The Consolidated Borough

Of

Quil Ceda Village

Public Assemblage Law

Ordinance No.

08.01.3

1. Title and Effective Date. This Ordinance shall be known and cited as the "Public Assemblage Law of the Quil Ceda Village". This Ordinance No. _____ shall become effective, and shall supersede the prior Quil Ceda Village Public Assemblage Ordinance, as of June 1, 2019.

2. Purpose. This Ordinance is enacted for the purpose of protecting, preserving and assuring the health, welfare, safety, preservation of peace, and morals within Consolidated Borough of Quil Ceda Village, a tribal municipality located on tribal trust land, and visitors and businesses together therein, as well as preventing riots, traffic congestion, disorderly and excessive crowds and/or assemblages therein, unsafe, unsanitary or other conditions leading to, creating, causing, inciting or making possible a threat to the health, welfare and safety of the municipality, surrounding communities and adjacent roads, its orderly administration and control by duly elected, acting or authorized officers, agents and/or employees charged with the responsibility of regulating the activities within the Village.

3. Definitions. As used in this Ordinance, the following terms shall have the meanings indicates:

Minimal Effect – The type of assemblage which shall not:

A. Impede traffic in any way; or
B. Disrupt business activities; or
C. Cause unreasonable noise; or
D. Create any situation puts the health, safety, and welfare of the visitors, property, or businesses at risk as determined by the Village.

Public Assemblage:

A. Any gathering for a common purpose consisting of persons, animals, or vehicles, or any combination thereof, except in the ordinary course of business of Quil Ceda Village or any tenant or lessee thereof, including but not limited to any carnival, circus, festival, concert, sporting or recreational event or public amusement, march, demonstration, protest, picket line, procession, motorcade, rally or parade, except as otherwise sponsored or licensed by the Quil Ceda Village; or

B. Any gathering of more than twenty-five (25) persons.

4. Permit Required. No person, firm, corporation (public or private) or company may sponsor, conduct, operate or allow or permit the use of its property or premises, whether improved or not and whether contiguous or not, for the conduct of a public assemblage unless a permit authorizing said assemblage has been obtained from the Village Council, except as hereinafter provided. The permit fee shall be on file in the municipality offices. For non-minimal effect permit applications, the Village Manager may charge, in addition to a permit fee, costs of permit review and administration, including labor and administrative overhead costs.

5. Application for Permit.

A. A preliminary application for such permit shall be in writing, addressed to the Village General Manager and filed with the Village Clerk at least forty-five (45) days prior to the date upon which such public assemblage shall occur.

B. Applications shall be made by the lessee of record of real estate situated in the Village upon which said proposed public assemblage is to take place or duly authorized agent or attorney of the lessee. Persons seeking to use Village or Tribal lands for a public assemblage must obtain a permit, license or lease, as required by the Village Manager, in addition to a public assemblage permit.

C. Such application may be made on a form provided by the Village Clerk, and shall include the following information:

1. A statement of the name, age and residence address of the applicant.
2. If the applicant is a corporation, the name of the corporation and the names and addresses of its directors.
3. The name and address of an agent who shall be a natural person and who shall reside in or have a place of business in the County of Snohomish, Washington and who shall be authorized to and shall agree by acknowledged statement to accept notices or summons issued with respect to the application of the conduct of the public assemblage in any manner involving it or arising out of the application, construction or application of this Ordinance.
4. A statement containing the name, address and record owner(s) of the property(ies) where the public assemblage shall occur and the nature and interest of the applicant therein.
5. The proposed dates and hours of such public assemblage.
6. The expected minimum number of persons intended to use the property(ies) at one (1) time and collectively.
7. The number of automobiles, motorcycles and other vehicles intended to use the property(ies) at one (1) time and collectively.
8. A general explanation of the activity to be carried on and the admission fee to be charges, if any.

6. Grant or Denial of Permit - Hearing.

A. If the Village General Manager is satisfied from the information supplied with the preliminary application that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Quil Ceda Village, a permit may be granted for such public assemblage.

B. If the Village General Manager is not satisfied that the effect of the proposed public assemblage will be minimal as in Subsection A above, a detailed application for permit as is set forth in § 7 and 8 shall be required, and, after the submission and review thereof to the Village Council, a public hearing shall be held upon said application.

7. Additional Permit Requirements. The Village Manager may require such information as is reasonably necessary to assess a permit application for compliance with the Ordinance. Requirements for a non-minimal permit application may include the following:

A. A map prepared by a licensed land surveyor or licensed public engineer showing the size of the property(ies), the Village district in which it is located, the names and record lessees of the adjoining properties, the street or highways abutting said property(ies) and the size and location of any existing building and buildings or structures to be erected for the purpose of the public assemblage and use.

