



ORDINANCE NO. 28618

1 AN ORDINANCE relating to public ways and the use of street rights-of-way during
2 the Fourth of July celebration; amending Title 9 of the Tacoma Municipal
3 Code by repealing in its entirety Chapter 9.30, "Fourth of July Concessions,"
4 to allow flexibility in the siting of a Fourth of July celebration.

5 WHEREAS Ordinance No. 22708, passed June 1, 1982, enacted
6 Chapter 9.30 of the Tacoma Municipal Code ("TMC"), "Fourth of July Concessions,"
7 to provide for the regulation of a portion of the Ruston Way right-of-way during the
8 Fourth of July celebration, and

9 WHEREAS, following the passage of Ordinance No. 22708, the City
10 contracted for the production of a Fourth of July event within the area defined in
11 TMC 9.30, and

12 WHEREAS the Metropolitan Park District of Tacoma ("Metro Parks") has
13 recently opened a new 11-acre public area adjacent to Ruston Way, known as the
14 Dune Peninsula, which Metro Parks and the City believe is a very suitable location
15 for a Fourth of July celebration, and

16 WHEREAS the City currently has a robust special events code and street
17 occupancy code, and associated processes, which render the regulatory aspects
18 of TMC 9.30 obsolete, and

19 WHEREAS TMC 9.30 now acts only to limit the options for locating a Fourth
20 of July celebration, and

21 WHEREAS Metro Parks has recently issued a request for proposals ("RFP")
22 to contract with an entity to produce a Fourth of July celebration within the Dune
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Peninsula, Cummings Park, and Ruston Way, between 4105 Ruston Way and
1 Point Ruston, and

2 WHEREAS City staff concurs that Metro Park’s RFP identifies a very
3 suitable location for a Fourth of July celebration, and
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5 WHEREAS, because its provisions are obsolete and unnecessarily limiting,
6 City staff is recommending that TMC 9.30 be repealed in its entirety to remove
7 outdated language and limitations on the location of a Fourth of July celebration;

8 Now, Therefore,

9 BE IT ORDAINED BY THE CITY OF TACOMA:

10 That Title 9 of the Tacoma Municipal Code is hereby amended by repealing
11 in its entirety Chapter 9.30, “Fourth of July Concessions,” as set forth in the
12 attached Exhibit “A.”
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15 Passed _____

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17 _____
18 Mayor

19 Attest:

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21 _____
22 City Clerk

23 Approved as to form:

24 _____
25 Deputy City Attorney
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EXHIBIT "A"

**TITLE 9
PUBLIC WAYS**

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Chapters:

- Chapter 9.02 Banners Over Streets
- Chapter 9.04 *Repealed*
- Chapter 9.06 *Repealed*
- Chapter 9.08 Right-Of-Way Occupancies
- Chapter 9.10 Moving Buildings
- Chapter 9.12 Numbering Buildings
- Chapter 9.14 *Repealed*
- Chapter 9.16 Streets and Sidewalks – Keeping Clean
- Chapter 9.17 Private Use of Street Right-Of-Way
- Chapter 9.18 Trees and Shrubs – Trimming and Removal
- Chapter 9.19 Trees and Shrubs – Planting
- Chapter 9.20 Trees and Shrubs – View Blockage
- Chapter 9.22 Vacation of Streets
- Chapter 9.24 Minimum Vertical Clearance
- Chapter 9.26 Special Lighting Permits
- Chapter 9.28 *Repealed*
- ~~Chapter 9.30 Fourth of July Concessions~~
- Chapter 9.35 Hydroplane Races
- Chapter 9.40 *Repealed*

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**~~CHAPTER 9.30
FOURTH OF JULY CONCESSIONS~~**

~~Sections:~~

- ~~9.30.010 Purpose.~~
- ~~9.30.020 Fourth of July concession permit.~~

~~**9.30.010 Purpose.**~~

~~The purpose of this chapter is to provide for regulation of street rights-of-way along or in the vicinity of the shorelines of Tacoma along Ruston Way during the Fourth of July celebration in order to more fully provide for the enjoyment of this event by the general public and to more fully protect the interests of the City and the general public in temporarily allowing the utilization of the public rights-of-way for the sale of certain goods and foods during such event.~~

~~**9.30.020 Fourth of July concession permit.**~~

~~In the event a nonprofit entity has, with the consent of the City of Tacoma, undertaken to sponsor and provide for the Fourth of July celebration in the area of the shoreline along Ruston Way, then such entity may, in accordance with a permit agreement to be approved by resolution of the City Council, utilize the following designated street rights-of-way: All street rights-of-way lying north of the southerly boundary of the Burlington Northern Railroad right-of-way from a point on such southerly boundary of railroad right-of-way 500 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right-of-way with the easterly boundary of the Town of Ruston, hereinafter called the "street concession area," for the purpose of providing and managing, during the Fourth of July celebration, the sale of all goods and foods within such street concession area. The net proceeds from any such sales within the street concession area shall only be used to defer the costs associated with the providing of the Fourth of July celebration or for such other City project to be located within the Ruston Way Shoreline Area~~



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as may be approved by the City in the Fourth of July concession permit agreement. Such Fourth of July concession permit agreement shall require that, in the event the permittee provides for the sale of goods or foods by other than its own forces, it shall allow a reasonable opportunity for interested vendors to submit proposals, and that the vendors will be selected, based upon objective criteria which are designed to obtain the best available vending services in furtherance of the public interest. Notwithstanding any other ordinance of the City of Tacoma, during the Fourth of July celebration: (1) the sale of any goods or foods within the street concession area is prohibited, except as authorized pursuant to this chapter; and (2) no sales of any goods or foods shall be allowed upon any portion of dedicated street rights of way within the area described as follows: all street rights of way lying southerly of and within 2,000 feet of the southerly boundary of the Burlington Northern Railroad right of way from a point on such southerly boundary of the railroad right of way 500 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right of way with the easterly boundary of the Town of Ruston.

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