

RESOLUTION R- 4213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND GRANTING A STREET USE FRANCHISE TO ROBERT AND RUTH ANN YOUNG, D/B/A/ SPIRIT OF CHRISTMAS

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

Section 1. A non-exclusive street use franchise shall be issued to Robert and Ruth Ann Young, d/b/a/ Spirit of Christmas ("Applicant") for the purpose of providing horse and carriage rides along the following route which includes public streets within the City of Kirkland:

Route 1 – From the Spirit of Christmas store on Central Way to Market Street intersection, turn left by the Marina Park to Kirkland Avenue, turn left onto Main Street, and turn left on to Central Way (see map as Attachment A).

Other Routes – Such other route or routes as may be authorized by, and subject to such additional conditions as may be required by, the Director of the Department of Public Works. The Director shall file with the City Clerk a detailed description of the route and any additional conditions accompanied by a report setting forth the reasons justifying the Director's decision.

Section 2. Issuance of the said street use franchise is subject to the following conditions and a breach of any one of said conditions by the Applicant shall be grounds for immediate revocation of the street use franchise:

1. Applicant shall be in compliance with all applicable state, federal, and city laws and safety regulations, such as City of Kirkland business license requirements and laws prohibiting entry upon private property when such entry would constitute criminal trespass.
2. Applicant's activities shall not result in blockage of parking or service areas in Marina Park.
3. No horse or carriage will use said routes on Monday through Friday between the hours of 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 7:00 p.m.
4. Carriage will be equipped with flashers, brake lights and turn signals.
5. All traffic signs and signals must be obeyed.
6. The horse and carriage shall not stop or load in any traveled-way portion of City streets, except in designated loading zone.
7. No cart or horse trailer associated with Applicant's activities will be stored on City right-of-way.

8. No animal waste is permitted. The horse will be diapered. Applicant will ensure that animal waste is not deposited on City right-of-way or in any place or in a manner which constitutes a public nuisance or otherwise fail to comply with all applicable state and city laws governing the disposal of such waste.
9. Applicant shall empty a garbage can/waste container at horse and carriage loading sites at least daily, and more frequently if directed to do so by the Director of Public Works.
10. Applicant shall clean, by broom, horse and carriage loading sites daily, at the end of the day's usage.
11. Applicant shall maintain public liability insurance that covers \$1,000,000.00 of insurance coverage per person and \$2,000,000.00 of insurance coverage per occurrence. This coverage shall list the City of Kirkland as an additional named insured. A copy of the coverage is to be on file with the City Clerk.

Section 3. This non-exclusive street use franchise shall expire as of 11 p.m., November 21, 2000. The franchise can be renewed at the discretion of the City for up to 2 consecutive additional 12-month periods if, and only if, both of the following conditions are met:

1. Applicant obtains the City's administrative approval for the renewal through the City Clerk's Office (a new City Council resolution is not required); and
2. Applicant pays the required franchise fee and provides proof of insurance to the City Clerk's Office by August 31 of each year.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 16th day of November, 1999.

Signed in authentication thereof this 16th day of November, 1999.



Mayor

Attest:



City Clerk