

ORDINANCE O-4431

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING AND UPDATING CHAPTER 19.24 OF THE KIRKLAND MUNICIPAL CODE RELATING TO SPECIAL EVENTS.

The City Council of the City of Kirkland ordains as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 19.24.010 is hereby amended to read as follows:

**19.24.010 Definitions.**

Terms used in this chapter shall have the following meanings:

(1) "Benefitting a Kirkland Non-Profit" means a financial benefit for a non-profit agency serving Kirkland residents. The financial contribution should represent no less than 10% of the net profits of the event.

(2) "Certified race director" means a person who has successfully completed an educational program and received nationally recognized credentials showing the recipient has the knowledge required to conduct safe events for rides, runs, walks, and swims.

(3) "Community Event" means a special event designated as such by the City Council which is intended primarily for Kirkland residents, is free of an admission charge, is organized by the city or a recognized Kirkland non-profit agency, and is intended to celebrate an important community holiday or tradition.

(4) "Community Programs" means activities of an on-going nature which are open to the public and provided free of an admission charge, such as weekly farmer's markets and park performing arts series.

(15) "Demonstration" means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

(26) "Event organizer" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.

(37) "Event management company" means an entity with expertise in managing special events.

(48) "Expressive activity" includes conduct the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include fairs, festivals, concerts, performances, parades, athletic sports events, including marathons, fundraising events, or events the principal purpose of which is entertainment.

(9) "Fundraising Event" means a special event held by a non-profit entity that is primarily for the purposes of fund-raising for the benefit of the sponsoring non-profit.

(510) "Gross revenues" means the sum of all revenues received by an event organizer for a special event including, but not limited to,

cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions.

(11) "Major Event" means any special event that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public or a special event that causes significant impacts to the public.

(612) "March" means an organized walk or event whose principal purpose is expressive activity in service of a public cause.

(713) "Noncommercial special event" means any special event organized and conducted by a person or entity that qualifies as a tax-exempt nonprofit organization, or a special event whose principal purpose is expressive activity.

(14) "Picketing" means a person posted by a labor organization at a place of work affected by a strike; or a person posted for a demonstration or protest.

(815) "Rally" means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

(916) "Sidewalk" means that portion of a right-of-way, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

(1017) "Sign" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

(1118) "Special event service team" means representatives assigned by their respective department directors to represent the interests of their department as it relates to the issuance of special event permits.

(1219) "Special event" means any fair, festival, concert, performance, show, parade, run/walk/bike, festival, or other publicly attended entertainment or celebration which is to be held in whole or in part upon publicly owned property or public rights-of-way, or if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of such event.

(1320) "Special event permit" means a permit issued under this chapter.

(1421) "Special event venue" means that area for which a special event permit has been issued.

(1522) "Street" means any place that is publicly maintained and open to use of the public for purposes of vehicular travel, including highways.

(23) "Supportive Events" are events whose purpose is to provide a positive community experience while also generating revenues to assist the funding of Community Events and Community Programs.

(1624) "Tax-exempt nonprofit organization" means an organization that is exempted from payment of income taxes by federal or state law and has been in existence for a minimum of six months preceding the date of application for a special event permit.

(25) "Tourism Event" means any special event that furthers the City's economic development goals, is primarily intended to attract

participants from out of the immediate area and is eligible to receive funding from lodging tax funds. The receipt of lodging tax funds granted by the City for an event is contingent upon the issuance of a special event permit and the successful implementation of the event.

(1726) "Vendor" means any person who sells or offers to sell any goods, food, or beverages within a special event venue.

Section 2. KMC Section 19.24.030 is amended to read as follows:

**19.24.030 Exceptions to special event permit requirement.**

(a) Although not required to be issued a special event permit, an event organizer of an activity exempted from this chapter is required to comply with all local, state and federal laws and regulations governing public safety or health.

