

PORT OF KINGSTON RECREATIONAL FACILITY SPECIAL USE POLICIES

Introduction

This document provides direction for obtaining a Special Use Permit required for the use of the Port of Kingston's parks or facilities. A special event or use is any activity that attracts people to an individual location at the Port.

Anti-discrimination

As a matter of policy, law and commitment, the Port of Kingston does not discriminate on the basis of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or presence of any sensory, mental or physical handicap.

Special Use Permits

A special use permit reserves the specific site or facility for a gathering or use by a large number of people. Use Permits are issued by the Port in its discretion based upon an evaluation of the availability of Port Facilities, as well as the nature and duration of the proposed activity, which is the subject of the permit application. Applications will be pre-empted by uses already scheduled.

Application

An application form is attached. It should be completed in detail. Answers to all the questions giving a full description of the planned activities, the dates when the facilities are needed, and the number of people expected, are required. Additional pages may be added if needed. The application must be dated and signed. An unsigned application will be returned; an incomplete application may cause delays.

Applications for Special Use Permits should be made at least ninety (90) days before the requested date. Applications will be accepted with short notice on the understanding that a permit may have to be denied because the Port lacks enough time to route the request or make appropriate preparations.

Fees & Charges

All permit applications must be accompanied by a refundable two hundred dollar (\$200.00) deposit fee. The fee will be returned if the application is denied and will be used as the security deposit if the application is approved.

Security deposits, special approvals and Kitsap County permits may be needed in addition to the generally applicable fees outlined in Exhibit "A". If an activity requires staff services such as security assistance for crowd control or traffic direction, any direct costs incurred by the Port to accommodate the event will be charged to the permit applicant.

Insurance

Prior to the commencement of any special use, the user shall, at no expense to the Port, obtain and file with the Port not less than thirty (30) days prior to the event, evidence of a policy or policies of insurance. Said policies (1) shall be subject to approval by the Port's Risk Manager as to company form and coverage, and shall be primary to all other insurance the Port may secure or have; and (2) must protect the Port from any claims and risks in connection with any activity performed by the permittee by virtue of this agreement, or any use and occupancy of the premises authorized by this agreement. The following coverage and terms are the minimum requirements:

1. A policy of **Commercial General Liability Insurance**, written on an insurance industry standard occurrence form, (CG 00 02) or equivalent, including all the usual coverages known as:

- Premises/Operations Liability
- Products/Completed Operations
- Personal/Advertising Injury
- Contractual Liability
- Owners and Contractors Protective Liability
- Stop Gap or Employers Contingent Liability

- Liquor Liability/Host Liquor Liability (if applicable)
- Watercraft (owned and non-owned) (if applicable)

Any deductible or self-insured retention must be disclosed and is subject to approval by the Port's Risk Manager.

2. A policy of **Business Automobile Liability** on an insurance industry standard form (CA 00 01) or equivalent, including coverage for owned, non-owned, leased or hired vehicles.

3. Above policy(ies) must provide the following minimum limit:

Bodily Injury and Property Damage
\$1,000,000 per occurrence/accident
\$2,000,000 annual aggregate

Liquor Liability & Pyrotechnic Only
\$1,000,000 per occurrence/accident
\$2,000,000 annual aggregate

Coverage and/or limits may be altered or increased as necessary, to reflect type of or exposure to risk. Said insurance policy(ies) and subsequent renewals must be maintained in full force and effect, at no expense to the Port, throughout the entire period of the permit.

The following documents must be provided as evidence of insurance coverage:

A Certificate of Insurance, showing the policy effective dates, limits of liability, names and dates of the event. Certificate holder – Port of Kingston, P.O. Box 559, Kingston, Washington 98346; or

A copy of the endorsement naming the Port of Kingston as an Additional Insured, showing the policy number and signed by an authorized representative, on Form CG2026 (ISO) or equivalent.

In order to accommodate constitutional rights to assemble peaceably for political and religious purposes, the insurance requirement for gatherings (such as rallies, demonstrations, and outdoor religious services) purely for political or religious expression may be waived by the Executive Director for good cause in its sole discretion. Liability insurance will be required

in connection with a political or religious event when the proposed activity presents a risk of injury.

