

ORDINANCE NO. 1262

CITY OF LACEY

AN ORDINANCE RELATING TO THE POSITION OF CITY CLERK AND ADMINISTRATIVE REGULATIONS REGARDING BUSINESS LICENSES AND AMENDING SECTIONS 2.16.020, 2.24.010, 5.04.010, 5.04.020, 5.08.020, 5.08.040, 5.12.015, 5.12.020, 5.16.030, 5.20.020, 5.20.040, 5.20.060, 5.20.080, 5.20.090, 5.20.100, 5.20.110, 5.28.020, 5.28.030, 5.28.040, 5.28.050, 5.28.060, 5.28.070, 5.28.080, 5.28.100, 5.32.030, 5.32.040, 5.32.050, 5.32.060, 5.34.020, 5.38.050 AND 5.38.070 AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, the City Manager and administrative staff of the City have determined that the position of City Clerk should be within the City Manager's Department, however, the administration of the City's business license and regulations should be within the City Finance Department, and

WHEREAS, the Council has determined it is necessary to charge an annual business license registration renewal fee to offset the costs incurred by the City in administering the business registration provisions of the Lacey Municipal Code,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 2.16.020 of the Lacey Municipal Code is hereby amended to read as follows:

**2.16.020 Powers and duties of the finance director.** The finance director has all of the powers and duties of the city treasurer as defined in RCW 35.23.131 and RCW 35A.420.010. ~~In addition, the finance director shall nominate all candidates for the office of city clerk and oversee all functions of the city clerk.~~

Section 2. Section 2.24.010 of the Lacey Municipal Code is hereby amended to read as follows:

**2.24.010 Appointment.** The city clerk shall be ~~nominated by the finance director and~~ appointed by the city manager.

Section 3. Section 5.04.010 of the Lacey Municipal Code is hereby amended to read as follows:

**5.04.010 License required--Application--Display of license--Fee.**

- A. It is unlawful for any person or group or combination of persons to operate any circus, carnival, or public exposition or public auction for profit without first having obtained a license from the city's finance department ~~city clerk~~ as provided hereinafter.
- B. All applications for such licenses shall be made to the finance department ~~city clerk~~. Upon application and payment of the license fee, the finance department ~~clerk~~ shall issue a license setting forth the period of time for which such license shall be valid.
- C. It shall be the duty of such licensee to place and maintain such license on the premises in such a position as to be clearly and readily observed by anyone entering the circus, carnival or public exposition or public auction.
- D. The license fee as established by resolution of the city council shall be for each year such circus, carnival, or public auction or exposition is to be operated in the city, provided, that the fee for the full year shall be paid at the time of original application.

Section 4. Section 5.04.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.04.020 Bond--Inspection--Appeal--Required clean-up.**

- A. At the time of making application for such license, the applicant shall deposit with the finance department ~~city clerk~~ the sum of two thousand five hundred dollars in cash or by certified check or by approved bond, payable to the city of Lacey, which deposit shall be held by the department ~~city clerk~~ until such time the circus, carnival, public auction or public exposition grounds have been cleaned, all waste and rubbish removed, and the grounds returned to the condition in which they were at the time of such circus, carnival, or public exposition or public auction and to guarantee the public against any act of tort or fraud, theft, embezzlement or act of larceny or by violation of state law or by the licensee or employee or agent.
- B. The code enforcement officer ~~police department~~ of the city shall make an inspection of such premises and, if satisfactory, shall file his written statement so stating with the finance department ~~city clerk~~, whereupon the above deposit or bond shall be refunded to the applicant. If any licensee feels himself aggrieved by the written statement, or action of the police department he shall have a right of appeal to the city council if filed within ten days after submission of this report.
- C. If the code enforcement officer ~~police department~~ of the city directs further cleaning to be done and such is not done within five days thereafter, the actual cost shall be paid to the city treasurer and shall be credited to the general fund.

Section 5. Section 5.08.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.08.020 Operator's license--Rejection--Application approval.** The finance director ~~council~~ shall have the right to reject any and all applications for operator's license or licenses, if the director finds that the applicant has previously violated the terms of this chapter, similar

provisions of the code of another city or state law governing the furnishing and operating of coin operated amusement devices and games of skill. ~~it sees fit, and before any license or permit is granted the application therefor must be approved by the city council; and b~~Before any permit or license becomes effective the person, firm or corporation shall sign a statement that he, they or it will be governed by the provisions of this chapter, and if, they or it shall fail to comply therewith that all moneys paid for operator's license or any money paid hereunder shall be forfeited to the city.

