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10.64.010 Purpose.

The board of Thurston County commissioners finds and declares that it is necessary for the protection and preservation of the public peace, health, safety, morals and welfare in regard to music festivals, that certain rules, regulations and conditions be established, and further that there is a danger to the people attending or taking part in such music festivals if measures affecting the public peace, health, safety, morals and welfare are not adequately provided for, and further that it is necessary to pass under the police power of the county, an ordinance to regulate and license the holding of such music festivals.

(Ord. 4019 § 1, 1970)

10.64.020 Definition.

As used in this chapter, "music festival" means any outdoor musical entertainment, amusement and/or assembly, in operation for four or more hours during a single day or a total of eight or more hours on two or more consecutive days, which attracts or which the board of Thurston County commissioners (hereinafter referred to as the "board") has reason to believe will attract one thousand or more persons, of which the presentation of outdoor, live or recorded musical entertainment is or will be a major activity, and to which persons may gain admission with or without the payment of an admission fee.

(Ord. 4925 § 1, 1975; Ord. 4019 § 2, 1970)

10.64.030 Permit—Required.

No person, persons, partnership, corporation, association, society, fraternal or social organization shall:

(1)

Allow, conduct, hold, maintain, permit or participate in a music festival, without the limits of incorporated cities or towns in Thurston County, unless a valid permit has been obtained for the operation of such music festival; or

(2)

Encourage, promote or cause to be advertised a music festival, proposed to be located without the limits of incorporated cities or towns in Thurston County, unless preliminary approval, as herein provided, has been granted.

One such permit shall be required for each music festival and such permit shall be effective for as many consecutive days as such music festival is in operation, or where such music festival is not in operation on consecutive days, such permit is effective only for a single day. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained herein shall be subject to the civil and/or criminal penalties provided for herein.

(Ord. 4019 § 3, 1970)

10.64.040 Permit—Application—Fee.

Application for music festival permits herein shall be in writing and filed with the clerk of the board on forms provided by the Thurston County auditor. The application shall be filed not less than forty-five or more than one hundred eighty days prior to the first day upon which such music festival is to be, or may be held and shall be accompanied with a receipt showing payment to the Thurston County auditor to a permit fee in the amount of five hundred dollars. The application shall include:

(1)

The name of the person, persons, partnership, corporation, association, society, fraternal or social organization on whose behalf the application is made (hereinafter referred to as the "applicant"), and a statement by the applicant that the person filing the application on behalf of the named applicant is authorized so to file;

(2)

The type of business organization of the applicant;

(3)

The names and addresses of all persons having a ten percent or more proprietary interest in the organization, and the names, addresses and telephone numbers of any and all officers of the organization;

(4)

The principal place of business of the organization;

(5)

A legal description of the land to be occupied, the address of the owner thereof, and a verified consent by said owner to the issuance of a permit herein if said owner be different than the applicant;

(6)

The date of the first day and the number of consecutive days such music festival is proposed to be held;

(7)

A statement that the applicant will abide by the provisions of this chapter and the laws of the state of Washington for the protection of the public peace, health, safety, morals and welfare;

(8)

The signature of the person so authorized to sign on behalf of the named applicant; and

(9)

The verification by such signer of the truth of the matters contained in such application under the pains and penalties of perjury.

The application forms may include such other provisions consistent with this chapter as the board shall require.

(Ord. 4019 § 4, 1970)

10.64.050 Submission of plans.

Each application for a music festival permit filed with the clerk of the board shall be accompanied by specific plans for compliance with the rules and regulations of any governmental or quasi-governmental body, the approval of which is required herein prior to the granting of any music festival permit. Each application shall also contain proof of service of such plans upon the abovementioned governmental or quasi-governmental bodies.

(Ord. 4019 § 5, 1970)

10.64.060 Preliminary approval—Refund upon denial.

Ten days after the filing of application and plans, the board shall grant or deny preliminary approval thereof, and notice of approval or denial shall be served personally or by certified mail on the applicant. Any notice of denial shall state the rules, regulations, conditions and/or laws upon which denial is based, and the nature of the non-compliance by the applicant therewith. Within five days after service of the notice, the applicant shall remedy such noncompliance, and upon the failure of the applicant so to do, such denial shall be final and conclusive. No permit shall be issued thereafter to the applicant unless new application is made, and the applicant otherwise complies with the rules, regulations and conditions of this chapter. Such final denial shall entitle the applicant to apply for and receive a refund of the unused portion of the application fee.

(Ord. 4019 § 6, 1970)

10.64.070 Permit—Issuance conditions.

Permits shall be granted providing the following conditions as enumerated in Sections [10.64.080](#) through [10.64.140](#) are met by the applicant at least seven days prior to the first day of operation of any such music festival, and no such permit shall be issued less than seven days prior to the first day of operation of any such music festival.

