



**Lower Elwha Klallam Tribe**

**2023 Tribal Member Retail Firework Stand**

**Lower Elwha Health Clinic Log Yard**

**Policy and Procedures**

## 2023 Tribal Member Retail Firework Stand Policy and Procedures

<b>PURPOSE AND PRIORITY .....</b>	<b>3</b>
<b>APPLICATIONS .....</b>	<b>3</b>
<b>ELIGIBILITY .....</b>	<b>3</b>
<b>REQUIRED PAYMENTS .....</b>	<b>4</b>
<b>SET UP .....</b>	<b>4</b>
<b>SUMMER FIREWORK SEASON DATES .....</b>	<b>4</b>
<b>REQUESTS FOR FORFEITURE OF SPACE.....</b>	<b>5</b>
<b>BREAKDOWN &amp; CLEAN UP.....</b>	<b>5</b>
<b>REFUND OF DAMAGE DEPOSIT .....</b>	<b>5</b>
<b>LOG YARD USE STANDARDS.....</b>	<b>5</b>
<i>Conduct.....</i>	<i>5</i>
<i>Use of Fireworks .....</i>	<i>5</i>
<i>Smoking/Open Flame .....</i>	<i>5</i>
<i>Alcohol.....</i>	<i>5</i>
<i>Decorations/Signage.....</i>	<i>6</i>
<i>Food and Drink Sales .....</i>	<i>6</i>
<i>Music .....</i>	<i>6</i>
<i>Trash/Litter.....</i>	<i>6</i>
<i>Safety and Security.....</i>	<i>6</i>
<i>Restricted Areas.....</i>	<i>6</i>
<i>Parking .....</i>	<i>6</i>
<i>Pets and Animals.....</i>	<i>6</i>
<i>Overnight Camping.....</i>	<i>7</i>
<i>Destruction, Removal or Encroachments of LEKT Property.....</i>	<i>7</i>

## **PURPOSE AND PRIORITY**

The purpose of this policy is to provide an opportunity for enrolled members of the Lower Elwha Klallam Tribe (LEKT) to sell fireworks at the Lower Elwha Health Clinic (LEHC) Log Yard. The Business Committee has decided to offer this opportunity for self-employment to LEKT enrolled members who are 21+ years of age.

In an effort to balance community access and demand, the LEKT Business Committee has decided to offer a safe, dedicated site for individual tribal members to establish temporary firework stands. This policy is designed to ensure that these stands do not restrict access to the LEHC by the general public or interfere with LEKT business operations. This policy is administered by the Tribe's Executive Team.

## **APPLICATIONS**

LEKT members who wish to establish a fireworks stand at the LEHC Log Yard must complete an application. Paper applications may be picked up at the Tribal Center front desk and returned to Keri Ellis or Tia Skerbeck. Applicants may also fill out an electronic application at this link: <https://app.smartsheet.com/b/form/b287a71548fc4cf8a9ce90c31151e267>

If a tribal member needs assistance completing the application, staff are available to provide assistance upon request.

Submittal of an application does not guarantee approval or availability of a particular space. LEKT's Executive Team will notify each applicant whether their application is approved or denied.

### Application Timeline

Applications available: **May 8th, 2023**

Applications due: **May 22nd, 2023 at 4:30pm**

Applicants notified of approval or denial: by **12pm May 26<sup>th</sup>, 2023**

## **ELIGIBILITY**

LEKT's Executive Team will review all applications submitted and make recommendations to the Business Committee. The Business Committee has the final authority to approve or deny establishment of firework stands at the LEHC Log Yard.

Applicants/vendors must meet all of the following requirements to be considered for establishing a firework stand at the Log Yard:

1. The applicant/vendor must be an enrolled member of the LEKT Tribe who is twenty-one (21) years or older as of May 22<sup>nd</sup>, 2023;
2. Space is limited to one vending stand per tribal member;
3. The applicant/vendor must have the ability to pay in full the required fee and deposit; and
4. The applicant/vendor must have use of one of the following:

(A) A shipping container to be used as a firework retail space. The applicant/vendor is responsible for transportation of their container to and from the LEHC Log Yard. The shipping container must meet the following size specifications, with no exceptions:

20ft x 8ft; or

(B) A pop-up canopy tent to be used as a firework retail space that meets the following specifications:

- I. Have 3 sidewalls
- II. Size 10 ft. x 15 ft., no exceptions
- III. White in color
- IV. Is clean, intact (no large obvious rips, holes or broken poles), and remain in working condition for the firework season.

### **REQUIRED PAYMENTS**

Approved applicant required fees and deposits are due: **May 31st, 2023 by 12pm.**

1. A refundable damage deposit of \$300.00 must be paid in cash;
2. A non-refundable \$500.00 fee must be paid in cash to cover on-site expenses, which include:
  - (A) Portable restrooms;
  - (B) Garbage disposal;
  - (C) Light tower rental;
  - (D) Spider box rental;
  - (E) Electricity.

This fee is subject to increase from time to time by the LEKT to offset the above listed costs.

The total of \$800.00 must be paid prior to space designation to Marie Goldsbury, LEFF Bookkeeper at 4779 S. Dry Creek Rd. Port Angeles, WA 98363. Marie is located in the Admin building, on the northeast corner of the Enterprise property.

### **SET UP**

Vendors must ensure that any property or equipment they set up at the LEHC Log Yard does not interfere with entries, exits, neighboring vendors, or LEKT business operations. Tables, chairs, signs, banners, etc. must be contained within each vendor's designated space.

Vendors may set up their space starting on **June 7<sup>th</sup>, 2023** between **8am** and **11pm**.

### **SUMMER FIREWORK SEASON DATES**

#### Firework Stands Open

June 9<sup>th</sup>, 2023 to June 26<sup>th</sup> 2023 every day from 8am to 11pm.

