

ORDINANCE NO. 4116

AN ORDINANCE OF THE CITY OF KIRKLAND REPEALING CHAPTER 19.24 OF THE KIRKLAND MUNICIPAL CODE AND REENACTING A NEW CHAPTER 19.24 OF THE KIRKLAND MUNICIPAL CODE RELATING TO THE PERMITTING OF SPECIAL EVENTS

WHEREAS, periodically, non-profit organizations, private organizations, and the City desire to use City streets and other City-owned property as venues for special events; and

WHEREAS, such special events include fund raising for nonprofit organizations serving the community, free speech expression activities, and entertainment; and

WHEREAS, the City has developed and is in the process of developing public places and other areas that are potential venues for special events; and

WHEREAS, the existing City permit process for such special events does not contemplate all of the impacts of special events; and

WHEREAS, the City Council desires to implement a new special events permitting code that will provide an efficient process for the public to utilize various public venues for expression and entertainment that enhances civic life in the City;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Chapter 19.24 of the Kirkland Municipal Code ("KMC") is hereby repealed.

Section 2. A new Chapter 19.24 of the KMC, entitled "Special Events," is hereby adopted to read as follows:

19.24.010 Definitions.

Terms used in this Chapter shall have the following meanings:

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

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

(3) "Event Management Company" means an entity with expertise in managing special events.

(4) "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 sports events, including marathons, fundraising events, or events the principal purpose of which is entertainment.

(5) "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.

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

(7) "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.

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

(9) "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.

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

(11) "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.

(12) "Special event" means any fair, show, parade, run/walk, 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.

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

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

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

(16) "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.

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

19.24.020 Special event permit required.

(1) Except as provided elsewhere in this chapter, any person or entity who conducts, promotes, or manages a special event shall first obtain a special event permit from the Special Event Coordinator.

(2) The Special Event Coordinator is authorized to issue permits for special events occurring within the City limits, pursuant to the procedures established in this chapter. The Special Event Coordinator is authorized to determine the special event venue. The Special Event Coordinator may impose reasonable conditions on the use of the special events venue based on the provisions of this Chapter. The Special Event Coordinator shall coordinate the issuance of a special event permit with the Special Event Team and other public agencies through whose jurisdiction or property the special event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved.

19.24.030 Exceptions to special event permit requirement.

(1) 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.

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

(a) 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.

(b) Funeral procession by a licensed mortuary.

(c) Gatherings of 100 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.

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

(e) Garage sales, rummage sales, lemonade stands and car washes.

(f) 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.

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

(h) Lawful picketing on sidewalks; and

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

19.24.040 Issuance of a special event permit does not obligate City services.

(1) Issuance of a special event permit under this chapter does not obligate or require the City of Kirkland to provide City services, equipment, or personnel in support of a special event.

19.24.050 Priority of special event permit issuance.

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.

19.24.060 Time for filing application for special event permit.

(1) Except as otherwise provided in this Chapter, a pre-application meeting shall be held no less than one year in advance of a new special event and no less than six months in advance of a repeat special event. Upon good cause shown and provided that there is no significant risk or burden to the City, the Special Event Coordinator may, in his or her discretion, allow a later pre-application meeting.

(2) A complete application for a special event permit shall be filed with the Special Event Coordinator not less than 45 calendar days before the time when it is proposed to conduct the special event. Upon good cause shown and provided that no risk or burden to the City ensues, the Special Event Coordinator has discretion to allow a later filing.

(3) An application for an expressive activity special event permit shall be filed with the Special Event Coordinator no less than seven calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown and provided that no risk or burden to the City

ensues, the Special Event Coordinator may, in his or her discretion, allow a later filing.

19.24.070 When application for special event permit is deemed complete.

An application for a special event permit is deemed completed when the applicant has provided all of the information required in KMC 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.

19.24.080 Date of special event not confirmed until notice of confirmation issued.

Notwithstanding the Special Event Coordinator's acceptance of a completed application, the date of the event shall not be considered confirmed and the applicant shall not market or promote the event until the Special Event Coordinator issues a written notice of confirmation.