(Ord. 4019 § 7 (part), 1970)

10.64.080 Health standards.

No music festival permit shall be granted herein unless the board has received the written approval of the Thurston-Mason health district indicating that the applicant has complied with the applicable health requirements of said district and said approval shall state what the said requirements are and how the applicant has complied therewith.

(Ord. 4019 § 7 (part), 1970)

10.64.090 Fire prevention standards.

No music festival permit shall be granted herein unless the board has received the written approval of the fire protection district in which the proposed music festival is to be located, indicating that the applicant has complied with the applicable fire prevention requirements of [Chapter 14.32](#) of the Thurston County Code and the approval shall state what the said requirements are and how the applicant has complied therewith.

(Ord. 4019 § 7 (part), 1970)

(Ord. No. 14388, § 2, 8-3-2010)

10.64.100 Bond—Indemnification.

No permit shall be granted herein unless the applicant has on deposit with the Thurston County treasurer a cash or surety bond in the amount applicable as hereinbelow stated, to save and protect the county from any and all expenses and/or damages arising out of the operation of the applicant's music festival or caused by vehicles, employees, participants and/or patrons of or at such music festival. The bond shall be used to:

- (1) Pay all charges and losses of the county for damage to the streets, pavements, bridges, road signs and other county property;
- (2) Pay all expenses incurred by the county in restoring the land upon which such music festival is held to a safe and sanitary condition; and
- (3) Pay any extraordinary law enforcement costs incurred by the county which result from or arise out of the operation of such music festival.

The amount of such bond shall be determined on the basis of the number of persons in attendance or reasonably expected by the board to be in attendance at any music festival, as follows:

1,000 to 2,000 persons \$20,000.00

2,001 to 5,000 persons 25,000.00

5,001 to 10,000 persons 30,000.00

each additional 1,000 persons 1,000.00

The bond deposited shall be returned to the applicant as hereinafter provided when the Thurston County auditor certifies to the Thurston County treasurer that no charge for damage or loss may be made against said deposit, or that such charge is less than the cash amount of said deposit and the balance thereof should be returned. Further, the applicant shall be required to furnish evidence of a liability insurance policy providing for a minimum of one hundred thousand dollar bodily injury coverage per person; three hundred thousand dollar bodily injury coverage per occurrence; one hundred thousand dollar property damage coverage; and naming Thurston County as an additional insured.

(Ord. 4925 § 2, 1975: Ord. 4019 § 7 (part), 1970)

10.64.110 Public safety—Expenses of enforcement.

No permit shall be granted herein unless the applicant complies with and agrees to abide by the following conditions:

(1)

Written contracts for the employment of commissioned peace officers acceptable to the Thurston County sheriff during the hours of operation of such music festival shall be submitted not less than ten days prior to the first day such music festival is to be in operation, and each contract shall be signed by the applicant and the peace officer so to be employed;

(2)

Not less than one such peace officer shall be employed primarily for the purpose of crowd control for every two hundred persons expected or reasonably expected by the board to be in attendance at any time during the music festival and not less than one such peace officer shall be employed primarily for the purpose of traffic control for every four hundred such persons;

(3)

The peace officers herein stated shall be employed to enforce the provisions of this chapter and of the laws of the state of Washington and to protect and preserve the public peace, health, safety, morals and welfare at such music festival, and if in the opinion of the board it is necessary to secure the services of additional peace officers for such enforcement, all expenses for such services shall be borne by the applicant.

(Ord. 4925 § 3, 1975: Ord. 4019 § 7 (part), 1970)

10.64.120 Parking areas.

No permit shall be granted herein unless the board has the written approval of the Thurston County engineer indicating that upon the premises for which a permit application has been made, the applicant has provided parking areas enclosed by physical barriers. Such parking areas shall be constructed so as to allow the adequate ingress and egress of any vehicle at any time and to provide parking space for one vehicle for every four persons expected or reasonably expected by the board to be in attendance at such music festival; provided, that no vehicle shall be allowed in any other area of the premises excepting

emergency vehicles and vehicles necessary for the supply and maintenance of any business or operation offering goods or services upon the premises to the patrons of such music festival; provided further, that should buses be used to transport the public between any location within Thurston County and the music festival, it shall be shown that public parking or parking as described hereinabove is available at any such location.

(Ord. 4019 § 7 (part), 1970)

10.64.130 Free access to premises—Prior consent.

All peace officers of the state of Washington, all public health and fire control officers of Thurston County, each member of the board, the prosecuting attorney, and each of his deputies, any member or employee of any other governmental or quasi-governmental body, the approval of which body is required herein, shall have free access at all times to come upon the premises for which a music festival permit has been or may be granted for the purpose of inspection and supervision to enforce the rules, regulations and conditions under which said permit is or may be granted and no such permit shall be granted unless the applicant therefor shall so consent in writing upon the application for such permit.

