

ORDINANCE NO. 2784

AN ORDINANCE AMENDING CHAPTER 5.07 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "ITINERANT MERCHANTS AND VENDORS"

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

Section 1. Chapter 5.07 of the Moses Lake Municipal Code entitled "Itinerant Merchants and Vendors" is amended as follows:

Section 2. The title of Chapter 5.06 of the Moses Lake Municipal Code is changed from "Itinerant Merchants and Vendors" to "Mobile and Street Food Vendors"

5.07.010 License Required: It shall be unlawful for a mobile or street vendor to engage in business within the City of Moses Lake except when licensed as a mobile or street vendor as defined in this chapter.

5.07.020 Definitions: The following terms and definitions shall be used in the administration of this chapter.

A. "Mobile Vendor" shall mean any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in a business of selling and delivering food from a vehicle or other motorized conveyance upon privately or publicly owned property including any public street, sidewalk, alley, or public way of the City. A person, firm, or corporation so engaged shall not be relieved 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 temporary business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

B. "Food" shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not limited to, candy, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, frozen concessions, nonalcoholic beverages, and dairy products. Products regulated by the Washington State Liquor and Cannabis Board may not be sold by mobile or street vendors.

C. "Authorized Concession Stand" shall mean a concession stand operated or maintained for the sale of food or merchandise, in the public parks of the City, or on other public property, by the City or in accordance with a City-approved agreement or franchise.

D. "Public Celebration" shall mean the Spring Festival activities customarily celebrated in and around McCosh Park and other areas of the City, as well as any other time of public celebration.

E. "Special Event" shall mean an event for which the City has authorized use of City facilities for use by vendors, such as the Farmers Market.

F. "Street Vendor" shall mean a vendor selling food within a public or private parking lot, pedestrian plaza, public street, alley, sidewalk, public right-of-way, or public property, using a non-motorized cart or temporary structure.

5.07.030 Exemptions: The provisions of this chapter shall not be construed to apply to the following:

A. Persons selling only fruits, vegetables, berries, eggs, or any farm produce.

B. Persons selling only trees used for the celebration of the Christmas season.

C. Non-profit organizations with local affiliations

5.07.040 Application: Any person, firm, or corporation desiring to secure a license as a mobile or street vendor shall make application to the City, on forms to be provided by the City, at least fourteen (14)

days before the requested start date of the business. Such application shall provide:

- A. The name or names and address of the applicant, vehicle license numbers of all vehicles or a description of the conveyance from which the applicant proposes to conduct business; description of the general type of food proposed to be sold by the applicant.
- B. Each application shall be accompanied with the license fee as provided for in this chapter.
- C. Each license application for a mobile or street vendor shall be accompanied with the following information to establish compliance with this chapter and other applicable codes:
 1. A statement explaining the method of trash and litter disposal being proposed by the vendor
 2. Washington State Tax Number
 3. Proof of general liability and/or vehicle liability insurance coverage, per MLMC 5.07.045

5.07.045 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.

5.07.050 Investigation and Determination: Upon receipt of such application, the Community Development Director shall cause such investigation of such person or persons' business responsibility to be made as is deemed necessary for the protection of the public good and shall refer the application to the Community Development Department for its determination as to compliance with standards and requirements of this chapter. An application shall be denied by the Community Development Director upon written findings that the applicant's business responsibility is unsatisfactory or that the proposed business activity will violate any applicable law, rule, or regulation. Any license issued under this chapter shall contain the number on the license, the date same was issued, the nature of the business authorized to be carried on, the amount of license fee paid, the expiration date of said license, and the name or names of the person or persons authorized to carry on the same. The Community Development Department shall keep a record of all licenses issued under this chapter and shall promptly provide the Washington State Department of Revenue a copy of any license issued under this chapter.

5.07.060 Fees:

- A. An initial application fee of one hundred fifty dollars (\$150) shall be submitted with all applications for each vehicle, conveyance, or stand. The renewal fee for a mobile or street vendor license shall be the same as a standard business license, provided there has been no interruption in maintaining the mobile or street vendor licenses of the vehicles, conveyances, or stands.
- B. Any license issued under the provisions of this chapter shall expire December 31st of the year it is issued.
- C. In addition to the application fee, the applicant shall pay a one-time fee of one hundred five dollars (\$105) to help defray the cost of screening the applicant for the license. Fingerprinting costs are included in the screening fee.

