



CITY OF KIRKLAND
Department of Parks & Community Services
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
John Lloyd, Deputy Director
Sudie Elkayssi, Special Projects Coordinator

Date: October 18, 2022

Subject: Parks Special Event Program Updates

RECOMMENDATION

Staff recommend the City Council provide feedback on proposed changes to the Parks Special Event program, including changes to the fee structure and updates to the municipal code.

BACKGROUND DISCUSSION

Addressing special event fees and how staff supporting events are funded has been in the works for several years following the completion of the department [cost recovery study](#) in 2018. Staff initially presented the rules and regulations impacting events as well as background information on the permit process to City Council at the study session during their meeting on [July 2, 2019](#). The goal of this session was to educate Councilmembers about the complexity associated with special events. This session was intended to be a preliminary discussion on potential changes to the special event program. As such, staff returned to Council in [February 2020](#) to introduce potential strategies to meet the cost recovery targets outlined in the cost recovery study. Unfortunately, the COVID-19 pandemic caused future planned discussions to be cancelled to focus on the COVID-19 response.

During the 2021-2022 budget process, the Special Projects Coordinator position was converted from an on-going Full Time Employee (FTE) to a Limited Term Employee (LTE) to allow the city to create a new FTE Diversity, Equity, Inclusion, and Belonging Manager position. The Special Projects Coordinator position was temporarily funded for the 2021-2022 budget cycle with the expectation that the ongoing funding of the position would come from fees charged to special events. Accordingly, staff developed an updated permit and fee structure that fully funds this position based on recently held and historical event trends. Council at that time had concerns about the significant financial impact of the cost recovery fees on events. However, at the [June 21, 2022](#) City Council meeting, the position was converted back to an on-going FTE along with many other one-time positions that the Council determined as being important, ongoing work, eliminating the immediate need to fully fund the position through event fees. Regardless, staff

recommend City Council review the proposed fee structure for possible implementation. The proposed fee structure will help offset the actual cost of permitting special events in Kirkland. Additionally, the proposed fee structure will address equity concerns raised by the community over the fact that permitted events are not charged for use of park space.

In addition to changing the fee structure for special events, staff recommend several changes be made to the rules and regulations associated with events. Staff discussed some of the potential changes to the Kirkland Municipal Code (KMC) at the [March 15, 2022](#) City Council meeting. Staff presented feedback received from the community on several items, including the number of events, age restrictions in beer and wine gardens, road closure limitations, and participation requirements for races/walks. Council provided feedback on these topics and requested further evaluation. Since that time, as the large summer events returned to downtown Kirkland, staff received additional complaints related to these events. To truly understand these concerns staff held an additional listening session with business owners/operators and residents near Marina Park on August 2, 2022, to hear their concerns related to events. Feedback received has been incorporated into the recommended changes to special events. Issues of concern included parking regulations, road closures, impacts on businesses in the Lakeshore Plaza parking lot, and the fees collected by the city.

KIRKLAND MUNICIPAL CODE 19.24 – SPECIAL EVENTS

Special Events are regulated by [KMC 19.24](#) with additional rules outlined in the [Special Event Guide](#), which is updated administratively each year. Several changes to the Special Event program are being proposed. A draft of the proposed changes to the KMC is included in **Attachment A**. A “clean” version of the code is included in **Attachment B**. Some of the changes are relatively minor, while others are more significant. The overall goal was to simplify and organize the code to make it easier to understand. Some sections of the code were combined while others were eliminated. Staff seek Council feedback on the proposed changes. The most significant changes to the code are discussed below.

Event Types

The KMC defines several different event types including community events, community programs, expressive activities, major events, non-commercial special events, supportive events, and tourism events. Staff recommend significantly reducing the number of event types defined in the code. Most events, regardless of their type, are subject to the same regulations, making it unnecessary and confusing to include them in the code. Additionally, some of the event types defined in the code are not referenced anywhere else in the code. Staff recommend eliminating the following event types from the code:

- Community Programs – To date, there has only been one community program permitted. This event type was established as a workaround of the limit on the number of “special events” per month. Per KMC 19.24.030, these events are exempted from the requirement for a special event permit, and therefore do not count against the overall event limit. Other than the classification, these events are treated the same as any other

special event. In a subsequent section of this memo, staff provide options for council consideration regarding event limits which would allow these events to continue without impacting the monthly event limit, eliminating the need for a separate event type.

- Major Event, Noncommercial Special Event, and Tourism Event – these event types only appear in the definition section of the code. No other references to these event types exist. Staff recommend deleting these references from the KMC.
- Supportive Event – The definition for this event type is vague and could apply to many different events. No event in recent history has been classified as a supportive event. The only reference to this event type is in KMC 19.24.050 – Priority of Special Event Permit Issuance. Staff recommend deleting this event type and the reference to it found in KMC 19.24.050.

Staff recommend updating the term “Community Event” to “City Council Designated Community Event” to make it clear events in this category are designated by City Council. Even though the definition states this, many event organizers assume their events are community events because they are open to anyone. This edit will provide greater clarification.

Kirkland Municipal Code 19.24.220 speaks to permitting pre-planned expressive activities; however, the code is silent when it comes to impromptu free speech activities. As such, it is recommended to add a definition for “impromptu events” to the code. In 2020, the city saw a significant increase in expressive/free speech activities representing a wide range of causes. Several marches and protests took place in response to incidents happening across the nation with little pre-planning. Due to the immediate nature of impromptu activities, which do not allow sufficient time for staff and organizers to complete the normal permit process, event organizers are instructed to contact the Kirkland Police Department to provide notification of their free speech activities. Staff propose the following definition:

“Impromptu event” means expressive/free speech activities, such as a candlelight vigil, conducted without advanced planning or organization in response to a recent incident of wide concern or interest.

In the eyes of the public, an event is an event, regardless of the specific designation assigned. More event types tend to create more confusion.

Limit on Events per Month per Location

Currently, KMC 19.24.090 states that no more than two special event permits shall be issued per calendar month at any one venue, or along any one street. This limit was established following a previous program review and community outreach effort. The limit was established to mitigate the impacts of events on businesses and residents of Kirkland, particularly in the Central Business District (CBD) and Marina Park, while still maintaining a balance of event opportunities and the general public’s enjoyment of parks.

The KMC exempts Community Events designated by City Council and small events (meeting the criteria of Section [19.24.190\(4\)](#)) from the event limit. The KMC exempts Community Programs

from the requirement for a special event permit, however as stated above, this event type was created to acknowledge Council-designated events should not be subject to the "special event" limit. One of the desired outcomes of this program update is to simplify the code.

At the March 15, 2022 City Council meeting, City Council asked staff to return with possible changes to the event limit to allow more flexibility for new events, culturally diverse events, and small events. Finding a balance between allowing more events, while reducing the impact on residents, businesses, and the public's ability to access parks is a very complex issue as the feedback about the number of events is not universal. Some people enjoy the events while others think there should be no events in parks at all. Staff dug into this issue further during the August listening session, specifically seeking feedback about which type of events were preferred. Most of the negative feedback was about large festival style events that charge admission and close off access to most of the park. Most people had positive feedback or were indifferent about free events that are open to everyone. While all events draw people to the area, which is beneficial to surrounding businesses, free events are typically shorter in duration and do not have the same impact as large festival style events.

There is no perfect solution when it comes to determining a limit on events per park or location. Special Events may have a positive impact on one resident or business while having an equally negative impact on another. Staff have developed several possible options for council consideration. In all options presented, City Council Designated Community events, such as Winterfest and the 4th of July Parade remain exempt from the limit.

Change the event limit as it relates to multi-day events

As it relates to this discussion, "multi-day" refers to events taking place over multiple, consecutive days, such as Oktoberfest or Uncorked. This does not apply to "recurring events", such as the Summer Concert series which take place on non-consecutive days and would be considered single day events.

There are several ways the event limit could be changed as it relates to multi-day events. The event limit could be changed to only apply to multi-day events. Another possibility is to create a separate limit specific to multi-day events. Or it could be a combination of both options.

For example, the limit could be changed to only allow one multi-day event per month, per location with the overall limit of two events per month remaining in place. This would reduce the impact of large events on surrounding businesses, neighbors, and the park itself but would not necessarily allow more events to take place.

Alternatively, the limit could be changed to only apply to multi-day events, with no limit on single day events. This option would allow two multi-day events per month per venue with no limit on single-day events. This would allow more flexibility for additional single day events, but it may limit an event's ability to grow over time. This option could result in significantly more events taking place, thus reducing public access to the park.

Change the event limit to only apply to events taking place on weekends (Friday – Sunday) and holiday events

Another possible way to allow more events is to change the limit to only apply to events that take place on a weekend (Friday – Sunday) or holiday. This would allow events such as the summer concerts and Wednesday Market to continue without counting against the overall limit. This would allow for more mid-week events to take place but does not allow for additional weekend/holiday events.

Update event limit for the Marina Park/Central Business District venue

The majority of the complaints received about events were related to events taking place at Marina Park. There are several options to address this concern while still allowing flexibility in scheduling additional events.

Currently, the KMC defines Marina Park and the Central Business District as the same venue. Splitting these venues apart would allow for more events to take place downtown, but not necessarily in Marina Park.

Another potential solution would be only limit events that require the closure of any part of the Lakeshore Plaza parking lot or any street. For example, the Wednesday Market does not require the closure of the Lakeshore Plaza parking lot or any streets. This would reduce the negative impact larger events have on neighboring businesses while still allowing smaller events to take place. The challenge with this option is that many events do not know their overall footprint at the time of application, and this information is not currently requested as a part of the Event Interest form and often changes throughout the planning process. It would take more work to determine if an event counts against the limit, possibly leading to inadvertently over or under scheduling events. Additionally, this option may limit an event's ability to grow/expand over time if other events already utilize portions of the parking lot.

Alternatively, the event limit for the Marina Park/Central Business District venue could be set differently than the rest of the city. This could be a higher limit at this venue, with the current limit remaining for all other parks/venues, or vice versa.

The options presented above are just a few potential ways the limit could be changed. Each option has pros and cons which must be considered. It is important to understand City Council's goals in proposing a change to the current policy. Staff are seeking to engage City Council in a discussion to determine the best way to address the event limit.

Questions for Discussion

- Does City Council want to reduce restrictions to allow more events universally across the city?

- Or does Council want to allow more events only at Marina Park?
- Or does Council want to maintain the current limits to reduce the impact on neighbors?

Based on Council feedback, staff will develop updated language for the KMC.

Event Scheduling/Prioritization

When considering the event limit, it is important to consider how events are scheduled in the first place. Technically, all dates/venues are available on a first-come, first-served basis. However, the standard practice is to hold annual dates for returning events. Historically, there has not been support to bump events seeking to return in future years. Event organizers often need to be reminded to submit their applications to get on the schedule. Interestingly, [KMC 19.24.050 \(b\)](#) allows special events meeting specific “success criteria” to hold the same venue and date/weekend for two years. Most events do not meet the criteria to take advantage of this opportunity and staff recommend removing this option from the KMC.

The current practice essentially guarantees the same date/venue each year for returning events. This prevents new events from being scheduled once a park/venue reaches the limit for a given month. Typically, the only venue that reaches the event limit is Marina Park. Staff work with event organizers to identify other parks/venues for their event, but this is not always possible. For example, races have specific courses that have been certified so it is not as simple as moving locations.

To address this issue, if City Council supports staff in doing so, event space will be reserved on a first-come, first-serve basis, holding event organizers accountable for failing to submit their paperwork on time. This could result in long-standing events being bumped from the schedule if other events submit their applications first.

As previously mentioned, due to its popularity and central location, the only venue that typically reaches the event limit is Marina Park/Central Business District. Additionally, staff believe the concern regarding event limits is mostly related to large multi-day events. As such, another potential solution could be to create a separate application and approval process for multi-day events. Rather than a 12-month rolling application period, all applications for multi-day events would be due on a specific date, such as May 1st, for the following year. Applications would be evaluated and prioritized based on the proposed criteria listed below (or any other criteria desired by City Council). Staff could seek council approval for all multi-day events if desired. This process could be established in conjunction with any of the previously discussed changes to the event limits.

Proposed multi-day event prioritization

1. The event supports a city council goal or city work program initiative.
2. The event offers activities and demonstrates practices that promote diversity, equity, inclusion, and belonging.
3. The event has been recommended for funding by the tourism development committee.

4. The event and/or the event organizer have a demonstrated ability to successfully produce this type of event.

Event Fees

As previously stated, staff developed the fee model prior to the Special Project Coordinator position conversion back to ongoing status. While there is no longer an immediate need to fund the position, it is important to recognize the costs associated with the special event program beyond just one position. The City dedicates significant staff resources to special events. In addition to the Special Projects Coordinator, the Special Event Team, which is comprised of nine additional staff members from various departments, dedicates a fair amount of time every month to ensure special events safely take place. On top of these hard costs, events have a cost to the entire community. Special Events tend to make significant portions of parks inaccessible to the general public and often cause significant wear and tear/damage. A balance needs to be struck between maintaining open access to parks while allowing special events to occur. Typically, when park space is rented for private use, the renter pays for the use of the park space. This is the case when picnic shelters and athletic fields are used by private groups. Consideration should be given to holding special event organizers to the same standard as a private user group.

The largest, and probably the most impactful change proposed is to charge special events for park use. The proposed fee model is based on the estimated daily attendance of the event. The size of the event has a direct correlation to the impact on the park. Proposed permit and park use fees will vary based on the size classification of the event and are shown in Table 1 and Table 2 in **Attachment C**.

The proposed funding model does not provide any price differentiation for non-profit event organizers or events that have a non-profit beneficiary. Historically, nearly all special events held in Kirkland have a non-profit beneficiary or are held by non-profit organizations. Regionally, most cities do not provide a non-profit discount. Bothell was the only city to indicate they offer a non-profit discount. Staff do not recommend providing a non-profit discount or allowing events to negotiate fees. Nearly all events could claim to benefit the community, and this would undoubtedly increase the workload of the Special Projects Coordinator and Special Event Team. However, staff recommend separate pricing for expressive events. The proposed funding model does not charge rental fees for expressive events. Additionally, it is proposed that expressive events only be charged the applicable application fee.

The funding model developed increases the application fee from \$50 to \$100. Permit fees are also increased in the proposed fee schedule. As with park use fees, Special Event Permit fees vary based on the size of the event and range from \$250 - \$500. A comparison of fees from neighboring cities is shown in Table 4 below.

The funding model which shows potential permit and park rental charges for each event can be found in **Attachment D**. As previously stated, this model is based on some assumptions and should not be considered the actual amount an event would be charged in the future.

Table 4 – Event Fee Comparison

	Application Fee	Permit Fee	Venue/Park Rental Fees?
Kirkland (Current)	\$50	\$110	No charge for park rentals or street closures Rental fee for parking lot use
Kirkland (Proposed)	\$100	\$250 - Small event (<500 daily attendance) \$350 - Medium Event (500-1,000 daily attendance) \$500 - Large event (>1,000 daily attendance)	Rental fees based on space used
Bothell	\$0	\$300 - Small Event (100-200 people, including races) \$675 - Large Event (>200, any size parade)	No fee for street use/closure Rental fees for picnic shelters, facility use, and open space rentals range from \$17-\$82/hr depending on residency and facility
Bellevue	\$62	\$2,085 - \$8,385 for Walks/Runs \$1,570 - \$15,695 for Fairs/Festivals	Rental fees based on space used
Redmond	\$75	Based on participation and duration* <100 - \$45/hr 100 - 1,000 - \$70/hr 1,001 - 5,000 - \$105/hr 5,000 - 10,000 - \$160/hr 10,000 - 25,000 - \$240/hr	If rentable facilities are impacted by the event, special event pays the rental costs for the duration of event

* \$45/hr for set-up and clean-up time, Event staff and volunteers are included in participant count

With the new fees, the service levels provided to events will be enhanced. Parks staff will maintain park restrooms during events, which is currently an optional service. Additionally, the lawn restoration fee that is charged to events for excessive wear and tear/turf damage/turf impacts will be eliminated. However, as is the current practice, events will be charged reinspection fees as needed to ensure compliance with permit conditions, and for direct costs and other “pass-through” fees, based on the specific needs of the event. A list of additional fees commonly charged to events is shown in Table 3 in **Attachment C**.

Staff recognize the proposed funding model is likely to have a significant impact on some special events. However, the long-standing practice of providing park space for free to special events is not equitable when compared to other park rental policies. The following options are presented for Council consideration.

Options for City Council Consideration

Option 1: Maintain Status Quo. This option would maintain the current fee structure for special events.

Option 2: Partially subsidize the Special Projects Coordinator through event fees. City Council could set a revenue target or percentage of the position to be subsidized. Staff would update the proposed fees and funding model to meet the target.

Option 3: Offset the cost of Special Projects Coordinator position through fees charged to special events as presented. If Council selects this option, staff recommend a phased implementation over 2023-24 budget cycle with full implementation beginning in 2025. Application and permit fees would be increased starting in 2023, with rental fees phased in over the next three years.

- 25% of proposed rental fees in 2023
- 50% of proposed rental fees in 2024
- 100% of proposed rental fees beginning in 2025

Beer and Wine Garden restrictions

At the March 15, 2022 City Council meeting, staff addressed a request to revisit the age restrictions on beer and wine gardens in KMC 19.24.295. City Council requested additional information prior to deciding on this matter. Specifically, Council wanted to know the specific requirements to obtain an all-ages beer and wine garden permit from Washington State Liquor Cannabis Board (WSLCB), why so many permit requests for all-ages beer and wine gardens are denied, if there are requirements that servers be professionally trained, and how the regulations differ for restaurants compared to beer and wine gardens.

A Special Occasion License from the WSLCB is required to have a beer and wine garden at an event. If an event wants to allow minors in an alcohol restricted area, a Special Occasion Application Addendum must be submitted along with the Special Occasion License application. The Special Occasion Application Addendum form can be found in **Attachment E**. Special Occasion Licenses are only available to nonprofit organizations and are limited to 12 event days per calendar year. WSLCB does not provide a specific list of requirements for all ages events to be approved. However, staff spoke with WSCLB staff to get more information about the approval process. WSCLB says these requests are considered an exception to the rules for beer gardens, which allows them to place additional restrictions on these events such as food requirements and additional training for servers, depending on the specific event. Because of the extra scrutiny on these applications, the timeline for submitting all-ages event applications is longer. Applications must be submitted 60 days prior to the event compared to 45 days for a standard license.

Mandatory Alcohol Server Training (MAST) permits are not required for Special Occasion Licenses, but WSLCB prefers all servers be trained. WSLCB staff indicated, without actually saying it is a requirement, that MAST permits are required of any event requesting an all-ages permit. WSLCB staff review each request to determine if the event is appropriate for children. If the primary purpose of the event is related to alcohol, like a wine tasting, the request to allow minors will likely be denied. Another key area reviewed by WSLCB is the event security plan outlining how the event will ensure no alcohol is consumed or in possession of a minor. WSLCB was very clear that late applications are not accepted. Additionally, all-ages events must end by 9:00 pm. Finally, when asked why restaurants can serve alcohol with minors present, the WSLCB indicated this is something they address with nonprofits when they apply for the Special Occasion License. Nonprofits do not have any required formal training (such as MAST) and do not serve and sell alcohol regularly. Because they are limited to 12 event days per year, they are not experts in proper ID verification and recognizing signs of intoxication. WSLCB said these events are more of a public safety concern than a licensed restaurant.

Staff spoke with an event organizer in Leavenworth who received an all-ages Special Occasion License about their event and the approval process. Their event, which took place in 2019, was approved to allow minors into the alcohol service area because alcohol was not the primary focus of the event. The event also provided food, sledding, holiday music and other entertainment. The alcohol was restricted to a fenced food tent that sold food and drinks, with spiced wine being the only alcoholic option. The tent provided a place for groups to sit and eat/drink. Food and drinks could not be taken out of or brought into the tent. The event had two professional security personnel roaming the entire event and had two MAST trained servers checking ID at the point of sale in addition to two volunteers checking ID and providing wristbands to get into the tent. The event was approved for an all-ages permit because the primary focus of the tent was food and there were MAST trained staff checking IDs again at the point of sale. This event did not seek an all-ages license when this event was held again in 2021, partly due to the difficulty in getting approval in 2019.

The Celebrate Woodinville Summer Concert Series at Wilmot Gateway Park has also been approved for an all-ages beer and wine garden. The event, which has existed for the past eight years, was originally hosted by Woodinville Wine Country but has been taken over by the Chamber of Commerce. The event is focused on the concert, with a beer garden and food trucks serving as a secondary component. Because of the event's relationship with the breweries and wineries, all servers already have MAST permits. Organizers believe this was crucial to their event being approved for all ages. They did say the review and approval process was a little more difficult this year, which they attributed to the event changing management.

Based on the feedback received from the community, in addition to the recommendations of WCIA and the Kirkland Police Department, staff do not recommend changing the KMC to allow minors to access beer/wine gardens. Staff are seeking Council's direction on any changes to the KMC related to beer and wine garden restrictions.

Penalties for Violations

As the community has grown in recent years, so too have special events. Unfortunately, the number of complaints and concerns regarding events has also grown. Complaints, such as illegal parking around events, are often out of the control of the event organizer. However, some complaints are a result of event organizers not following all conditions of the special event permit. The current KMC has two sections addressing this issue. KMC 19.24.300 addresses cost recovery for non-permitted events or when events are conducted in violation of the terms of the agreement. This section states event organizers will be charged for all city costs incurred as a result of the adverse impact of the event or violation. The code does not call for any financial penalty other than city costs. KMC 19.24.310 states the penalty for violating any provisions KMC19.24 is a misdemeanor offense which comes with a fine of up to \$500 or up to 90 days imprisonment, or both. The combination of these two sections of the code does not provide much leeway for the Special Projects Coordinator to hold event organizers accountable for relatively minor violations. The Special Projects Coordinator does not have the authority to impose a financial penalty for violating conditions of their permit. Additionally, staff believe charging event organizers with a misdemeanor is overly severe and would not be supported if pursued.

Staff recommend combining KMC 19.24.300 with KMC 19.24.310 to create one section of the code that addresses penalties for violations stating the following:

KMC 19.24.310 Penalties for Violation

- (a) 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.
- (b) If a permitted event violates the provisions of this chapter the event organizer may be subject to a fine of not more than five hundred dollars (\$500) per violation.
- (c) Whenever a special event is conducted without a special event permit when one is required, the event organizer shall be guilty of a civil infraction punishable by a fine of one-thousand five hundred dollars (\$1,500). The city shall charge the event organizer for all applicable fees, and all other city costs incurred as a result of the special event.

The recommended code changes would allow the Special Project Coordinator to charge a financial penalty, in addition to any city costs incurred for violations of the code or provisions of an event permit. Staff also recommend changing the penalty for holding a non-permitted event to a civil infraction, rather than a misdemeanor, and including a fine of up to \$1,500. The penalty for violating conditions of a special event permit would remain the same (up to \$500) but would be charged per violation. Additionally, violating a condition of the permit would not be considered a civil infraction or misdemeanor. By updating this section of the code, staff will have more flexibility to hold event organizers accountable for any violations.

Other Edits/Changes

As seen in the proposed edits to the KMC, staff recommend several other changes and edits to the code. Most significantly, staff have reorganized the code to make it easier to understand and absorb. The current KMC does not flow in a logical order, and related information is not presented in order. This makes it very difficult to read and understand the code. The proposed edits combine several sections of the code where appropriate, in addition to reordering the code to make it easier to understand. The proposed code starts at a very high level and gets more detailed as you get further along. In addition to the penalties for violations section discussed above, staff recommend combining KMC 19.24.060, 19.24.070, and 19.24.080 into a new section of the code (KMC 19.24.055) related to the application process into one single section of the code. The current code has several references to appeals. Staff recommend creating KMC 19.24.125 which combines all the information into one section. Staff also recommend combining KMC 19.24.290 with KMC 19.24.270 for simplicity.

Based on the proposed edits to the fee structure discussed above, staff recommend deleting some definitions currently included in the code. Staff recommend the following definitions be deleted:

- (1) Benefiting a Kirkland nonprofit: The proposed fees do not provide differentiation for non-profit events or events that benefit a non-profit. As such, this definition is no longer needed.
- (10) Gross revenues: This is not referred to anywhere in the code and is unnecessary.
- (11) Major event: This event category is not referred to anywhere in the code and it is unnecessary to have a separate definition. Portions of the definition were combined with the Special Event definition.
- (13) Noncommercial special event: This event category is not referred to anywhere in the code and is unnecessary.
- (23) Supportive events: This event category is not referred to anywhere in the code and is unnecessary.
- (25) Tourism event: This event category is not referred to anywhere in the code and is unnecessary.

Staff recommend the following definitions be added to the code:

“Director” means the Director of the Parks and Community Services Department.

“Impromptu event” means free speech activities conducted without advanced planning or organization, typically in response to a recent incident of wide concern or interest.

“City Council Designated Community Event” to make it clear events in this category are designated by City Council and have a unique status under the events code.

SUMMARY AND NEXT STEPS

Special events are an important part of the Kirkland community. The recent Parks, Recreation and Open Space (PROS) Plan update included extensive community outreach, including a statistically valid and open invitation community survey. Respondents to the survey rated Special events as the most important of the current programs and services offered by the department. On a scale of 1 to 5, with 1 being "Not at All Important" and 5 being "Very Important," Special events were rated 3.5. Over 55% of respondents rated Special events as 4 or 5. However, it is important to note that Parks and Open spaces were rated as the most important among facilities and amenities with an average score of 4.7. The goal of the proposed updates was to find a balance between maintaining open access to parks while allowing special events to occur.

Staff will return to a future meeting with updated KMC language incorporating any feedback received from City Council for approval.

Attachment A – Proposed Edits to KMC 19.24

Attachment B – Clean version of edits to KMC 19.24

Attachment C – Proposed Special Event Fees

Attachment D – Special Event Funding Model

Attachment E – Special Occasion License Addendum

Chapter 19.24 SPECIAL EVENTS

Sections:

- 19.24.010 Definitions.
- 19.24.020 Special event permit required.
- 19.24.030 Exceptions to special event permit requirement.
- 19.24.032 Expressive activity special event. **(19.24.220)**
- 19.24.034 Special Event Administration **(New Section)**
- 19.24.036 Conditions affecting the issuance of a special event permit. **(19.24.100)**
- 19.24.038 Limitations on special events. **(19.24.090)**
- 19.24.040 Issuance of a special event permit does not obligate city services.
- 19.24.042 Other permits and licenses. **(19.24.280)**
- 19.24.050 Priority of special event permit issuance.
- 19.24.060 Special Event Application Process and Timeline **(Updated title, combined with 19.24.070, .080)**
- 19.24.065 Special Projects Coordinator's action on special event permit application. **(19.24.150)**
- 19.24.110 Reasons for denial of a special event permit.
- 19.24.115 Revocation of special event permit. **(19.24.180)**
- 19.24.125 Appeals from denial, modification, or revocation. **(19.24.220 + other sections of the code)**
- 19.24.130 Display of special event permit required.
- 19.24.140 Contents of special event permit.
- 19.24.160 Insurance required to conduct special event.
- 19.24.170 Waiver of insurance requirements.
- 19.24.175 Conditions for beer and wine gardens. **(19.24.295)**
- 19.24.190 Special Event permit, application, and other fees. **(Updated title)**
- 19.24.260 Authorized special event vendors **(includes 19.24.290)**
- 19.24.310 Penalties for violations. **(Includes 19.24.300)**
- 19.24.340 Delegation of city manager's authority. **(19.24.240)**
- 19.24.350 City manager authorized to adopt rules and regulations. **(19.24.250)**

19.24.010 Definitions.

Terms used in this chapter shall have the following meanings:

~~(1)~~ “Benefitting a Kirkland nonprofit” means a financial benefit for a nonprofit agency serving Kirkland residents. The financial contribution should represent no less than ten percent of the net profits of the event.

~~(2)~~ “Certified race director” means a person who has successfully completed an educational program and received nationally recognized credentials showing the recipient has the knowledge required to conduct safe events for rides, runs, walks, and swims.

~~(3)~~ “City Council Designated Community event” means a special event designated as such by the city council which is intended primarily for Kirkland residents, is free of an admission charge, is organized by the city or a recognized Kirkland nonprofit agency, and is intended to celebrate an important community holiday or tradition.

~~(4)~~ “Community programs” means activities of an ongoing nature which are open to the public and provided free of an admission charge, such as weekly farmer’s markets and park performing arts series.

~~(5)~~ “Demonstration” means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

~~(6)~~ “Director” means the Director of the Parks and Community Services Department

~~(7)~~ “Event organizer” means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.

~~(8)~~ “Event management company” means an entity with expertise in managing special events.

~~(9)~~ “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 fairs, festivals, concerts, performances, parades, athletic events, fundraising events, or events the principal purpose of which is entertainment.

~~(10)~~ “Fundraising event” means a special event held by a nonprofit entity that is primarily for the purposes of fundraising for the benefit of the sponsoring nonprofit.

~~(10) “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.~~

~~(11) “Major event” means any special event that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public or a special event that causes significant impacts to the public.~~

~~(9) “Impromptu event” means free speech activities conducted without advanced planning or organization in response to a recent incident of wide concern or interest.~~

~~(4210) “March” means an organized walk or event whose principal purpose is expressive activity in service of a public cause.~~

~~(13) “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.~~

~~(4411) “Picketing” means a person posted by a labor organization at a place of work affected by a strike; or a person posted for a demonstration or protest.~~

~~(4512) “Rally” means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.~~

~~(4613) “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.~~

~~(4714) “Sign” means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.~~

~~(4815) “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.~~

~~(4916) “Special event” means any fair, festival, concert, performance, show, parade, run/walk/bike, 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 that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public or a special event that causes significant impacts to the public, 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.

~~(2017)~~ "Special event permit" means a permit issued under this chapter.

~~(2118)~~ "Special event venue" means that area for which a special event permit has been issued.

~~(2219)~~ "Street" means any place that is publicly maintained and open to use of the public for purposes of vehicular travel, including highways.

~~(23)~~ "Supportive events" are events whose purpose is to provide a positive community experience while also generating revenues to assist the funding of community events and community programs.

~~(2420)~~ "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.

~~(25)~~ "Tourism event" means any special event that furthers the city's economic development goals, is primarily intended to attract participants from out of the immediate area and is eligible to receive funding from lodging tax funds. The receipt of lodging tax funds granted by the city for an event is contingent upon the issuance of a special event permit and the successful implementation of the event.

~~(2621)~~ "Vendor" means any person who sells or offers to sell any services, goods, food, or beverages within a special event venue. (Ord. 4431 § 1, 2013; Ord. 4116 § 2 (part), 2007)

19.24.020 Special event permit required.

(a) 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~~ special projects coordinator.

(b) - 19.24.270 (a)

(c) - 19.24.270 (b)

~~(b)~~ 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.~~ (Ord. 4116 § 2 (part), 2007)

19.24.030 Exceptions to special event permit requirement.

~~(a) 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.~~

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

(1) ~~Parades, athletic~~ Athletic events and tournaments or other special events that occur exclusively in city parks, which must be applied for through a separate city process;

(2) Funeral procession by a licensed mortuary;

~~(3) Impromptu events intended to be held on public property outside the traveling lanes of the right-of-way and for which advance coordination with the city for permitting is not feasible. Kirkland Police Department notification is required in advance;~~

~~(3) Public gatherings of one hundred 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;~~ (4) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales;

(5) Garage sales, rummage sales, lemonade stands and car washes;

(6) 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;

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

(8) Lawful picketing on sidewalks;

(9) Block parties, which must be applied for through a separate, streamlined city process; and

(10) Film/Photography activities, which must be applied for through a separate, streamlined city process. ~~(10) Community programs, which must be applied for through a separate city process.~~

(b) 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.

(Ord. 4431 § 2, 2013; Ord. 4116 § 2 (part), 2007)

19.24.032 Expressive activity special event.

19.24.034 Special Event Administration.

(a) The special ~~event-projects~~ 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-projects~~ coordinator shall coordinate the issuance of a special event permit with the special event service 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.

(b) The special ~~event-projects~~ coordinator is authorized to determine the special event date, time, and venue. The special ~~events-projects~~ coordinator may impose reasonable conditions on the use of the special events venue based on the provisions of this chapter.

(c) The special event service team was established to ensure that Special Events are reviewed and permitted in a coordinated and consistent manner consistent with the Kirkland Municipal Code, and to collaborate in providing excellent customer service to community event organizers. The special event service team includes representatives from departments that may condition the issuance of a special event permit by imposing reasonable requirements on the permit.

19.24.036 Conditions affecting the issuance of a special event permit.

19.24.038 Limitations on Special Events.

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

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. (Ord. 4116 § 2 (part), 2007)

19.24.042 Other permits and licenses.

19.24.050 Priority of special event permit issuance.

(a) Except for ~~a special event sponsored by the city~~ City Council designated community events, scheduling priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations ~~providing services to the citizens of the city~~. Dates will be reserved on a first-come, first-served basis not more than one year prior to the proposed date of the event. When on the same business day more than one applicant requests the same date and venue for their event, the following criteria will be applied in the following order:

- (1) The event directly benefits a nonprofit organization serving Kirkland residents.
- (2) The event and/or the event organizer have a demonstrated history of success in producing events in Kirkland.
- (3) The event has been recommended for funding by the tourism development committee.
- (4) The event supports a city council goal or city work program initiative.

~~(b) Special event applicants may be granted permission to hold the same event for an additional two years on the same weekend at the same venue if "success" criteria have been met. The special event application process shall be followed each year. The success criteria are as follows~~(1) ~~All previous special event fees have been paid in full.~~

~~(2) Previous special event successfully provided for public safety (event safety plans, traffic control apparatus and volunteers), health (first aid provisions and public health requirements), and sanitation (sufficient number of maintained restroom facilities, maintenance and disposal of event garbage/recycling).~~

~~(3) Previous special events properly cared for city facilities and equipment resulting in no damage.~~

~~(4) Previous special event applications were properly completed, submitted on time, and in the required format.~~

~~(c) The director of parks and community services is authorized to deny a special event application or require modification of the date or venue of a special event if the proposed special event is deemed by the director to adversely impact a supportive event.~~

~~(d) Any applicant who objects to the denial of a special event application or required modifications of the date or venue by the director of parks and community services may appeal in writing (including email) to the city manager for a review of that decision. The city manager will consider the appeal and either~~

affirm or reverse the denial or modification within ten business days following the city manager's receipt of the appeal or within such other time as the city manager and the applicant mutually agree. (Ord. 4431 § 3, 2013; Ord. 4116 § 2 (part), 2007)

19.24.060 Time for filing application for special event permit **Special Event Application Process and Timeline.**

~~(a) 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~~

(a) A special event organizer interested in holding a special event may submit an event interest form up to one year, but no less than six months prior to the desired event date, to request a date and venue.

(1) insert language from 19.24.080

~~(b) A complete~~An application for a special event permit shall be filed with the special ~~event~~projects coordinator not less than ~~forty five calendar days~~five (5) months 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~~projects coordinator has discretion to allow a later filing.(c) Event applications will be reviewed by the Special Event Service Team to determine the suitability of the requested event and to make any requested changes or modifications to the request.

(d) Event Organizers are required to attend a Pre-Event Meeting if the event involves road closures, City resources, high-risk activities, or deemed necessary by the Special projects coordinator.

(e) insert language from 19.24.070

(c) An application for an expressive activity special event permit shall be filed with the special ~~event~~projects coordinator no less than ~~seven~~fifteen (15) 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~~their discretion, allow a later filing. (Ord. 4116 § 2 (part), 2007)

19.24.065 Special project coordinator's action on special event permit application.

19.24.070 When application for special event permit is deemed complete.

An application for a special event permit is deemed complete when the applicant has provided all of the information and supplemental materials required by the special ~~event projects~~ 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. The deadline for applications to be deemed complete shall be no later than twenty-one (21) calendar days before the date of the event. Late submissions are subject to a late fee. (Ord. 4431 § 4, 2013: Ord. 4116 § 2 (part), 2007)

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

Notwithstanding the special ~~event projects~~ coordinator's acceptance of a ~~completed application~~ an event interest form, the date of the event shall not be considered confirmed and the applicant shall not market or promote the event until the Special Event Team has reviewed the initial event proposal and the special event projects coordinator issues a written notice of confirmation. (Ord. 4116 § 2 (part), 2007)

19.24.090 Limitations on special events.

(a) No more than two special event permits shall be issued per calendar month at any one venue, or along any one street.

(1) The central business district and marina park shall be considered as the same venue.

(2) This limitation shall not apply to City Council designated community events designated by the city council or special events that meet the criteria of Section 19.24.190(4).

(b) Special events shall be limited to no more than three consecutive calendar days ~~although an additional one day total may be permitted for either event load-in or load-out~~; provided, however, that limited duration events such as seasonal events lasting more than three consecutive calendar days may be allowed with the approval of the director and together with the imposition of any permit conditions as may be necessary to address anticipated event impacts, such as those related to public rights-of-way impacts, duration, operating hours, public safety, noise and glare. Special events may request additional time for load-in or load-out, pending availability. Load-in/Load-out days will be charged to the special event based on the published fee schedule.

(c) Athletic events, including runs and bike races, shall be restricted to city streets or designated trails; sidewalks will remain open for use by the general public. Organized walks may take place on city streets, trails, or sidewalks.

(d) Athletic events held on city streets which include road closures, either rolling or stationary, shall clear the street of all participants and traffic control devices no later than twelve p.m.

~~(e) The director of parks and community services, in consultation with the police department and the special events service team, shall have the authority to limit the number of participants in athletic events if deemed necessary by the director to protect the health, safety and welfare of both the participants and the surrounding community.~~

~~(f) Any applicant who objects to the limitation of the number of participants in athletic events by the director of parks and community services may appeal in writing (including email) to the city manager for a review of that decision. The city manager will consider the appeal and either affirm or reverse the decision within ten business days following the city manager's receipt of the appeal or within such other time as the city manager and the applicant mutually agree. (Ord. 4676 § 1, 2018; Ord. 4523 § 1, 2016; Ord. 4431 § 6, 2013)~~

19.24.100 Conditions affecting the issuance of a special event permit.

~~(a) Where the event organizer has not requested and the special event does not require city services, equipment, or personnel, the~~ The special event projects coordinator may issue a special event permit when, based upon the completed application, all of the conditions listed in this section are met:

- (1) The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
- (2) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- (3) The special event will not block traffic lanes or close streets on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;
- (4) The special event will not require the diversion of police employees from their normal duties;
- (5) 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;
- (6) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en route;
- (7) 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

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

(b) In order to ensure that the conditions in this section are met, the special ~~event~~projects coordinator may place conditions on the special event permit. (Ord. 4431 § 7, 2013; Ord. 4116 § 2 (part), 2007)

19.24.110 Reasons for denial of a special event permit.

(a) The special ~~event~~projects coordinator may deny a special event permit to an applicant ~~who has not~~for any of the following reasons:

- ~~(1) Provided for the services of a sufficient number of trained and certified traffic controllers;~~
- ~~(2) Provided sufficient monitors for crowd control and safety two weeks prior to the event date;~~
- ~~(3) 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;~~
- ~~(4) 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;~~
- ~~(5) Applicant has not Met met all of the requirements for submitting an application for a special event permit;~~
- ~~(6) Conducted an authorized or exempted special event in accordance with law or the terms of the permit, or both;~~
- ~~(7) Applicant has not Provided provided an adequate first aid or emergency medical services plan based on special event risk factors;~~
- ~~(8) Applicant has not Obtained obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or~~
- ~~(9) Applicant has not Paid paid all fees due for the requested event or from a previous special event.~~

(b) The special ~~event~~projects coordinator may deny a special event permit if in the special ~~event~~projects coordinator's opinion:

- (1) The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;
- (2) The special event will violate public health or safety laws;
- (3) The special event fails to conform to the requirements of law or duly established city policy;
- (4) The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this chapter.

(c) The special ~~event~~ projects 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. (Ord. 4431 § 8, 2013; Ord. 4116 § 2 (part), 2007)

19.24.115 - Revocation of special event permit

19.24.125 Appeals from permit denial, modification, or revocation

(a) Any applicant who objects to the revocation or denial of a special event permit, limitation on the number of participants, or required modifications of the date, venue, or activities, may appeal for a review of the decision.

(b) An appeal shall be made to the special projects coordinator within seven calendar days of the date applicant was notified. Appeals shall be made in writing (including email) and include the grounds for appeal along with any documentation in support of the appeal. The Special Project Coordinator shall present the appeal to the Director for review.

(c) The Director will review the appeal and issue a written decision within ten business days following receipt of appeal.

19.24.120 Denial of a special event permit application—Appeals from denial.

~~(a) If the special event coordinator denies the application for the special event permit, pursuant to this section, he or she shall notify the applicant in writing as soon as is reasonably practicable.~~

~~(b) The denial of a special event permit may be appealed to the city manager or his or her designee.~~

~~(c) 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.~~

~~(d) The city manager shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision. (Ord. 4116 § 2 (part), 2007)~~

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 projects~~ coordinator applicable to the particular special event and shall be exhibited upon demand of any city official. (Ord. 4116 § 2 (part), 2007)

19.24.140 Contents of special event permit.

(a) The city may condition the issuance of a special event 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:

(1) 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;

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

(3) 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 or certified race director 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.

(4) Any other conditions deemed appropriate by the special projects coordinator.

(b) As a condition of the issuance of a special event permit, the applicant ~~shall~~ may be required to do a walk-through of the event site with the special ~~event projects~~ 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. (Ord. 4431 § 9, 2013; Ord. 4116 § 2 (part), 2007)

(c) An event organizer cannot make changes to the permit or any other city issued document. All requests for changes must be submitted for review and approval by the special projects coordinator.

19.24.150 Special event project coordinator's action on special event permit application.

(a) Except as otherwise provided in this section, the special event projects coordinator shall take final action upon a completed application for a special event permit no less than five business days prior to the event.

~~(b) The special event coordinator is not required to take final action upon any special event permit application prior to one hundred eighty calendar days before the special event.~~

~~(c)~~ The special event projects coordinator is not required to take final action on an incomplete or untimely special event permit application.

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

~~(1) Issuance of a special event permit in accordance with the terms of the application; or~~

~~(2) Issuance of a special event permit in accordance with the terms of the application, as conditioned by the special event projects coordinator or as modified by mutual agreement between the special event coordinator and the applicant; or~~

~~(3) Denial of the special event permit application by the special event projects coordinator. (Ord. 4431 § 10, 2013; Ord. 4116 § 2 (part), 2007)~~

19.24.160 Insurance required to conduct special event.

(a) 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.

(b) Except as provided in this section, the comprehensive general liability insurance coverage required shall be in a combined single limit of at least one million dollars.

(c) If the special event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the city's safety/risk analyst 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.

(d) 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.

(e) The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the special ~~event~~ projects coordinator at least thirty calendar days before the special event, unless the special ~~event~~ projects coordinator for good cause modifies the filing requirements. (Ord. 4431 § 11, 2013; Ord. 4116 § 2 (part), 2007)

19.24.170 Waiver of insurance requirements.

(a) Except for special events where the sale of alcoholic beverages is authorized, the insurance requirements of Section [19.24.160](#) may be waived ~~if approved by city's safety/risk analyst or city attorney.~~ In making the determination of whether to waive insurance, the city shall consider the following factors:

- (1) Whether it is an expressive activity special event governed by Section ~~19.24.220~~ [19.24.032](#);
- (2) Whether it is objectively impossible to obtain insurance coverage;

~~(A) 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 marketplace.~~

- (3) Whether the special event will involve the use of equipment such as vehicles, animals, fireworks, pyrotechnics, water vessels, or inflatable bouncers; or
- (4) Whether a fee or donation is charged or required as a condition of admission or participation in the special event.

~~(b) 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 marketplace.~~

(c) 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. (Ord. 4431 § 12, 2013; Ord. 4116 § 2 (part), 2007)

19.24.175 Conditions for beer and wine gardens.

19.24.180 Revocation of special event permit.

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

(b) A special event permit may be revoked if the city determines any of the following:

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

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

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

(4) 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;

(5) The special event permit was issued in error or contrary to law;

(6) ~~The applicant has not paid all fees when due.~~

(6) The event organizer has not provided sufficient monitors for crowd control and safety;

(7) The event organizer has not provided a sufficient number of trained and certified traffic controllers.

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

(d) If there is an emergency requiring immediate revocation of a special event permit, the special ~~event~~ projects coordinator may notify the permit holder verbally of the revocation. The special projects coordinator shall follow up with a written notice of revocation within forty-eight (48) hours, providing the specific reasons for the revocation.

(e) 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 Section ~~19.24.120~~19.24.125. (Ord. 4431 § 13, 2013; Ord. 4116 § 2 (part), 2007)

19.24.190 Cost recovery for special eventsSpecial Event Fees.

~~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) Unless otherwise exempted, A~~a nonrefundable application fee shall be charged for all special events. The amount of the application fee shall be set administratively by the ~~city manager~~Director or his or her~~their~~ designee and will be posted online. The application fee is due at the time of permit application.

~~(3) Unless otherwise exempted, A~~a special event permit fee shall be charged for all special events. The amount of the permit fee shall be set administratively by the ~~city manager~~Director or his or her~~their~~ designee and will be posted online. The special event permit fee is due no later than twenty-one (21) days in advance of the event.

~~(3) Additional fees associated with special events (i.e., other permits or licenses required, International Fire Code permits, park use and facility fees, utilities, police, signage, etc.) are in addition to the application and permit fees. Additional fees and city costs associated with providing support services for the special event shall be estimated in advance, documented, and provided to the applicant. Payment of these additional fees and estimated costs shall be paid in full no later than twenty-one (21) days in advance of the event.~~

~~(4) The special event permit fee may be waived for special events of one hundred or fewer participants that do not have a significant impact on public property or facilities, and that do not require the provision of city public safety services, unless merchandise or services are offered for sale or trade to the public in which case a special event permit fee is required.~~

~~(5) For special events in which benefits to recognized charitable organizations are a significant component, staff time and costs associated with day of event activities shall be charged based on the city's published fee schedule. For all other special events, staff time and costs incurred with day of event~~

activities 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.

(64) The special ~~event projects~~ coordinator ~~has the discretion to reasonably alter the payment deadline stated above. Any alterations in deadlines must be documented in writing. 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.~~

(75) If the event organizer fails to comply with the ~~setup, cleanup, load-in or load-out~~ requirements of Section 19.24.140, the event organizer will be billed for ~~additional park or facility use fees, actual city costs for cleanup and repair of the special event area or route, and may be subject to a fine according to~~ Section 19.24.310.

(86) If the event organizer fails to comply with Section 19.24.140 or this section under a previously issued special event permit, the special ~~event projects~~ coordinator may require the event organizer to deposit adequate surety in the form of cash or bond. (Ord. 4523 § 2, 2016; Ord. 4431 § 14, 2013; Ord. 4116 § 2 (part), 2007)

~~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. (Ord. 4116 § 2 (part), 2007)~~

~~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) 19.24.060 (c) – original section C~~

~~(42) Where the special event will not require temporary street closures, ~~cost recovery, pursuant to~~ Section 19.24.190, ~~fees~~ shall be limited solely to a fee based on the cost of processing the permit to the application fee.~~

(23) The insurance requirement of Section 19.24.160 shall be waived; provided, that the event organizer has filed with the application a verified statement that ~~he or she~~they 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.

(34) Where the special event will require temporary street closures requiring the city to provide services in the interests of public health, safety, and welfare, the special ~~event~~event projects coordinator may condition the issuance of the special event permit upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. 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.

(45) The city may deny a special event permit for a demonstration, rally or march if for any of the following reasons:

(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 commute hours on weekdays between seven a.m. to nine a.m. and four p.m. to six 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;

(G) The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(56) 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.

(67) Sections [19.24.100](#), [19.24.110](#) and [19.24.260](#) of this chapter shall not apply to expressive activity special events. (Ord. 4431 § 15, 2013: Ord. 4116 § 2 (part), 2007)

19.24.240 Delegation of city manager's authority.

The city manager may delegate any or all of ~~his or her~~their functions under this chapter to ~~his or her~~their deputies or subordinates. (Ord. 4116 § 2 (part), 2007)

19.24.250 City manager authorized to adopt rules and regulations.

The city manager or their designee 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. (Ord. 4116 § 2 (part), 2007)

19.24.260 Authorized special event vendors.

(a) 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. (Ord. 4431 § 16, 2013: Ord. 4116 § 2 (part), 2007)

(b) [19.24.290](#)

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

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

(b) It is unlawful for any person to promote any special event for which initial approval has not been obtained from the city. (Ord. 4431 § 17, 2013: Ord. 4116 § 2 (part), 2007)

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. (Ord. 4116 § 2 (part), 2007)

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 and vendors under city contract. (Ord. 4431 § 18, 2013; Ord. 4116 § 2 (part), 2007)

19.24.295 Conditions for beer and wine gardens.

(a) Beer and wine gardens shall comply with all state laws and regulations relating to alcohol, all conditions imposed by the Washington State Liquor and Cannabis Control Board and shall be subject to the following conditions:

- (1) The sale, service, and consumption of beer/wine must be confined to a designated location(s).
 - (2) Beer/wine may be sold, served, and consumed between eight a.m. and eleven p.m., seven days a week. After eleven p.m. no one may possess, consume, or be served alcohol.
 - (3) Beer/wine may only be served when food is also available in conjunction with the special event.
 - (4) The event organizer is responsible for securing entrances and exits with staff checking for age twenty-one and over identification.
 - (5) Alcoholic beverages may not be removed from or brought into the garden; except for original unopened bottles purchased at the event for off-site consumption.
 - (6) The beer/wine garden shall be ~~separately fenced~~ enclosed with either a single fence that is at least six (6) feet high six-foot-high chain link fencing or two fences that are no less than forty-two (42) inches in height, separated by at least six (6) feet. -inch-high picket fencing.
 - (7) Tables, counters, ledges or similar surfaces may not be used as barriers between restricted and nonrestricted areas.
 - (8) Where alcohol is served or consumed, event organizers must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.
 - (9) The presence of no less than two city of Kirkland police officers is required during public beer/wine garden hours.
- (b) A breach of any of the foregoing conditions shall constitute grounds for immediate revocation of the permit. (Ord. 4431 § 19, 2013)

19.24.300 Cost recovery for unlawful special event.

Whenever a 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 guilty of a civil infraction punishable by a fine of one-thousand five hundred dollars (\$1,500), responsible for, and the ~~The~~ city shall charge the event organizer for all applicable fees, and all other city costs incurred as a result of the ~~adverse impacts of the special event or the violation of the special event permit.~~ (Ord. 4116 § 2 (part), 2007)

19.24.310 Penalties for violations.

(a) 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.

~~(b) 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.~~

~~(b) If an permitted event Any person or organization violating violates the provisions of this chapter the event organizer shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of may be subject to a fine of not more than five hundred dollars (\$500) per violation or by imprisonment of not more than ninety days, or both such fine and imprisonment.~~ (Ord. 4116 § 2 (part), 2007)

~~(d) insert language from 19.24.300~~

19.24.340 Delegation of city manager's authority.

19.24.350 City manager authorized to adopt rules and regulations.

Chapter 19.24 SPECIAL EVENTS

Sections:

- 19.24.010 Definitions.
- 19.24.020 Special event permit required.
- 19.24.030 Exceptions to special event permit requirement.
- 19.24.032 Expressive activity special event. **(19.24.220)**
- 19.24.034 Special Event Administration **(New Section)**
- 19.24.036 Conditions affecting the issuance of a special event permit. **(19.24.100)**
- 19.24.038 Limitations on special events. **(19.24.090)**
- 19.24.040 Issuance of a special event permit does not obligate city services.
- 19.24.042 Other permits and licenses. **(19.24.280)**
- 19.24.050 Priority of special event permit issuance.
- 19.24.060 Special Event Application Process and Timeline **(Updated title, combined with 19.24.070, .080)**
- 19.24.065 Special Projects Coordinator's action on special event permit application. **(19.24.150)**
- 19.24.110 Reasons for denial of a special event permit.
- 19.24.115 Revocation of special event permit. **(19.24.180)**
- 19.24.125 Appeals from denial, modification, or revocation. **(19.24.220 + other sections of the code)**
- 19.24.130 Display of special event permit required.
- 19.24.140 Contents of special event permit.
- 19.24.160 Insurance required to conduct special event.
- 19.24.170 Waiver of insurance requirements.
- 19.24.175 Conditions for beer and wine gardens. **(19.24.295)**
- 19.24.190 Special Event permit, application, and other fees. **(Updated title)**
- 19.24.260 Authorized special event vendors **(includes 19.24.290)**
- 19.24.310 Penalties for violations. **(Includes 19.24.300)**
- 19.24.340 Delegation of city manager's authority. **(19.24.240)**
- 19.24.350 City manager authorized to adopt rules and regulations. **(19.24.250)**

19.24.010 Definitions.

Terms used in this chapter shall have the following meanings:

- (1) "Certified race director" means a person who has successfully completed an educational program and received nationally recognized credentials showing the recipient has the knowledge required to conduct safe events for rides, runs, walks, and swims.
- (2) "City Council Designated Community event" means a special event designated as such by the city council which is intended primarily for Kirkland residents, is free of an admission charge, is organized by the city or a recognized Kirkland nonprofit agency, and is intended to celebrate an important community holiday or tradition.
- (3) "Demonstration" means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.
- (4) "Director" means the Director of the Parks and Community Services Department
- (5) "Event organizer" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.
- (6) "Event management company" means an entity with expertise in managing special events.
- (7) "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 fairs, festivals, concerts, performances, parades, athletic events, fundraising events, or events the principal purpose of which is entertainment.
- (8) "Fundraising event" means a special event held by a nonprofit entity that is primarily for the purposes of fundraising for the benefit of the sponsoring nonprofit.
- (9) "Impromptu event" means free speech activities conducted without advanced planning or organization, typically in response to a recent incident of wide concern or interest.
- (10) "March" means an organized walk or event whose principal purpose is expressive activity in service of a public cause.

(11) "Picketing" means a person posted by a labor organization at a place of work affected by a strike; or a person posted for a demonstration or protest.

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

(13) "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.

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

(15) "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.

(16) "Special event" means any fair, festival, concert, performance, show, parade, run/walk/bike, 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 that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public or a special event that causes significant impacts to the public 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.

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

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

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

(20) "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.

(21) "Vendor" means any person who sells or offers to sell any services, goods, food, or beverages within a special event venue. (Ord. 4431 § 1, 2013; Ord. 4116 § 2 (part), 2007)

19.24.020 Special event permit required.

(a) 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 projects coordinator.

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

(c) It is unlawful for any person to promote any special event for which initial approval has not been obtained from the city.

19.24.030 Exceptions to special event permit requirement.

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

(1) Athletic events and tournaments that occur exclusively in city parks, which must be applied for through a separate city process;

(2) Funeral procession by a licensed mortuary;

(3) Impromptu events intended to be held on public property outside the traveling lanes of the right-of-way and for which advance coordination with the city for permitting is not feasible. Kirkland Police Department notification is required in advance;

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

(5) Garage sales, rummage sales, lemonade stands and car washes;

(6) 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;

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

(8) Lawful picketing on sidewalks;

(9) Block parties, which must be applied for through a separate, streamlined city process; and

(10) Film/Photography activities, which must be applied for through a separate, streamlined city process.

(b) 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.

(Ord. 4431 § 2, 2013; Ord. 4116 § 2 (part), 2007)

19.24.032 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) An application for an expressive activity special event permit shall be filed with the special projects coordinator no less than fifteen (15) calendar days before the time when it is proposed to conduct the expressive activity. Upon good cause shown and provided that no risk or burden to the city ensues, the special coordinator may, in their discretion, allow a later filing.

(2) Where the special event will not require temporary street closures, fees shall be limited to the application fee.

(3) The insurance requirement of Section [19.24.160](#) shall be waived; provided, that the event organizer has filed with the application a verified statement that they 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.

(4) Where the special event will require temporary street closures requiring the city to provide services in the interests of public health, safety, and welfare, the special projects coordinator may condition the issuance of the special event permit upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. Any fee schedule adopted by the city shall contain a provision for waiver of fees for city services, including police costs, on the basis of ability to pay.

(5) The city may deny a special event permit for a demonstration, rally or march for any of the following reasons:

(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 commute hours on weekdays between seven a.m. to nine a.m. and four p.m. to six 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;
 - (G) The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.
- (6) 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.
- (7) Sections [19.24.100](#), [19.24.110](#) and [19.24.260](#) of this chapter shall not apply to expressive activity special events.

19.24.034 Special Event Administration.

- (a) The special projects coordinator is authorized to issue permits for special events occurring within the city limits, pursuant to the procedures established in this chapter. The special projects coordinator shall coordinate the issuance of a special event permit with the special event service 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.
- (b) The special projects coordinator is authorized to determine the special event date, time, and venue. The special projects coordinator may impose reasonable conditions on the use of the special events venue based on the provisions of this chapter.
- (c) The special event service team was established to ensure that Special Events are reviewed and permitted in a coordinated and consistent manner consistent with the Kirkland Municipal Code, and to collaborate in providing excellent customer service to community event organizers. The special event

service team includes representatives from departments that may condition the issuance of a special event permit by imposing reasonable requirements on the permit.

19.24.036 Conditions affecting the issuance of a special event permit.

(a) The special projects coordinator may issue a special event permit when, based upon the completed application, all of the conditions listed in this section are met:

- (1) The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
- (2) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- (3) The special event will not block traffic lanes or close streets on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;
- (4) The special event will not require the diversion of police employees from their normal duties;
- (5) 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;
- (6) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en route;
- (7) 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
- (8) The special event will not have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(b) In order to ensure that the conditions in this section are met, the special projects coordinator may place conditions on the special event permit.

19.24.038 Limitations on Special Events.

(a) No more than two special event permits shall be issued per calendar month at any one venue, or along any one street.

(1) The central business district and marina park shall be considered the same venue.

(2) This limitation shall not apply to City Council designated community events .

(b) Special events shall be limited to no more than three consecutive calendar days; provided, however, that limited duration events such as seasonal events lasting more than three consecutive calendar days may be allowed with the approval of the director and together with the imposition of any permit conditions as may be necessary to address anticipated event impacts, such as those related to public rights-of-way impacts, duration, operating hours, public safety, noise and glare. Special events may request additional time for load-in or load-out, pending availability. Load-in/Load-out days will be charged to the special event based on the published fee schedule.

(c) Athletic events, including runs and bike races, shall be restricted to city streets or designated trails; sidewalks will remain open for use by the general public. Organized walks may take place on city streets, trails, or sidewalks.

(d) Athletic events held on city streets which include road closures, either rolling or stationary, shall clear the street of all participants and traffic control devices no later than twelve p.m.

(e) The special event service team, shall have the authority to limit the number of participants in athletic events if deemed necessary to protect the health, safety and welfare of both the participants and the surrounding community.

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

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. (Ord. 4116 § 2 (part), 2007)

19.24.042 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.

19.24.050 Priority of special event permit issuance.

(a) Except for City Council designated community events, scheduling priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations. Dates will be reserved on a first-come, first-served basis not more than one year prior to the proposed date of the event. When on

the same business day more than one applicant requests the same date and venue for their event, the following criteria will be applied in the following order:

- (1) The event directly benefits a nonprofit organization serving Kirkland residents.
- (2) The event and/or the event organizer have a demonstrated history of success in producing events in Kirkland.
- (3) The event has been recommended for funding by the tourism development committee.
- (4) The event supports a city council goal or city work program initiative.

19.24.060 Special Event Application Process and Timeline.

(a) A special event organizer interested in holding a special event may submit an event interest form up to one year, but no less than six months prior to the desired event date, to request a date and venue.

(1) Notwithstanding the special projects coordinator's acceptance of an event interest form, the date of the event shall not be considered confirmed and the applicant shall not market or promote the event until the Special Event Team has reviewed the initial event proposal and the special projects coordinator issues a written notice of confirmation.

(b) An application for a special event permit shall be filed with the special projects coordinator not less than five (5) months before the proposed special event. Upon good cause shown and provided that no risk or burden to the city ensues, the special projects coordinator has discretion to allow a later filing.

(c) Event applications will be reviewed by the Special Event Service Team to determine the suitability of the requested event and to make any requested changes or modifications to the request.

(d) Event Organizers are required to attend a Pre-Event Meeting if the event involves road closures, City resources, high-risk activities, or deemed necessary by the Special Projects Coordinator.

(e) An application for a special event permit is deemed complete when the applicant has provided all of the information and supplemental materials required by the special projects 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. The deadline for applications to be deemed complete shall be no later than twenty-one (21) calendar days before the date of the event. Late submissions are subject to a late fee.

19.24.065 Special project coordinator's action on special event permit application.

- (a) Except as otherwise provided in this section, the special projects coordinator shall take final action upon a completed application for a special event permit no less than five business days prior to the event.
- (b) The special projects coordinator is not required to take final action on an incomplete or untimely special event permit application.
- (c) Final action on a completed special event permit application shall consist of one of the following:
 - (1) Issuance of a special event permit, as conditioned by the special projects coordinator; or
 - (2) Denial of the special event permit application by the special projects coordinator.

19.24.110 Reasons for denial of a special event permit.

- (a) The special projects coordinator may deny a special event permit to an applicant for any of the following reasons:
 - (1) Applicant has not met all of the requirements for submitting an application for a special event permit;
 - (2) Applicant has not provided an adequate first aid or emergency medical services plan based on special event risk factors;
 - (3) Applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or
 - (4) Applicant has not paid all fees due for the requested event or from a previous special event.
- (b) The special projects coordinator may deny a special event permit if in the special projects coordinator's opinion:
 - (1) The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;
 - (2) The special event will violate public health or safety laws;
 - (3) The special event fails to conform to the requirements of law or duly established city policy;

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

(c) The special projects 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. (Ord. 4431 § 8, 2013; Ord. 4116 § 2 (part), 2007)

19.24.115 – Revocation of special event permit

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

(b) A special event permit may be revoked if the city determines any of the following:

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

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

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

(4) 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;

(5) The special event permit was issued in error or contrary to law;

(6) The event organizer has not provided sufficient monitors for crowd control and safety;

(7) The event organizer has not provided a sufficient number of trained and certified traffic controllers.

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

(d) If there is an emergency requiring immediate revocation of a special event permit, the special projects coordinator may notify the permit holder verbally of the revocation. The special projects coordinator shall follow up with a written notice of revocation within forty-eight (48) hours, providing the specific reasons for the revocation.

(e) 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 Section [19.24.125](#).

19.24.125 Appeals from permit denial, modification, or revocation

(a) Any applicant who objects to the revocation or denial of a special event permit, limitation on the number of participants, or required modifications of the date, venue, or activities, may appeal for a review of the decision.

(b) An appeal shall be made to the special projects coordinator within seven calendar days of the date applicant was notified. Appeals shall be made in writing (including email) and include the grounds for appeal along with any documentation in support of the appeal. The Special Project Coordinator shall present the appeal to the Director for review.

(c) The Director will review the appeal and issue a written decision within ten business days following receipt of appeal.

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 projects coordinator applicable to the particular special event and shall be exhibited upon demand of any city official. (Ord. 4116 § 2 (part), 2007)

19.24.140 Contents of special event permit.

(a) The city may condition the issuance of a special event 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:

(1) 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;

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

(3) 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 or certified race director 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.

(4) Any other conditions deemed appropriate by the special projects coordinator.

(b) As a condition of the issuance of a special event permit, the applicant may be required to do a walk-through of the event site with the special projects 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. (Ord. 4431 § 9, 2013: Ord. 4116 § 2 (part), 2007)

(c) An event organizer cannot make changes to the permit or any other city issued document. All requests for changes must be submitted for review and approval by the special projects coordinator.

19.24.160 Insurance required to conduct special event.

(a) 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.

(b) Except as provided in this section, the comprehensive general liability insurance coverage required shall be in a combined single limit of at least one million dollars.

(c) If the special event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the city's safety/risk analyst 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.

(d) 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.

(e) The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the special projects coordinator at least thirty calendar days before the special event, unless the special projects coordinator for good cause modifies the filing requirements. (Ord. 4431 § 11, 2013: Ord. 4116 § 2 (part), 2007)

19.24.170 Waiver of insurance requirements.

(a) Except for special events where the sale of alcoholic beverages is authorized, the insurance requirements of Section [19.24.160](#) may be waived if approved by city's safety/risk analyst or city attorney. In making the determination of whether to waive insurance, the city shall consider the following factors:

(1) Whether it is an expressive activity special event governed by Section [19.24.032](#);

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

(A) 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 marketplace.

(3) Whether the special event will involve the use of equipment such as vehicles, animals, fireworks, pyrotechnics, water vessels, or inflatable bouncers; or

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

(c) 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.

19.24.175 Conditions for beer and wine gardens.

(a) Beer and wine gardens shall comply with all state laws and regulations relating to alcohol, all conditions imposed by the Washington State Liquor and Cannabis Board and shall be subject to the following conditions:

(1) The sale, service, and consumption of beer/wine must be confined to a designated location(s).

(2) Beer/wine may be sold, served, and consumed between eight a.m. and eleven p.m., seven days a week. After eleven p.m. no one may possess, consume, or be served alcohol.

(3) Beer/wine may only be served when food is also available in conjunction with the special event.

(4) The event organizer is responsible for securing entrances and exits with staff checking for age twenty-one and over identification.

- (5) Alcoholic beverages may not be removed from or brought into the garden; except for original unopened bottles purchased at the event for off-site consumption.
 - (6) The beer/wine garden shall be enclosed with either a single fence that is at least six (6) feet high or two fences that are no less than forty-two (42) inches in height, separated by at least six (6) feet.
 - (7) Tables, counters, ledges or similar surfaces may not be used as barriers between restricted and nonrestricted areas.
 - (8) Where alcohol is served or consumed, event organizers must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.
 - (9) The presence of no less than two city of Kirkland police officers is required during public beer/wine garden hours.
- (b) A breach of any of the foregoing conditions shall constitute grounds for immediate revocation of the permit. (Ord. 4431 § 19, 2013)

19.24.190 Special Event Fees.

- (1) Unless otherwise exempted, a nonrefundable application fee shall be charged for all special events. The amount of the application fee shall be set administratively by the Director or their designee and will be posted online. The application fee is due at the time of permit application.
- (2) Unless otherwise exempted, a special event permit fee shall be charged for all special events. The amount of the permit fee shall be set administratively by the Director or their designee and will be posted online. The special event permit fee is due no later than twenty-one (21) days in advance of the event.
- (3) Additional fees associated with special events (i.e., other permits or licenses required, International Fire Code permits, park use and facility fees, utilities, police, signage, etc.) are in addition to the application and permit fees. Additional fees and city costs associated with providing support services for the special event shall be estimated in advance, documented, and provided to the applicant. Payment of these additional fees and estimated costs shall be paid in full no later than twenty-one (21) days in advance of the event.
- (4) The special projects coordinator has the discretion to reasonably alter the payment deadline stated above. Any alterations in deadlines must be documented in writing.

(5) If the event organizer fails to comply with the setup, cleanup, load-in or load-out requirements of Section [19.24.140](#), the event organizer will be billed for additional park or facility use fees, cleanup and repair of the special event area or route, and may be subject to a fine according to Section 19.24.310.

(6) If the event organizer fails to comply with Section [19.24.140](#) or this section under a previously issued special event permit, the special projects coordinator may require the event organizer to deposit adequate surety in the form of cash or bond. (Ord. 4523 § 2, 2016: Ord. 4431 § 14, 2013: Ord. 4116 § 2 (part), 2007)

19.24.260 Authorized special event vendors.

(a) 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. (Ord. 4431 § 16, 2013: Ord. 4116 § 2 (part), 2007)

(b) 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 and vendors under city contract.

19.24.310 Penalties for violations.

(a) 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.

(b) 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.

(c) If a permitted event violates the provisions of this chapter the event organizer may be subject to a fine of not more than five hundred dollars (\$500) per violation. (Ord. 4116 § 2 (part), 2007)

(d) Whenever a special event is conducted without a special event permit when one is required, the event organizer shall be guilty of a civil infraction punishable by a fine of one-thousand five hundred dollars (\$1,500). The city shall charge the event organizer for all applicable fees, and all other city costs incurred as a result of the special event.

19.24.340 Delegation of city manager's authority.

The city manager may delegate any or all of their functions under this chapter to their deputies or subordinates.

19.24.350 City manager authorized to adopt rules and regulations.

The city manager or their designee 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.

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Attachment C Proposed Special Event Fees

Table 1: Special Event Fees

Permit Type	Application Fee	Permit Fee	Rental Rate
Large Event (>1,000 daily attendance)	\$100	\$500	100%
Medium Event (500-1,000 daily attendance)	\$100	\$350	75%
Small Event (<500 daily attendance)	\$100	\$250	50%

Table 2: Park Use Rental Rates

Location	Daily Rental Fee
CKC	\$500
Feriton Spur	\$500
Heritage Park	\$1,500
Houghton Beach Park	\$1,500
Juanita Bay Park	\$250
Juanita Beach Park (North side)	\$750
Juanita Beach Park (Beach side)	\$2,000
Juanita Beach Park Amphitheatre	\$1,000
Marina Park	\$2,500
Marina Park Dock (per slip/per day)	\$75
Al Locke Pavilion at Marina Park	\$750
Marsh Park	\$750
OO Denny Park	\$1,500
Peter Kirk Park*	\$1,500

* Does not include Lee Johnson Field

Table 3: Other Fees

Description	Fee
Additional Review Fee	\$150
Fats, Oils & Grease (FOG) Service	\$100
IFC Permit	\$316
IFC Permit – Food Trucks	\$158
Late Application Fee	\$250
Permit Compliance Inspection	\$150
Police Officer	\$80/hour, 4 hour-minimum
Variable Message Board	\$400/week

Attachment D Special Event Funding Model

EVENT	EVENT SIZE	APPLICATION & PERMIT FEES	Application Fee	Permit Fee	PARK RENTAL FEES	TOTAL
12Ks of Christmas	Large	\$600	\$100	\$500	\$3,000	\$3,600
7 Hills of Kirkland	Large	\$600	\$100	\$500	\$2,500	\$3,100
Cloud Food Court Festival	Large	\$600	\$100	\$500	\$2,500	\$3,100
Ecumenical Good Friday Walk	Small	\$100	\$100	\$0	\$0	\$100
Evening Concert Series	Medium	\$450	\$100	\$350	\$13,125	\$13,575
Google Holiday Lights	Large	\$600	\$100	\$500	\$500	\$1,100
Grand Menorah Lighting	Small	\$350	\$100	\$250	\$375	\$725
Honoring Juneteenth	Small	\$350	\$100	\$250	\$1,000	\$1,350
Kids Summer Concerts	Medium	\$450	\$100	\$350	\$5,250	\$5,700
Kirkland Oktoberfest	Large	\$600	\$100	\$500	\$7,500	\$8,100
Kirkland Uncorked	Large	\$600	\$100	\$500	\$21,000	\$21,600
Kirkland Wednesday Market	Large	\$600	\$100	\$500	\$45,000	\$45,600
Kirkland Winterfest	Large	\$600	\$100	\$500	\$2,500	\$3,100
Kirklandia Waterfront Festival	Large	\$600	\$100	\$500	\$7,500	\$8,100
Lake Washington Half	Large	\$600	\$100	\$500	\$2,750	\$3,350
Mother's Day Half & 5K	Large	\$600	\$100	\$500	\$2,750	\$3,350
NAMIWalks Washington	Large	\$600	\$100	\$500	\$3,250	\$3,850
Oral Cancer Walk	Small	\$350	\$100	\$250	\$1,125	\$1,475
Pumpkins in the Park	Large	\$600	\$100	\$500	\$2,500	\$3,100
Shakespeare in the Park	Small	\$350	\$100	\$250	\$1,500	\$1,850
Shamrock Run	Large	\$600	\$100	\$500	\$3,000	\$3,600
StoryBook in the Park	Medium	\$450	\$100	\$350	\$1,500	\$1,950
Summerfest	Large	\$600	\$100	\$500	\$7,500	\$8,100
Turkey Trot	Large	\$600	\$100	\$500	\$2,500	\$3,100
Valentine's Day Dash	Small	\$350	\$100	\$250	\$1,250	\$1,600
Waterfront Car Show	Large	\$600	\$100	\$500	\$2,500	\$3,100
Total		\$13,400			\$143,875	\$157,275



**Washington State
Liquor and Cannabis Board**

Licensing and Regulation
1025 Union Ave SE, Olympia WA 98501-1539
PO Box 43098, Olympia WA 98504-3098
(360) 664-1600 (Press 1)
Fax: (360) 753-2710
www.lcb.wa.gov

Special Occasion Application Addendum

This form must accompany the Application for a Special Occasion License for a Nonprofit Society or Organization, if requesting minors in an alcohol restricted area.

This request must be submitted 60 days prior to the special occasion event. If minors are attending, the event must end by 9:00 pm. Each event requires a new addendum every year.

Questions, please call the Liquor and Cannabis Board Customer Service Desk at (360) 664-1600, option 1.

Nonprofit Information

Society or Organizations Name:

Nonprofit Contact Name and Phone Number:

(Must be available to meet with Enforcement at event)

Event Information

How many people will be attending the event?

What percent is under the age of 21?

What is the square footage of the restricted alcohol area you are requesting minors in?
(Attach a site map clearly showing all areas where alcohol sales, service and consumption are being requested)

How will you distinguish alcoholic beverage containers versus nonalcoholic beverage containers? Policy on number of drinks sold per guest per transaction?
(No more than two alcoholic beverages may be sold per guest per transaction)

What activities will be geared towards children?

How will you prevent the sale, service and consumption of alcohol to persons under the age of 21?

How will you prevent the sale, service and consumption of alcohol to persons who appear intoxicated?

What training will be provided to those involved in the sale and service of alcohol and are they MAST trained?

Are you providing food? If so, how many food locations?

Are there any contracts between the nonprofit and alcohol industry members or promoters? Yes / No (Please circle)

If yes, please provide them.

Signature/Title

Date

Phone Number