool table” is a billiard table with a pocket in each corner and at the middle of both sides, used for playing pool, the game wherein numbered balls are propelled into the pockets by persons using a cue.

TS. “Promoter” means any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation, but shall not include either a bona fide full-time salaried officer or employee of a charitable organization whose salary or other compensation is not computed on funds raised or to be raised, or a temporary employee who is employed to contact volunteer workers by telephone but who may not himself solicit contributors directly.

UT. “Public dance” means any dance which is open to the public and which is held and conducted for a profit, direct or indirect.

VU. “Public dance place” means any place where a public dance is conducted, operated or maintained and any and all areas attached to or adjacent to such premises including, but not

limited to, all parking areas, hallways, bathrooms and all adjoining areas on the premises accessible to the public during the dance.

WV. “Public youth dance” means any public dance that is readily accessible to the public and which permits the entry of any persons under the age of 18 years. For the purposes of this chapter, the term “public dance” shall be construed so as to include all public youth dances except where specifically indicated otherwise.

XW. “Sale and benefit affair” means and includes, but is not limited to, an athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show, which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith.

YX. “Secondhand dealer” means any person who as a business engages in the purchase, sale, trade, barter, auction, sale on consignment, or otherwise exchanges secondhand goods, or who keeps a store, shop, room or other place where secondhand goods of any kind or description are bought, sold, traded, bartered, pledged, pawned, auctioned, sold on consignment, or otherwise exchanged, including persons conducting garage sales at their residence more than six days per year.

ZY. “Secondhand goods” means and includes any and all used, remanufactured, or secondhand goods purchased or kept for sale by a dealer in secondhand goods. Such term shall not be construed to include secondhand motor vehicles or boats.

AAZ. “Solicit” and “solicitation” mean the request within the City directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose, and include:

1. Any oral or written request;
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication;
3. The making of any announcement to the press, by radio or television, by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

4. The sale of, offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, subscription, ticket, admission, article or other thing in connection with which any appeal is made for any charitable or religious purpose, or where the name of any charitable or religious organization, association or person is used or referred to in any such appeal or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable or religious purpose.

A “solicitation” shall be deemed completed when made, whether or not the person making the same received any contribution or makes any sale referred to in this chapter.

Section 4. Section 5.05.030 of the MVMC, entitled “Application and fees required,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

5.05.030 Application and fees required.

A. Any person desiring to establish or conduct the following enterprises, businesses, or undertakings within the corporate limits of the City shall first apply to the City for a license to conduct such business:

1. Amusement device places;
2. Amusement places;
3. Pool and billiard table places;
4. Public dance places, except that the provisions of this chapter shall not apply to public youth dances provided by charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 U.S.C. 501(c)(3);
5. Secondhand dealers and pawnbrokers, except that the requirements of this chapter do not apply to the following:
 - a. Dealers in used clothing;
 - b. Dealers in used videos;
 - c. Dealers of used musical instruments;
 - d. Dealers of prepackaged rebuilt automotive parts;
 - e. Persons exempted from the regulations set forth in Chapter 46.70 RCW relating to the sale of used automobiles, and Chapter 46.80 RCW, relating to auto wrecking;
 - f. Those persons engaged in the purchase and/or sale of bottles, cans, or paper as part of the process of recycling such bottles, cans or paper;

g. Those persons conducting a sale of secondhand goods under any legal forfeiture, foreclosure, liquidation, or any repossession pursuant to any terms of any contract or sale or incidental to any legal action;

6. Charitable solicitations; except the requirements of this chapter shall not apply to the following:

a. Solicitations by any organization operated exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person, if the solicitations by such organization are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies, meetings or services of any such organization;

b. Any charitable organization which does not solicit and collect contributions in Maple Valley in excess of \$2,500 in any one-year period and where all of such fundraising functions are carried on by persons who are unpaid for their services; and

7. Outdoor musical entertainment; ~~and~~

~~8. Limited special uses.~~

B. The application shall be upon a form furnished by the City.

C. The application must be accompanied by a check, cash or money order for the amount of the license fee. The base fee for a single endorsement shall be \$100.00 and each additional endorsement shall be \$20.00. ~~For limited special use permits, additional inspection fees of \$40.00 per hour may be charged, based on time required by City staff or agents of the City, to establish compliance with City of Maple Valley regulations pertaining to limited special use permits.~~ The City Manager may, in his or her discretion, waive permit fees for activities that the City Manager deems provide a significant public or community benefit and that are “nonprofit” activities as defined in the IRS Code Section 501(c)(3).

Section 5. Severability. 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 6. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and this ordinance shall take effect and be in full force five days after adoption and publication pursuant to RCW 35A.13.190.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THIS 22nd DAY OF JUNE, 2015.**

CITY OF MAPLE VALLEY

William T. Allison, Mayor

ATTEST/AUTHENTICATED:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

DATE OF PUBLICATION: June 30, 2015

EFFECTIVE DATE: July 4, 2015