Section 6. Section 5.08.040 of the Lacey Municipal Code is hereby amended to read as follows:

**5.08.040 Operator's license--Term--License sticker.** An operator's license shall be good only for the calendar year in which the same is issued. The finance department ~~city clerk~~ shall issue to each licensee a sticker showing the description, the number and the location of such machine or device, and the name of the licensee operating such machine or device, and it is unlawful to operate or permit the operation of such machine or device unless it has such sticker thereto attached in a place where the same may be read by the public.

Section 7. Section 5.12.015 of the Lacey Municipal Code is hereby amended to read as follows:

**5.12.015 Temporary sales activities.**

A. Any person, firm or corporation providing premises or facilities for the temporary sale activities of other persons, firms or corporations other than the temporary sale activities of nonprofit, religious, educational or charitable organizations, which combined sales activities are commonly known as or similar to a flea market or swap meet, shall make application with the city's finance department ~~city clerk~~ for a master business registration

certificate for temporary sales. Such application shall be accompanied by the fee established by resolution of the city council for each three days or portion thereof during which such temporary sales activities are planned to take place upon the premises or in the facilities of the applicant with a maximum fee for the calendar year or the balance thereof in the sum so established by resolution. The application shall be processed and referred and the master certificate granted or denied in the same manner as is specified in Section 5.12.010 (B).

B. Any person holding a master certificate for temporary sales shall be required to:

1. Issue, on behalf of the city, to each temporary seller, a seller's permit for each day the seller conducts sales activities and charge for the issuance of the permit the sum established by resolution of the city council, which sum shall be remitted to the city. Upon issuing the permit, the name, address, telephone number and Washington driver's license or other identification number of the seller, and the booth number and the identification or serial numbers of all property to be sold containing such numbers, shall be recorded and maintained for inspection by the city;
2. Collect from each person, firm or corporation conducting temporary sales activities on the premises, Washington State sales tax and remit the same to the State of Washington, Department of Revenue. A record of the sales by each temporary seller shall be recorded on a three-part form sanctioned by the State Department of Revenue with one copy provided to the Department of Revenue and one copy provided to the city.

C. Any person conducting sales activities on the premises or in the facilities provided by the holder of a master certificate shall be required to:

1. Provide accurate information required to be recorded by the master certificate holder including a full and complete listing of all identification or serial numbers of merchandise containing said numbers;
  2. Complete the sales tax form referred to in Section 5.12.015(B), and deposit all sales taxes due with the master certificate holder;
  3. Display prominently at the location in which the sales activities are conducted the day seller's permit issued by the master certificate holder on behalf of the city;
  4. If any food is to be sold, prominently display proof of county health department approval of the sales in the location in which the sales are to be made.
- D. The city shall have the authority to inspect the premises and the merchandise of each seller at any reasonable time to carry out the provisions of this chapter. If, upon the basis of the inspection, it is determined that there is a reasonable likelihood that stolen property is being sold or fraud upon the public is being perpetrated by an individual seller, the police chief or his designee may prohibit further sales by the seller; provided, however, that an individual seller shall have the right to appeal the prohibition to the director of finance within five days after the prohibition taking effect.
- E. A master certificate will be valid for the calendar year for which the certificate is issued. The city shall issue a new registration certificate for each calendar year during which the business continues to operate after the initial calendar year in which the business is registered upon the receipt of a yearly fee equal to the application fee set forth in this section.

F. If the holder of the master certificate fails to comply with requirements of this section, or allows sales activities to take place after being notified to prohibit sales by a particular seller, the finance department ~~city clerk~~ may revoke the master certificate or refuse to issue a new master certificate for a subsequent calendar year.