Security Deposit

A security deposit is a payment made to the Port and held in trust for performance or payment of certain charges such as an escrow account or a damage deposit given by tenants to landlords. A security deposit is returned by check from the Port of Kingston if the terms and conditions of a permit are fully performed. If the obligations required by a permit are not performed fully, expenses incurred or damages sustained may be charged against the deposit.

The Port requires a security deposit in these situations:

1. When an event presents a risk of damage to Port property, in order that the Port may be assured repairs will be made or the Port reimbursed its cost;
2. When the event appears likely to cause the Port unusual clean up or restoration expenses, in order that the Port can cover its probable out-of-pocket costs.

If deemed necessary, a security deposit will be set in an amount that would make the Port whole if the terms and conditions of the use permit were not fully performed, and where applicable.

ADA Compliance

The event organizer will be responsible for any special accommodations required on the site during the course of the event for persons with disabilities.

Approvals

The applicant and/or event organizer is responsible for obtaining all appropriate licenses and permits and for paying all fees and taxes required for the activities and sales associated with their event.

Following is a partial list of agencies and considerations for reference:

1. A business license may be required if the applicant engages in business activities subject to the City's business and occupation tax.

2. The Kitsap County Building Code applies to construction on Port property. It may require a permit for activities at or in preparation for an event, e.g. building a stage over 48" in height, constructing a booth for sales or displays, or erecting a large tent. Where a Building Permit may be required, no use permit will be issued unless the building permit has been secured or the Port has determined that none will be needed. It is an applicant's duty to secure all necessary Port permits.

3. The Kitsap County Health District requires permits for food establishments and food handlers, including those on Port property. These permits may be secured from the Kitsap County Health District. If these permits are not obtained, a health officer may stop the sale or distribution of food.

4. Outdoor musical events on Port of Kingston property must be in compliance with the area's noise control ordinances. Noise control ordinances must be obeyed and complaints from neighbors or other affected users of the area will be investigated. An authorized Port of Kingston official or other appropriate official may stop musical events if noise limitations are exceeded or if the noise level is otherwise deemed a nuisance.

5. No alcohol may be sold or handled unless the Port of Kingston preauthorizes such activity. Liquor sales require a valid state license. All applicants must insure that proper crowd control and safety is maintained.

Compliance & Termination

The use of Port property or facilities requires compliance with all applicable regulations, policies of the Port and terms and conditions of the authorization. The Port may terminate any use immediately if there is any noncompliance with applicable regulation, policy or conditions. It is the responsibility of the person or organization that has received approval for a use to maintain proper conduct on the part of any guests or invitees.

Appeals

If an applicant is dissatisfied with the decision by Port officials on an application, the applicant may appeal to the Port Commissioners, P.O. Box 559, Kingston, Washington 98346, telephone (360) 297-3545. The appeal should contain the following information:

1. A precise identification of the applicant;
2. A statement of the action or omission causing concern;
3. The action requested by the applicant and the reasons supporting it, e.g. why the action is unfair or a hardship; impacts of the decision of that were not known to Port personnel;
4. Whether a hearing is requested, and if so, an address or number where applicant may be contacted;
5. An indication when a decision needs to be made.

The appeal will be considered within a reasonable time – within forty-eight (48) hours if the appeal raises issues of constitutional rights and requires immediate attention. If practical, the matter may be resolved by telephonic, e-mail or scheduled meeting. The Commissioner's decision will be final.

Summary

To secure a special use permit, the applicant must file an application and pay a \$200.00 deposit plus the applicable fee(s). The application, deposit and fees must be received at the Port no less than thirty days in advance to allow sufficient time for processing. Application approval will require;

1. Public liability insurance in an approved form.
2. Security deposit (or noise control bond) and applicable fee(s) from exhibit "A"
3. Special approvals, including review of applicable food handler's permits, business licenses and the like.

If you have any questions or encounter difficulties, contact the Port of Kingston staff at **(360) 297-3545**. If dissatisfied, there is an appeals process available, contact the Executive Director of the Port of Kingston, P.O. Box 559, Kingston, Washington 98346.

