

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TEMPORARY EVENTS, UTILIZING PUBLICLY-OWNED OR CONTROLLED PROPERTY, INCLUDING PUBLIC RIGHTS-OF-WAY, REQUIRING PERMITS THEREFOR, ESTABLISHING THE REQUIREMENTS AND STANDARDS FOR SUCH PERMITS, AND IDENTIFYING CIRCUMSTANCES UNDER WHICH SUCH PERMITS MAY BE SUMMARILY REVOKED.

Section 1. Definitions.

1.01 Temporary special event. Temporary special event means any fair, show, festival, or other attended entertainment or celebration, conducted by a non-profit, public service organization, which entertainment is not of a political, religious or commercial nature; and which event is to be held in whole or in part upon publicly-owned property and/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.

1.02 Parade. Parade means any march or procession consisting of people, animals, bicycles, vehicles or combination thereof, except wedding processions and funeral processions, upon any public street, sidewalk, alley or other public right-of-way which does not comply with normal and usual traffic regulations or controls.

1.03 Motorcade. Motorcade means any organized procession containing ten or more vehicles, except funeral processions, upon a public street, sidewalk, alley or public right-of-way.

1.04 Run. Run means an organized procession to contend in a race consisting of people, bicycles, wheelchairs or combinations thereof containing ten or more persons upon a public street, sidewalk, alley or other public right of way.

1.05 Street dance. Street dance means any dance of three or more couples on or within any publicly-owned parking lot or other publicly-owned property or any public street, public alley, public sidewalk, or other public right-of-way.

1.06 License, Permit. Unless the context in which it is used clearly indicates otherwise, the words "license" and "permit" as used herein both mean the official approval or authorization of the City of Kirkland to carry on or conduct the special event or activity for which such license or permit is required pursuant to the provisions of this ordinance.

Section 2. Special Event.

2.01 License Required. No person shall conduct a temporary special event without first having obtained from the City of Kirkland, a permit to conduct a temporary special event. Upon application, made by a non-profit public service organization, which is engaged in the conduct of any fair, show, festival or other publicly-attended entertainment or celebration and which entertainment is not of a political, religious or commercial nature, the City council may delegate to the applicant the authority to license sales of goods and services in and upon public streets and places which are included within the area in which such activities of the applicant transpire; provided all licensee sales tax reports locate the sales as having taken place in Kirkland; provided, further, that such permit shall not be granted for more than one week to any applicant or agent or subsidiary of an applicant within any one calendar year.

2.02 Application Requirements. Any non-profit public service organization who wants to conduct a temporary special event shall apply to the Director of Administration and Finance for a permit, at least 45 days in advance of the date of the proposed temporary special event. In order that adequate arrangements may be made for the proper protection of the temporary special event, and of the people attending same, as well as the general public, the application shall contain the following information:

A. The name of the applicant; the sponsoring organization; the temporary special event chairman, and the address and telephone number of each.

B. The purpose of the temporary special event; the date when it is proposed to be conducted; the location and the hours of operation, including site map or maps, schedule of events and location of events.

C. Such other information as the Director of Administration and Finance may deem reasonably necessary.

2.03 Issuance or denial of permit. In reviewing the application for the purpose of determining whether the permit should be issued or denied, the Director of Administration and Finance may seek consultation with other city officials and shall make such review in conformance with the following standards:

A. Standards for issuance. The Director of Administration and Finance shall issue a temporary special event permit conditioned upon the applicant's written agreement to comply with the terms of such permit, unless the Director of Administration and Finance finds that:

1. The time, hours, location and size of the temporary special event will unnecessarily disrupt the movement of other traffic within the City of Kirkland.

2. The location of the temporary special event would cause undue hardship for adjacent businesses or residents.

3. The temporary special event is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the event, site, and areas contiguous thereto, that allowing the special event would unreasonably deny police protection to the remainder of the City of Kirkland, and its residents.

4. Failure to arrange for or to remit by the applicant or person conducting or sponsoring the same, all fees, charges, deposits, taxes, insurance or bonds, if any, required by the City of Kirkland, including any department thereof for the use of the public place where it is proposed to conduct or to hold such special event.

5. That the City resources required to support the special event are out of proportion to the reimbursed expenses to be received by the City from the holding of the special event.

B. Standards for Denial. The Director of Administration and Finance shall deny any application for a temporary special event and notify the applicant of such denial where:

1. The Director of Administration and Finance makes any finding contrary to the findings required to be made for the issuance of a permit as set forth in paragraph A of this section.