19.24.090 Content of special event permit application.

The application for a special event permit should include the following:

- (1) The name, address, fax, cell, email, and office telephone number of the applicant;
- (2) A certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the special event;
- (3) The name, address, fax, cell, email address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;
- (4) A list of emergency contacts that will be in effect during the event, and the event web address, if any, and;
- (5) If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a signed, written communication from such organization:
 - (a) Authorizing the applicant to apply for the special event permit on its behalf;
 - (b) Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event;
 - (c) A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;
- (6) All permit applications should include:
 - (a) A statement of the purpose of the special event;
 - (b) A statement of fees to be charged for the special event, including Admissions Tax documentation;
 - (c) The proposed location for the special event;
 - (d) Dates and times when the special event is to be conducted;
 - (e) The approximate times when assembly for, and disbanding of, the special event is to take place;
 - (f) The proposed locations of the assembly or production area;
 - (g) The specific proposed site or route, including a map and written narrative of the route;
 - (h) The proposed site of any reviewing stands;
 - (i) The proposed site for any disbanding area;
 - (j) Proposed alternate routes, sites or times, where applicable;

- (k) The approximate number of persons, animals or vehicles that will constitute the special event;
- (l) The kinds of animals anticipated to be part of the special event;
- (m) A description of the types of vehicles to be used in the special event;
- (n) The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;
- (o) The number and location of portable sanitation facilities;
- (p) Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;
- (q) The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using City streets, sidewalks, or facilities;
- (r) Provisions for first aid or emergency medical services, or both, based on special event risk factors;
- (s) Insurance and surety bond information;
- (t) Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity; and,
- (u) The marketing plan with proposed timelines associated with marketing the activity to the general public;
- (v) Event timeline documenting activities from event set-up to event tear-down;
- (w) Any other information required by the Special Event Coordinator.

19.24.100 Conditions affecting the issuance of a special event permit.

(1) 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:

- (a) The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
- (b) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- (c) The special event will not block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on streets designated as arterials by the City's Public Works Department;
- (d) The special event will not require the diversion of police employees from their normal duties;
- (e) 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;
- (f) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en-route;
- (g) 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

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

(2) In order to ensure that the conditions in this section are met, the Special Event Coordinator may place conditions on the special event permit.

19.24.110 Reasons for denial of a special event permit.

(1) The Special Event Coordinator may deny a special event permit to an applicant who has not:

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

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

(c) 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;

(d) 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

(e) Met all of the requirements for submitting an application for a special event permit.

(2) The Special Event Coordinator may deny a special event permit if in the Special Event Coordinator's opinion:

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

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

(c) The special event fails to conform to the requirements of law or duly established City Policy;

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

(e) 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;

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

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

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

(3) 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.

19.24.120 Denial of a special event permit application; appeals from denial.

(1) If the Special Event Coordinator denies the application for the special event permit, pursuant to KMC 19.24.120, he or she shall notify the applicant in writing as soon as is reasonably practical.

(2) The denial of a special event permit may be appealed to the City Manager or his or her designee.

(3) An appeal shall be made in writing within seven calendar days of the date of the written denial. An appeal is made by filing a written petition with the Special Event Coordinator, setting forth the grounds for appeal and any documentation in support of the appeal.

(4) The City Manager shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision.

19.24.130 Display of special event permit required.

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the Special Event Coordinator applicable to the particular special event and shall be exhibited upon demand of any City official.

19.24.140 Contents of special event permit.

(1) The City may condition the issuance of a special events 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:

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

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

(c) The specific route plan of the special event;

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

(e) 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.

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

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

(h) The location of reviewing or audience stands, if any;

(i) The number and location of traffic controllers, monitors, other support personnel and equipment, and barricades to be furnished by the special event organizer;

(j) The area and time for disbanding;

(k) 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;

(l) The provisions for any required emergency medical services; and

(m) 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 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.

(2) 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.

19.24.150 Special Event Coordinator's action on special event permit application.

(1) Except as otherwise provided in this Section, the Special Event Coordinator shall take final action upon a completed application for a special event permit as soon as practicable.

(2) The Special Event Coordinator is not required to take final action upon any special event permit application prior to 180 calendar days before the special event.

