

ORDINANCE NO. 2783

AN ORDINANCE AMENDING CHAPTER 5.06 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "LICENSING REGULATIONS - TEMPORARY LOCATIONS"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 5.06 of the Moses Lake Municipal Code entitled "Licensing Regulations - Temporary Locations" is amended as follows

- 5.06.010 Authority: The provisions of this chapter shall be deemed an exercise of the authority and power of the City to license, for the purposes of regulation and revenue, all and every kind of business authorized by law and transacted and carried on within the corporate limits of the City, as provided by RCW 35A.11.020.
- 5.06.020 License Required: It is unlawful for any person, firm, corporation, or association to engage in any kind of business, trade or profession authorized by law within the City of Moses Lake as a transient merchant as defined in Section 5.06.030 without first obtaining a license therefore in compliance with the provisions of this chapter.
- 5.06.030 Definitions: For the purpose of this chapter, a transient merchant is defined as any person, firm, corporation or association, whether as owner, agent, consignee or employee, whether a resident of the City or not, which engage in a temporary business of selling and delivering goods, wares, and merchandise within said City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, parking lot or area, motor vehicle, tent, railroad boxcar or both, public room in hotels, motels, lodging houses, apartments, shops, or any street, alley, or other public places within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, corporation or association who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm, corporation or association so engaged shall not be released from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.
- 5.06.045 Application Requirements: The application shall be submitted at least 14 days before the proposed start of business, and shall include the following:
- A. Application form
  - B. Application fee per MLMC 5.06.080
  - C. Cash deposit per MLMC 5.06.100
  - D. Written permission of the owner of the property where the business is proposed to be located
  - E. Site plan showing the proposed location of the business, including existing buildings, parking, and any proposed structures, vehicles, tents, etc.
  - F. Proof of insurance coverage, per MLMC 5.06.047.
- 5.06.047 Insurance: The licensee shall obtain and maintain public liability and property damage insurance in the amount of one million dollars (\$1,000,000) which shall remain in full force and effect during the duration of the license. The insurance policy shall name the City as an additional named insured and the policy shall not be canceled or reduced without prior written notice to the City as least thirty (30) days in advance of the cancellation. Proof of insurance shall be provided as a condition of issuance of the license.

- 5.06.060 Location Change: If an existing licensee desires to change the location of the business, trade, or profession from the location designated on the business license, application must be made to the Finance Director at least fourteen (14) days prior to the change in location and the Finance Director shall, prior to the issuance of a new business license, submit the application therefor to the Fire Chief and the Building Official of the City for approval of the new location where the licensee is to carry on the business, trade, or profession, and the business license shall be issued only if the location is in compliance with building and fire codes of the City as those codes relate to existing and/or new structures. There shall be no additional business license fee assessed an existing licensee for a change of his location, and the new business license issued shall carry the same expiration date.
- 5.06.080 Fee Schedule: The business license fee schedule is fixed in the amount of two hundred dollars (\$200) per year or part thereof, payable in advance, for each business, trade or profession, conducted or carried on within the corporate limits of the City; provided, that tax exempt nonprofit companies, associations, corporations, or co-partnerships of whatever kind as defined by the federal or state government, shall not be required to pay the business license fee but, nevertheless, shall obtain a business license, without fee, if conducting a business in order to raise funds from members outside the organization. The business license for tax exempt nonprofit companies, associations, corporations, or co-partnerships of whatever kind as referred to herein shall be obtained once and shall be effective for the lifetime of the organization. This exemption is an addition to that provided in Section 5.06.090. No business, trade or profession conducted or carried on in a single location under one (1) management or ownership shall pay more than one license fee regardless of the multiple nature of the business carried on; Provided further that no tax exempt nonprofit company, association, corporation, or co-partnership of whatever kind as defined by the federal or state governments which operates or conducts a community festival or event or event of no more than four (4) days in duration shall be required to obtain a business license as herein previously provided and the exemption which has been provided shall extend to the festival's or event's participants operating under sanction of said festival or event. Any business, profession or trade in more than one (1) location within the City shall pay a license fee for each location where the business, profession, or trade is conducted.
- 5.06.090 Certain Businesses Exempt:
- A. Recognizing that there are locally owned and operated small or part-time businesses which would be unduly penalized by requiring licensing under this chapter and the payment of the business license fee as provided in Section 5.06.080, there is exempted from this business licensing chapter those locally owned and operated businesses, professions, or trades wherein the annual gross income is less than one thousand dollars (\$1,000) per year.
  - B. The provisions of this chapter shall not be construed to apply to the following:
    1. Persons selling only fruits, vegetables, berries, eggs, or any farm produce.
    2. Persons selling only trees used for the celebration of the Christmas season.
- 5.06.105 Garbage Receptacle Required: All transient merchants vendors shall have at least one (1) adequately sized garbage receptacle upon the site of business for customer use.
- 5.06.120 Revocation or Denial of License: Any license pursuant to this chapter may be revoked or denied, in writing, by the Community Development Director for any of the following causes:
- A. Any fraud, misrepresentation, or false statement contained in the application for license.
  - B. Any fraud, misrepresentation, or false statement made in connection with the selling of products.
  - C. Any violation of this chapter.
  - D. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

E. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

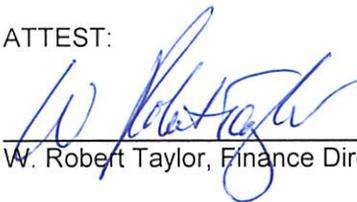
5.06.170 Appeal: Any person aggrieved by the denial of an application for a license or by the revocation of a license as provided for in this chapter, shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Finance Director within fourteen (14) calendar days after the notice of decision has been mailed to the applicant's or licensee's last known address, a written statement setting forth the grounds for the appeal. The City Council shall set the time and place for hearing on such appeal, and notice of such hearing shall be given by mail to the appellant at least five (5) calendar days prior to the date fixed for such hearing.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on October 13, 2015.

  
Dick Deane, Mayor

ATTEST:

  
W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

  
Katherine L. Kenison, City Attorney