

- 1. Call to Order and Roll Call**
- 2. Approve Agenda**
- 3. Public Comments Update**
- 4. Public Comment**

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern and state your name for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

5. Presentations

- a. AB 25-87: Preliminary Budget Estimates.
- b. AB 25-88: Public Safety Sales Tax.
- c. AB 25-89: Utility Usage Fee.
- d. AB 25-90: Capital Facilities Comprehensive Plan Amendment.
- e. AB 25-91: Special Events Code Amendment.

6. Adjournment

Next Regular Council Meeting Will Be Held on October 13, 2025.

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

Meeting Date: October 6, 2025
Subject: AB 25-87: Preliminary Budget Estimates.
Attachments: 1. Budget Estimates
Presented By: Adam Vaughn, Finance Director
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

Toppenish is required to prepare, present and receive approval for an annual budget. Director Vaughn will make a presentation to council signaling the start of the budget process.

Fiscal Impact:

N/A

Recommendation:

N/A

Alternatives:

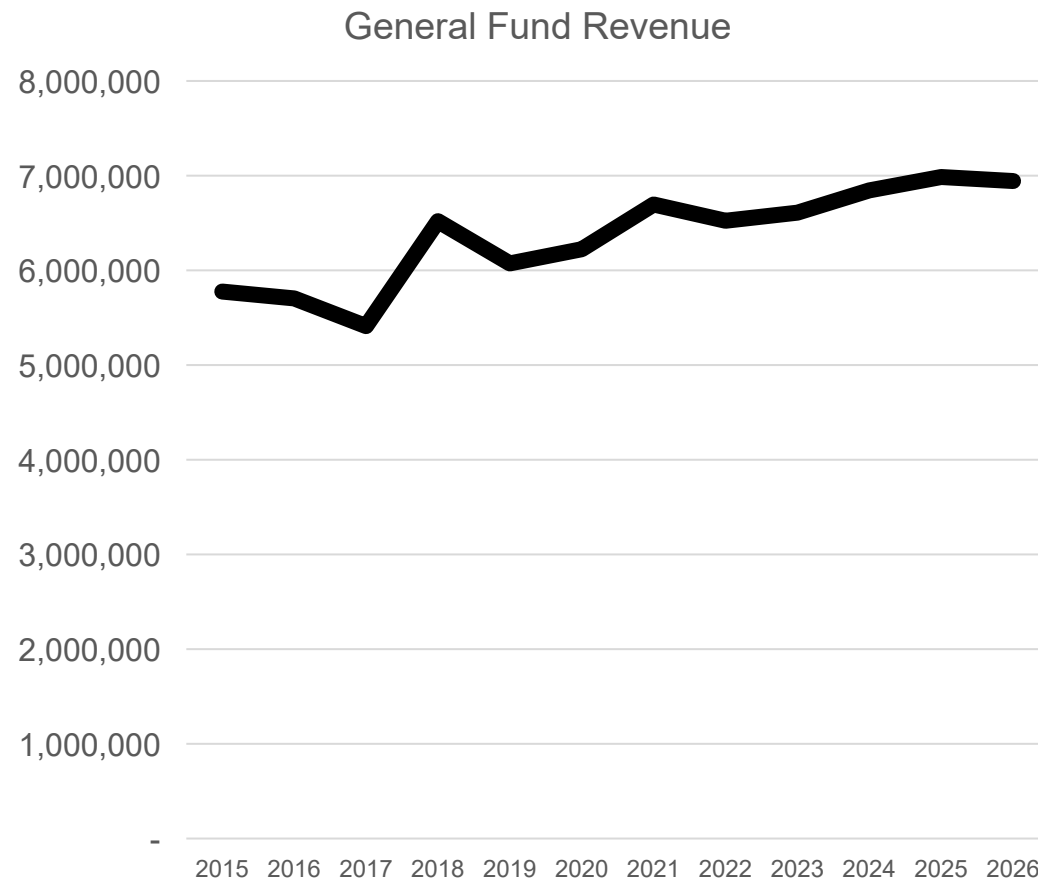
N/A

2026 Budget First Draft Budget Estimates

- 2024 Budget Deficit – \$2,258,626
- 2024 Actual Deficit – \$1,350,583
\$908,043
- 2025 Preliminary Deficit – \$1,413,819
- 2025 Adopted Deficit – \$345,398
\$1,068,421

General Fund Budget Surplus/Deficit					
General	2023 Actuals	2024 Actuals	2024 Budget	2025 Budget	2026 Preliminary
Expenses	\$ 6,102,738	\$ 6,841,010	\$ 7,377,334	\$ 6,293,529	\$ 6,825,797
Revenue	\$ 5,848,903	\$ 5,989,715	\$ 5,649,253	\$ 6,109,394	\$ 6,049,709
Surplus/Deficit	\$ (253,835)	\$ (851,295)	\$ (1,728,081)	\$ (184,135)	\$ (776,087)
Criminal Justice	2023 Actuals	2024 Actuals	2024 Budget	2025 Budget	2026 Preliminary
Expenses	\$ 1,054,986	\$ 1,354,054	\$ 1,405,180	\$ 1,037,043	\$ 1,380,979
Revenue	\$ 846,719	\$ 854,766	\$ 874,635	\$ 876,322	\$ 868,607
Surplus/Deficit	\$ (208,267)	\$ (499,288)	\$ (530,545)	\$ (160,721)	\$ (512,372)
Total Deficit	\$ (462,102)	\$ (1,350,583)	\$ (2,258,626)	\$ (344,856)	\$ (1,288,459)

