

ORDINANCE NO. [01-2001]_____

**AN ORDINANCE OF THE CITY OF LEAVENWORTH,
WASHINGTON, ESTABLISHING STANDARDS AND
REQUIREMENTS FOR FESTIVALS IN THE PUBLIC
RIGHT OF WAY**

WHEREAS, the Leavenworth City Council finds that festivals and events sponsored by the Chamber of Commerce, the Autumn Leaf Festival Association and other local nonprofit groups provide an opportunity for increased tourism which in turn stimulates the local economy; and

WHEREAS, the Council finds that the operation of food booths during festivals provides a necessary service to the visiting public by supplementing restaurants and other food establishments which are unable to meet the needs of numerous festival visitors; and

WHEREAS, the operation of food booths by local nonprofit organizations provides a fund-raising opportunity that in turn benefits the local community through services provided by nonprofit organizations; and

WHEREAS, closing certain streets to vehicle traffic during festivals helps to create a festival atmosphere while also providing space for food booths to operate; and

WHEREAS, establishing standards and requirements for festival food booths helps to ensure the enjoyment of visitors and reduce impacts to downtown merchants;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEAVENWORTH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A New Ordinance. Chapter 5.38 of the Leavenworth Municipal Code is hereby adopted to read as follows:

Chapter 5.38

FESTIVALS

Sections:

- 5.38.010 Definitions
- 5.38.020 Requirements of festival sponsoring group
- 5.38.030 Food booths - Locations
- 5.38.040 Food booths - Operations/duties
- 5.38.050 Food booths - Size and appearance
- 5.38.060 Use of public right-of-way - Fee

5.38.010 Definitions. For the purposes of this chapter the following definitions shall apply:

A. A Festival sponsoring group@ shall mean a nonprofit group with its home office located within the Cascade School District, and which seeks to sponsor a festival for the purpose of tourism promotion.

B. A Food booth@ shall mean a temporary structure set up in the public right-of-way, which is used to house a group, either nonprofit or commercial, for the purpose of serving food to the public during a festival.

C. A Local commercial food establishment@ shall mean a private, for-profit business located within the City of Leavenworth for a period of at least one (1) year, which is typically operated for the preparation and delivery of food to the general public.

D. A Local nonprofit group@ shall mean an organization which is recognized by the federal Internal Revenue Service as a not-for-profit organization, and is operated from, or provides services to residents of, the city of Leavenworth.

5.38.020 Requirements of festival sponsoring group. When a festival sponsoring group seeks to hold a festival or event which will require the closure of public right-of-way, the group must meet the following requirements:

A. The festival sponsoring group must make application to the City Council for a special use permit to request the closure of any public street deemed necessary for the operation of the festival. Such application shall show the intended location of any food booths which the group seeks to set up in the public right-of-way as part of the event.

B. The festival sponsoring group must supply the city with a certificate of insurance coverage in the amount of \$1,000,000 naming the city as an additionally insured party.

C. Food booths may only be operated by local nonprofit groups and local commercial establishments. Local nonprofit groups will be given first consideration to operate a food booth, and local commercial establishments will be allowed to operate a food booth only as space allows after local nonprofit groups have been offered the opportunity. Food booths operated by local commercial establishments will not preclude a local nonprofit group from operating a food booth.

5.38.030 Food booths - Locations. Food booths may be allowed on Eighth Street, Ninth Street, and Front Street at the discretion of the city. Food booths will be placed on one side of the street, along the centerline of the road, and in such a manner as to provide a clear lane for the purpose of emergency vehicle traffic. Without prior approval from the City Council, food

booths will not be permitted on more than one closed street until such time as the first closed street has a minimum of eight (8) food booths.

5.38.040 Food booths - Operations/Duties. The following operational requirements shall apply when food booths are included in a festival event:

A. The festival sponsoring group shall have at least one representative on site during the festival to coordinate the events of food booths, including but not limited to enforcing guidelines and standards on behalf of the city. In consideration of enforcing these guidelines, the festival sponsoring group shall be entitled to collect up to fifteen percent (15%) of the gross revenue from any food booth operating in the right of way.

B. The festival sponsoring group shall ensure all equipment, supplies, food items and other materials shall be kept within each food booth, and shall not be stored outside of the food booth. A minimum of two (2) garbage cans must be kept outside the food booth, and garbage cans will be emptied on a regular basis by operators of the food booth.

C. The festival sponsoring group shall ensure festival food booths shall only be operated between the hours of 10:00 a.m. and 7:00 p.m. At a minimum, food booths must be operated between the hours of 11:00 a.m. and 6:00 p.m. in order to provide adequate food service to the visiting public.

D. Food booths shall not be dismantled prior to 6:00 p.m. on any day of a festival.

5.38.050 Food booths - Size and Appearance. The following requirements shall apply to the size and appearance of food booths operated in the public right of way:

A. The maximum size for any food booth shall be twelve (12) feet by twelve (12) feet. The minimum size for any food booth shall be eight (8) feet by eight (8) feet.

B. Food booths must be neat and clean in appearance and will be of uniform construction, including tents and canopies, as approved by the city administrator or community development director. Serving tables and counters must have a skirt attached to conceal storage and debris. Plastic tarp and metal trailers are not permitted for use as a food booth.

5.38.060 Use of public right-of-way - Fee. Upon City Council approval, the City shall issue a special use permit to the festival sponsoring group for the use of the right-of-way for festivals. The cost of this permit shall be one hundred dollars (\$100.00) per festival. Current festivals include MaiFest, the Autumn Leaf Festival, and holiday lighting ceremony in December.

ADOPTED by the City Council and signed by the Mayor on the _____ day

of _____, 2001.

APPROVED:

William J. Bauer, Mayor

ATTEST:

Cheryl Grant, Clerk/Treasurer

APPROVED AS TO FORM:

Terrence M. McCauley, City Attorney