Section 8. Section 5.12.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.12.020 Registration required--Posting.** The certificate provided for herein shall be posted in a conspicuous place in the place of business of the registrant. ~~For permanent businesses,~~ Such certificates shall expire on the last day of the calendar month which coincides with the month during which the original registration certificate for such business was issued or if such month cannot be determined from the records of the city, such certificate shall expire on the last day of December 31st of each year. Upon expiration, such license shall be renewed by the finance department upon receipt of a renewal fee in the sum set by resolution of the city council. Until the city council sets such fee by resolution, the renewal fee, for all businesses renewing after June 30, 2006, shall be in the sum of \$25.00. ~~for permanent businesses and at the end of thirty consecutive days~~ The registration for temporary business shall expire at the end of 30 consecutive days. Business registration certificates, and are nontransferable.

Section 9. Section 5.16.030 of the Lacey Municipal Code is hereby amended to read as follows:

**5.16.030 Sublicense required--Fee--Number issued.**

A. It is unlawful for anyone to own and exhibit, lease, rent or place with others, for use, play or operation in any public place or establishment, any coin operated mechanical music machine without a valid and subsisting "Mechanical Music Machine Sublicense" for each

such machine, the yearly fee shall be established by resolution of the city council for each such license issued after the effective date of the ordinance codified in this chapter, which "Mechanical Music Machine Sublicense" shall be in the form of a gummed paper tag issued by the city's finance department ~~city clerk~~ and shall be valid only when attached to such music machine in a conspicuous place near an indelible printed, stamped or impressed statement containing the name and address of the owner and vendor or distributor of such machine.

- B. Not more than one hundred fifty mechanical music machine sublicenses shall be issued to any one operator; and no sublicense shall be transferred during the license year from the location to which the sublicense was issued without the consent by resolution of the city council.

Section 10. Section 5.20.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.020 License required--Exceptions.** It is unlawful for any person to act as a solicitor within the meaning and application of this chapter unless such person's ~~he or his~~ employer shall have first secured a license therefor in the manner provided by this chapter. Provided: this chapter shall not apply to unpaid solicitors for bona fide religious, charitable, political, educational or community service organizations not operated for profit when such organization has notified the city's finance department ~~city clerk~~ in writing of its intent to solicit within the city and has filed with such department ~~the city clerk~~ proof of its bona fide character as a religious, charitable, political, educational or community service organization nor shall this chapter apply to persons ~~news boys~~ making solicitations for subscriptions to daily or weekly news publications.



Section 11. Section 5.20.040 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.040 License--Application.** Any person or firm desiring to secure a solicitor's license shall apply therefor in writing over his or her signature to the finance department ~~city clerk~~ on forms provided by the city, and such application shall state as to each solicitor as follows:

- A. The name and address of each solicitor;
- B. The name and address of the person, firm or corporation by whom employed;
- C. The length of service of each such solicitor with such employer;
- D. The place of residence and nature of the employment of each solicitor during the last preceding year;
- E. The nature or character of the goods, wares, merchandise or service to be offered by each solicitor;
- F. The personal description of each solicitor.

Such application shall be accompanied by such credentials and other evidence of the good moral character and identity of each solicitor as may be reasonably required by the city clerk.

Section 12. Section 5.20.060 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.060 License--Issuance--Expiration.** If the chief of police determines after thirty days investigation that the facts set forth in the application are true, that such solicitor is of good moral character, and ~~that he~~ proposes to engage in a lawful and legitimate commercial or professional enterprise, the chief ~~he~~ shall then approve the application, and the finance department ~~city clerk~~ may issue the license applied for. Such license shall expire on the thirty-

first day of December of the year in which such license shall have been issued. Except as hereinafter provided no license shall be issued until the conclusion of thirty days investigation.

Section 13. Section 5.20.080 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.080 Bond.** If any applicant for a license, including a solicitor or the solicitors or the solicitor's ~~his~~ employer, is unwilling to receive a license only upon conclusion of a thirty day period of investigation as provided in Section 5.20.060, and if the applicant ~~he~~ desires the issuance of a license by the finance department ~~city clerk~~ immediately upon application, the applicant ~~he~~ may deposit with the finance department ~~city clerk~~ a cash or surety bond in the sum of two thousand five hundred dollars, conditioned upon the making of final delivery of the goods ordered or services to be performed, in accordance with the terms of such order, or, failing therein that the advanced payment of such order be refunded, and thereupon such license or licenses may be immediately issued. Where an employer employs more than one solicitor, ~~he~~ such employer may, ~~if he so desires~~ in lieu of posting a separate bond for each such solicitor, post a blanket bond covering all such solicitors in the sum of ten thousand dollars conditioned in the same manner as the individual bond. Any person aggrieved by the action of any solicitor shall have a right of action on the bond for the recovery of money or damage or both. Such bond shall remain a deposit for a period of ninety days after the expiration of such license.