(b) The following activities are exempt from having to obtain a special event permit:

(1) Parades, athletic events or other special events that occur exclusively in city parks, ~~and are sponsored or conducted in full by the city of Kirkland parks department~~ which must be applied for through a separate city process;

(2) Funeral procession by a licensed mortuary;

(3) Public Gatherings of one hundred or fewer people in a city park, unless merchandise or services are offered for sale or trade to the public, in which case a special event permit is required;

(4) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales;

(5) Garage sales, rummage sales, lemonade stands and car washes;

(6) Private events held entirely on private property that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services;

(7) Activities conducted by a governmental agency acting within the scope of its authority;

(8) Lawful picketing on sidewalks; and

(9) Block parties, which must be applied for through a separate, streamlined city process.

(10) Community programs, which must be applied for through a separate city process.

Section 3. KMC Section 19.24.050 is amended to read as follows:

**19.24.050 Priority of special event permit issuance.**

(a) Except for a special event sponsored by the city, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations ~~operating in and~~ providing services to the citizens of the city. Dates will be reserved on a first-come, first-served basis not more than one year prior to the proposed date of the event. When on the same business day more than one applicant requests the

same date and venue for their event, the following criteria will be applied in the following order:

(1) The event directly benefits a non-profit organization serving Kirkland residents.

(2) The event and/or the event organizer have a demonstrated history of success in producing events in Kirkland.

(3) The event has been recommended for funding by the Tourism Development Committee.

(4) The event supports a City Council goal or City work program initiative.

(b) Special Event applicants may be granted permission to hold the same event for an additional two years on the same weekend at the same venue if "success" criteria have been met. The Special event application process shall be followed each year. The success criteria are as follows:

(1) All previous special event fees have been paid in full.

(2) Previous special event successfully provided for public safety (event safety plans, traffic control apparatus and volunteers), health (first aid provisions and public health requirements), and sanitation (sufficient number of maintained restroom facilities, maintenance and disposal of event garbage/recycling).

(3) Previous special events properly cared for city facilities and equipment resulting in no damage.

(4) Previous special event applications were properly completed, submitted on time, and in the required format.

(c) The Director of Parks and Community Services is authorized to deny a special event application or require modification of the date or venue of a special event if the proposed special event is deemed by the Director to adversely impact a Supportive Event.

(d) Any applicant who objects to the denial of a special event application or required modifications of the date or venue by the Director of Parks and Community Services may appeal in writing (including email) to the City Manager for a review of that decision. The City Manager will consider the appeal and either affirm or reverse the denial or modification within ten business days following the City Manager's receipt of the appeal or within such other time as the City Manager and the applicant mutually agree.

Section 4. KMC Section 19.24.070 is amended to read as follows:

**19.24.070 When application for special event permit is deemed complete.**

An application for a special event permit is deemed complete when the applicant has provided all of the information required in ~~Section 19.24.090, including any additional information required~~ by the special event coordinator, and where city services are to be provided, the application has been approved by any involved city department, or the special event service team, and the city manager and the city council, if required.

Section 5. KMC 19.24.090 is hereby repealed.

Section 6. A new KMC Section 19.24.090 is hereby adopted to read as follows:

**19.24.090 Limitations on special events.**

(a) No more than two (2) special event permits shall be issued per calendar month at any one venue, or along any one street. The Central Business District and Marina Park shall be considered as the same. This limitation shall not apply to Community Events designated by the City Council.

(b) Special Events shall be limited to no more than three (3) consecutive calendar days; one additional day may be permitted for event load-in or load-out.

(c) Athletic events, including runs and bike races, shall be restricted to city streets or designated trails; sidewalks will remain open for use by the general public. Organized walks may take place on city streets, trails, or sidewalks.

(d) Athletic events held on city streets which include road closures, either rolling or stationary, shall clear the street of all participants and traffic control devices no later than 12:00 p.m.

(e) The Director of Parks and Community Services, in consultation with the Police Department and the Special Events Team, shall have the authority to limit the number of participants in athletic events if deemed necessary by the Director to protect the health, safety and welfare of both the participants and the surrounding community.

