



## WHATCOM COUNTY COUNCIL

### OUTDOOR MUSICAL ENTERTAINMENT, AMUSEMENTS, AND ASSEMBLIES PERMIT APPLICATION

#### FREQUENTLY ASKED QUESTIONS

This information is being provided to you for review prior to completing a permit application for an event wherein the primary purpose is the presentation of outdoor (live or recorded) musical entertainment. This permit, referred to as an event permit, may be approved if full compliance with the attached application and submittal requirements has been met. The applicant is responsible for reading, understanding, and complying with all requirements pertaining to outdoor music festivals pursuant to WCC 5.40 and RCW 70.108.

#### **What is an Event Permit?**

An event permit is required pursuant to WCC 5.40 whenever any person, persons, organization, landowner, or lessor allows, encourages, organizes, promotes, conducts, permits or causes to be advertised an entertainment, amusement, or assembly of persons, wherein one of the primary purposes will be the presentation of outdoor (live or recorded) musical entertainment, which said person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract 1,000 or more persons, and where a charge or contribution is required for admission.

#### **How do you get a permit?**

The attached application and all supplemental checklists must be submitted with a permit application fee of \$2,500 to the Clerk of the Whatcom County Council. The Clerk will not accept an application that is not complete. A separate permit is required for each outdoor music festival. A permit may be granted for a period not to exceed sixteen (16) consecutive days and a festival may be operated during any or all of the days within such period.

#### **How many days in advance should an application be submitted?**

Pursuant to RCW 70.108.040, a completed event permit application, along with application fee and signed supplemental checklists, must be filed with the Clerk of the Whatcom County Council not less than ninety days prior to the first scheduled day of the event.

#### **How long does it take to get a permit?**

Within fifteen (15) days after the filing of a complete application, the Whatcom County Council shall either approve or deny the permit.

#### **Are there any required site inspections?**

All preparations required to be made for the site shall be completed thirty days prior to the first day scheduled for the festival. The promoter shall notify the issuing authority and schedule a site inspection of the festival site to determine if such preparations are in reasonably full compliance with plans submitted pursuant to RCW [70.108.040](#). If a material violation exists the issuing authority shall move to revoke the music festival permit in the manner provided by RCW [70.108.080](#).

#### **What if a permit application is denied?**

Any denial shall be set forth in writing and shall detail the grounds for denial. The applicant shall have fifteen (15) days from receipt of denial (or additional time if granted by the County Council) to correct any deficiencies. The County Council shall then have fifteen (15) days to respond to the corrections and either approve or deny the permit. If the application is again denied, the grounds for denial shall be detailed in writing. The applicant then has the right to seek judicial review of such denial by filing a petition in Superior Court pursuant to RCW 70.108.050.

### **Is a cash deposit or surety bond required?**

After an application has been approved, the promoter shall make a deposit with the County a cash deposit or surety bond in the amount of \$5,000. The bond or deposit shall be used to pay any costs or charges incurred to regulate the health of the public and/or to clean up the festival grounds, or may be used for any extraordinary costs or charges incurred to regulate traffic or parking. The cash bond may also be used to save and protect the streets, pavements, bridges, road signs and to repair all other property in the county from any and all damage that may be caused by vehicles, employees, or participants in such outdoor musical assembly as per WCC 5.40.020. The cash deposit or surety bond shall be returned to the promoter when the County 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 shall be returned: PROVIDED, that the bond or cash deposit or the uncommitted portion thereof shall be returned no later than thirty (30) days after the last day of the festival.

### **Is the promoter required to carry liability insurance?**

The promoter will be required to furnish evidence that he/she has in full force and effect a liability insurance policy in an amount of not less than one hundred thousand dollars bodily injury coverage per person covering any bodily injury negligently caused by an officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the issuing authority of the permit as an additional insured.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a one hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this chapter. The policy shall have the issuing authority of the permit as an additional named insured.