June 27<sup>th</sup> thru July 4<sup>th</sup>, 2023, fireworks may be sold between the hours of 6am to 12am midnight.

***NOTE:** Approved vendors who are unable to be fully set up before June 9<sup>th</sup>, 2023, may still reserve their space until the end of the summer firework season, as long as the cash fee and deposits continue to be held for that purpose.*

## **REQUESTS FOR FORFEITURE OF SPACE**

Requests for forfeiture of space **prior to the end of the season** must be made in writing to Josh Lampman, LEFF Assistant Manager. Once a request for forfeiture is received and refund is approved, refunds will generally be issued within five (5) business days.

## **BREAKDOWN & CLEAN UP**

Retail spaces must be cleaned up and vacated by **Friday, July 7th, 2023 at 2pm**. Failure of vendors to vacate their space at the designated time may result in forfeiture of their damage deposit.

## **REFUND OF DAMAGE DEPOSIT**

Vendors will receive a refund of their \$300 damage deposit upon return of their designated space to a neat, clean, undamaged condition, and satisfactory inspection. The individual who signed and completed the application form is the responsible party for usage of the space and is responsible for the actions of their guests and/or customers. If the space is not returned to pre-season condition, LEKT will clean or repair any damage and deduct the labor and materials from the refundable damage deposit.

If, for any reason, the damage deposit is unable to be retrieved immediately upon inspection, the vendor can be refunded by contacting Josh Lampman at LEFF **July 10<sup>th</sup> thru July 14<sup>th</sup>, 2023 from 9am to 3pm**.

***NOTE:** The amount of the damage deposit is not a limitation on the vendor's liability for damage to the space. If the damage exceeds the amount of the refundable damage deposit, the user will be required to pay the excess within fifteen days of receiving an invoice.*

## **LOG YARD USE STANDARDS**

These stands neighbor patient care sites that require respect and consideration of people seeking care. LEKT values community wellness above individual economic opportunity. If patient experience is negatively affected by firework sales this opportunity may be withdrawn.

The following standards apply to everyone utilizing/visiting the LEHC Log Yard during firework season:

### ***Conduct***

All persons must conduct themselves in a civil manner. Individuals or groups being disruptive or causing damage may be asked to leave and denied further participation.

### ***Use of Fireworks***

No fireworks may be ignited or exploded on LEHC property, with the exception of vendors wishing to display their products. Vendors may ignite or explode fireworks between the hours of 7pm and 11pm and only within the designated area. **Any violation of this standard may result in the immediate suspension or revocation of the privilege to sell fireworks for the remainder of the 2023 season or longer.**

### ***Smoking/Open Flame***

Smoking and/or open flame is strictly prohibited at or near any fireworks stand area. Smoking is only allowed in designated smoking areas.

### ***Alcohol***

Vendors and workers may not sell, open, or consume alcoholic beverages while operating their stands, or in and around the stands/retail area.

***Decorations/Signage***

Decorations and signage are allowed but limited to being attached to each vendor’s retail space.

***Food and Drink Sales***

Vendors are permitted to sell soft drinks or water out of their stands. No food items may be sold at any stand. Lower Elwha Food & Fuel and Kwitsen Grill may sell food and drink items at the LEHC Log Yard, in a space that doesn’t encroach on firework stands, if they so desire.

***Music***

Music may be permissible if it does not interfere with LEKT business operations. Unreasonably loud or inappropriate music that interferes with LEKT business operations is not allowed.

***Trash/Litter***

Vendors are expected to deposit all trash into the appropriate receptacles, in a manner that ensures that it remains contained in that receptacle. It is LEKT’s expectation that customers will be asked to do the same.

***Safety and Security***

Vendors selling fireworks at the LEHC Log Yard do so at their own risk and agree to defend, indemnify, and hold harmless LEKT as to any claims or suits arising out of their use.

Vendors are responsible for the security of their personal items and retail spaces. LEKT is not responsible for any damage, loss, or theft of personal items and does not provide security for users of community spaces.

No one under the age of seventeen (17) years is allowed to work for a vendor selling fireworks without adult supervision. The vendor is responsible for the safety of their workers, and may not allow anyone who is excluded from the reservation to operate their fireworks stand.

Vendors may not sell fireworks to children under twelve (12) years of age who are not accompanied by an adult.

There must be a certified, operable, and filled, Type “A” fire extinguisher on the premises of each stand of a minimum ten (10) pound size placed on the side of each stand and affixed to or within reach of fireworks container and visible to both vendors/workers and patrons at all times.

***Restricted Areas***

Vendors, workers, and guests may not enter any area that has been designated and posted as a “no admittance” or “closed to use” or “no trespassing” or “closed to the community” area.

***Parking***

Parking spaces at LEHC facilities are for the use of the general community and/or facility patrons during open facility hours. Parking while a facility is closed, overnight parking, and residential parking at LEHC facilities are prohibited. Firework vendors and customers must park at the LEHC Log Yard for firework business.

***Pets and Animals***

All pets and animals must be under control by means of a leash, restraints, or in a suitable carrier.

Owners or handlers must clean up their animal’s waste on LEHC property or adjacent community easements or right of ways.

***Overnight Camping***

Overnight camping is prohibited.

***Destruction, Removal or Encroachments of LEKT Property***

It is against LEKT law to remove, injure, deface, damage, or destroy LEKT property. This applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, or other LEKT property.

It is against LEKT law to collect, gather, or harvest natural resources or other materials on LEKT property except by written permission of the LEKT Business Committee.

It is against LEKT law for any person other than a duly authorized employee or agent of LEKT to mow, prune, cut, clear, plant on, or otherwise alter or disturb any natural or landscaped property.