(Ord. 4019 § 7 (part), 1970)

10.64.140 Light requirements.

No permit shall be granted herein, unless ten days prior to the first day of operation of any music festival to be conducted during nondaylight hours, there shall be installed upon the premises, for which application herein has been made, light poles, one end of which shall be firmly set not less than five feet into the ground and shall measure not less than six inches in diameter at the base and not less than four inches in diameter at the top. There shall be one such pole for every forty thousand square feet of such premises, excluding any area upon which any building or structure is situated, and no such pole shall be located at a distance of more than two hundred feet from any other such pole. There shall be affixed to each such pole, at a height above the ground of not less than twenty feet or more than thirty feet, an electric light or lights having a rating of not less than one hundred fifty watt incandescent or seventy-five watt high intensity discharge, and such lights shall be of an intensity to provide a minimum intensity of one-tenth foot candles in all areas of the premises exclusive of any area upon which any building or structure is situated; provided, that the requirements for the number of poles and lights and light rating shall be waived, except in the areas approved for parking, and a permit shall be granted if the premises is lighted so as to provide a minimum light intensity of one-tenth foot candles in all areas of the premises on which the above requirements apply. Such lights hereinabove referred to shall be in operation each day a music festival is in operation from one hour after sunset to two a.m. of the following day. All buildings, halls, rooms, pavilions or other places situated upon the premises for which an application for a music festival permit is made shall at all times, while such music festival is open to the public, be well lighted.

(Ord. 4019 § 7 (part), 1970)

10.64.150 Hours of operation.

No music festival for which a permit has been granted herein shall be conducted between the hours of midnight and ten a.m., and no person or persons shall be allowed to remain upon the premises of such music festival between the hours of two a.m. and eight a.m. other than those persons hereinbefore mentioned in Sections [10.64.040\(3\)](#), [10.64.110](#) and [10.64.130](#).

(Ord. 4019 § 8, 1970)

10.64.160 Applicant to be eighteen.

No permit shall be issued to any person under eighteen years of age.

(Ord. 4925 § 4, 1975; Ord. 4019 § 9, 1970)

10.64.170 Posting.

Sections [10.64.180](#) through [10.64.250](#) shall be in full force and effect and posted at all times in a conspicuous place where any music festival is being conducted.

(Ord. 4019 § 10, 1970)

10.64.180 Statement of right to revoke permit.

Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the board to revoke such permit is a consideration of its issuance.

(Ord. 4019 § 11, 1970)

10.64.190 Grounds for revocation.

Any permit granted herein to conduct a music festival shall be summarily revoked by the board when it finds that by reason of disaster, public calamity or other emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation, and notice of any meeting of the board for such purpose shall be given to the applicant in the same manner as the members of the board are notified. Any permit granted herein to conduct a music festival may otherwise be revoked by the board for any violation of this chapter or the laws of the state of Washington after a hearing held upon not less than three days' notice served upon the applicant personally or by certified mail. The action of the board in revoking any permit herein shall be final and conclusive.

(Ord. 4019 § 12, 1970)

10.64.200 Revocation not exclusive penalty.

The revocation of any permit granted herein shall not preclude the imposition of further penalties as provided for in this chapter and the laws of the state of Washington, but shall be considered merely as a part of the said penalties imposed for violation of the rules, regulations and conditions herein stated and the laws of the state of Washington.

(Ord. 4019 § 13, 1970)

10.64.210 Minors.

No person under the age of sixteen years shall be permitted to attend any music festival without the escort of his or her parent or legal guardian and proof of the conditions stated in Sections [10.64.080](#) through [10.64.140](#) shall be provided upon request.

(Ord. 4019 § 14, 1970)

10.64.220 Intoxicating liquor prohibited.

No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time said music festival is in operation, permit or allow any person to bring upon the premises of said music festival any intoxicating liquor, or permit or allow intoxicating liquor to be consumed on the premises, and no person shall take or carry onto said premises, or drink thereon any intoxicating liquor.

(Ord. 4019 § 15, 1970)

10.64.230 Distance from habitation.

No music festival shall be operated in a location which is closer than one thousand yards from any schoolhouse or church, or five hundred yards from any house, residence or other human habitation.

(Ord. 4019 § 16, 1970)

10.64.240 Permit—Posting—Nontransferability.

Any permit granted herein shall be posted in a conspicuous place; no such permit shall be transferable or assignable without the consent of the board and the permit shall be valid only for the time and place specified therein.

(Ord. 4019 § 17, 1970)

10.64.250 Penalties.

Any person who violates any provision of this chapter, or who, having obtained a permit herein, wilfully fails to comply with the rules, regulations and conditions herein, or who aids or abets such a violation or failure to comply, is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or be imprisoned in the Thurston County jail for not more than one year, or both.

(Ord. 4925 § 5, 1975: Ord. 4019 § 18, 1970)