(f) Any applicant who objects to the limitation of the number of participants in athletic events by the Director of Parks and Community Services may appeal in writing (including email) to the City Manager for a review of that decision. The City Manager will consider the appeal and either affirm or reverse the decision within ten business days following the City Manager's receipt of the appeal or within such other time as the City Manager and the applicant mutually agree.

Section 7. KMC Section 19.24.100 is hereby amended to read as follows:

**19.24.100 Conditions affecting the issuance of a special event permit.**

(a) Where the event organizer has not requested and the special event does not require city services, equipment, or personnel, the special event coordinator may issue a special event permit when, based upon the completed application, all of the conditions listed in this section are met:

(1) The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;

(2) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;

(3) The special event will not block traffic lanes or close streets ~~during peak commuter hours~~ on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;

(4) The special event will not require the diversion of police employees from their normal duties;

(5) The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;

(6) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en route;

(7) The special event will not substantially interfere with any other special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events or unscheduled governmental functions; and

(8) The special event will not have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(b) In order to ensure that the conditions in this section are met, the special event coordinator may place conditions on the special event permit.

Section 8. KMC Section 19.24.110 is hereby amended to read as follows:

**19.24.110 Reasons for denial of a special event permit.**

(a) The special event coordinator may deny a special event permit to an applicant who has not:

(1) Provided for the services of a sufficient number of trained and certified traffic controllers;

(2) Provided sufficient monitors for crowd control and safety two weeks prior to the event date;

(3) Provided sufficient safety, health, or sanitation equipment services, or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for safety;

(4) Provided sufficient off-site parking or shuttle service, or both, when required, to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the special event; ~~or~~

(5) Met all of the requirements for submitting an application for a special event permit;:-

(6) Conducted an authorized or exempted special event in accordance with law or the terms of the permit, or both;

(7) Provided an adequate first aid or emergency medical services plan based on special event risk factors;

(8) Obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or

(9) Paid all fees due from a previous special event.

(b) The special event coordinator may deny a special event permit if in the special event coordinator's opinion:

(1) The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;

(2) The special event will violate public health or safety laws;

(3) The special event fails to conform to the requirements of law or duly established city policy;

(4) The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this chapter;

~~(5) The applicant has failed to conduct a previously authorized or exempted special event in accordance with law or the terms of a permit, or both;~~

~~(6) The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur;~~

~~(7) The applicant has failed to provide an adequate first aid or emergency medical services plan based on special event risk factors; or~~

~~(8) The applicant has failed to pay all fees due from previous special events.~~

(c) The special event coordinator may deny a special event permit to an applicant who has failed to comply with any term of this chapter or with any condition of a special event permit previously issued to the applicant.

Section 9. KMC Section 19.24.140 is hereby amended to read as follows:

**19.24.140 Contents of special event permit.**

(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. A special event permit may include the following information or conditions:

~~(1) The location of the special event venue, which may be identified by a map attached to the special event permit;~~

~~(2) The date, assembly area, time for assembly, and starting time of the special event;~~

~~(3) The specific route plan of the special event;~~

~~(4) The minimum and maximum speeds of the special event;~~

~~(5) The number and types of persons, animals, and vehicles or structures at the event; the number of bands, other musical units, and equipment capable of producing sound, if any; and limitations thereon pertaining to noise abatement, and inspection and approval of floats, structures, and decorated vehicles for fire safety;~~

~~(6) The maximum interval of space to be maintained between booths or other structures to be used for the special event;~~

~~(7) The portion of the street and sidewalk that is to be occupied by the special event;~~

- ~~(8) The location of reviewing or audience stands, if any;~~
- ~~(9) The number and location of traffic controllers, monitors, other support personnel and equipment, and barricades to be furnished by the special event organizer;~~
- ~~(10) The area and time for disbanding;~~
- (11) The conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;
- ~~(12) The provisions for any required emergency medical services;~~  
and
- (13) Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for a professional event management company or certified race director to produce an event or for the on-site presence of the event organizer or its designated representative for all special event coordination and management purposes.