Exhibit A

**PORT OF KINGSTON
RECREATIONAL FACILITY SPECIAL USE FEE SCHEDULE**

Security Deposit	\$200.00
Stage	\$100.00 for every four (4) hours of use plus tax
Tent	\$100.00 for every four (4) hours of use plus tax
Stage and Tent together	\$150.00 for every four (4) hours of use plus tax

PORT OF KINGSTON
RECREATIONAL FACILITY SPECIAL USE PERMIT AGREEMENT
Mailing Address: PO Box 559 Kingston, WA 98346 Phone (360) 297-3545 Fax (360) 297-2945

PERSON/ORGANIZATION _____ DATE _____

PERSON IN CHARGE AND RESPONSIBLE FOR EVENT _____

DAYTIME PHONE _____ EMERGENCY PHONE (Day of Event) _____

ADDRESS _____ CITY _____ ZIP _____

The applicant agrees to the following:

1. Two Hundred dollar (\$200) conditionally refundable deposit is required.
2. No vehicles are permitted on the grass. Users will be assessed charges for any damages to grounds and/or facilities.
3. No alcoholic beverages are permitted on the premises unless a valid State permit or license for the event has been received by the Port and the Port has issued written authorization.
4. Should the use of tables and chairs be needed the applicant must provide them.
5. No use of nails, tacks, pins, staples, tape or like items that will penetrate any portion of the multi-use facility. Removal or movement of any Port of Kingston decorations, items in the flower beds, or flower baskets are not permitted. Additional fees may be charged for any damages.
6. All litter/garbage must be picked up and placed in plastic bags and disposed of in the provided containers in the enclosed E-dock dumpster. If necessary, users will be charge a cleaning fee.
7. Music volume must be adjusted as to not disturb the neighborhood. Failure to do so will result in cancellation of event.
8. The premises shall not be used for any purpose other than the one described above unless permission is first acquired for the additional use.
9. No open flames, fireworks or incendiary devices shall be permitted on or around the multi-use facility.
10. To conduct its activities on Port of Kingston property so as not to endanger any person or property.
11. To indemnify and hold harmless Port of Kingston and its officials, agents, and personnel against any and all claims for injury or damages, including all costs connected therewith, to persons or property arising out of the activities conducted by the "Applicant" and guests on Port of Kingston property.
12. That Port of Kingston reserves the right to terminate this agreement or to remove Applicant and any of the Applicant's guests in the event the requirements of this agreement are violated or in the event any dangerous, disruptive, or unlawful activity is permitted to occur on Port of Kingston property during the time covered by this agreement.

Name(Please Print) _____ Date Signed _____

Signature _____ Received By _____

PORT OF KINGSTON
RECREATIONAL FACILITY SPECIAL USE PERMIT APPLICATION
Mailing Address: PO Box 559 Kingston, WA 98346 Phone (360) 297-3545 Fax (360) 297-2945

PERSON/ORGANIZATION _____ DATE _____

PERSON IN CHARGE AND RESPONSIBLE FOR EVENT _____

DAYTIME PHONE _____ EMERGENCY PHONE (Day of Event) _____

ADDRESS _____ CITY _____ ZIP _____

Type of activity planned:

Music (what type) _____ Other (Example: entertainment) _____

Continue description here: _____

Estimated number of people in attendance: Total _____ Youth _____ Adults _____

Date(s) of the Event _____ Start time: _____ End time: _____

Site and/or facility requested _____

What Kitsap County/State permits will you be providing? (Examples: health, tents) _____

What equipment will be utilized for your event? (Examples: chairs, tables, tents) _____

Are you requesting that the Port provide any utilities or services such as power?

Yes No If yes, describe: _____

Do you intend to include concessions?

Yes No If yes, describe: _____

For Port of Kingston Use Only

Application Complete

Certificate of Insurance

Deposit Paid \$_____

P.O.K. Additional Insured

Additional Fee(s) Paid \$_____

Permit Agreement Signed

Approvals Required/Received:

Business License(s)

Liquor Sales

Building Permit

Other: _____

Health District Permit