Note – Without action done in 2024 the deficit was projected to bring the City's Fund balance into the negative



- Increases since 2015
 - 20% – General Revenue
 - 36% – Inflation
 - 48% – General Expenditures

Next Steps

- Staff review of expenditures
- Assessment of 2026 Critical Priorities (Capital)
 - Capital Funds Analysis
- Review of Revenue options and proposals
- Utility Tax consideration

Meeting Date: October 6, 2025
Subject: AB 25-88: Public Safety Sales Tax.
Attachments: 1. Public Safety Sales Tax
Presented By: Adam Vaughn, Finance Director
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

HB 2015 provided a means for local governments to implement a new public safety sales tax. This presentation will discuss the City's sales tax collections, the requirements of the tax, and the context in which it fits into the overall budget.

Fiscal Impact:

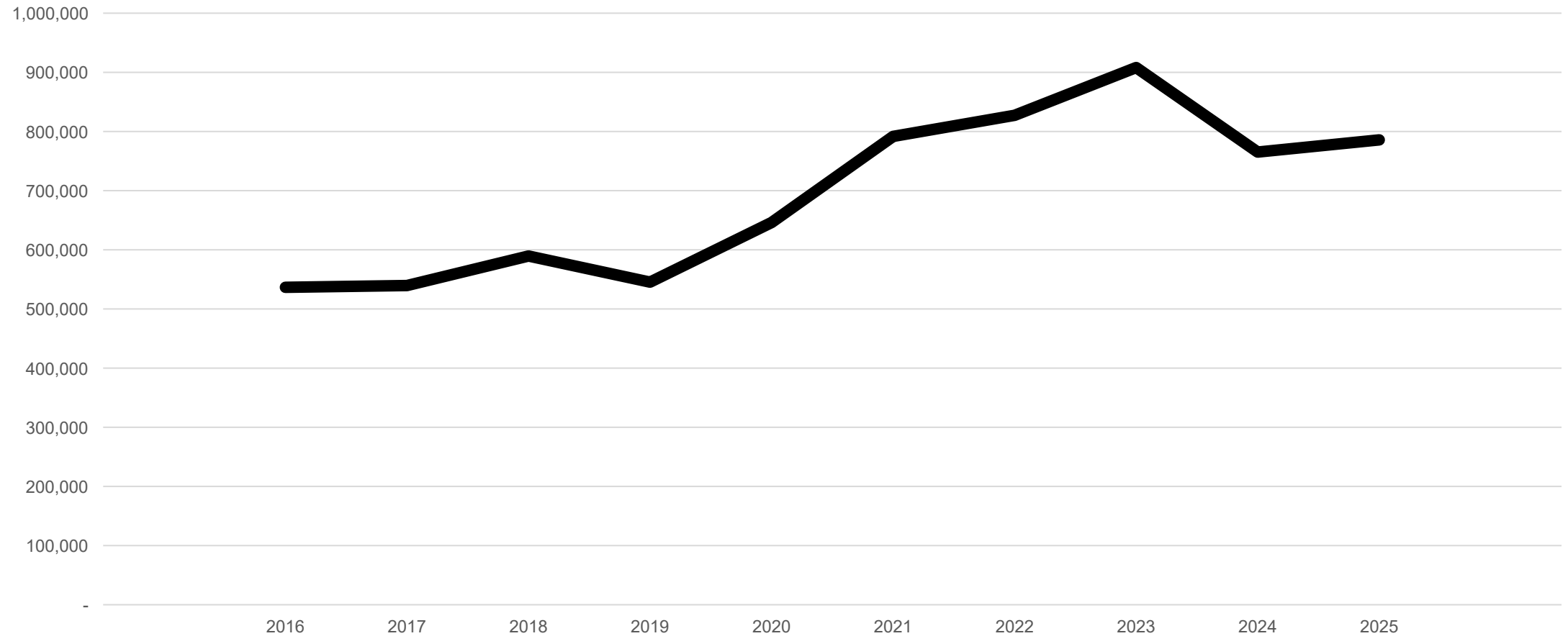
Recommendation:

N/A

Alternatives:

Public Safety Sales Tax

Sales Tax through September



- 2023 was a historical high for sales tax \$1.2 million
- 2024 saw a 15% drop from 2023 \$1.03 million (\$181k)
- 2025 is 2.7% higher than 2024 but has been volatile
- 2026 Estimates cautiously show an approximately flat collection at \$1 million

New Public Safety Sales Tax

- HB 2015
- .01% new Sales Tax
- Requirements imposed on training for our Police Officers
 - The City already does most of the requirements

County	Location Name	Location Code	Local Rate	State Rate	Combined Sales Tax (1)
Yakima	Grandview	3901	.0150	.0650	.0800
Yakima	Granger	3902	.0150	.0650	.0800
Yakima	Harrah	3903	.0150	.0650	.0800
Yakima	Mabton	3904	.0150	.0650	.0800
Yakima	Moxee	3905	.0150	.0650	.0800
Yakima	Naches	3906	.0150	.0650	.0800
Yakima	Selah	3907	.0180	.0650	.0830
Yakima	Sunnyside	3908	.0170	.0650	.0820
Yakima	Tieton	3909	.0150	.0650	.0800
Yakima	Toppenish	3910	.0150	.0650	.0800
Yakima	Union Gap	3911	.0170	.0650	.0820
Yakima	Wapato	3912	.0150	.0650	.0800
Yakima	Yakima (City)	3913	.0180	.0650	.0830
Yakima	Yakima County Unincorp. Areas	3900	.0150	.0650	.0800
Yakima	Zillah	3914	.0150	.0650	.0800

