

ORDINANCE NO. 3061

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SIDEWALK CAFES, EXTENDING THE TERM OF PERMITS THEREFOR, AND AUTHORIZING LIMITED CONSUMPTION OF ALCOHOLIC BEVERAGES, AND AMENDING SECTIONS 19.04.061 AND 19.04.064 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Section 19.04.061 of the Kirkland Municipal Code be, and it hereby is, amended to read as follows:

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]~~ January 1 through December 31 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 otherwise deny the permit.

Section 2. Section 19.04.064 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

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]~~ may be served or consumed within the permit area, except under the following conditions:

(i) The fencing required by Section 19.04.62(b) shall be a 3.5 foot high sight obscuring barrier;

(ii) Alcoholic beverages may only be served in conjunction with the consumption of meals, alcoholic beverages shall not be carried or taken from the permit area;

(iii) All Liquor Control Board

regulations, including regulations relating to "extended outside service areas" shall be adhered to;

(iv) A breach of any of the foregoing conditions shall be grounds for immediate suspension of the permit pursuant to Subsection (i) below

(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.

Section 3. 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 4. 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 16th day of November, 1987.

Signed in authentication thereof this 16th day of November, 1987.

*Doris Cooper*

MAYOR

ATTEST:

*Janeie Hickey*  
City Clerk

APPROVED AS TO FORM:

*Raymond*  
City Attorney