

ORDINANCE 2011-992

AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING TITLE 5 CHAPTER 4 REGARDING RULES AND USES OF THE WAITSBURG FAIRGROUNDS AND TITLE 9 CHAPTER 1 REGARDING CONNECTIONS TO THE WATER AND SEWER SYSTEM

WHEREAS, minor updates are needed to the Waitsburg Municipal Code;

NOW THEREFORE, the City Council of the City of Waitsburg does ordain as follows:

Section I:

Chapter 4 - Fairgrounds

05.04.010. Short title. The chapter shall be known and may be cited as the “Fairgrounds Rules and Uses ordinance of the City of Waitsburg.”

05.04.020. Overview and General Rules. All users of the Fairground facilities, whether reserving or during open time, will be required to leave the Fairgrounds in the condition it was prior to their use. If the facilities have been damaged and the user cannot immediately repair, the user may contact the City Clerk to determine an acceptable period in which they can repair the damages. If immediate repair or a plan for the user to repair is not done, the City staff will make repairs and the user will be billed for cost of material, staff work time, necessary contract labor and lost revenue if it can be determined that the City of Waitsburg actually lost revenue as a result of damage done.

All users, including renters of Fairgrounds facilities, have the responsibility of informing people that are working or assisting the user in activities associated with the Fairgrounds of these rules.

Smoking is prohibited in the Grandstands and in all other Buildings at the Fairgrounds.

General rule violations (applies to all Fairgrounds use):

1. First offense – written warning.
2. Immediate eviction from the fairgrounds and up to 6 month denial of future access to the fairgrounds.

Signs posted in the Waitsburg Fairgrounds facilities regarding safe and responsible use must be obeyed. Failure to comply with such signs shall be considered a violation of general rule violations whether or not the rule is expressly stated in these rules.

05.04.030. **STALLS AND/OR CORRAL FEES.** All fees are to be paid to the City of Waitsburg at Waitsburg City Hall, and a receipt for payment must be issued prior to use.

1. **Damage Deposit.** \$50.00 for the first stall, and \$25.00 for every stall thereafter
 - A. Owner/Users shall be required to immediately repair any damage caused by stall usage; the City Clerk must approve such repairs in advance of repair. In

the event of failure to make such repairs, the above-mentioned damage deposit shall be applied to the balance owed to the City of Waitsburg to cover the cost of repair, up to \$50.00 per stall, and privileges of stall use will be immediately terminated.

- a. Stalls must be maintained at the level as when rented.
 - b. Damage deposits must be maintained throughout the year (i.e., when moving out for Days of Real Sport or any other reason, and damage has been done to the stall where the City of Waitsburg repairs the damage from the deposit, the damage deposit must be restored to the maximum number of stalls that are currently being rented prior to moving back into the facility).
 - c. The amount of the damage deposit refund will be based on the condition of the stall after use, to be determined by the City Clerk and or Public Works Department. Any deposit refund will be issued after the City Council meeting that occurs closest to the time of the request.
- B. Upon termination of rental privileges, the renter has fifteen (15) days to make necessary repairs to assigned stall(s) or the damage deposit shall be applied to the balance owed the City of Waitsburg to cover the cost of repairs.
 - C. Clinic sponsors will be responsible for damage done by clinic horses.
 - D. Organized youth groups may be allowed the use of stalls for up to five (5) days without paying a damage deposit as long as the stalls remain in the same condition.
 - E. Damage deposit shall be forfeited if rent is not paid within ten (10) days of due date. Deposit will be applied to rent, and a new damage deposit will be required for the renter to be allowed to continue to rent.
 - F. In the event that the Days of Real Sport Horse racing event returns to the City of Waitsburg, owners of animals involved in Days of Real Sport races shall not be required to pay a damage deposit, provided that the appropriate officials of Days of Real Sport, Inc., properly assume responsibility for repairing damage caused by such specifically exempted animals involved in Days of Real Sport. This exemption shall apply only to the period of two (2) weeks before Days of Real Sport and one (1) week following Days of Real Sport.
2. **Rental**
- A. Horse stalls shall be \$60.00 per month per stall plus applicable power costs.
 - B. Rental is on a monthly basis, from the first of the month to the end of the month, and shall be a non-refundable monthly rate or a daily rental rate of \$5.00/day/stall. All rent **must** be paid in advance by the 5th of each month. Rent must be paid to the City of Waitsburg at the City Hall in advance of use and a receipt for payment must be issued prior to use.
 - a. Non-payment of advance rental within ten (10) days of the due date shall result in forfeiture of damage deposit and cancellation of rental privileges.
 - b. Organized youth groups shall be allowed use of stables for a period of five (5) days without paying rent.