(b) As a condition of the issuance of a special event permit, the applicant shall be required to do a walk-through of the event site with the special event coordinator prior to the event, and make adequate provisions for cleaning the area or route of the special event both during and upon completion of the special event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the special event.

Section 10. KMC Section 19.24.150 is hereby amended to read as follows:

**19.24.150 Special event coordinator's action on special event permit application.**

(a) Except as otherwise provided in this section, the special event coordinator shall take final action upon a completed application for a special event permit no less than five business days prior to the event as soon as practicable.

(b) The special event coordinator is not required to take final action upon any special event permit application prior to one hundred eighty calendar days before the special event.

(c) The special event coordinator is not required to take final action on an incomplete or untimely special event permit application.

~~(d) The special event coordinator is not required to process more than one application for a special event permit per applicant during any two-week period.~~

~~(e) The special event coordinator is not required to take final action upon two or more special event permit applications submitted by the same applicant unless two or more weeks shall have elapsed between the respective dates of submission of each.~~

(fd) Final action on a completed special event permit application shall consist of one of the following:



- (1) Issuance of a special event permit in accordance with the terms of the application; or
- (2) Issuance of a special event permit in accordance with the terms of the application, as conditioned by the special event coordinator or as modified by mutual agreement between the special event coordinator and the applicant; or
- (3) Denial of the special event permit application by the special event coordinator.

Section 11. KMC Section 19.24.160 is hereby amended to read as follows:

**19.24.160 Insurance required to conduct special event.**

(a) The event organizer of a special event must possess or obtain comprehensive general liability insurance to protect the city against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event. Such insurance shall name the city of Kirkland, its officers, employees, and agents, and, as required, any other public entity involved in the special event, as additional insured. Insurance coverage must be maintained for the duration of the special event. Notice of cancellation shall be provided immediately to the city.

(b) Except as provided in this section, the comprehensive general liability insurance coverage required shall be in a combined single limit of at least one million dollars.

(c) If the special event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the city's safety/risk manager analyst may authorize a greater or lesser amount of coverage than otherwise required, or may require a particular type of insurance coverage different from that specified in this section.

(d) The insurance required by this section shall encompass all liability insurance requirements imposed for other permits required under other sections of this chapter and is to be provided for the benefit of the city and not as a duty, express or implied, to provide insurance protection for spectators or participants.

(e) The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the special event coordinator at least thirty calendar days before the special event, unless the special event coordinator for good cause modifies the filing requirements.

Section 12. KMC Section 19.24.170 is hereby amended to read as follows:

**19.24.170 Waiver of insurance requirements.**

(a) Except for special events where the sale of alcoholic beverages is authorized, the insurance requirements of Section 19.24.160 may be waived. In making the determination of whether to waive insurance, the city shall consider the following factors:

(1) Whether it is an expressive activity special event governed by Section 19.24.220;

(2) Whether it is objectively impossible to obtain insurance coverage;

(3) Whether the special event will involve the use of equipment ~~(other than sound equipment)~~, such as vehicles, animals, fireworks, or pyrotechnics water vessels, or inflatable bouncers; or

(4) Whether a fee or donation is charged or required as a condition of admission or participation in the special event.

(b) To claim that it is objectively impossible to obtain insurance coverage pursuant to this section, the applicant shall submit a statement from at least two independent licensed insurance brokers demonstrating the insurance is unavailable in the marketplace.

(c) Even though insurance is waived, the city may require the event organizer of a special event to defend, indemnify, and hold harmless the city from any claim or liability arising from the special event.

Section 13. KMC Section 19.24.180 is hereby amended to read as follows:

**19.24.180 Revocation of special event permit.**

(a) Any special event permit issued pursuant to this chapter is subject to revocation, pursuant to this section.