Section 14. Section 5.20.090 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.090 License--Revocation.** Any such license shall be revoked by the finance department ~~city clerk~~ whenever such solicitor or his employer in the judgment of the city council ceases to possess the character and qualifications required by this chapter for the issuance of such license by virtue of the violation by the employer or solicitor of any of the ordinances of the city or of any state or federal law, or otherwise.

Section 15. Section 5.20.100 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.100 Orders.** All orders taken by licensed solicitors shall be in writing, stating the name as it appears on the license, and address, of both the solicitor and the solicitor's ~~his~~ employer, the terms thereof, and the amount, if any, paid in advance, and one copy shall be given the purchaser.

Section 16. Section 5.20.110 of the Lacey Municipal Code is hereby amended to read as follows:

**5.20.110 Scales, weights and measures.** The applicant for such license, if any scales, weights or measures are used in selling of goods, wares, merchandise or services, shall present and file with the ~~his~~ application a certificate from the State Department of Weights and Measures showing that all scales, weights or measures to be used by the applicant ~~him~~ in the licensed activity have been tested and found accurate and correct immediately prior to the filing of the application.

Section 17. Section 5.28.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.020 Towing operator and tow truck license required.**

- A. No operator shall engage in business within the city or offer such service therein without first applying for and obtaining from the city's finance department ~~city clerk~~ a "towing operator's base license" and a "tow truck license" for each wrecker or towing truck operated by such operator. The annual fee for such licenses shall be established by resolution of the city council; provided that the expiration date for all such licenses shall be December 31st of each year, and should application be made for such license within thirty days of the effective date of the ordinance codified in this chapter, the annual license fee shall be prorated on the basis of the number of months remaining in the license year from the date of application for the license.
- B. To operate a tow truck or storage business in the city, the operator must have locked, closed, covered storage on any vehicle valued at fifty dollars or more, the value to be set by the chief of police or an authorized officer; vehicles worth less than fifty dollars may be locked in a fenced enclosure.

Section 18. Section 5.28.030 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.030 Licenses--Application.** Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the finance department ~~city clerk~~ and sworn to by the applicant which shall include:

- A. The name or assumed name under which the applicant is doing business, home address, and proposed business address of the applicant;
- B. The description including the make, model and serial number and company number, if any, of the tow trucks owned or operated by the applicant;

C. Such other information as the finance department ~~city clerk~~ shall reasonably require to effectuate the purpose of this chapter.

Section 19. Section 5.28.040 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.040 Investigation of applicant and trucks.** Upon application as provided for herein, the chief of police at the request of the finance department ~~city clerk~~ shall cause an investigation to be made of each applicant and of his tow trucks proposed to be licensed hereunder for the purpose of determining:

- A. The truth of statements made by the applicant in the application;
- B. Whether tow trucks proposed to be licensed hereunder are equipped for safe and lawful operation.

Section 20. Section 5.28.050 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.050 License issuance.** The finance department ~~city clerk~~ may issue a license hereunder if a finding is made ~~he finds~~:

- A. That public liability insurance as required by this chapter has been procured;
- B. That the applicant is qualified to conduct the business;
- C. That the requirements of this chapter have been met.

Section 21. Section 5.28.060 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.060 Liability insurance required.** Every towing operator shall file with the finance department ~~city clerk~~ a policy or policies of public liability insurance, approved as to sufficiency ~~for the city clerk~~ and as to form by the finance department ~~city attorney~~, issued by an insurance company or companies authorized to do business in the state of Washington, providing indemnity for or protection of the city as well as the owners of vehicles in the care, custody or control of the licensee, against loss, as follows:

- A. A garage keeper's legal liability policy covering fire, theft, explosion, and collision in the following amounts:
1. Fire, theft of entire automobile and contents, and explosion with a minimum coverage of ten thousand dollars for each hazard,
  2. Collision subject to one hundred dollars deductible with each accident deemed a separate claim;
- B. A public liability policy covering the operation of the licensee's business, equipment or vehicles for any bodily injury or property damage with a minimum coverage of one hundred thousand dollars for any one person killed or injured in any one accident or occurrence and three hundred thousand dollars for more than one person killed or injured in any one occurrence or accident. Such policy shall also provide ten thousand dollars minimum limit for all damage arising out of injury to or destruction of property;
- C. All such policies must contain an endorsement providing for ten days' notice to the finance department ~~city clerk~~ in the event of any change or cancellation.

