

**CHAPTER 7.16**

**OUTDOOR CONCERTS**

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**7.16.010 PURPOSE.** The Board of County Commissioners of Benton County finds and declares that it is necessary for the protection and preservation of the peace, health, welfare, safety and property of the residents of Benton County to provide for the orderly and lawful conduct of outdoor music festivals and outdoor concerts by assuring that proper sanitary, health, fire, safety, and police measures are provided and maintained, and further that there is a danger to persons attending such festivals and concerts if proper sanitary, health, police and other safety measures are not adequately provided for, and further that it is necessary to pass, under the police powers of the county, this chapter to regulate and license the holding of such outdoor music festivals and outdoor concerts within Benton County.

[Ord. 109 (1975) § 1]

**7.16.020 DEFINITIONS.** For the purposes of this chapter, the following words and phrases shall have the indicated meanings:

(a) "Outdoor music festival", "music festival", "festival", "outdoor concert" or "concert", means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is one thousand (1000) persons or more, or where the duration of the program is three hours or longer: Provided, that this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state or county.

(b) "Promoter" means any person or other legal entity issued a permit to conduct an outdoor musical festival who applies to the Board of County Commissioners for a license to hold an outdoor music festival or outdoor concert.

(c) "Applicant" means the promoter who has the right of control of the conduct of an outdoor music festival who applies to the Board of County Commissioners for a license to hold an outdoor music festival or outdoor concert.

(d) "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a music festival. A person shall be presumed to have knowingly provided as that phrase is used herein after he has been served with a court order.

[Ord. 109 (1975) § 2]

**7.16.030 PERMITS REQUIRED.** No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised or permit an outdoor music festival or outdoor concert within any unincorporated area of Benton County unless a valid permit has been previously obtained from the Board of County Commissioners for the operation of such music festival as provided for by this chapter. One such permit shall be required for each outdoor music festival. Any person, persons, partnership,

corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this chapter shall be subject to the appropriate penalties as prescribed by this chapter.

[Ord. 109 (1975) § 3]

**7.16.040 APPLICATION FOR PERMIT.** Application for an outdoor music festival permit shall be in writing and filed with the Board of County Commissioners. Such application shall be filed not less than thirty days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount hereinafter provided. Such application shall include:

(a) The name and address of the person or other legal entity on behalf of whom said application is made: Provided, That a natural person applying for such permit shall be eighteen years old or older;

(b) A financial statement of the applicant;

(c) The nature of the business organization of the applicant;

(d) Names and addresses of all individuals or other entities having ten percent or more proprietary interest in the festival;

(e) The principal place of business of the applicant;

(f) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(g) The program and time schedule;

(h) Written confirmation from the Benton-Franklin District Health Department that it has reviewed and approved plans for site and development;

(i) A written confirmation from the Benton County Sheriff that traffic control and crowd protection policing have been contracted

for or otherwise provided by the applicant meeting the following conditions:

(1) One traffic and crowd control person for each two hundred (200) persons reasonably expected to be in attendance at any time during the festival.

(2) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: Provided, That not less than twenty percent (20%) of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: Provided further, That each traffic and crowd control person who is not a commissioned police officer or deputy sheriff shall submit an affidavit that he or she has not been convicted of a felony within the previous ten (10) years.

(3) During the hours that the festival site shall be open to the public there shall be at least one deputy sheriff for every one thousand (1000) persons in attendance and said deputy shall be on duty within the confines of the actual outdoor musical festival site.

(4) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all other existing statutes, ordinances and regulations.

(j) A written confirmation from the Benton County Sheriff that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one (1) auto for every four (4) persons in estimated attendance at the outdoor music festival site.

(k) A written confirmation from the fire chief of the fire district within which the outdoor music festival is to be held that sufficient fire protection devices and equipment will be available at, in or near any building, tent, stadium or enclosure wherein or whereupon more than ten (10) persons may be expected to congregate

at any time during the course of the outdoor music festival. Fire prevention standards shall be as provided by state law.

(l) A written statement of the applicant that all law enforcement officers, fire control officers, health inspectors and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(m) A statement that the applicant will abide by the provisions of this chapter.

(n) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

(o) A permit fee shall accompany each application for an outdoor music festival permit in accordance with the following schedule:

<u>Attendance</u>	<u>Permit Fee</u>
Less than 1,000 persons	\$ 250.00
1,000 to 5,000 persons	\$ 500.00
More than 5,000 persons	\$1500.00

[Ord. 109 (1975) § 4]

**7.16.050 APPROVAL OR DENIAL OF PERMIT.** (a) Within ten days after the filing of the application the Board of County Commissioners shall either approve or deny the permit to the applicant. Any denial shall set forth the grounds therefor. The applicant shall have ten days after the receipt of such denial or such additional time as the Board of County Commissioners shall grant to correct the deficiencies set forth and the Board of County Commissioners shall within ten days after receipt of such corrections either approve or deny the permit. Any denial shall set forth the grounds therefor.