### **Are there site locations that are prohibited from having music festivals?**

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 unless waived by occupants.

### **Is there an age limitation for patrons?**

No person under the age of sixteen 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.

### **What are the penalties to someone who fails to comply with the permit?**

Pursuant to RCW 70.108.130, any person who willfully fails to comply with the rules, regulations, and conditions set forth in this chapter or who aids or abets such a violation or failure to comply is guilty of a gross misdemeanor. Violation of such a rule, regulation, or condition relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction. Violations of such a rule, regulation, or condition equivalent to those provisions of Title [46](#) RCW set forth in RCW [46.63.020](#) is a misdemeanor.

### **Can security or any other person carry a firearm while on site?**

It shall be unlawful for any person, except law enforcement officers, to carry, transport or convey, or to have in his possession or under his control any firearm while on the site of an outdoor music festival. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars or by imprisonment in the county jail for not less than ten days and not more than ninety days or by both such fine and imprisonment.

### **During what hours can a music festival occur?**

Pursuant to WCC 5.40.050, no outdoor musical assembly shall be conducted in the unincorporated areas of Whatcom County during the hours of one minute after 12 midnight and 9 a.m.; provided, that no license shall be issued for more than one 24-hour period ending at midnight. The participants shall be required to have cleared the licensed area and its immediate environs no later than 1 a.m. on the day following the licensed event.

### **Can law enforcement stop admission to the music festival?**

If at any time during said event the size of the crowd exceeds by 20 percent the number of persons represented by the sponsors to be expected to be in attendance, the Whatcom County sheriff shall have the discretion to require the sponsor to limit further admissions.



# EVENT PERMIT CHECKLIST

## THIS SECTION TO BE COMPLETED BY THE WHATCOM COUNTY COUNCIL:

In accordance with RCW 70.108, the following checklist items must be completed:

**Applicant Submitted:**

**Staff Approved:**

- |                          |   |                          |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | Financial statement of the applicant.   | <input type="checkbox"/> |
| <input type="checkbox"/> | Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival.   | <input type="checkbox"/> |
| <input type="checkbox"/> | The nature of the business/organization of the applicant.   | <input type="checkbox"/> |
| <input type="checkbox"/> | 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 is owned by a person other than the applicant.           | <input type="checkbox"/> |
| <input type="checkbox"/> | The scheduled performances and program.   | <input type="checkbox"/> |
| <input type="checkbox"/> | A statement that the applicant will abide by the provisions of RCW 70.108.040   | <input type="checkbox"/> |
| <input type="checkbox"/> | Signed and approved section of the event permit checklist completed by authorized personnel of the <u>Whatcom County Health Department</u> .  | <input type="checkbox"/> |
| <input type="checkbox"/> | Signed and approved section of the event permit checklist completed by authorized personnel of the <u>Whatcom County Sheriff's Office</u> .   | <input type="checkbox"/> |
| <input type="checkbox"/> | Signed and approved section of the event permit checklist completed by authorized personnel of the <u>Whatcom County Fire Marshal's Office</u> .  | <input type="checkbox"/> |
| <input type="checkbox"/> | A written confirmation from the department of natural resources, where applicable, and the chief of the Washington state patrol, through the director of fire protection, that all fire prevention requirements have been complied with.                | <input type="checkbox"/> |
| <input type="checkbox"/> | A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.                              | <input type="checkbox"/> |
| <input type="checkbox"/> | If approved, the promoter shall supply Whatcom County with a cash deposit or surety bond.   | <input type="checkbox"/> |
| <input type="checkbox"/> | The promoter will be required to furnish evidence that he/she has in full force and effect a liability insurance policy pursuant to WCC 5.40.020 and RCW 70.108.70. The policy shall name the issuing authority of the permit as an additional insured. | <input type="checkbox"/> |

By signing this portion of the application the office of the Whatcom County Council Office acknowledges receipt and application fee from \_\_\_\_\_ and that said documents meet the submittal requirements for further review by the Whatcom County Sheriff's Office, the Whatcom County Health Department, and the Whatcom County Fire Marshal's Office.