Section 22. Section 5.28.070 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.070 Rules and regulations.** The finance department ~~city clerk~~ may make and enforce reasonable rules and regulations consistent with this chapter, including provision for inspection by the city ~~him or by the chief of police~~ of vehicles used hereunder.

Section 23. Section 5.28.080 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.080 Operator's license--Issuance conditions.** An operator's license hereunder may be issued subject to the following conditions:

- A. The finance department ~~city clerk~~ shall prepare and issue to a licensed operator tow truck plates or tags which the operator shall at all times prominently display on each wrecker or other vehicle used for towing purposes as described by the department ~~city clerk~~.
- B. Every operator, his agent or employee, after towing a disabled vehicle away shall prepare a bill in duplicate, the original shall be given to the owner of such vehicle or his authorized representative, and the copy retained by the operator at his place of business for a period of six months, and shall be exhibited upon demand of the finance director ~~city clerk~~, the chief of police or their duly authorized representatives. This bill shall contain the following information:
1. Name, address, and place of business of the operator,
  2. Name and address of person calling for and engaging the tow truck,
  3. State license number and description of disabled vehicle,
  4. The company number of the wrecker or other vehicle used for towing purposes,
  5. Total amount to be charged for towing and storage. The time and place from which towing commenced and terminated.

C. No operator, his agent or employee shall go to the scene of a vehicular accident unless called by the owner of a disabled vehicle or his authorized representative or by a police officer.

D. No operator, his agent or employee shall intercept or monitor police calls by short wave radio or otherwise for the purpose of responding to the scene of a disabled vehicle.

Section 24. Section 5.28.100 of the Lacey Municipal Code is hereby amended to read as follows:

**5.28.100 Chapter enforcement--Record of violation--Revocation or suspension of license--Appeal--Hearing.** The finance director ~~city clerk through the division of licenses and standards of his office~~ shall enforce this chapter with the assistance of the chief of police. ~~;~~ ~~if~~ the finance director ~~city clerk~~ finds that any licensee has violated or failed to comply with any provision of this chapter, ~~the director~~ ~~he~~ shall make a written record of such finding, and shall specify therein the particulars and ~~he~~ may revoke or suspend the license for a fixed period ~~to be fixed by him~~, in which event the license shall be surrendered to the finance department ~~clerk~~ and canceled ~~by him~~ in case of revocation, or returned to the licensee on expiration of the period of suspension. Provided, however, such revocation for violation of any of the provisions of this chapter shall not relieve the licensee of the penalties provided in Section 5.28.140. Any licensee whose license is revoked or suspended shall have the right to appeal to the city council from such revocation or suspension by filing with the finance department ~~city clerk~~ a written notice within five days after the entry of the order of revocation or suspension. The notice of appeal shall specify an address at which the licensee may be given notice of hearing on the appeal. The city council shall hear the appeal, or may refer the same to a committee for hearing. At the hearing the licensee shall be entitled to



appear in person and offer evidence pertinent to the revocation or suspension; and the finance director ~~city clerk~~ shall likewise be entitled to be heard at the hearing and offer evidence in support of the ~~his~~ order of revocation or suspension. The city council shall determine by resolution whether the revocation or suspension shall be sustained, and its action in that respect shall be final and conclusive. From the time of filing the written notice of appeal until the hearing and action by the city council, the order of the finance director ~~clerk~~ of revocation or suspension shall be ineffective.

Section 25. Section 5.32.030 of the Lacey Municipal Code is hereby amended to read as follows:

**5.32.030 License application.** Before any license shall be granted as provided for herein, the applicant shall file with the city's finance department ~~city clerk~~ an application in writing for each license, containing the name in full of the applicant, the location where the business is to be conducted, the nature of the business to be conducted, and the place of residence and nature of business or employment of the applicant during the preceding five years, together with the license fee required under Section 5.32.020.