Meeting Date: October 6, 2025
Subject: AB 25-89: Utility Usage Fee.
Attachments: 1. Utility Usage Fee
Presented By: Adam Vaughn, Finance Director
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

City Staff has been made aware of community interest in switching the City's water billing process from a base fee plus consumption model, to a usage model. This presentation will discuss the logistics of City Staff's approach to looking into this request.

Fiscal Impact:

Recommendation:

N/A

Alternatives:

Utility Usage Fee

CURRENT UTILITY RATES 2025 (Inside)

WATER		Base-600 cu ft	601+ cuft/per 100
3/4"		\$54.53	Residential \$1.57
1"		\$92.70	Non-Residential \$1.19
1 1/2"		\$179.93	Irrigation Only \$1.24
2"		\$179.93	Large Processing Plants \$1.23
3"		\$288.97	
4"		\$288.97	
6"		\$583.37	
8"		\$910.47	

SEWER		Per Unit	
Residences/Duplexes (Per Unit)		\$107.62	
Multi-Family (Per Unit)		\$96.86	
Non-Residential Fixed Charge	(less than 2000 cuft avg usage Nov-April)	\$94.36	Plus Rate Per 100 CuFt of Consumption \$1.17
Non-Residential Fixed Charge	(more than 2000 cuft avg usage Nov-April; changes on the bill mailed in May)	\$94.36	Plus Rate Per 100 CuFt of Consumption \$4.18
Processing Plants (Per Employee)		\$12.80	

GARBAGE		1st Can	Additional Cans (Each)
90 Gallon		\$27.68	\$24.96
300 Gallon		\$100.48	\$97.75
350 Gallon		\$117.35	\$114.62
420 Gallon		\$140.02	\$137.31

*Residential cans are only picked up 1 time per week, unless paying for call back

YARD WASTE		Per Can
90 Gallon		\$17.23
300 Gallon		\$23.91
350 Gallon		\$25.44
420 Gallon		\$27.66

Pick up of Yard Waste is Friday

EXTRA GARBAGE SERVICE		Per Container
Overfull container (Lid does not close flat)		
90 Gallon		\$15.00
300 Gallon		\$20.00
350 Gallon		\$25.00
420 Gallon		\$30.00

Call Back (wants us to come back either because didn't have can out or refilled)

90 Gallon	\$15.00
300 Gallon	\$20.00
350 Gallon	\$25.00
420 Gallon	\$30.00

Temporary/Extra Can

90 Gallon	\$15.00
300 Gallon	\$20.00

CURRENT UTILITY RATES 2025 (Outside)

WATER		Base-600 cu ft	601+ cuft/per 100
3/4"		\$68.16	Residential \$1.96
1"		\$115.88	Non-Residential \$1.49
1 1/2"		\$224.91	Irrigation Only \$1.55
2"		\$224.91	Large Processing Plants \$1.54
3"		\$361.21	
4"		\$361.21	
6"		\$729.21	
8"		\$1,138.09	

SEWER		Per Unit	
Residences/Duplexes (Per Unit)		\$134.53	
Multi-Family (Per Unit)		\$121.08	
Non-Residential Fixed Charge	(less than 2000 cuft avg usage Nov-April)	\$117.95	Plus Rate Per 100 CuFt of Consumption \$1.46
Non-Residential Fixed Charge	(more than 2000 cuft avg usage Nov-April; changes on the bill mailed in May)	\$117.95	Plus Rate Per 100 CuFt of Consumption \$5.23
Processing Plants (Per Employee)		\$16.00	

GARBAGE		1st Can	Additional Cans (Each)
90 Gallon		\$34.60	\$31.20
300 Gallon		\$125.60	\$122.19
350 Gallon		\$146.69	\$143.28
420 Gallon		\$175.03	\$171.64

*Residential cans are only picked up 1 time per week, unless paying for call back

YARD WASTE		Per Can
90 Gallon		\$17.23
300 Gallon		\$23.91
350 Gallon		\$25.44
420 Gallon		\$27.66

Pick up of Yard Waste is Friday

EXTRA GARBAGE SERVICE		Per Container
Overfull container (Lid does not close flat)		
90 Gallon		\$15.00
300 Gallon		\$20.00
350 Gallon		\$25.00
420 Gallon		\$30.00

Call Back (wants us to come back either because didn't have can out or refilled)

90 Gallon	\$15.00
300 Gallon	\$20.00
350 Gallon	\$25.00
420 Gallon	\$30.00

Temporary/Extra Can

90 Gallon	\$15.00
300 Gallon	\$20.00



City of Toppenish
21 W. 1st Ave.
Toppenish, WA 98948
(509) 865-2080
M-F 8am-4:30pm



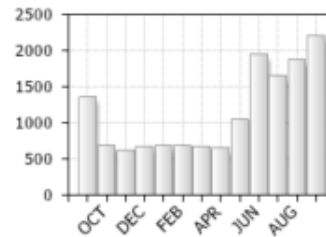
There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