\_\_\_\_\_  
(Dana Brown-Davis, Clerk of the Council)

\_\_\_\_\_  
(Date)

**\*Pursuant to RCW 70.108.040(9)(d), all law enforcement personnel shall be charged with enforcing the provisions of this permit and all existing statutes, ordinances and regulations.**

# EVENT PERMIT CHECKLIST

## THIS SECTION TO BE COMPLETED BY THE WHATCOM COUNTY HEALTH DEPARTMENT:

Pursuant to RCW 70.108.040, the application shall include written confirmation from the local health officer from the area where the outdoor music festival is to take place, showing that he or she has reviewed and approved plans for site and development in accordance with rules, regulations, and standards adopted by the Washington State Board of Health. Such rules and regulations shall include criteria as to the following, and any other matters deemed necessary by the State Board of Health to protect the public's health:

### Applicant Submitted:

### Staff Approved:

- |                          |   |                          |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | Detailed site plan                        | <input type="checkbox"/> |
| <input type="checkbox"/> | Site location and property owner approval | <input type="checkbox"/> |
| <input type="checkbox"/> | Water supply                              | <input type="checkbox"/> |
| <input type="checkbox"/> | Sewage disposal                           | <input type="checkbox"/> |
| <input type="checkbox"/> | Food preparation facilities               | <input type="checkbox"/> |
| <input type="checkbox"/> | Toilet facilities                         | <input type="checkbox"/> |
| <input type="checkbox"/> | Solid waste                               | <input type="checkbox"/> |
| <input type="checkbox"/> | Insect and rodent control                 | <input type="checkbox"/> |
| <input type="checkbox"/> | Shelter                                   | <input type="checkbox"/> |
| <input type="checkbox"/> | Dust control                              | <input type="checkbox"/> |
| <input type="checkbox"/> | Lighting                                  | <input type="checkbox"/> |
| <input type="checkbox"/> | Emergency medical facilities              | <input type="checkbox"/> |
| <input type="checkbox"/> | Emergency air evacuation                  | <input type="checkbox"/> |
| <input type="checkbox"/> | Attendant physicians                      | <input type="checkbox"/> |
| <input type="checkbox"/> | Communication systems                     | <input type="checkbox"/> |

By signing this portion of the application the Whatcom County Health Department acknowledges that the applicant has provided sufficient proof and resources to ensure the general health, welfare, and safety of the public has been met pursuant to Washington State citing criteria referenced in RCW 70.108.040. The event permit shall not be issued unless all sections of the permit have been signed by authorized staff of the Whatcom County Sheriff's Office, the Whatcom County Health Department, and the Whatcom County Fire Marshal's Office. Access for emergency vehicles may be required at any time. The road(s) may be ordered cleared without notice by the Sheriff or Fire Marshal of Whatcom County.

\_\_\_\_\_  
(Authorizing Signature by the Whatcom County Health Department)

\_\_\_\_\_  
(Date)

# EVENT PERMIT CHECKLIST

## THIS SECTION TO BE COMPLETED BY THE WHATCOM COUNTY SHERIFF'S OFFICE:

Pursuant to RCW 70.108.040, the application shall include written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

**Applicant  
Submitted:**

**Staff  
Approved:**

- |                          |  |                          |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | Detailed site plan   | <input type="checkbox"/> |
| <input type="checkbox"/> | During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.  | <input type="checkbox"/> |
| <input type="checkbox"/> | A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:   | <input type="checkbox"/> |
| <input type="checkbox"/> | One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.  | <input type="checkbox"/> |
| <input type="checkbox"/> | 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 of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment. | <input type="checkbox"/> |
| <input type="checkbox"/> | A written confirmation from the appropriate law enforcement authority 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 auto for every four persons in estimated attendance at the outdoor music festival site.   | <input type="checkbox"/> |