(b) A special event permit may be revoked if the city determines:

(1) That the special event cannot be conducted without violating the standards or conditions for special event permit issuance;

(2) The special event is being conducted in violation of any condition of the special event permit;

(3) The special event poses a threat to health or safety;

(4) The event organizer or any person associated with the special event has failed to obtain any other permit required pursuant to the provisions of this chapter;

(5) The special event permit was issued in error or contrary to law;

or

(6) The applicant has not paid all fees when due, ~~or~~

~~(7) The applicant has failed to provide confirmation or proof that it has obtained the minimum number of required volunteers to perform safety functions.~~

(c) Except as provided in this section, notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

(d) If there is an emergency requiring immediate revocation of a special event permit, the special event coordinator may notify the permit holder verbally of the revocation.

(e) An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permits, pursuant to Section 19.24.120.

Section 14. KMC Section 19.24.190 is hereby amended to read as follows:

**19.24.190 Cost recovery for special events.**

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 special event coordinator should provide the applicant with a statement of the estimated cost of city services and of equipment, materials and permit fees.

(1) The full range of costs associated with special events shall be documented.

(2) A special event permit fee shall be charged. The amount of the fee shall be set administratively by the city manager or his or her designee.

(3) For special events in which benefits to recognized charitable organizations are a significant component, staff time and costs associated with day of event activities shall be charged based on the city's published fee schedule~~direct costs only~~. For all other special events, staff time and costs incurred with day of event activities shall be for the full amount of costs incurred by the city in connection with the event, including indirect costs of staff time such as benefits and all overhead costs associated with the position.

(4) The special event coordinator shall require payment of fees, or a reasonable estimate thereof, at the time the completed application is approved, unless the special event coordinator for good cause extends time for payment.

(5) If the event organizer fails to comply with the cleanup requirements of Section 19.24.140, the event organizer will be billed for actual city costs for cleanup and repair of the special event area or route.

(6) If the event organizer fails to comply with Section 19.24.140 or this section under a previously issued special event permit, the special event coordinator may require the event organizer to deposit adequate surety in the form of cash or bond.

Section 15. KMC Section 19.24.220 is hereby amended to read as follows:

**19.24.220 Expressive activity special event.**

When a special event permit is sought for an expressive activity such as a demonstration, rally, or march as defined in this chapter, the following exceptions shall apply:

(1) Where the special event will not require temporary street closures, cost recovery, pursuant to Section 19.24.190, shall be limited solely to a fee based on the cost of processing the permit application.

(2) The insurance requirement of Section 19.24.160 shall be waived; provided, that the event organizer has filed with the application a verified statement that he or she intends the special event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression. The verified statement shall include the name and address of one

insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

(3) Where the special event will require temporary street closures ~~and any one or more of the conditions of subsection (4) of this section, are met~~ requiring the city to provide services in the interests of public health, safety, and welfare, the special event coordinator may condition the issuance of the special event permit upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. Any fee schedule adopted by the city shall contain a provision for waiver of, or a sliding scale for payment of, fees for city services, including police costs, on the basis of ability to pay.

(4) The city may deny a special event permit for a demonstration, rally or march if:

(A) The special event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;

(B) The special event will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;

(C) The special event will block traffic lanes or close streets during peak ~~commuter~~ commute hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;

(D) The special event will require the diversion of police employees from their normal duties;

(E) The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;

(F) The special event will substantially interfere with another special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events; or

(G) The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(5) With regard to the permitting of expressive activity special events where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

(6) Sections 19.24.100, 19.24.110 and 19.24.260 of this chapter shall not apply to expressive activity special events.

Section 16. KMC Section 19.24.260 is hereby amended to read as follows:

**19.24.260 Authorized special event vendors.**

(a) The issuance of a special event permit confers upon the permit holder or event organizer the right to control and regulate the sale of goods, food, and beverages within the special event venue in accordance with the terms and conditions of the special event permit.

~~(b) Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by the city manager. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue.~~

Section 17. KMC Section 19.24.270 is hereby amended to read as follows:

**19.24.270 Unlawful to conduct or promote attendance at special event without permit.**

(a) It is unlawful to conduct or manage a special event without a special event permit as required pursuant to this chapter.

(b) It is unlawful for any person to promote any special event for which initial approval has not been obtained from the City.