(b) After the applicant has filed corrections and the Board of County Commissioners has thereafter again denied the permit, the applicant may within five days after receipt of such second denial

seek judicial review of such denial by filing a petition in the Superior Court of Benton County.  
[Ord. 109 (1975) § 5]

**7.16.060 REIMBURSEMENT OF EXPENSES INCURRED IN REVIEWING REQUEST.** Any agency requested by an applicant to give written approval as required by BCC 7.16.040 may within ten (10) days after the applicant has filed such application apply to the Board of County Commissioners for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred the Board of County Commissioners shall reimburse the agency therefor from the funds of the permit fee. The Board of County Commissioners shall on or before the first scheduled date of the festival return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.  
[Ord. 109 (1975) § 6]

**7.16.070 CASH DEPOSIT, SURETY BOND, INSURANCE.** (a) After the application has been approved the promoter shall deposit with the Board of County Commissioners, a cash deposit or surety bond. The bond or deposit shall be used to pay any costs or charges incurred to regulate traffic or parking. The bond or deposit shall be returned to the promoter when the Board of County Commissioners is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned.

(b) The promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount of not less than one thousand dollars (\$1,000.00) bodily injury coverage per person covering any bodily injury negligently caused by an officer, employee or agent of the festival while acting in the performance of his or her duties. The policy shall name Benton County as an additional named insured.

(c) The promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount

of not less than one hundred thousand dollars (\$100,000.00) covering any property damage due to negligent failure by an officer, employee or agent of the festival to carry out duties imposed by this chapter.

The policy shall name Benton County as an additional named insured.  
[Ord. 109 (1975) § 7]

**7.16.080 REVOCATION OF PERMITS.** (a) Revocation of any permit granted pursuant to this chapter shall not preclude the imposition of penalties as provided for in this chapter and the laws of the State of Washington. Any permit granted pursuant to the provisions of this chapter to conduct a music festival shall be summarily revoked by the Board of County commissioners when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

(b) Any permit granted pursuant to the provisions of this chapter to conduct a music festival may otherwise be revoked for any material violation of this chapter or the laws of the State of Washington after a hearing held upon not less than three (3) days notice served upon the promoter personally or by certified mail.

(c) Every permit issued under the provisions of this chapter shall state 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 Benton County to revoke such permit is a consideration of its issuance.

[Ord. 109 (1975) § 8]

**7.16.090 DRUGS 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 an outdoor music festival is in operation, knowingly permit or allow any person to bring upon the premises of said music festival, any controlled substance as defined by chapter 69.50 RCW, or alcoholic beverages, or knowingly permit or allow controlled substances or alcoholic beverages to be consumed on the premises,

and no person shall take or carry onto said premises any controlled substances or alcoholic beverage.  
[Ord. 109 (1975) § 9]

**7.16.100 PROXIMITY TO SCHOOLS, CHURCHES, HOMES.** No music festival shall be operated in a location which is closer than one thousand (1000) yards from any schoolhouse or church, or any house, residence, or other human habitation unless waived in writing by all of the occupants thereof.  
[Ord. 109 (1975) § 10]

**7.16.110 AGE OF PATRONS.** No person under the age of sixteen (16) years shall be admitted to any outdoor music festival without the escort of his or her parents or legal guardian and proof of age shall be provided upon request.  
[Ord. 109 (1975) § 11]

**7.16.120 PERMIT, POSTING, TRANSFERABILITY.** Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of the outdoor music festival and such permit shall not be transferable or assignable without the consent of the Board of County Commissioners.  
[Ord. 109 (1975) § 12]

**7.16.130 PENALTY.** Any person who shall wilfully fail to comply with the rules, regulations, and conditions set forth in this chapter or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a misdemeanor.  
[Ord. 109 (1975) § 13]

**7.16.150 PREPARATIONS-COMPLETION REQUIREMENTS.** All preparations required to be made by the provisions of this chapter on the music festival site shall be completed fifteen days prior to the first day scheduled for the festival. Upon such date or such earlier date when all preparations have been completed, the

promoter shall notify the Board of County Commissioners thereof, and the Board of County Commissioners shall make an inspection of the festival site to determine if such preparations are in reasonably full compliance with plan submitted pursuant to BCC 7.16.040. If a material violation exists the Board of County Commissioners shall move to revoke the music festival permit in the manner provided by BCC 7.16.080.

[Ord. 109 (1975) § 15]