By signing this portion of the application the Whatcom County Sheriff's Office acknowledges that the applicant has provided sufficient proof and resources to ensure the general health, welfare, and safety of the public has been met pursuant to Washington State citing criteria referenced in RCW 70.108.040. The event permit shall not be issued unless all sections of the permit have been signed by authorized staff of the Whatcom County Sheriff's Office, the Whatcom County Health Department, and the Whatcom County Fire Marshal's Office. Access for emergency vehicles may be required at any time. The road(s) may be ordered cleared without notice by the Sheriff or Fire Marshal of Whatcom County.

\_\_\_\_\_  
(Authorizing Signature by the Whatcom County Sheriff's Office)

\_\_\_\_\_  
(Date)

# EVENT PERMIT CHECKLIST

## THIS SECTION TO BE COMPLETED BY THE WHATCOM COUNTY FIRE MARSHAL:

In accordance with the International Fire Code (IFC), as adopted and amended by Whatcom County (Whatcom County Code, Title 15) the following checklist items must be submitted for review. Additional information or details may be requested at the discretion of the Fire Marshal, in accordance with requirements in the IFC. Conditions of approval will be generated at the time of approval by the Fire Marshal's Office and are subject to inspections and verification at the Fire Marshal's discretion.

**Applicant  
Submitted:**

**Staff  
Approved:**

A Public Safety Plan (site plan drawing and narrative) with the following details is required:  
(IFC Section 403.12)

- Emergency vehicle ingress and egress.
- Fire protection.
- Emergency egress or escape routes.
- Emergency medical services.
- Public assembly areas.
- The directing of both attendees and vehicles, including the parking of vehicles.
- Vendor and food concession distribution.
- The need for the presence of law enforcement.
- The need for fire and emergency medical services personnel.
- Location of stages, entertainment spectator viewing, and liquor consumption areas.
- Location, size, and type of any tents over 400 square feet.

Detailed specification and engineering documents for the following, if proposed:

- Tent materials and flame spread/smoke density rating.
- Stage canopies over 400 square feet require specific documentation in accordance with IFC Section 3105.
- Bleachers, grandstands, or telescopic seating require detailed plans and engineering documents be provided.
- Proof of food truck inspection and approval through Washington State Labor & Industries.
- Specific details of any proposed open-flames or pyrotechnics, along with separate permits from the Fire Marshal's Office.

By signing this portion of the application the Whatcom County Fire Marshal's Office acknowledges that the applicant has provided sufficient proof and resources to ensure the general health, welfare, and safety of the public has been met pursuant to Washington State citing criteria referenced in RCW 70.108.040. The event permit shall not be issued unless all sections of the permit have been signed by authorized staff of the Whatcom County Sheriff's Department, the Whatcom County Health Department, and the Whatcom County Fire Marshal's Office. Access for emergency vehicles may be required at any time. The road(s) may be ordered cleared without notice by the Sheriff or Fire Marshal of Whatcom County.

\_\_\_\_\_  
(Authorizing Signature by the Whatcom County Fire Marshal's Office)

\_\_\_\_\_  
(Date)



## **WHATCOM COUNTY FIRE MARSHAL'S** **SPECIAL EVENT REQUIREMENTS**

*\*Note: A Whatcom County permit is required when anticipated attendance is 1,000 persons or more, per Whatcom County Code (WCC Section 5.40).*