B. A plan or drawing to scale prepared by a licensed public engineer or licensed land surveyor showing the method and manner in which sanitary facilities are to be provided for the disposal of human waste, garbage and other debris and the method and manner in which water will be supplied, stored and distributed to those people attending.

C. A plan drawn to scale showing the layout of any parking area for motor vehicles, including the means of ingress and egress to such parking area.

D. A statement containing the type, number and location of any radio device, sound amplifier or loudspeaker or sound truck or other similar sound equipment or device to be used in connection with such public assemblage and the manner and purpose of its proposed use.

E. A statement specifying whether food or beverages are intended to be prepared, served or distributed, if food or beverages are intended to be prepared, sold or distributed a statement specifying the method of preparation and distribution of such food or beverages and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If food or beverages are to be prepared, sold or distributed, a plan or drawing to scale must be attached to the application showing the buildings or other structure from which the food or beverages shall be prepared, sold or distributed.

F. A statement specifying whether any private security guard or police will be engaged and, if so, the numbers of and duties to be performed by such persons, including the hours to be worked and areas of responsibility.

G. A statement specifying the precautions to be utilized for fire protection, including a plan or drawing to scale specifying the location of fire lanes and water supply for fire control.

H. A statement specifying whether any outdoor lights or signs are to be utilized and, if so, a map showing the number, location, size, type and illuminating power of such lights and signs.

I. A statement specifying the facilities to be available for emergency treatment of any person who may require medical or nursing attention.

J. A statement specifying whether any camping or housing facilities are planned to be available and, if so, a plan drawn to scale showing the intended number and location of the same. (The Village shall not favor housing facilities with the Village).

K. A statement specifying the contemplated duration of the public assemblage.

L. If the assemblage and use is to continue from one day into another, a statement specifying the camping and housing facilities available or to be made available off the premises and, if such facilities available off the premises are insufficient for camping and housing the contemplated number of people in attendance, such facilities available off the premises or to be made available to persons attending such public assemblage.

8. Requirement for Issuance of Non-Minimal Effect Permit. No permit requiring a public hearing shall be acted upon and issued unless the Applicant clearly shows that the following are provided:

A. Drinking water adequate in quantity and quality satisfactory to the Village General Manager as meeting the tribal and federal regulatory requirements, including those of the Tulalip Department of Natural Resources (Natural Resources), U.S. Environmental Protection Agency (EPA), and Indian Health Services (IHS). . Drinking water shall be readily available to all persons attending the public assemblage. A well or spring used as a source of drinking water and the structure used for storage of drinking water shall be so constructed and located as to protect the contents against pollution. There shall be no physical connection between a pipe carrying drinking water and a pipe carrying water not of a quality satisfactory to meet the applicable laws for public consumption. Where a water treatment process is employed, an accurate and complete report of the process and operation thereof shall be maintained daily, and no change of the source of or in the method of treatment of a drinking water supply shall be made without first notifying the Village General Manager and securing written approval to do so.

B. Toilet facilities adequate for the capacity of the public assemblage. These facilities shall be so located as to be conveniently available and shall be so constructed and maintained that they will satisfy the Village General Manager and comply with theapplicable laws. . Toilet facilities for groups of people consisting of both sexes shall be arranged so that the facilities shall be separate to each sex. No sanitary facility shall be located or constructed such that leakage or seepage has the potential to pollute a water supply, surface water or adjacent ground surface, and all shall be constructed in accordance with the tribal and federal regulatory requirements, including those of the Tulalip Department of Natural Resources (Natural Resources), U.S. Environmental Protection Agency (EPA), and Indian Health Services (IHS).

C. Adequate facilities for the satisfactory disposal or treatment and disposal of sewage shall be maintained. Such facilities shall meet with the standards and requirements of applicable laws. .

D. Adequate supply of food including provisions for sanitary storage, handling and protection of food and beverages until served or used. A showing must be made that, where food is to be prepared or consumed, there are facilities for washing, disinfecting and storing dishes and food utensils or that a sufficient quantity of disposable dishes, cups and utensils will be provided.

E. Adequate off street and off-road facilities for the contemplated number of people attending the public assemblage. Parking space shall be provided for at least one (1) car for every four (4) persons in attendance.

F. Adequate camping or housing facilities for the contemplated number of people in attendance, if it is contemplated that the assemblage shall extend from one day to another.

G. An adequate number of access roads to and from the site of public assemblage.

H. Adequate medical facilities, including a first add station. It must be shown that at least one (1) doctor shall be on duty at all times and that at least one (1) registered nurse for each five hundred (500) people in attendance will be on duty at all times.

I. If any external fires are to be started or maintained for any purpose and for which a permit is required, such permit shall be obtained from the Village and applicable Fire District.