c. Owners of horses in training for Days of Real Sport activities shall have use of the facility rent-free for two (2) weeks prior to race date and up to one (1) week following race date, as provided in Section II-8.

C. Renters are required to provide straw bedding.

D. In the event Stall renters intend to use the race track, they will be subject to the applicable charge as specified in section 5.04.050.

05.04.040. **STALLS AND CORRAL RULES**

1. Individual owners shall certify that, to the best of their knowledge, animals entering Fairgrounds are free from communicable disease. The Waitsburg City Council, upon recommendation of a licensed veterinarian, may take any appropriate action necessary to protect the health of persons or animals on the Fairgrounds, or any action required to meet annual health requirements of Washington State law (e.g., quarantine, removal, etc.).
2. Owners entering animals from outside Washington State shall be required to present a valid health certificate for each animal prior to stall assignment.
3. All manure must be removed at least daily to the appropriately designated area and upon completion of use of the facility. If manure is not removed promptly, the City reserves the right to hire removal and bill the group(s) and/or individual(s) responsible. Failure to pay the billing shall result in the loss of use privilege.
4. Stalls in each barn will be designated on a first come, first served basis.
5. No electrical items, including but not limited to extension cords, heating lamps or heating devices shall, be allowed in or immediately adjacent to stalls or connected to the Fairgrounds electrical system unless approved by the City in advance.
6. Horses must be under care of owner and/or trainer.
7. In the event DRS returns, all stalls except those occupied by racehorses must be vacated cleaned and equipment removed two (2) weeks prior to and one (1) week after Days of Real Sport unless exception is allowed by Days of Real Sport, Inc., during this period.
8. Stalls shall not be used as human living quarters at any time.
9. If one horse owner or trainer is assigned more than seven (7) stalls, such owner or trainer may, if deemed necessary, be required to vacate any or all stalls in excess of seven (7) in order to allow other use of facilities. Rent paid for any future period shall be returned in such an event.
10. Stalls shall be limited to one animal per stall. Exception: Mare with foal.
11. Persons requesting stall usage must acknowledge rules and sign the "Hold Harmless and Freedom from Disease Certification" form. Parent or guardian must sign such certification on behalf of any minor. Leaders of youth groups and persons responsible for adult clinics will have the responsibility of completing the "Hold Harmless and Freedom from Disease Certification" form, collecting the forms and delivering them to the City Clerk. Animals that become sick while present at the Fairgrounds may be required to leave. It will be the owners' responsibility to prove the animal is not sick.

12. While cleaning stalls, no loose animals are allowed in the indoor riding arena without visual supervision. Vacant stalls will be provided for use if arranged with the City Clerk.
13. Charge to the Waitsburg School District for the use of the area known as the Pig Barns shall be \$50.00 per year. This area shall be kept in acceptable condition, at the discretion of the City Clerk, Public Works Department and/or City Council, at all times.

05.04.050. **INNER TRACK AREA AND RACE TRACK RULES**

1. The inner track area rent for exclusive use is \$40.00 per day with an additional \$40.00 for nighttime usage.
2. Inner track area and race track shall be available for Waitsburg and surrounding area (including but not limited to Walla Walla and Dayton) youth and adult groups, providing such use shall at all times be under adult supervision and scheduled in advance with Waitsburg City Hall.
3. Priority use of the area will be determined by scheduling with the City Clerk.
4. The Waitsburg School District and youth leagues shall be charged \$100.00-per season, with exemptions being granted on a case-by-case basis. It is the intent that the area shall be available on an equal basis to all youth leagues.
 - A. When the Touchet River AA Roundup Pig Roast is going on at the Fairgrounds (Memorial Day weekend), the Waitsburg and surrounding area girls' softball leagues will be allowed to practice at the softball fields between 6 p.m. and 8 p.m.
5. If use has not been otherwise scheduled, either adult or youth may schedule last-minute use on a first come, first served basis.
6. Priority use of facilities during Days of Real Sport and the Junior Livestock Show shall be the responsibility of the organization hosting the event. Exceptions to this rule shall only be allowed by order of the City Clerk.
7. The group or individual responsible shall be required to clean up and repair any facilities damaged. If damage is not repaired promptly, the City reserves the right to bill the group and/or individual(s) responsible for any damages. Failure to pay the billing shall result in the loss of use privileges.
8. Horses have exclusive use of the racetrack weekdays from March 15 through Oct. 15, except when special events are being prepared for or going on at the racetrack (e.g., Junior Livestock Show, Days of Real Sport, Rib Feed, Commercial Club Salmon Bake, etc.). Use of the racetrack other than times listed will be at the rider's own risk.
9. Exclusive and Non-exclusive use of facilities for non-renters will be \$50.00 per month per adult over the age of eighteen (18).
10. The City of Waitsburg shall maintain the racetrack during the year on an as needed basis except when a special event (e.g., Days of Real Sport) is going on.
 - A. Maintenance of the racetrack will be at the discretion of the Public Works Director as it fits into their schedule.

05.04.060. **INDOOR ARENA(S) AND LARGE BARN RULES**

1. Use of any stalls in large barns is covered under Section II, Subsections 1 through 13.
2. 4-H and FFA clubs may use the indoor arena without charge. It is the intent that the arena and large barn area shall be available on an equal basis to all youth groups. The Days of Real Sport's Queen's Court tryouts shall be included in the above.
3. Other groups or individuals scheduling the use of the indoor arena and large barn shall pay a minimum fee of \$10.00 per hour, with Non-exclusive use of the facilities for non-renters will be \$50.00 per month per adult over the age of eighteen (18).
4. Waitsburg residents will have priority at the time of scheduling. Scheduling of exclusive use will be done on a first come, first served basis at Waitsburg City Hall. All fees will be paid in advance.
 - A. 4-H and FFA clubs may use the indoor arena at no charge, provided that the group arranges with the City Clerk a time throughout the year to do a community service at the Fairgrounds.
5. Commercial ventures/trainers shall pay a special fee as recommended and established by the City Clerk. No livestock auctions will be allowed on the Fairgrounds except for the 4-H and FFA livestock sale associated with the Junior Livestock Show.
6. Animals shall not be tied anywhere but the tie post.
7. When using items in the arena for schooling techniques, items shall be removed immediately after use and stored in a safe area next to the wall out of the way.
8. Regardless of the animal's location, the owner is responsible for filling in any holes caused by the animal's digging.
9. When animals are tied at the Fairgrounds, the owner must clean manure by removing the manure to the dumping station.
10. Arrangements and schedules:
 - A. Waitsburg City Hall shall schedule and collect fees for indoor arena use.
 - B. Priority use of facilities during Days of Real Sport or the Junior Livestock Show shall be the responsibility of the organization hosting the event. Exceptions to this rule shall only be allowed by order of the City Clerk.
 - C. The group or individual(s) responsible shall be required to clean up and repair any facilities damaged. If damage is not repaired promptly, the City reserves the right to make repairs and bill the group or individual(s) responsible. Failure to pay the bill shall result in the loss of use privileges.
 - D. All manure must be removed at least daily and upon completion of use of facility. If manure is not removed promptly, the City reserves the right to hire removal and bill the group or individual(s) responsible. Failure to pay the bill shall result in the loss of use privileges.
 - E. The barn use is to be primarily equine but may be used for other purposes during Days of Real Sport, the Junior Livestock Show or other scheduling by the City Clerk responding to special requests.

05.04.070. **USE OF GROUNDS AND BUILDINGS NOT COVERED IN ABOVE RULES**

1. Written requests for exclusive use of the Junior Exhibit Building (Betting Booth), Waitsburg Lions Club Community Building, Grandstand Area and Cook Shack shall be submitted to Waitsburg City Hall.
2. A damage deposit of \$50.00 will need to be paid to City Hall before use of any of these facilities is allowed. Users shall be required to immediately repair any damage caused to these facilities; the City Clerk must approve such repairs in advance of repair. In the event of failure to make such repairs, the above-mentioned damage deposit shall be applied to the balance owed to the City of Waitsburg to cover the cost of repair, with any excess amount being billed to the user. Privileges of building use will be immediately terminated.
3. Use of the Cook Shack will require consumables, such as paper plates, napkins and plastic silverware shall be provided by the user.
4. The Junior Exhibit Building may be used without charge by the following:
 - A. Organized youth groups, including but not limited to: Boy Scouts, Girl Scouts, Campfire, FFA, FHA, 4-H, Rainbow and other similar groups as specially authorized by the Waitsburg City Council.
 - B. Nonprofit or government entities, including but not limited to: Days of Real Sport, Inc., City of Waitsburg, Waitsburg School District, Commercial Club, Lions Club, Masons and other similar groups as specially authorized by the Waitsburg City Council.
5. Other groups or individuals requesting use of any of the above-mentioned buildings shall pay the sum of \$25.00 per day to assist in the cost of utilities. The above amounts shall be made payable to the City of Waitsburg prior to use of the facility. The City Clerk may ask for receipt of payment. Scheduling of the facility is done through Waitsburg City Hall.
6. Other permitted uses:
 - A. Meetings, dinners, receptions, and similar community and social activities. Charges for such uses shall be as stated above in Section V-2.
7. Prohibited uses:
 - A. Animals shall not be allowed in the Junior Exhibit Building without prior approval.
 - B. Tacks, nails or staples shall not be attached to sidewalls and doors within the building.
 - C. Alcoholic beverages shall not be allowed, with the exception of those organizations that have valid liquor licenses and that have prior approval from the Waitsburg City Council. Any group or individual(s) permitting these actions, other than the above-mentioned exceptions, shall be banned from further usage.
8. Fundraising activities or admission charges of any type shall be limited to non-profit organizations.
9. It is the responsibility of the user to be certain that the building, the stove and oven are cleaned properly, if such have been used. Floors shall be swept, lights turned off, the

thermostat turned down and the building locked upon leaving. Failure to comply with this rule may be grounds for refusing future use requests.

10. Recreational vehicles shall not be connected to Fairgrounds facilities except at times and locations specifically approved by the City Clerk. Camper fee is \$15.00 per night if self contained and \$25.00 per night if connection to the City's system is requested; this includes all participants using the facilities except for those exempted by the City Clerk. Monthly Rental fees per RV stall shall be \$300/month with a \$250/month rental fee for person(s) renting a horse stall(s) with a time limit specified in 05.04.070 (17) as the City intends to eliminate the potential for permanent renters since it desires the Fairgrounds to be a temporary RV facility only

11. Jockey room fee is \$25.00 per day.

12. Dog control: Dogs are allowed in the Parking Area **only**, and must abide by the City of Waitsburg's leash law.

13. Persons 16 years of age and under must have adult supervision while on the Fairgrounds.

14. Events that use ANY portable concessionaires will be charged \$30.00 per day per event per concessionaire.

15. ANY permanent concession stands will be subject to a \$25.00 per day per event fee unless previous arrangements have been made with the Waitsburg City Council.

16. Any group serving alcohol at an event shall be required to limit access to areas where the alcohol is being served (e.g., beer gardens) by means of a temporary fence with someone at the entrance checking I.D.s at all times.

17. In order to limit potential impacts to the facility due to vandalism and other environmental impacts, the facility shall be closed from October 1 until March 1 (depending on spring temperatures).

18. Use of the Lions Club Memorial Building will be determined by City Hall and will be subject to the following fees which can be adjusted on as needed basis by approval of the Waitsburg City Council.

A. Hourly rental shall be \$25.00 per hour.

B. Daily rental shall be \$100.00 with the rental of the building during a weekend incurring an additional \$50.00 per day.

C. Setup/Tear Down. Anyone renting the facility who wishes to set-up or tear-down the day before or the day after an event will be subject to an additional fee equal to the hourly rate specified above.

D. Anyone wanting to use the kitchen will be subject to an additional \$5 per hour or \$25.00 per day.

E. Damage Deposit in the Amount of \$50 events without Alcohol and \$200 with Alcohol.

i. In the event the key is lost or stolen, renter will forfeit their damage deposit to the City and a replacement charge (including any applicable secondary charges incurred by the City) in the amount of the key plus an administrative fee of \$50.00 will be charged to the user for whom the building was rented to at the time of lose. Failure to pay the cost will result in the loss of future usage of the building.

05.04.080. **RENTAL OF GROUNDS FOR ANNUAL EVENTS**

Rental fee of all or specific buildings and/or grounds for annual events (e.g., Days of Real Sport, Rib Feed, Lions Club Turkey Smoking, etc.) will be decided on a case-by-case basis by the City Clerk. The group and/or individual(s) may appeal the Clerk's decision to the Waitsburg City Council. The City is not responsible for any annual event preparations other than general maintenance and upkeep of the facility. All organizers of any annual event at the facility are responsible for all set up and take down of items related to their event

05.04.090. **POLICY**

Organizations that have scheduled events and that authorize concessionaires to sell goods on Fairgrounds facilities are limited in fees they may charge said concessionaire to not more than 10% of the net profit as calculated by: total sales less costs of goods and supply purchases. If a concessionaire makes a complaint to City Council that an organization has charged more than the 10% limit, a hearing will be scheduled to determine if the overcharge of fee has occurred and to assess proper sanctions, which may include loss of privileges or an administrative fee.

05.04.100. **USE OF POWER EQUIPMENT AT THE FAIRGROUNDS**

The Public Works Director has authority to operate the power equipment himself or to designate trained City workers to operate such equipment. Unauthorized persons are **NOT** permitted to operate City power equipment.

05.04.110. **ADMINISTRATION**

1. The administration of these rules shall be primarily the responsibility of the City Clerk and the Public Works Director.

2. Appeals process: In the event there is a complaint or question in regard to the implementation and/or enforcement of the rules of the use of the facilities, such complaint or question shall be brought before the Waitsburg City Council. Once the Council makes the decision on the appeal, it shall set forth its ruling, in writing, and send its explanation to the appellant.

3. The Mayor may appoint an advisory committee made of Council members or interested parties to make recommendations as to the repair and maintenance of the facility

Section II:

9.01.030. Sewer - Required.

A. The owner of each lot or parcel of real property within the City of Waitsburg, not already connected to the public sewer system of said City, upon which lot or parcel of property there is situated any building or structure for human occupation or use shall install suitable toilet facilities therein, and shall connect such facilities, together with all other facilities therein, the use of which results in the existence of sewage as defined herein, with the public sewer system, at his own expense, within ninety (90) days after notice to do so, signed by the City Clerk, **WHENEVER** there is a public sewer line within 300 feet of the property line of such lot or parcel. Such installation and connection shall be commenced within thirty (30) days following such notice.

9.01.060. Connection to Water Service.

A. All applications for water service installations and for water services shall be made at the office of the City Clerk on forms furnished by the City, which applicant shall supplement with such information as deemed necessary by the Superintendent. All applications shall be made by the owner of the property to be served or his authorized agent, and all accounts for installations shall be in the name of the owner of such property. No person shall make any metered connection to either the domestic system or add to an existing connection any additional unit without first obtaining a permit as herein required **WHENEVER** there is a public water line within 300 feet of the property line of such lot or parcel. Such installation and connection shall be commenced within thirty (30) days following such notice.

A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 16th day of November, 2011.

Approved:

Attest:

Walt Gobel, Mayor

Randy Hinchliffe, City Clerk

Approved as to form:

Kristian E. Hedine, City Attorney