Section 26. Section 5.32.040 of the Lacey Municipal Code is hereby amended to read as follows:

**5.32.040 Issuance of license.** Prior to the issuance of a license under this chapter, the finance department ~~city clerk~~ shall refer the application to the chief of police, who shall investigate the character of the applicant. The chief of police shall advise the finance department ~~city clerk~~ in writing of the results of his investigation within thirty days after the application is filed. If upon receipt of the report by the chief of police the finance department ~~city clerk~~ determines that the applicant is of a law-abiding character and that the place of

business is in the proper zone for the conduct of such business, the finance department ~~city clerk~~ shall issue the license.

Section 27. Section 5.32.050 of the Lacey Municipal Code is hereby amended to read as follows:

**5.32.050 Denial of license.** Should the finance department ~~city clerk~~ find on the basis of the report of the chief of police that the applicant is not of a law-abiding character or that the business location is not within the proper zone for the conduct of such business, the finance department ~~city clerk~~ shall deny the application for the license. At the expiration of ten days from the date of denial of the license application, the finance department ~~city clerk~~ shall refund to the applicant fifty percent of the license application fee.

Section 28. Section 5.32.060 of the Lacey Municipal Code is hereby amended to read as follows:

**5.32.060 Appeal from denial of license.** An applicant whose application for license has been denied under this chapter shall have the right to appeal to the city council by filing a notice of appeal with the finance department ~~city clerk~~ within ten days after the denial has been entered.

Section 29. Section 5.34.020 of the Lacey Municipal Code is hereby amended to read as follows:

**5.34.020 License required.** No person shall conduct a garage sale as defined in Section 5.34.010 hereof, without procuring a license therefor from the city. Application for such license shall be made to the city's finance ~~Lacey police~~ department, delivered in person or postmarked five days prior to date of sale, which application shall include the name and

address of the applicant, the address of the location of the proposed sale, a general description of the type of items to be sold, and the date or dates of such sale.

Section 30. Section 5.38.050 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.050 Licenses--Application and issuance conditions--Protests and appeals from denial.**

- A. Applications for massage parlor and massage parlor employee licenses shall be made to the city's finance department ~~city clerk~~ on forms provided by the police department. Each application for a massage parlor license shall be accompanied by a nonrefundable fee of \$50.00.
- B. Each application for a massage parlor employee license shall be accompanied by a nonrefundable fee of \$20.00. Each application for a massage parlor license shall fully describe the applicant's name, business address, location of premises upon which the massage parlor will be operated, and the name, address and previous occupation of the person or persons who shall manage the massage parlor. If the applicant is a corporation, the application shall contain names, addresses and occupations of the applicant's officers and principal shareholders. Each application for a massage parlor employee license shall fully describe the applicant's name, home address, previous occupation, and previous employer. Every person whose name appears on an application shall provide all assumed names or aliases which have been or are used by such person.
- C. Upon the filing of any application for a massage parlor license, the finance department ~~city clerk~~ shall promptly provide copies thereof to the chief of police and the community development director ~~chairman of the planning commission~~. Within ten days after

receiving the same, the chief of police shall notify the finance department ~~city clerk~~ of whether or not the applicant, the massage parlor manager, and (if the applicant be a corporation) the corporation's officers and the principal shareholders, or any of the foregoing, have been convicted of violating federal, state or local laws relating to sexual offenses, or to possession, use or sale of narcotics or alcoholic beverages. If records available to the chief of police indicate that any such person has been so convicted, the finance department ~~city clerk~~ shall notify the applicant, by registered letter, that the application has been denied. Within ten days after receiving a copy of the application, the community development director ~~chairman of the planning commission~~ shall notify the finance department ~~city clerk~~ that the premises upon which the massage parlor operation shall be conducted are or are not located on property which, under provisions of the city zoning code, can be put to such a use. If the premises are not so located, the finance department ~~city clerk~~ shall notify the applicant, by registered letter, that the application has been denied.