(3) The Special Event Coordinator is not required to take final action on an incomplete or untimely special event permit application.

(4) 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.

(5) 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.

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

(a) Issuance of a special event permit in accordance with the terms of the application; or

(b) 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

(c) Denial of the special event permit application by the Special Event Coordinator.

19.24.160 Insurance required to conduct special event.

(1) 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.

(2) Except as provided in this Section, the comprehensive general liability insurance coverage required shall be in a combined single limit of at least \$1,000,000.

(3) If the special event is of a demonstrated high- or low-risk category, according to recognized insurance and risk management standards, the City's Risk Manager 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.

(4) 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.

(5) The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the Special Event Coordinator at least 30 calendar days before the special event, unless the Special Event Coordinator for good cause modifies the filing requirements.

19.24.170 Waiver of insurance requirements.

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

(a) Whether it is an expressive activity special event governed by KMC 19.24.220;

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

(c) Whether the special event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks, or pyrotechnics; or

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

(2) 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 market place.

(3) 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.

19.24.180 Revocation of special event permit.

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

(2) A special event permit may be revoked if the City determines:

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

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

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

(d) 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; or

(e) The special event permit was issued in error or contrary to law.

(f) The applicant has not paid all fees when due;

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

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

(4) 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.

(5) 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 KMC 19.24.120.

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 is a significant component, staff time and costs associated with day of event activities shall be charged based on the City's direct costs only. For all other special events, staff time and costs incurred 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 clean up requirements of KMC 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 failed to comply with KMC 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.

19.24.200 Effect of receipt of donations on status of tax-exempt nonprofit organizations.

A tax-exempt nonprofit organization hosting a special event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes, or other consideration from for-profit organizations without causing the special event to be considered a commercial special event within the meaning of this chapter. Such acknowledgment may include use of the name, trademark, service mark, or logo of such a for-profit organization in the name or title of the special event or the prominent appearance of the same in advertising or on collateral material associated with the special event.

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 KMC 19.24.190, shall be limited solely to a fee based on the cost of processing the permit application.

(2) The insurance requirement of KMC 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 KMC 19.24.220.C, 1 through 8, 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 \$500. 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 hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 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, 19.24.210 and 19.24.260 of this chapter shall not apply to expressive activity special events.

19.24.240 Delegation of City Manager's authority.

The City Manager may delegate any or all of his or her functions under this chapter to his or her deputies or subordinates.

19.24.250 City Manager authorized to adopt rules and regulations.

The City Manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event.

19.24.260 Authorized special event vendors.

(1) 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.

(2) 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.

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

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

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

19.24.280 Other permits and licenses.

The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Kirkland Municipal Code or any other applicable law.

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.

19.24.300 Cost recovery for unlawful special event.

Whenever special event is conducted without a special event permit when one is required or is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the City shall charge the event organizer for all City costs incurred as a result of the adverse impacts of the special event or the violation of the special event permit.

19.24.310 Penalties for violations.

(1) The special event permit authorizes the applicant to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the applicant to violate the terms and conditions of the permit, or for any event participant to violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired. An event applicant cannot make changes to the permit. All requests for changes must be submitted for review by the Special Event Coordinator.

(2) Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or both such fine and imprisonment.

Section 3. 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 4. 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 16th day of October, 2007.


Signed in authentication thereof this 16th day of October, 2007.


DEPUTY MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4116

AN ORDINANCE OF THE CITY OF KIRKLAND REPEALING CHAPTER 19.24 OF THE KIRKLAND MUNICIPAL CODE AND REENACTING A NEW CHAPTER 19.24 OF THE KIRKLAND MUNICIPAL CODE RELATING TO THE PERMITTING OF SPECIAL EVENTS

SECTION 1. Repeals Chapter 19.24 of the Kirkland Municipal Code relating to Temporary Special Events.

SECTION 2. Adopts a new Chapter 19.24 of the Kirkland Municipal Code relating to the permitting of Special Events.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. 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 2nd day of October, 2007.

I certify that the foregoing is a summary of Ordinance 4116 approved by the Kirkland City Council for summary publication.

City Clerk