Account Number	AMOUNT DUE
	\$238.65
Due Date	10/1/2025
Service Address	

City of Toppenish
21 W. 1st Ave.
Toppenish, WA 98948

CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

Property Owner		Service Address		Account Number
Service From	Service To	Bill Date	Due Date	
8/14/2025	9/15/2025	9/22/2025	10/1/2025	



CURRENT READING 69,164
PREVIOUS READING 66,951
USAGE 2,213

PREVIOUS BALANCE \$142.60
PAYMENTS \$142.60-
ADJUSTMENTS \$0.00
PENALTIES \$0.00
PAST DUE AMOUNT \$0.00

CONSUMPTION 25.32
WATER BASE CHARGE \$4.53
SEWER 107.62
GARBAGE 27.68
AMP Adjustment \$23.50
CURRENT BILL \$238.65

AMOUNT DUE \$238.65
PAID BY DRAFT

Faster, Easier, Greener. Pay bills online or by phone.
www.cityoftoppenish.us
To insure timely payment of your bill, please use the bill pay link on the city's website.
Phone: 1-833-325-0260

Your account is delinquent if not paid by 4:30pm on the 15th of each month and a late fee will be charged. Accounts will be shut down if not paid by 4:30pm on the 22nd of each month and a shut off fee will be charged. Returned online or check payments are subject to a bank return charge and your water service will be turned off if unpaid. The Utility rates include a 29% Utility tax.

Meeting Date: October 6, 2025

Subject: AB 25-90: Capital Facilities Comprehensive Plan Amendment.

Attachments: 1. Capital Facilities Element Amendment Table
2. Commerce PlanView Submittal Acknowledgement Letter
3. PlanView Submittal Cover Sheet

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

The City of Toppenish is a jurisdiction that is fully planning under the Growth Management Act and therefore is required to produce and follow a periodic Comprehensive Plan. Toppenish's current plan is from 2018. Jurisdictions are allowed to amend their comprehensive plan from time to time outside of the normal periodic update periods for a variety of reasons, including the addition of facilities to a Capital Facilities Plan. The City of Toppenish is currently undergoing the renovation of an existing building to house our Police Department as they are currently operating out of temporary facilities. To account for the cost of the renovations, the City desires to utilize Real Estate Excise Tax (REET) funds. However, these funds may only be expended on facilities that are indicated within our Capital Facilities Plan. Staff submitted the attached Comprehensive Plan Amendment (CPA) on July 31, 2025 to begin Commerce's 60-day review period. While commerce is reviewing the proposed amendment, the City was allowed to hold a public hearing with our Planning Commission to make a recommendation to the City Council should the proposed amendment be approved by Commerce, which was held at the August 20, 2025 meeting and recommended for approval.

Staff is anticipating presenting the amendment at the October 27, 2025 regular meeting as the final determination from Commerce will have been received. In discussions with Commerce to date there has been no indication that further modifications will be necessary and we will be able to move forward at that time. Should the proposed amendment be approved by Council, we will then be able to recoup costs associated with the Police Facility Renovations at that time.

Fiscal Impact:

None.

Recommendation:

N/A.

Alternatives:

TABLE 4-26. TOPPENISH GOVERNMENT BUILDINGS AND PROPERTIES SIX-YEAR CAPITAL IMPROVEMENT PROGRAM

Priority	General Facilities	Estimated cost in 2017 Dollars	Year Needed	Annual Cost
Police Department	2 Police Cars	\$108,862	2018	\$24,861 Annually through 2020
	2 Police Cars	\$140,000	2019	\$28,500 Annually from 2019 through 2023
	Public Safety Department Building	\$2,000,000	2025	\$2,000,000
Fire Department	Fire Engine (20 yrs @4.5%)	\$500,000	2019	\$22,500 Annually from 2019 through 2039
	Fire Engine (20 yrs@ 4.5%)	\$500,000	2024	\$22,500 Annually from 2024 through 2044
	Ladder Truck (20 yrs @ 4.5%)	\$850,000	2021	\$38,440 Annually from 2021 through 2041
Public Works Department	Public Works Shop Facilities after applying insurance settlement (40 yrs @2%)	\$5,000,000 \$3,700,000.	2019	\$166,500
	Automated Refuse Collector No. I	\$290,000	2021	\$29,000

5. Government Facilities and Vehicle Funding

Table 4-27. POTENTIAL GRANT OR FUNDING SOURCES FOR GOVERNMENT FACILITIES AND VEHICLE CAPITAL IMPROVEMENTS

Funding Grant or Source	link
United States Department of Agriculture – Rural Development	https://www.rd.usda.gov/wa
Community Development Block Grant	http://www.commerce.wa.gov/serving-communities/current-opportunities/community-development-block-grants/

K. FISCAL CONSTRAINT

1. Master Table of Budget versus Expenses to Confirm Fiscal Constraint



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

07/31/2025

Mr. Andrew Hattori
Community and Economic Development Director
City of Toppenish
21 West 1st Avenue
Toppenish, WA 98948

Sent Via Electronic Mail

Re: City of Toppenish--2025-S-9690--60-day Notice of Intent to Adopt Amendment

Dear Mr. Hattori:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed comprehensive plan amendment to amend Toppenish's six-year capital improvement program to include the public safety department building.

We received your submittal on 07/31/2025 and processed it with the Submittal ID 2025-S-9690. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/29/2025.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Deanah Watson, (509) 290-4754.

Sincerely,

Review Team
Growth Management Services

Notice of Intent to Adopt Amendment / Notice of Adoption (Cover Sheet)

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

Jurisdiction Name:	
Amendment Type: Select Type of Amendment listed. (Select One Only)	☐ Comprehensive Plan Amendment ☐ Development Regulation Amendment ☐ Combined Comprehensive and Development Regulation Amendments ☐ Countywide Planning Policy ☐ Critical Areas Ordinance Amendment ☐ Shoreline Master Program
Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	☐ 60-Day Notice of Intent to Adopt Amendment ☐ Request of Expedited Review / Notice of Intent to Adopt Amendment (Only for use with Development Regulation Amendments) ☐ Supplemental Submittal for existing Notice of Intent to Adopt Amendment ☐ Notice of Final Adoption of Amendment

Add Association If this amendment is related to additional submittals, please let us know here. IDs are included in your acknowledgment letter. Example 2022-S-...	
Description Enter a brief description of the amendment. Begin your description with Proposed or Adopted, based on the type of Amendment you are submitting. Examples: "Proposed comprehensive plan amendment for the GMA periodic update." or "Adopted Ordinance 123, adoption amendment to the sign code." (Maximum 400 characters)	
Is this action part of your 10-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	☐ Yes ☐ No
For Shoreline Master Programs (SMP): Is this action part of your 10-year periodic review required under RCW 90.58.080, a Comprehensive SMP, or a Locally Initiated amendment?	☐ Periodic Review ☐ Comprehensive SMP ☐ Locally Initiated Amendment ☐ N/A (Not an SMP)
Does your submittal include changes to Urban Growth Areas	☐ Yes ☐ No

Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: City Council: Proposed / Date of Adoption:
Categorize your Submittal	See Last Page for Category List
Contact Information:	
Prefix/ Salutation: (Examples: ‘Mr.’, ‘Ms.’, or ‘The Honorable’ (elected official))	
Name:	
Title:	
Email:	
Work Phone:	
Cell/Mobile Phone: (optional)	
Consultant Information:	
Is this person a consultant?	☐ Yes
Consulting Firm name?	
Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	☐ Yes

REQUIRED: Attach a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Commerce no longer accepts paper copies by mail. If you experience difficulty, please email the reviewteam@commerce.wa.gov

~~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log in to our PlanView system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach the PlanView System Access Request Form.

To set up your Commerce PlanView Account:

Register for a [SAW](#) account and add the PlanView Service.

Please send completed [PlanView System Access Request Form](#) to [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

Questions? Call the review team at (360) 725-3066.

☐ Airport Safety Zone

☐ Capital Facilities

☐ Climate

☐ Comprehensive Plan

☐ Conservation Element

☐ Critical Areas Ordinance

☐ Design Standards/Design Review

☐ Development Regulations

☐ Economic Development

☐ Emergency

☐ Environment

☐ Essential Public Facilities

☐ Historic Preservation

☐ Housing

☐ Impact Fee

☐ Land Use

☐ Military

☐ Open Space

☐ Parks and Recreation Element

☐ Periodic Review (SMP)

☐ Periodic Update

☐ Port Element

☐ Public Participation

☐ Recreation

☐ Resource Lands

☐ Rural Lands

☐ Schools

☐ Shoreline Master Program

☐ Solar Energy Element

☐ Subarea Plans

☐ Transfer of Development Rights

☐ Transportation

☐ Urban Growth Areas

☐ Utilities

**Meeting Date:** October 6, 2025  
**Subject:** AB 25-91: Special Events Code Amendment.  
**Attachments:** 1. DRAFT Special Events Code  
**Presented By:** Andrew Hattori, CED Director  
**Approved for** Dan Ford, City Manager  
**Agenda By:**

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**Discussion:**

The City of Toppenish, similar to other jurisdictions, has provisions within our Municipal Code for "special events", which include requirements for applying, reviewing, and the generally what the City will allow for public events. There are three instances by definition under the current code where a special event permit is required:

1. Any activity conducted on public property or a public right-of-way.
2. Any event held on private property which includes an open invitation to the public to attend.
3. Any private event held on private property where attendance will be 100 or more people.

This specifically has caused issues for our event holders in Toppenish, as many events held by private residents or businesses are held where the public may attend. In these instances, a special event permit with associated reviews must occur, otherwise the property owner is liable to receive a code case and any applicable fines or fees. Staff has identified this issue, among other procedural issues, and proposes to amend our Municipal Code to provide private entities more flexibility when holding events where City involvement may not be necessary to ensure safety the community or traffic. The attached code amendment can be summarized as:

- Modify the definition of a special event to only include events held on public property or right-of-way. This is done so that applicants will be able to determine if they will need a permit.
- Require notice to the city before exempted events may occur. This is done so that the City is aware of large events that may be exempted but could impact city services.
- Provide specific bathroom requirements to ensure an adequate amount of facilities is provided based on anticipated attendance.
- Require staging areas to be identified to ensure safe preparations for events such as parades.
- Require a list of participating vendors. This is done to ensure compliance with business licensing provisions.

- Require a specific parade route to be included in any site plans for parade-type events.
- Expand appeal procedures in the instance a special event permit application is denied. Appeals would be submitted to the clerk and heard by the Hearing Examiner, including specified timelines.
- Create a new section prohibiting the use of City logos without City approval beforehand.
- Create a new section for cost recovery in the instance City staff or departments are required to mitigate the impacts of an event that did not obtain a permit, or went beyond the scope of impacts for their event.
- Create a new section to provide the City Manager with the authority to provide additional rules and regulations provided they are properly shared with the public.

The proposed amendment would reduce the amount of hurdles an event planner would need to go through to hold events that would not impact public services while also ensuring proper compensation should any services be necessary or impacted. Additionally, it increases the level of clarity on what is needed for special events to be approved and provides additional information on what is and is not allowed. Staff anticipates bringing an Ordinance to City Council for consideration at the October 27, 2025, Regular Meeting.

**Fiscal Impact:**

None.

**Recommendation:**

N/A.

**Alternatives:**

## Chapter 5.65 PARADES, ATHLETIC EVENTS AND OTHER SPECIAL EVENTS

### 5.65.010 Purpose and policy.

Certain uses, because of their infrequent occurrence and temporary nature, are classified as "special events." These types of uses are temporary in nature, of limited duration, and may be associated with promotions, holidays, city festivals, etc. These special events shall be allowed by special events permit granted by the city manager or designee.

Partnerships between the city, event sponsors, and the community are valuable in ensuring successful events. Therefore, the city will strive to accommodate special events. The city recognizes that events can be difficult to implement successfully and that the city requirements may represent a significant portion of the event's costs. When setting fees and conditions for events, the city will be sensitive to their impacts on the event's costs while balancing the city's obligation to protect public health and safety. It is the city's goal to have successful special events that enrich and enliven the community.

(Ord. 2016-04 § 1, 2016).

### 5.65.020 Intent.

It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and no provision thereof is intended to impose any duty upon the city or any of its officers, employees, or agents. Nothing contained in this chapter or any procedure adopted is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions hereof.

(Ord. 2016-04 § 1, 2016).

### 5.65.030 Definitions.

"Special events" shall mean any activity conducted on public property or a public right-of-way, any event held on private property ~~where public property, right-of-way, and/or public services would be impacted. which involves an open invitation to the public to attend, or events held on private property where the attendance is by private invitation of 100 or more people.~~

"Special events permit" shall mean the permit issued by the city manager or designee after the applicant has met all applicable reviews and requirements set forth in this chapter.

"Special events protected under the First and Fourteenth Amendments" includes any event involving political or religious activity intended primarily for the communication or expression of ideas.

"Temporary structure" shall mean any structure that is moved onto or erected on a private lot or public right-of-way to service a special event. "Temporary structure" includes, but is not limited to, stages, booths for tickets, games, vendors selling wares, and food or other concessions; tents, portable lavatories, gazebos, mobile offices or job shacks, etc.

"Use" shall mean to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public places, any building, structure, sign, equipment or scaffolding, to deface any public right-of-way by painting,

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spraying or writing on the surface thereof, or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public places within the city, including a use related to special events.

(Ord. 2021-01 § 1, 2021; Ord. 2016-04 § 1, 2016).

#### **5.65.040 Permit required.**

It shall be unlawful to hold a special event, as defined in this chapter, without first having been issued a special event permit by the city. A special event permit is not required for activities specifically exempted in TMC 5.65.045. Such special event permit shall be in addition to any street or park facility use permit, or other regular permits as may be required by the Toppenish Municipal Code. Special event permit fees shall be established by resolution of the city council as amended from time to time.

When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe upon constitutional freedoms, and in a manner that respects the liberty of applicants and the public.

(Ord. 2021-01 § 1, 2021; Ord. 2016-04 § 1, 2016).

#### **5.65.045 Special event permit exemptions.**

Certain events may be exempted from the permit requirements for special events, these events must make formal notice in writing to the city a minimum of 14 days prior to the event. The following activities ~~are~~may be exempted from the permit requirements for special events:

- A. Parades, athletic events or other special events that occur exclusively on city property and are sponsored or conducted in full by the city of Toppenish. (An internal review process should be considered in these instances.);
- B. Funeral and wedding processions;
- C. Groups required by law to be so assembled;
- D. Gatherings of 50 or fewer people in a city park, unless merchandise or services are offered for sale or trade;
- E. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;
- F. Garage sales and rummage sales; or
- ~~G. —The exhibition of films or motion pictures; or~~
- ~~H.~~G. Other similar events and activities which do not directly affect or use city services or right-of-way property.

(Ord. 2021-01 § 2, 2021).

#### **5.65.050 Special event permit application requirements.**

- A. An application for a special event shall be made by applying with the city at least 30 days before the start of the event. At the discretion of the city, the city shall consider an application that is filed after the deadline if there is sufficient time to process the application and obtain departmental approvals. The application

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deadline does not apply if the event is to exercise rights protected under the First and/or Fourteenth Amendments of the United States Constitution.

B. An application for a special event permit shall include at the minimum the following:

1. A statement of the purpose of the special event;
2. A statement of fees to be charged for the special event, including admissions fees;
3. The proposed location for the special event;
4. Dates and times when the special event is to be conducted;
5. The approximate times when assembly for, and disbanding of, the special event is to take place;
6. The proposed locations of the assembly or production area;
7. A site layout plan addressing the following:
  - a. The size and location of all structures, canopies, vehicles and trailers;
  - b. Electrical and water installations serving the event, including provisions to address tripping hazards;
  - c. The location and type of all devices powered by portable fuel such as propane, gasoline, and alcohol and quantity of fuel at each location;
  - d. Identify all safety and fire hazards;
  - e. An emergency access corridor at least 24 feet wide must be maintained for all temporary and permanent structures. Access to fire hydrants shall not be obstructed and must be maintained throughout the event;
  - f. The number and location of portable restroom facilities, including provisions for hand washing and number of units to be accessible to the disabled. Where existing restroom facilities are not present, a minimum of two portable restroom facilities shall be required, increasing in increments of two for every 50 additional guests; and
  - g. Provisions for refuse disposal including the number, capacity and location of waste receptacles, including receptacles for disposal of food waste, wastewater and grease; and
  - h. Location of staging areas associated with the event;
8. Street Closures. Identify the location and duration of proposed street closures and use of portions of right-of-way. Street closures are subject to the approval of the city manager;
9. Security Plan. Provide a security plan addressing the number of persons proposed or required to provide security, monitor or facilitate the special event, and provide spectator or participant control and direction for special events using city streets, sidewalks, or facilities. Security provisions and plans for the special event are subject to review and approval by the chief of police or designee. The chief of police may require the event organizer to retain off-duty police officers to supplement and enhance the event organizer's security personnel and security plan. The number of such police officers shall be determined by the chief of police based upon the type of event, anticipated number of attendees, plans for service and/or consumption of alcohol, and other like criteria. The event organizer shall be solely responsible to retain such officers through arrangements with the chief of police;
10. Provisions for first aid or emergency medical services, or both, based on special event risk factors;
11. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise. Events with outdoor entertainment, music and speeches (particularly those with amplified sound) shall not unreasonably impact neighboring residents or businesses. No event shall

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exceed a maximum decibel limit of 95 dB measured at the property line over a sustained period of 10 minutes. Outdoor music and entertainment shall be limited to performing between the hours of 10:00 a.m. and 10:00 p.m.;

12. Insurance and surety bond information;
13. Provisions for police, fire, medical facilities, parks and public works crews;
14. Owner's Consent. An affidavit of consent by the property owners of the special event site and/or designated parking site or sites may be required for permit issuance; and
15. Sales. Any person proposing to engage in sales activity in connection with a special events permit may be required to obtain a business license sales permit in accordance with the provisions of Chapter 5.01 TMC.
16. [The anticipated quantity and types of any alcohol that will be served at the event, for which a separate Washington State Liquor and Cannabis Board permit is required.](#)
17. [A list of participating vendors.](#)
18. [Parade route specifically detailing when and where the parade will progress through City streets.](#)
19. [Any additional information as deemed necessary by the City Manager or their designee.](#)

(Ord. 2021-01 § 3, 2021; Ord. 2016-04 § 1, 2016).

#### **5.65.060 Grounds for denial of application.**

The city may deny an application for a special event permit if:

- A. The applicant provides false or misleading information; or
- B. The applicant fails to complete the application or to supply other required information or documents, or the applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit; or
- C. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property; or
- D. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic or would present an unreasonable risk of injury or damage to the public; or
- E. There is not sufficient safety personnel or other necessary city staff to accommodate the event.

In the event subsection C or D of this section applies, the city shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

(Ord. 2016-04 § 1, 2016).

#### **5.65.070 Permit conditions.**

- A. The city may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. The following conditions apply to all special event permits:
  1. Alteration of the time, place and manner of the event proposed on the event application;

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2. Conditions concerning the area of assembly and disbanding of an event occurring along a route; and
  3. Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.
  4. [Any other conditions as deemed necessary by the City Manager or their designee.](#)
- B. Conditions on special event permits not protected under the First and Fourteenth Amendments of the U.S. Constitution include, but are not limited to:
1. Requirements for the use of traffic cones or barricades;
  2. Requirements for the provision of first aid or sanitary facilities;
  3. Requirements for use of event monitors and providing notice of permit conditions to event participants;
  4. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety;
  5. Compliance with animal protection ordinances and laws;
  6. Requirements for use of garbage containers, cleanup, and restoration of city property;
  7. Restrictions on the use of amplified sound and compliance with city noise ordinance provisions;
  8. Notice to residents and/or businesses regarding any activity which would require a street closure;
  9. Restrictions on the sale and/or consumption of alcohol;
  10. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability risk to the city;
  11. Requirements regarding the use of city personnel and equipment;
  12. Compliance with any other applicable federal, state or local law or regulation; and
  13. Payment of special event fees as stated in TMC 5.65.120, Fees for city services.
  14. [Any other conditions as deemed necessary by the City Manager or their designee.](#)

(Ord. 2016-04 § 1, 2016).