2. The information contained in the application as found to be false or non-existent to a material degree.

3. The applicant refuses to agree, to abide or comply with all of the conditions and terms of the permit.

4. It is found that the purpose of the temporary special event is principally devoted to the advertising of a commercial product or for a private commercial process.

2.04 Officials to be notified. Immediately upon application for a permit for a temporary special event, the Director of Administration and Finance shall send a copy thereof to the following:

A. The City Manager;

B. Director of Fire Services;

C. The Chief of Police;

D. The Director of Public Works;

E. The Director of the Department of Parks and Recreation.

2.05 Revocation of Permit. Any permit for a temporary special event issued pursuant to this ordinance may be summarily revoked by the Director of Administration and Finance for the City of Kirkland

at any time when, by reason of disaster, public calamity, riot or other emergency, the Director of Administration and Finance determines that the safety of the public or property requires such revocation. 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 his application.

2.06 Contents of Permit. In each permit issued by the Director of Administration and Finance for the City of Kirland there shall be specified each condition subject to which the permit is issued. The permit shall not be issued until the Director of Administration and Finance is satisfied that all other required permits and licenses required by the city for the temporary special event activities have been obtained.

Section 3. Parades, Motorcades, Runs and Street Dances.

3.01 Parade, run, motorcade and street dance permits required. No person shall conduct a parade, run, motorcade or street dance in or upon any public street, sidewalk, alley or other public right-of-way or publicly-owned property within the City of Kirkland unless or until a permit to conduct such parade, run, motorcade or street dance has been obtained from the Director of Administration and Finance for the City of Kirkland.

3.02 Parade, run, motorcade or street dance for commercial purpose prohibited. No permit shall be issued authorizing the conduct of a parade, run, motorcade or street dance which the Director of Administration and Finance finds is proposed to be held for sole purpose of advertising any product, goods, wares, merchandise or commercial event and is designed to be held purely for private profit.

3.04 Interference with parade, run, motorcade or street dance. No person shall knowingly join or participate in any parade, run, motorcade or street dance conducted under permit from the City of Kirkland in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade, run, motorcade or street dance without the consent of or over the objections of the permittee, nor in any manner interfere with the progress or orderly conduct of such permitted event

or activity. A violation of this section is a serious crime.

3.05 Police escort required. All parades, runs, and motorcades shall have a police escort which shall be either appointed or approved by the Chief of Police of the City of Kirkland.

3.06 Interfering with or obstructing a parade or run prohibited. All persons, except those participating in parades or runs shall keep off streets, alleys or other public rights-of-way temporarily closed for parades or runs and it is unlawful for any person to leave any vehicle upon any street, knowing that the same has been cleared for parade or run purposes. It shall be unlawful for any pedestrian, equestrian, or the operator of any vehicle to pass through or drive between the vehicles, units or floats comprising a parade or motorcade where such parade or motorcade has been granted a permit pursuant to this ordinance, provided, that this shall not prohibit the operation of emergency vehicles, nor prevent the passage of such vehicles or persons at intersections where traffic is controlled by police officers of the City of Kirkland. A violation of this section shall be a simple crime.

3.07 Application for permit. Any person who wants to conduct a parade, run, motorcade, or street dance shall apply to the Director of Administration and Finance for the City of Kirkland for a permit, at least 30 days in advance of the date of the proposed parade, run, motorcade or street dance. The Director of Administration and Finance for the City of Kirkland, may in his discretion, consider any application for a permit to conduct a parade, run, motorcade or street dance which is filed less than 30 days prior to the date of such parade, run, motorcade or street dance is to be conducted, provided, however, that said time limit shall be waived by the Director of Administration and Finance only in the event of an unexpected occasion, or in the case of a parade approved by proclamation of the Mayor. The application for such permit shall be made in writing on a form approved by the Director of Administration and Finance for the City of Kirkland. In order that adequate arrangements may be made for the proper protection of the parade, run, motorcade or street dance, and the general public, the application shall contain the following information:

A. The name of applicant; the sponsoring

organization; the parade, run, motorcade or street dance chairman and the address and telephone numbers of each.

B. The purpose of the parade, run, motorcade or street dance; the date when it is proposed to be conducted; the location of the assembly area; the number of participants anticipated; the location of the disbanding area; the proposed route to be traveled and the approximate time that the parade, run, motorcade or street dance will assemble, start, and terminate.