5.07.070 Exhibiting of License/Transfer:

- A. Any license issued under this chapter shall be posted conspicuously upon all vehicles, conveyances, or temporary structures from which a mobile or street vendor conducts business.

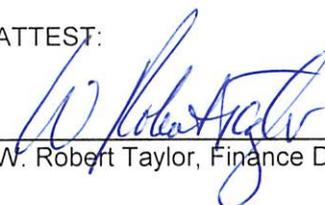
- B. Any license issued under this chapter shall not be transferred to any other person, firm, or corporation.
- 5.07.080 Compliance with Regulations: All food vendors shall comply with all laws, rules, and regulations regarding food handling, and all vehicles, conveyances, and stands used for the sale of food shall comply with all applicable laws, rules, and regulations respecting such vehicles, conveyances, or stands as established by the Grant County Health District, the Washington State Motor Vehicle Code, and as set forth in the Moses Lake Municipal Code.
- 5.07.090 Mobile and Street Vendor Standards: All mobile and street vendors licensed under this chapter shall conform to the following standards:
- A. No mobile or street vendor shall operate from one (1) location in a residential zone as defined in Title 18 of the Moses Lake Municipal Code for longer than fifteen (15) minutes at a time.
 - B. No mobile or street vendor shall locate his or her vehicle or conveyance in that portion of public right of way abutting private property without the written permission of the owner of the abutting private property. No food shall be offered, displayed, or sold, and no customers served, in any vehicle travel lane. A temporary stand shall not be located within twenty feet (20') of any public right-of-way or within twenty feet (20') of the intersection of any public right-of-way and private driveway.
 - C. No signs or signage shall be permitted other than that which can be contained on the vehicle or conveyance utilized or as otherwise allowed.
 - D. No vehicle, other conveyance or temporary stand shall be located closer than twenty feet (20') from any building or structure.
 - E. No vehicle, other conveyance or temporary stand shall locate closer than fifty feet (50') from flammable combustible liquid or gas storage and dispensing structures.
 - F. All mobile and street vendors shall have at least one (1) adequately sized garbage receptacle upon the site of business or on the vehicle or conveyance for customer use.
 - G. Sites used by mobile or street vendors shall be cleaned of all debris, trash, and litter at the conclusion of daily business activities.
 - H. All vehicles, other conveyances, or temporary stands shall be equipped with at least one 2A-40 BC fire extinguisher.
 - I. No mobile or street vendor shall sell or vend from his or her vehicle or conveyance:
 - 1. Within four hundred feet (400') of any public or private school grounds during the hours of regular school session, classes, or school related events in said public or private school, except when authorized by said school.
 - 2. Within one hundred fifty feet (150') of the entrance to any restaurant, café, or eating establishment during business hours of the eating establishment, unless the eating establishment has provided written permission to the vendor to locate closer. The vendor shall produce the written permission for inspection if required to do so by any authorized City official.
 - 3. Within three hundred feet (300') of any public park of the City where any City authorized concession stand is located during times other than during the course of a public celebration except as approved by the Parks and Recreation Department of the City.
 - 4. Within three hundred feet (300') of any public park of the City where any City authorized concession stand is located during the course of a public celebration when non-profit organizations are permitted to engage in the sale of merchandise and food in such park.

5. Within three hundred feet (300') of any public park or other public space during a special event for which organizations are permitted to sell merchandise and/or food in the park or public space for a fee, unless the mobile or street vendor obtains written permission from the coordinator of the event.
- J. No mobile or street vendor shall conduct business so as to violate the traffic and sidewalk ordinances of the City as now in effect or hereafter amended.
- K. No mobile or street vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.
- 5.07.100 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.
- 5.07.130 Duty of Building Official to Enforce: It shall be the duty of the Building Official of the City of Moses Lake and his designee to examine all places of business and persons subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this ordinance against any person found to be violating the same.
- 5.07.140 General Fund: All funds received by the City under the terms of this chapter shall be paid into the General Fund of the City and budgeted annually for any municipal purpose, as required by law.
- 5.07.150 Fees Collected by Court: The City shall have the power to institute suit or action in any court of competent jurisdiction for the purpose of collecting any license fees that are due and payable.

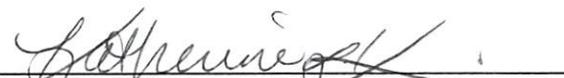
Adopted by the City Council and signed by its Mayor on October 13, 2015.


Dick Deane, Mayor

ATTEST:


W. Robert Taylor, Finance Director

APPROVED AS TO FORM:


Katherine L. Kenison, City Attorney