- A Public Safety Plan (site plan drawing and narrative) with the following details is required: (IFC Section 403.12)
  - Emergency vehicle ingress and egress.
  - Fire protection.
  - Emergency egress or escape routes.
  - Emergency medical services.
  - Public assembly areas.
  - The directing of both attendees and vehicles, including the parking of vehicles.
  - Vendor and food concession distribution.
  - The need for the presence of law enforcement.
  - The need for fire and emergency medical services personnel.
  - Location of stages, entertainment spectator viewing, and liquor consumption areas.
- Access shall be provided including drivable fire apparatus access to within 150' of all access points at the premises. (IFC Section 503)
- Any proposed tents in excess of 400 square feet (100 square feet inside of a building) must be disclosed and shown on site plan specifically, and must meet flame spread/smoke density ratings of NFPA 701, or other applicable standard. (IFC Chapter 31)
- No parking within 20 feet of any tent or membrane structure.
- Temporary wiring can be used in accordance with NFPA 70 (State Electrical Code & IFC 605.9).
- Extinguishers are required to be mounted throughout the event, with a minimum rating of 2-A:20-B:C, and with a maximum travel distance of 75 feet to any point of combustible materials. (IFC Section 906)
- Occupant load of stage(s) will be calculated based upon submitted site plan and floor area of the stage. Stage occupant load number will be posted at stage entrance(s). (IFC Chapter 10)
- Stage canopies (with membrane covering or similar) covering over 400 square feet shall be engineered and provide the following information: (IFC, Section 3105)
  - Summary sheet showing the building code used, design criteria, loads and support reactions.
  - Detailed construction and installation drawings.
  - Design calculations.
  - Operating limits of the structure explicitly outlined by the registered design professional including environmental conditions and physical forces.
  - Effects of additive elements such as video walls, supported scenery, audio equipment, vertical and horizontal coverings.
  - Means for adequate stability including specific requirements for guying and cross-bracing, ground anchors or ballast for different ground conditions.
  - Designation of responsible party for the stage canopy on-site.
  - Operations plan detailing procedures for environmental monitoring and actions to be taken under specified conditions (i.e. high winds, lightning, etc.).



- Bleachers, grandstands, or telescopic seating require detailed plans and manufacturer documentation prior to approval or use.
- Exit signs at designated exits shall be required. (IFC Chapter 10)
- All exit points shall be constantly monitored by security personnel and shall remain unlocked while the area is occupied.
- Interior or barricaded/contained events with more than 1,000 occupants requires crowd managers. (IFC Section 403.12.3)
- No smoking other than in designated areas, and not within any areas with propane/LP-gas use.
- No pyrotechnics/flames of any kind associated with entertainers, without separate Fire Marshal Operational Permit for pyrotechnics.
- No open burning of solid fuels (i.e. wood) or recreational fires of any kind, including food vendors. Cooking fuels may be limited to propane or charcoal depending on fire safety bans and location. Indoor cooking may only occur at a permitted commercial kitchen with fire suppression and ventilation.
- No cooking under any tent per IFC Section 3104.5, unless all conditions of the fire code and mechanical code are met. Warming of foods is allowed in accordance with IFC Section 3104.15.4
- LP-gas containers for food warming under tents shall be located no closer than 10 feet from any tent, with the relief valve pointed away from the tent. (IFC Section 3104.16)
- Any kitchen equipment covered by a commercial kitchen hood requires hood suppression. (IFC Section 609.2 and 904.12)
- Food trucks shall remain “self-contained” and any LP-gas used shall conform to Fire Code requirements at all times.
- Class K fire extinguishers are required within 30 feet for any cooking activities creating grease laden vapors. (IFC Section 904.12.5)
  - 1.5 gallon for deep fat frying operations.
  - 2.5 gallon for solid fuel burning appliances (or two (2) 1.5 gallon extinguishers).
- A minimum 4-A:20-B:C extinguisher is required within 30 feet of BBQ grills.
- Inspections by the Fire Marshal’s Office to enforce these requirements may occur at any time prior to or during an event. (IFC Section 106.1)
- The Fire Marshal has the authority to immediately stop unsafe conditions (IFC Section 110.1.1)
- Applicant must contact and obtain necessary permits and permissions through all other applicable Whatcom County departments including, but not limited to: Public Works, Health Department, Parks Department, and the County Council Office.

For questions on requirements or to request an inspection, contact the Fire Marshal’s Office at (360) 778-5900.