C. A general description of the units anticipated to participate such as floats, vehicles, bands, and sound amplification equipment.

D. Such other information as the Director of Administration and Finance deems reasonably necessary.

3.08 Issuance or denial of permit in determining whether to grant or deny the permit applied for, the Director of Administration and Finance shall be guided by the following standards:

A. Standards for issuance. The Director of Administration and Finance of the City of Kirkland shall issue a parade, run, or street dance permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Director of Administration and Finance finds that:

1. The time, route or location, and size of the parade, run, motorcade or street dance will unreasonably disrupt the movement of the normal and usual traffic within the City of Kirkland.

2. The parade, run, motorcade or street dance is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the parade, run, motorcade or street dance and the areas contiguous to the location or route thereof that allowing the parade, run, motorcade or street dance would unreasonably deny

police protection to the remainder of the City of Kirkland.

3. Such parade, run, motorcade or street dance will interfere with another parade, run, motorcade or street dance for which a permit has previously been issued or requested.

4. Failure to remit by the applicant or person conducting or sponsoring the parade, run, motorcade or street dance, all fees, charges, deposits, taxes, insurance or bonds, if any, required by the City of Kirkland, including any department thereof for the use of the public places where it is proposed to hold such parade, run, motorcade or street dance.

B. Standards for denial. The Director of Administration and Finance for the City of Kirkland shall deny an application for a parade, run, motorcade or street dance permit and notify the applicant of such denial where

1. The Director of Administration and Finance makes any finding contrary to the findings required to be made for the issuance of a permit as set forth in paragraph A of this section 3.7.

2. The information contained in the application is found to be false or non-existent to any material degree.

3. The applicant refuses to agree to abide or comply with all of the conditions and terms of the permit.

4. It is found that the purpose of the parade, run, motorcade or street dance is principally devoted to the advertising of a commercial product or for a private commercial process.

3.09 Contents of permit. In each permit issued by the Director of Administration and Finance for the City of Kirkland, there shall be specified:

A. The assembly area and time

therefor.

B. The starting time.

C. The location of the street dance or if applicable, the route of the parade, run, or motorcade.

D. The portions of the street to be traversed and which may be occupied by such parade, run, motorcade or street dance. All traffic barricades and signs shall be furnished by the permit holder.

E. The disbanding area and the disbanding time.

F. The number of persons required to monitor the parade, run, motorcade or street dance.

G. All decorative materials used in parade floats shall be fire resistive or flame retardant. All motorized floats shall be provided with an approved portable fire extinguisher of at least 2-A, 10:B:C rating and readily accessible.

H. That the permittee shall advise the participants in the parade, run, motorcade or street dance of the terms and conditions of the permit prior to the commencement of such parade, run, motorcade or street dance.

I. That the parade run or motorcade continues to move at a fixed rate of speed and that any willful delay or willful stopping of said parade, run, or motorcade except when reasonably required for the safe and orderly conduct of the parade, run, or motorcade shall constitute a violation of the permit.

J. That the vehicles and floats used in the parade or motorcade may be subject to a safety inspection by the Kirkland Police Department and/or Kirkland Fire Department. If found unsafe, such vehicle and floats may not participate in the parade or motorcade.

K. Such other requirements as are found by the Clerk to be reasonably necessary for the protection of persons or property.

L. Special limitation on number of floats--school parades. If a parade or motorcade is to be held in conjunction with any activity of a school or college such parade or motorcade shall be limited to no more than 30 cars and/or floats.

3.10 Officials to be notified. Immediately upon application for a permit for a parade, run, motorcade or street dance, the Director of Administration and Finance of the City of Kirkland shall send a copy thereof to the following:

- A. The City Manager;
- B. Director of Fire Services
- C. The Chief of Police;
- D. The Director of Public Works;
- E. The Director of Parks and Recreation.

Section 4. General Requirements. The provisions of this section apply with regard to all permits issued pursuant to Sections 2 and 3 of this ordinance.

4.01 Indemnity performance bond. No permit shall be issued for a parade, run, motorcade, street dance or temporary special event until the permittee shall file with the Director of Administration and Finance, a performance bond conditioned upon payment to the City of Kirkland of any costs reasonably anticipated to be incurred in removing debris, litter or papers from the street or other material deposited thereon as a result of said parade, run, motorcade street dance or temporary special event; provided that the Director of Administration and Finance, in his discretion may, in appropriate cases make a specific finding that such a bond is not necessary at the time of the issuance of such permit and waive said bond.