J. The applicant shall furnish the municipality with proof of a comprehensive liability insurance policy, issued by an insurance company licensed to do business within the State of Washington, insuring the Village, its officers and employees against liability from any and all other claims of any kind or nature for the damage of property or for personal injury, including death, made by any person whomsoever, that may arise from the applicants activities carried out under a Permit with limits of not less than one million dollars ($1,000,000.) for each incident, , or as determined by the Village Council and approved by the Village Attorney, , which said policy of insurance shall contain a provision that it shall not be cancelable without ten (10) days' prior written notice to the municipality. Applicant shall indemnify the Village, the Tulalip Tribes, its officers and employees against all liability or loss, and against all claims or actions based on or arising out of damage or injury (including death) to persons or property caused by or sustained in connection with activities authorized under the Permit or by conditions created by the same, or based on any violations of any statute ordinance, building code or regulation, and defense of any such claims or actions.

K. The applicant shall deposit with the Village Clerk cash or good surety company bond, approved by the Village Council, in the minimum sum established by the Village General Manager and conditioned that no damage will be done to any public or private property and that the applicant will not permit any litter, debris or other refuse to remain upon any public or private property after seventy-two (72) hours after the termination date of the permit, which cash shall be refunded or surety company bond canceled upon certification by the Village General Manager that all conditions of this Ordinance and the permit have been complied with.

9. Additional Provisions Applicable to All Permits.

A. Any person holding a permit under this Ordinance and every place of public assemblage shall comply with the following provisions. Violation of any of these provisions or any other permit requirement shall be unlawful, and shall be grounds for immediate revocation of the permit. Furthermore, any public assemblage without a permit or in violation of a permit requirement or other legal requirement may be grounds for further legal action.

B. In the course of any public assemblage, no light shall be permitted to shine beyond the property line of the premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent tenants or the general public.

C. No soot, cinders smoke, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the public or which either annoys, disturbs, injures, endangers or which may disturb, injure or endanger the health, safety and welfare of any person or the public.

E. No loud, unnecessary or unusual noise shall be permitted to be made or caused to be made or continued at any time which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons or the public, or which shall violate the Noise Ordinances of the Tulalip Tribes.

F. The Village Manager may require additional reasonable conditions as to the time, place, and manner of any public assemblage, including but not limited to restrictions on the location, duration, and size of any public assemblage.

10. Notice of Denial. If Quil Ceda Village shall deny an application for a permit under this Ordinance, the Clerk of Quil Ceda Village shall notify said applicant of the disapproval of said application and shall include therewith a statement for the reasons for disapproval. A hearing on a denied permit may be requested from the Village Council.

11. Permits Not Transferable. No permit issued under the provisions of this Ordinance shall be transferred or assigned to any person or used by any person other than the person to whom it was issued, nor shall such permit be used on any location other than the location stated in such permit.

12. Revocation of Permit. If, after the permit is issued, the Village Council or Village Manager determines that any of the items set forth in 8 or 9 of this Ordinance, or any other legal requirement, is not adhered to or accomplished within a reasonable time prior to the date or dates of such public assemblage or if the Village Council or Village Manager determines that any of the provisions of any section of this Ordinance, or any other legal requirement, has been or is being violated, then such permit shall become null and void and the public assemblage shall immediately cease.

13. Penalties for Offenses.

A. Any person who shall violate any provision of this Ordinance shall be guilty of an offense punishable by a civil enforcement penalty not exceeding two thousand dollars ($2000). Each day's continued violation shall constitute a separate offense.

B. In addition to the above provided penalties, violation of this Ordinance may subject the violator to potential criminal penalties. The Village Council may also maintain any action or proceeding in the name of the municipality in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Ordinance.

14. Applicability

A. This Ordinance shall not apply to activities occurring in the Village considered regular in nature, such as but not limited to entertainment events located at the Amphitheatre, events within the Tulalip Gaming properties, or other regularly occurring events sponsored by the Village and/or the Tulalip Gaming properties, as determined by the Village.

15. Interpretation and Construction.

A. The Quil Ceda Village Council finds that Quil Ceda Village is a governmentally owned tribal municipality with a unique character, including strict prescriptive requirements and design guidelines governing land uses, building appearance, signage, and other physical features. Accordingly, the Village Council finds that there is a legitimate governmental interest in maintaining the unique character and appearance of Quil Ceda Village. For the limited purposes of interpreting, construing, and applying this Ordinance, Quil Ceda Village and all of its grounds, sidewalks, roads, parking areas, and other location shall be treated as governmentally owned "nonpublic forums."

Adopted by the Quil Ceda Village Council at regular meeting assembled on the 20 of May, 2019, with a quorum present by a vote of 2 for and 0 against.

THE CONSOLIDATED BOROUGH OF QUIL CEDA VILLAGE

Village President

ATTEST:

Village Clerk