### **5.65.080 Appeal procedure.**

The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of fees or clean-up deposits imposed pursuant to TMC 5.65.120, Fees for city services, and TMC 5.65.130, Cleanup deposits, or a determination by the city that the applicant's insurance does not comply with the requirements specified in TMC 5.65.110, Insurance. A written notice of appeal shall be filed with the city ~~council~~[clerk](#) within three business days after receipt or personal delivery of a notice of denial or permit conditions from the city. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The ~~hearing examiner~~[city council](#) shall hear the appeal on the record provided from the designated city official and upon public comment given at the scheduled hearing before the ~~council~~[hearing examiner](#). The hearing shall be scheduled [for the next available regularly scheduled hearing examiner meeting](#)~~no later than 30 days~~ after receipt of a timely and proper notice of appeal. [Appeals received within one week of a regularly scheduled hearing examiner meeting shall be forwarded to the next month's meeting.](#) ~~Public comment at the appeal hearing shall be limited to three minutes per individual and 15 minutes each for appellant and city respondent. The decision of the city council is final.~~

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If there is insufficient time for a timely appeal to be heard by the ~~city council~~[hearing examiner](#) prior to the date on which the event is scheduled, the applicant may, at its own option, request that the appeal be considered by the city manager. The city manager or designee shall hold a hearing no later than five business days after the filing of the appeal and will render a decision no later than one business day after hearing the appeal. If the appeal is requested and heard before the city manager, the city manager's decision is final. There is no further appeal to the ~~city council~~[hearing examiner](#).

(Ord. 2016-04 § 1, 2016).

### **5.65.090 First and Fourteenth Amendment special events.**

No fee, indemnification agreement or insurance requirement shall be imposed when prohibited by the First and Fourteenth Amendment to the United States Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event, the extent of commercial activity, such as the sales of food, goods, and services, product advertising or promotion, or other business participation in the event, the use or application of any funds raised, if part of any annual tradition or series, previous events in the sequence, and the public perception of the event.

(Ord. 2021-01 § 4, 2021; Ord. 2016-04 § 1, 2016).

### **5.65.100 Indemnification agreement.**

Prior to the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the city for any costs incurred by it in repairing damage to city property and indemnify and defend the city, its officers, employees, volunteers and agents from all causes of action, claims or liabilities occurring in connection with the permitted event, except those which occur due to the city's sole negligence.

(Ord. 2016-04 § 1, 2016).

### **5.65.110 Insurance.**

The following insurance shall be required in connection with the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution: commercial general liability insurance with minimum limits of \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate unless waived by the city; provided, that the city manager is authorized to require increased levels of coverage based upon the level of risk posed by the event.

The city manager is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written on an occurrence basis, shall name the city as an additional insured, shall be written for a period not less than 24 hours prior to the event and extending for a period not less than 24 hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy, except upon 30 days' written notice to the city.

(Ord. 2016-04 § 1, 2016).

### **5.65.120 Fees for city services.**

- A. Upon approval of an application for a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the city manager should provide the applicant with a statement of the

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estimated cost of providing city personnel and equipment. The applicant/sponsor of the event must prepay any estimated costs for city services and equipment 10 days prior to the special event. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city services and the cost of operating the equipment to provide such services. City service fees shall be established by resolution of the city council, as amended from time to time.

- B. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference to be paid within 30 days of billing.
- C. Permit fees and fees for the use of city services and equipment may be waived in part or in full by the city manager if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for-profit" entity.

(Ord. 2017-01 § 1, 2017; Ord. 2016-04 § 1, 2016).

### **5.65.130 Cleanup deposits.**

The applicant/sponsor of an event, not protected under the First and Fourteenth Amendments of the U.S. Constitution, involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required by the city manager [or their designee](#) to provide a cleanup deposit prior to the issuance of a special event permit.

The cleanup deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.

If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the city for cleanup and restoration to be paid within 30 days of billing. The cleanup deposit shall be applied toward the payment of the bill.

(Ord. 2016-04 § 1, 2016).

### **5.65.140 Revocation of permits.**

Any permit issued under this chapter may be summarily revoked by the city at any time when, by reason of disaster, public calamity, riot or other emergency or exigent circumstances, the city manager determines the safety of the public or property requires such immediate revocation. The city manager may also summarily revoke any permit issued pursuant to this chapter if the city manager finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in the application.

(Ord. 2016-04 § 1, 2016).

### **5.65.150 Violation — Penalty.**

- A. It shall be unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued and remains in effect for the event. It is

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unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.

- B. The special event permit authorizes the permittee/sponsor to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.
- C. Any person or organization violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of a fine of not more than \$500.00 or by imprisonment of not more than 90 days, or both such fine and imprisonment.

(Ord. 2016-04 § 1, 2016).

### **5.65.160 Savings clause.**

If any section, sentence, clause, phrase, part or portion of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter.

(Ord. 2016-04 § 1, 2016).

### **5.65.170 Use of city logo or name.**

It is unlawful for any event organizer to use in the title of an event the words “The City of Toppenish” or “City of Toppenish”, the name of any city department, or a facsimile of duplication of any logo of the city of Toppenish or city department, or to indicated city sponsorship of an event, without the city’s written authorization. Any authorized use of a city logo or name, and any department logo or name, shall be reviewed by the City Manager or their designee prior to publication or dispersal of relevant materials.

### **5.65.180 Cost recovery for unlawful special event.**

Whenever a special event is conducted without a special event permit, when one is required, or a special event is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the city shall charge the event organizer for, all city costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the special event or the violation of the special event permit upon public safety. This includes events that organizer’s fail to manage in a manner that they impact public property or right-of-way and city staff incurs responsibility in public safety and other city duties.

### **5.65.190 City Manager authorized to adopt rules and regulations.**

The City Manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event.