4.02 Insurance required. The Director of Administration and Finance of the City of Kirkland shall not issue a permit pursuant to either Section 2 or Section 3 of this ordinance until the applicant obtains liability insurance with limits of not less

than \$1,000,000 for personal injury to any one person and \$2,000,000 for personal injury growing out of any one incident or occurrence, and limits in the amount of \$1,000,000 for property damage sustained by any one person and \$2,000,000 for property damage growing out of one incident or occurrence. A specimen copy of said policy shall be filed with the Director of Administration and Finance and shall name the City of Kirkland as an additional named insured. The Director of Administration and Finance, in his discretion may, in appropriate cases, make a specific finding that the insurance limits are in excess of the reasonable risk and in such circumstance may reduce the required insurance limits provided that such reduction is no more than 50 percent of the amounts hereinabove set forth.

4.03 Save Harmless Agreement. At the time that a permit is issued pursuant to either Section 2 or 3 of this ordinance, the permittee shall file with the Director of Administration and Finance, a save harmless agreement in which the permittee agrees to defend, pay, and save harmless the City of Kirkland, its officers and employees from any and all claims real or imaginary which may be filed against the City of Kirkland, its officers or employees, where such claim arises in whole or in part out of the activities for which such permit is issued; excepting therefrom, any claims arising solely out of the negligent acts or omissions of the City of Kirkland, its officers and employees.

4.04 Appeal procedure. Upon denial by the Director of Administration and Finance of the City of Kirkland of an application made pursuant to either Section 2 or 3 of this ordinance, the applicant may appeal from the determination of the Director of Administration and Finance within five days thereafter to the City Council of the City of Kirkland by filing a written notice of appeal for hearing by the City council at a regular meeting thereof. The City council shall hear and consider said appeal not later than 21 days following the date of filing the appeal. Upon such appeal the City council may reverse, affirm or modify in any regard, the determination of the Director of Administration and Finance.

In the event an application is not filed within the required time, the applicant may request a waiver of such requirement from the Director of Administration and Finance. Should the Director of Administration and Finance decline to waive the requirement the applicant may approach the City council at its next regular meeting to make an appeal. The City council, if it finds unusual circumstances and in the exercise of its sound discretion, may waive such requirement.

4.05 Revocation of Permit. Any permit issued pursuant to Section 2 or 3 of this ordinance may be summarily revoked by the Director of Administration and Finance at any time when by reason of disaster, public calamity, riot or other emergency, the Director of Administration and Finance determines that the safety of the public or property requires such revocation. 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 his application.

4.06 Violation a simple crime. Unless otherwise specifically provided, a violation of any mandatory provision of this ordinance shall be a simple crime.

4.07 Permit application fee. An application fee shall be paid to the City of Kirkland at the time of filing an application for any permit required by this ordinance. Such fees are non-refundable. The application fee for a permit pursuant to Section 2 is \$250.00. The application fee for a permit pursuant to Section 3 is \$50.00, provided that the fee for parade approved by Mayoral Proclamation maybe waived by the Director of Administration and Finance.

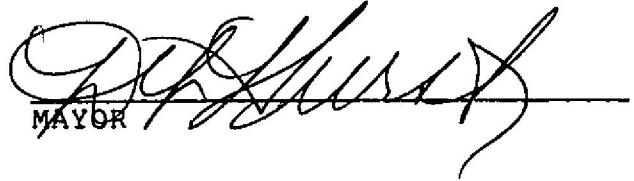
Section 5. Savings Clause. If any section, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall be in force and effect five

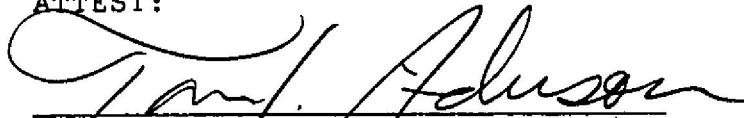
days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 2nd day of May, 1983.


Signed in authentication thereof this 2nd day of May, 1983.


MAYOR

ATTEST:

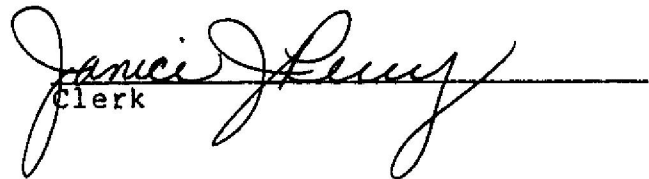

Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 4th day of May, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk