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ORDINANCE NO. 2371

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ESTABLISHING SPECIAL REQUIREMENTS RELATING TO RETAIL SALES DURING SALMON DAYS; AMENDING SECTION 5.40.020A OF THE ISSAQUAH MUNICIPAL CODE TO REQUIRE ALL RETAIL SALES ACTIVITIES OR SOLICITATION ACTIVITIES WITHIN THE CITY LIMITS TO OCCUR FROM WITHIN A BOOTH; ADDING A NEW SECTION 5.40.020C TO PROVIDE EXEMPTIONS FROM THE REQUIREMENT TO CONDUCT SALES AND SOLICITATIONS FROM A BOOTH; ESTABLISHING A DEADLINE FOR APPLICATIONS; AND AMENDING VARIOUS SECTIONS OF THE ISSAQUAH MUNICIPAL CODE TO CHANGE THE REFERENCE FROM SALMON DAYS COMMITTEE TO FESTIVAL EVENTS DIVISION OF THE GREATER ISSAQUAH CHAMBER OF COMMERCE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a festival known as Salmon Days takes place every year in the City of Issaquah during the first full weekend in the month of October; and

WHEREAS, the festival popularity brings hundreds of thousands of people to the City creating a very crowded situation; and

WHEREAS, the City has previously adopted a new Chapter 5.40 in the Issaquah Municipal Code which regulates various activities connected with Salmon Days; and

WHEREAS, retail establishments not connected with the official festival conduct retail sales and solicitation activities throughout the City; and

WHEREAS, this additional activity causes extra work for the police and other City officials who must plan and manage the large numbers of people in order to provide a safe environment; and

WHEREAS, City officials need advance time to plan for the number and locations of businesses planning to conduct retail sales or solicitations from booths, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 5.40.010(E, F, G, K and M) are hereby amended to read as follows:

5.40.010 Definitions.

...

E. “Festival area” means the location of the Issaquah Salmon Days festival as indicated on the special event/special use permit issued by the City of Issaquah to the Festival Events Division of the Greater Issaquah Chamber of Commerce. A map depicting the exact boundaries of the festival area is attached to the ordinance codified in this chapter as Exhibit A.

F. “Festival Events Division of the Greater Issaquah Chamber of Commerce” means the committee of the Greater Issaquah Chamber of Commerce that acts as the official organizers of the festival.

G. “Booth” means a designated area within the festival area that the Festival Events Division of the Greater Issaquah Chamber of Commerce has assigned to a specific person for the purpose of sales activities, solicitation activities, or any other lawful purpose.

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K. “Nonscheduled entertaining” means any entertainment not officially scheduled by the Festival Events Division of the Greater Issaquah Chamber of Commerce including but not limited to busking, juggling, miming, performing music or magic, etc., whether or not such entertaining is done seeking tips from the attendees.

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M. "Attendee" means any person who attends the Salmon Days festival with the exception of Festival Events Division of the Greater Issaquah Chamber of Commerce members and their authorized employees, agents, and volunteers, those individuals authorized to remain within a booth as an employee or volunteer of the booth operator, and the members of the City of Issaquah Police Department.

Section 2. Section 5.40.020(A) of the Issaquah Municipal Code is hereby amended to read as follows:

A. All persons desiring to engage in any sales activities or solicitation activities during the festival within the city limits must do so from within a booth rented from and/or specifically permitted or authorized by the Festival Events Division of the Greater Issaquah Chamber of Commerce or the City of Issaquah. It shall be a misdemeanor to engage in any sales activity or solicitation activity where the seller or solicitor is not located within such a booth. Before enforcing this subsection, police officers shall give a verbal warning informing the violator of this ordinance, the potential for arrest, and the potential for confiscation of goods being sold. If the violator continues the activity after this warning, the police may arrest the violator and confiscate goods to be sold.

Section 3. A new subsection 5.40.020(C) is hereby added to the Issaquah Municipal Code to read as follows:

...

C. A booth shall not be required for existing businesses conducting normal daily business activities in or on their normal location.

Section 4. A new Section 5.40.021 is hereby added to the Issaquah Municipal Code to read as follows:

5.40.021

Any person desiring to obtain a permit from the City of Issaquah pursuant to Section 5.40.020A in time for the Salmon Days Festival in 2003 must apply to the City prior to September 15, 2003. Thereafter, applications for permits from the City for Salmon Days Festival shall be made on or before September 1 of

each year. Failure to apply for the permit prior to the time set forth above shall result in denial of the permit for that year.

Section 5. Section 5.40.040(A, B, and D) of the Issaquah Municipal Code are hereby amended to read as follows:

5.40.040 Designated areas for leafleting, entertaining, and nonprofit distribution.

A. The City of Issaquah hereby establishes designated “expression areas” within the festival area for leafleting, organized protesting, nonscheduled entertainment and nonprofit distribution. These designated expression areas shall be located by the Festival Events Division of the Greater Issaquah Chamber of Commerce in such a way as to minimize interference with the orderly flow of pedestrian traffic through the festival areas while still providing an area for members of the public to freely express themselves. The locations of the designated expression areas shall be subject to approval by the City Council prior to Salmon Days.

B. The Festival Events Division of the Greater Issaquah Chamber of Commerce shall ensure that adequate trash receptacles are located in these designated areas.

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D. No person shall erect a table, easel, soapbox, stand, or similar structure which could interfere with pedestrian traffic within the festival area, including the designated expression areas, without the written permission of the Festival Events Division of the Greater Issaquah Chamber of Commerce.

Section 6. Section 5.40.050(C and D) of the Issaquah Municipal Code are hereby amended to read as follows:

5.40.050 Salmon Days sign code.

...

C. None of the above requirements pertain to signs attached to booths rented from the Festival Events Division of the Greater Issaquah Chamber of Commerce or in the designated expression areas.

D. None of the above requirements pertain to signs hung or displayed pursuant to the authority of the Festival Events Division of the Greater Issaquah Chamber of Commerce for the purposes of orienting attendees or decorating the festival area.

Section 7. Section 5.40.060(B) of the Issaquah Municipal Code is hereby amended to read as follows:

5.40.060 Loudspeakers and megaphones.

...

B. The preceding subsection shall not apply to duly authorized agents of the Festival Events Division of the Greater Issaquah Chamber of Commerce, the Issaquah Police Department, and any entertainment officially scheduled by the Festival Events Division of the Greater Issaquah Chamber of Commerce.


Section 8. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 2nd day of September, 2003.

Approved by the Mayor of the City of Issaquah the 3rd day of September, 2003.

APPROVED:



AVA FRISINGER, MAYOR

ATTEST/AUTHENTICATED:



CATHLEEN KOCH, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
WAYNE D. TANAKA

FILED WITH THE CITY CLERK: 9/2/03

PASSED BY THE CITY COUNCIL: 9/2/03

PUBLISHED: 9/10/03

EFFECTIVE DATE: 9/15/03

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AB# 5056