

ORDINANCE No. 3027

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SIDEWALK CAFES, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ISSUE PERMITS, ESTABLISHING STANDARDS AND CONDITIONS THEREFORE AND AMENDING CHAPTER 19.04 OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Chapter 19.04 of the Kirkland Municipal Code, relating to streets and public rights-of-way, be it and it hereby is amended by the addition of new sections to read as follows:

19.04.060 Street Use Permit-Sidewalk Cafe-Policy.

It is the policy of the City of Kirkland that sidewalks are primarily to provide safe and convenient pedestrian use by the general public. A limited secondary use may be considered for cafe tables, only to the extent that such use promotes and displays Kirkland Business Districts as pedestrian and people oriented areas.

19.04.061 Sidewalk Cafe Permit Required.

A Street Use Permit, allowing a portion of a public sidewalk to be used as a sidewalk cafe, is required for any such private use of a public sidewalk. A Sidewalk Cafe Permit shall be valid from April 1st to October 1st of the year in which the permit may be issued. The Director of Public Works has authority to issue the permit, provided the criteria, set forth in Sections 19.04.060 through 19.04.065, inclusive, are met and to other wise deny the permit.

19.04.062 Application for Sidewalk Cafe Permit.

The owner of a cafe or other food service establishment providing on premises consumption of food or beverage, may apply for a Sidewalk Cafe Permit to use a portion of the public sidewalk abutting such establishment, provided the application includes and provides for the following standards:

- (a) A minimum six foot wide, unobstructed general public pedestrian corridor;
- (b) The table area of the permit to be fenced off from the pedestrian corridor by rope stanchions, portable planters, or similar

device approved by the City;

(c) A single opening through the fencing for customer entry;

(d) No off-premises advertising signs or displays;

(e) Applicant to provide one or more approved trash receptacles;

(f) The design and character of all street furniture to be subject to approval by the City;

(g) The table area limited to the portion of the sidewalk immediately adjacent to the occupied business frontage;

(h) Table area to be of sufficient size and configuration to provide internal customer and food service circulation.

Section 19.04.063 Performance Bond, Insurance, Other Requirements.

Prior to issuance of the Sidewalk Cafe Permit, the applicant shall file with the City the following:

(a) An agreement, approved by the City, wherein the applicant agrees to defend, save, and hold harmless the City of Kirkland;

(b) The permittee shall obtain, at its sole expense, comprehensive liability insurance, with limits of not less than \$300,000 per occurrence and shall provide the City with satisfactory proof of continued insurance coverage during the life of the permit. Such insurance shall include the City of Kirkland as an additional named insured;

(c) File with the City of Kirkland, on a form approved by the City Attorney, a performance bond issued by a surety company licensed to do business in the State of Washington. Said bond shall be in the amount of \$1,000 and conditioned upon the permittee faithful performance of all conditions and requirements of the permit.

19.04.064 Conditions of Permit.

A Sidewalk Cafe Permit, when issued, shall be subject to the following conditions:

(a) No alcoholic beverage shall be served or consumed within the permit area;

(b) The entire sidewalk, including both the permit area and the unobstructed pedestrian corridor, plus a distance of 50 feet either side thereof, shall be maintained in a clean and litter-free condition and shall be cleaned by the permittee not less often than once daily;

(c) No food preparation shall take place within the permit area;

(d) No food service or other activity shall be carried on by the permittee from or within the pedestrian corridor;

(e) No product displays shall be placed within the permit area;

(f) Trash receptacles shall be cleaned and emptied as required, but not less often than once a day;

(g) No animals shall be allowed within the permit area, except guide dogs for the blind and deaf;

(h) Any violation of the foregoing conditions shall constitute grounds for immediate revocation of the permit;

(i) The City may, and reserves the right to, temporarily or permanently suspend a Sidewalk Cafe Permit during the course of area wide special events or in the interest of the public health, safety, and welfare.

19.04.065 Fee for Permit and Use of Public Sidewalk.

At the time of filing the application for Sidewalk Cafe Permit, the applicant shall pay to the City, a Sidewalk Cafe Use Permit fee, calculated at the rate of \$0.45 per square foot of permit area, plus a \$25.00 Administrative Fee.

19.04.066 Criminal Penalties.

Any violation of the provisions of Sections 19.04.060 through 19.04.065, which would also constitute a violation

of Section 19.04.010, may be enforced by the Police Department, through the issuance of Ordinance Violation Citations, or other enforcement remedies provided for in Section 19.04.010.

Section 2. If any section, subsection, 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 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 6th day of July, 1987.

Signed in authentication thereof this 6th day of July, 1987.

Tonia Cooper

MAYOR

ATTEST:

Janece Perry
City Clerk

APPROVED AS TO FORM:

Ray E. [Signature]
City Attorney