

**Town of Friday Harbor**

PO Box 219 / Friday Harbor / WA / 98250

(360) 378-2810 / fax (360) 378-5339 / [www.fridayharbor.org](http://www.fridayharbor.org)**PRIVATE TEMPORARY USE OF PUBLIC PROPERTY APPLICATION**

Application Date		Office Use
Name of Non-Profit Organization		Phone Number
Name of Contact Person		Phone Number
Mailing Address of Non-Profit Organization		
Area Requested for Private Use (Provide a street map showing the area of use, if needed.)		
Proposed Use of Area (Raffle ticket sales must obtain a State Gambling License. Provide copy.)		
Date of Intended Private Use		
<b>Applicant Signature</b> (Must be signed by President of Non-Profit Organization.)		
<b>TOWN OF FRIDAY HARBOR USE ONLY</b>		
Copy of Non-Profit status received?	Attached	Not Needed
Copy of State Gambling License received?	Attached	Not Needed
Indemnity Agreement completed by Applicant	Attached	Not Needed
Fee	\$	Fee Waived
Approved / Disapproved	By:	Date
Conditions of Use 1) At no such time there will be more than two persons in area of intended use.		

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**INDEMNIFICATION AGREEMENT**

I, \_\_\_\_\_ as an authorized representative of \_\_\_\_\_ (Company) specifically and expressly agree to defend, indemnify, and hold harmless the TOWN OF FRIDAY HARBOR and all its officers, officials, employees, and agents from and against any claim, damage, liability, cost, penalties, attorney fees, etc. of whatsoever kind on account of death or injury of any or all persons involved and/or on account of all property damage of any kind whether tangible, intangible, or loss of use resulting therefrom, to any party arising from or in any matter connected with the use and/or work authorized by this permit taking place on publicly owned property, except damages arising from negligent acts for which the TOWN OF FRIDAY HARBOR is solely responsible.

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Signature

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date

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Name of Organization

Accepted by:

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TOWN OF FRIDAY HARBOR

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date

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## **Friday Harbor Municipal Code 12.28.050**

### **Chapter 12.28**

### **PRIVATE USE OF PUBLIC PROPERTY**

Sections:

#### **Article I. Private Use**

12.28.010 Declaration of policy.

12.28.020 Prohibition.

12.28.030 Exemptions.

12.28.040 Private uses – Sidewalks.

12.28.050 Private uses – Streets and street margins.

12.28.060 Private uses – Public places and other public property.

12.28.070 Permit procedure.

12.28.080 Permit revocation.

12.28.090 Fee.

12.28.100 Violation and enforcement.

#### **Article II. Private Structures**

12.28.110 Declaration of policy.

12.28.120 Prohibition.

12.28.130 Exemption.

12.28.140 Private uses – Authorized.

12.28.150 License procedure.

12.28.160 License revocation.

12.28.165 Fee.

12.28.170 Violation and enforcement.

#### **Article I. Private Use**

##### **12.28.010 Declaration of policy.**

The council recognizes and declares that all public streets, sidewalks, unopened rights-of-way, parks, and other public property are intended primarily to serve the uses and needs of the public in general and that private uses by individual members of the public for private purposes should be permitted only where specifically authorized by the town after a determination that such private use is in the best interests of the general public and will not materially interfere with the public's use and enjoyment. (Ord. 1064 § 1, 1998)

##### **12.28.020 Prohibition.**

Except as exempted under FHMC 12.28.030, it shall be unlawful for any person to make private use of any sidewalk, street, unopened street right-of-way, public place or other publicly owned property, except under authority of a permit issued under FHMC 12.28.070. (Ord. 1064 § 2, 1998)

##### **12.28.030 Exemptions.**

A. Public streets may be used for the following private purposes:

1. State-licensed public convenience transit systems may make use of those areas designated by the town administrator as bus stops on a first-come, first-served basis;

2. State-licensed for-hire transit systems may make use of those areas designated by the town administrator as taxi stands on a first-come, first-served basis; and

3. Horse-drawn carriages or similar conveyances that are used for transporting members of the public over and along the town streets may stand, on a first-come, first-served basis, in those areas designated by the town administrator for such purpose, subject to such time limitations as the town administrator may indicate on appropriate signage in those areas.

B. The owner of any property which abuts an unopened street may use the unopened portion, to the center thereof, which immediately abuts their property for any use that is not inconsistent with the public's easement for street purposes. Such use shall not include the placement of any structure for which a building permit is required unless the abutting owner shall first have obtained a license under Article II of this chapter. (Ord. 1284 § 2, 2005; Ord. 1064 § 3, 1998)

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### **12.28.040 Private uses – Sidewalks.**

Sidewalks may, by permit issued under FHMC 12.28.070, be used for nonprofit or charitable activities, such as bake sales or raffles. (Ord. 1064 § 4, 1998)

### **12.28.050 Private uses – Streets and street margins.**

Streets, to include the unimproved margin thereof, may, by permit issued under FHMC 12.28.070, be used for nonprofit or charitable activities, such as parades or special event gatherings. (Ord. 1064 § 5, 1998)

### **12.28.060 Private uses – Public places and other public property.**

Public places, such as parks and vacant publicly owned land, may, by permit issued under FHMC 12.28.070, be used for nonprofit or charitable parades or special event gatherings, to include food concessions and/or merchandise concessions if operated during and in conjunction with such events. (Ord. 1064 § 6, 1998)

### **12.28.070 Permit procedure.**

A. Any person may apply for a permit to authorize a private use as set forth above. Any use which involves the construction or installation of a structure which will require the issuance of a building permit shall be authorized only by a license issued under Article II of this chapter.

B. The town administrator shall review the application, inspect the site of the proposed use, if necessary, and either deny the application or approve it, with or without conditions.

C. No permit shall be approved other than upon a finding that the requested use is consistent with the policy set forth in FHMC 12.28.010.

D. No permit shall be issued until the applicant has signed an agreement to indemnify and hold the town harmless from any claim or loss arising from or in any way connected with the issuance and/or use of the permit.

E. Any permit issued hereunder may contain such conditions as the administrator shall deem necessary or appropriate, including, but not limited to, the posting of a bond. (Ord. 1064 § 7, 1998)

### **12.28.080 Permit revocation.**

The town administrator may at any time revoke any permit hereunder, without cause. Upon receipt of notice, written or verbal, the Permittee shall cease all activities authorized by the permit. (Ord. 1064 § 8, 1998)

### **12.28.090 Fee.**

The nonrefundable fee for all permits governed by this article shall be reviewed annually by the council who shall direct the town clerk to adjust the fee appropriately and post such list of permit application fees in a conspicuous place within Town Hall and make such list available to the public upon request. (Ord. 1064 § 9, 1998)

### **12.28.100 Violation and enforcement.**

A. A violation of this article shall be and hereby is declared both a public nuisance and a Class 4 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this article exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this article shall be as set forth in Chapter 1.18 FHMC. (Ord. 1064 § 10, 1998)

## **Article II. Private Structures**

### **12.28.110 Declaration of policy.**

The council recognizes and declares that unopened street rights-of-way and the unimproved margins of any street that is opened and maintained by the town are intended primarily to serve the transportation uses and needs of the public in general and that private uses by individual members of the public for private purposes should generally be allowed only where specifically authorized by the council after a determination that such private use is in the best interests of the general public and will not materially interfere with the public's use and enjoyment. (Ord. 1065 § 1, 1998)

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### **12.28.120 Prohibition.**

Except as exempted under FHMC 12.28.130, it shall be unlawful for any person to place a structure on an unopened street right-of-way or the unimproved margin of any street that is opened and maintained by the town, except under authority of a license issued under FHMC 12.28.150. (Ord. 1065 § 2, 1998)

### **12.28.130 Exemption.**

The owner of any property which abuts a street that is not opened to its full width may use the unopened portion, to the center thereof, which abuts their property for the placement of structures which do not require the issuance of a building permit, so long as it is not inconsistent with the public's easement for street purposes. (Ord. 1065 § 3, 1998)

### **12.28.140 Private uses – Authorized.**

An unopened street, to the center thereof, or the unimproved margin of any street that is opened and maintained by the town may, by license issued under FHMC 12.28.150, be used by the abutting property owner for:

- A. Construction of stairways, ramps, or similar structures where, because of a unique circumstance of topography, such a structure is reasonably necessary to provide safe access to the abutting property; or
- B. Construction of bulkheads, railings, fences or similar structures where, because of a unique circumstance of topography, such a structure is reasonably necessary to protect the abutting property; or
- C. Placement of other structures when the topography or other circumstances make the area unsuitable for the public to use it safely for its intended purpose and the town has little or no intention to alter that topography in the foreseeable future. (Ord. 1065 § 4, 1998)

### **12.28.150 License procedure.**

A. Any person may apply for a license to authorize a private use as set forth above. Any use which does not involve the construction or installation of a structure which will require the issuance of a building permit may be authorized by permit issued under Article I of this chapter.

B. The town administrator shall review the application, inspect the site of the proposed use, if necessary, and forward the application to the council with a recommendation to either deny the application or approve it, with or without conditions.

C. No license shall be issued other than upon a finding that the requested use is consistent with the policy set forth in FHMC 12.28.110. No license shall be issued until the applicant has signed an agreement to indemnify and hold the town harmless from any claim or loss arising from or in any way connected with the issuance and/or use of the license.

D. Any license issued hereunder may contain such conditions as the council shall deem necessary or appropriate, including, but not limited to, the posting of a bond or the assessment of a use fee.

E. Any license issued hereunder shall be expressly revocable at the will of the town, except as may be otherwise set forth in such license. (Ord. 1065 § 5, 1998)

### **12.28.160 License revocation.**

The council may at any time revoke any license hereunder, without cause. Upon receipt of notice, written or verbal, the licensee shall cease all activities authorized by the license. (Ord. 1065 § 6, 1998)

### **12.28.165 Fee.**

The nonrefundable fee for all licenses governed by this article shall be reviewed annually by the council who shall direct the town clerk to adjust the fee appropriately and post such list of license application fees in a conspicuous place within Town Hall and make such list available to the public upon request. (Ord. 1303 § 2, 2006)

### **12.28.170 Violation and enforcement.**

A. A violation of this article shall be and hereby is declared both a public nuisance and a Class 2 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this article exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this article shall be as set forth in Chapter 1.18 FHMC. (Ord. 1065 § 7, 1998)

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