~~(b) It is unlawful for any person to conduct, promote, or manage any special event for which a special event permit has not been issued.~~

Section 18. KMC Section 19.24.290 is hereby amended to read as follows:

**19.24.290 Unlawful to sell goods in special event venue without authorization.**

It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food, or beverages in a special event venue except for authorized special event vendors and vendors under city contract.

Section 19. A new KMC Section 19.24.295 is hereby adopted to read as follows:

**19.24.295 Conditions for beer and wine gardens.**

(a) Beer and wine gardens shall comply with all state laws and regulations relating to alcohol, all conditions imposed by the State Liquor Control Board and shall be subject to the following conditions:

(1) The sale, service, and consumption of beer/wine must be confined to a designated location(s).

(2) Beer/wine may be sold, served, and consumed between 8:00 am and 11:00 pm, seven days a week. After 11:00 pm no one may possess, consume or be served alcohol.

(3) Beer/wine may only be served when food is also available in conjunction with the special event.

(4) The event organizer is responsible for securing entrances and exits with staff checking for age twenty-one (21) and over identification.

(5) Alcoholic beverages may not be removed from or brought into the garden; except for original unopened bottles purchased for off-site consumption.

(6) The beer/wine garden shall be separately fenced with six foot high chain link fencing or 42 inch high picket fencing.

(7) Tables, counters, ledges or similar surfaces may not be used as barriers between restricted and non-restricted areas.

(8) Where alcohol is served or consumed, event organizers must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.

(9) The presence of no less than two city of Kirkland police officers is required during public beer/wine garden hours.

(b) A breach of any of the foregoing conditions shall constitute grounds for immediate revocation of the permit.

Section 20. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 21. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 10th day of December, 2013.

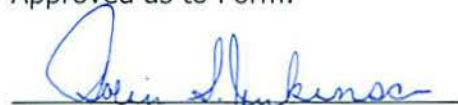
Signed in authentication thereof this 10th day of December, 2013.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4431

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING AND UPDATING CHAPTER 19.24 OF THE KIRKLAND MUNICIPAL CODE RELATING TO SPECIAL EVENTS.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 19.24.010 updating the definitions related to special events.

SECTION 2. Amends KMC Section 19.24.030 relating to exceptions to the special event permit requirement.

SECTION 3. Amends KMC Section 19.24.050 relating to priority of special event permit issuance.

SECTION 4. Amends KMC Section 19.24.070 describing when an application for a special event permit is deemed complete.

SECTION 5. Repeals KMC Section 19.24.090.

SECTION 6. Adds a new KMC Section 19.24.090 relating to limitations on special events.

SECTION 7. Amends KMC Section 19.24.100 relating to conditions affecting the issuance of a special event permit.

SECTION 8. Amends KMC Section 19.24.110 relating to reasons for denial of a special event permit.

SECTION 9. Amends KMC Section 19.24.140 relating to the contents of special event permits.

SECTION 10. Amends KMC Section 19.24.150 relating to the special event coordinator's action on a special event permit application.

SECTION 11. Amends KMC Section 19.24.160 relating to the insurance required to conduct a special event.

SECTION 12. Amends KMC Section 19.24.170 relating to the waiver of insurance requirements.

SECTION 13. Amends KMC Section 19.24.180 relating to the revocation of a special event permit.

SECTION 14. Amends KMC Section 19.24.190 relating to the cost recovery for special events.

SECTION 15. Amends KMC Section 19.24.220 relating to expressive activity special events.

SECTION 16. Amends KMC Section 19.24.260 relating to authorized special event vendors.

SECTION 17. Amends KMC Section 19.24.270 relating to conducting or promoting attendance at a special event without City approval.

SECTION 18. Amends KMC Section 19.24.290 relating to the unlawful selling of goods in a special event venue without authorization.

SECTION 19. Adds a new KMC Section 19.24.295 relating to permit conditions and regulations applicable to beer and wine gardens.

SECTION 20. Provides a severability clause for the ordinance.

SECTION 21. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 10th day of December, 2013.

I certify that the foregoing is a summary of Ordinance O-4431 approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
City Clerk