D. Any citizen or public officer may, while an application for a massage parlor license is pending, petition the city council to deny the license. If the petition fails to set forth in detail alleged facts tending to show that issuance of the license will harm the public health, safety or morals, the petition shall be summarily stricken by the council. If the petition does set forth such allegations, the mayor shall transmit copies of the petition to the finance department ~~city clerk~~ and to the applicant, and the council shall set a date for a public hearing, of which all interested parties shall be notified, at which the council shall receive evidence bearing on the question of whether issuance of the license will tend to harm the public health, safety or morals. At the conclusion of the hearing, or any continued hearing, the council shall decide whether or not the health, safety or morals of

residents of the community may be harmed by issuance of the license. The council shall notify the finance department city clerk of its decision, and he shall issue or deny the license in accordance with the decision.

- E. Any applicant whose application has been denied on information supplied to the finance department city clerk by the chief of police or community development director chairman of the planning commission, may, within ten days following notification of the denial, file a petition for a hearing before the city council. The council shall set a date of hearing of which all interested parties shall be notified, and shall receive evidence bearing on the accuracy of the information supplied to the finance department city clerk. If the council determines that the information was substantially inaccurate, and that the public health, safety or morals will apparently not be harmed by issuance of the license, the council shall so notify the finance department city clerk, who shall thereupon issue the license.
- F. Upon the filing of any application for a massage parlor employee license, the finance department city clerk shall promptly provide copies thereof to the chief of police and the Thurston County health director. Within ten days after receiving the same the chief of police shall notify the finance department city clerk that the applicant has or has not been convicted of violating federal, state or local laws relating to sexual offenses, or to possession, use or sale of narcotics or alcoholic beverages. If records available to the chief of police indicate that the applicant has been so convicted the finance department city clerk shall notify the applicant, by registered letter, that the application has been denied. Within ten days after filing the application, the applicant shall submit to a physical examination to determine whether the applicant is free from contagious or infectious disease. The health director shall report the results of the examination to the finance

department city clerk, and if the examination indicates the applicant has a contagious or infectious disease, the finance department city clerk shall notify the applicant, by registered letter, that the application has been denied. Within ten days following notification of denial, the applicant may petition the city council for a hearing to determine the accuracy of the information upon which the denial was based, and the petition shall be processed in the manner prescribed for processing similar petitions of applicants for massage parlor licenses.


Section 31. Section 5.38.070 of the Lacey Municipal Code is hereby amended to read as follows:

**5.38.070 Licenses--Period of validity--Renewal--Transferability.** Licenses issued pursuant to this chapter shall be valid for one year following the date of issuance (unless revoked earlier), and may be renewed annually by filing an application for renewal with, and paying a nonrefundable renewal fee equal to the initial application fee to, the finance department city clerk. Licenses issued pursuant to this chapter shall not be assigned or transferred from one holder to another. Premises of a massage parlor may be relocated, provided that the finance department city clerk is notified of the relocation and the relocation does not violate provisions of the Lacey zoning code.

Section 32. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 27th day of  
APRIL, 2006.

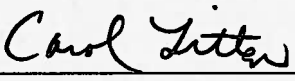
CITY COUNCIL

By:   
Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE 1262

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on APRIL 27, 2006, Ordinance No. 1262, entitled "AN ORDINANCE RELATING TO THE POSITION OF CITY CLERK AND ADMINISTRATIVE REGULATIONS REGARDING BUSINESS LICENSES AND AMENDING SECTIONS 2.16.020, 2.24.010, 5.04.010, 5.04.020, 5.08.020, 5.08.040, 5.12.015, 5.12.020, 5.16.030, 5.20.020, 5.20.040, 5.20.060, 5.20.080, 5.20.090, 5.20.100, 5.20.110, 5.28.020, 5.28.030, 5.28.040, 5.28.050, 5.28.060, 5.28.070, 5.28.080, 5.28.100, 5.32.030, 5.32.040, 5.32.050, 5.32.060, 5.34.020, 5.38.050 AND 5.38.070 AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The office of City Clerk has previously been a part of the Finance Department. Based upon a recommendation of the City Manager and administrative staff, the City Council has approved a transfer of the City Clerk directly into the Department of the City Manager and this Ordinance carries out that reorganization.
2. Many technical changes are made to Title 5 of the Lacey Municipal Code relating to business licenses and regulations to reflect the fact that those provisions will still be administered by the Finance Department but not by the City Clerk.
3. This Ordinance makes provision for an annual renewal of business registration certificates and levies a fee of \$25.00 for each such renewal in order to provide for the costs of administering that program.
4. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: MONDAY, MAY 1, 2006.