

ORDINANCE 646

CITY OF LACEY

AN ORDINANCE RELATING TO THE LICENSING OF PERSONS OR FIRMS PROVIDING PREMISES OR FACILITIES FOR THE TEMPORARY SALES BY OTHERS, AMENDING SECTION 5.12.010 AND ADDING A NEW SECTION, 5.12.015, TO THE LACEY MUNICIPAL CODE

Section 1. Section 5.12.010 of the Lacey Municipal Code is hereby amended to read as follows:

"~~(a)~~ A. Whenever the word 'business' is used herein, it applies to any person, firm or corporation which operates any store or place for the sale of goods, services, wares or merchandise at retail or at wholesale, within the corporate limits of the city, on a temporary or permanent basis. Each such store or place shall be considered a separate business even though more than one such store or place is owned by the same person, firm or corporation. 'Business,' as used solely in this chapter, shall not apply to the temporary sale activities of nonprofit, religious, educational or charitable organizations where such activities are incidental or customary to the charitable, educational or religious purpose of the organization and such organization has notified the ~~city-clerk~~ director of administrative services in writing of the dates upon which the activities will be conducted nor shall 'business' as used solely in this chapter apply to the temporary sale activities of other persons, firms or corporations conducted on premises or in facilities furnished by a person, firm or corporation holding a

'master business registration certificate for temporary sales'
pursuant to Section 5.12.015. Temporary as used solely in this
chapter shall be any business operated for thirty consecutive days
or less within the corporate limits of the City of Lacey or which
may be located in a mobile unit.

"(b) B. Any proposed new business and any business
which changes its state tax number or moves its location, shall
make application for registration to the ~~city-clerk~~ director of
administrative services. Such application shall be accompanied by
a fee of \$10.00 for those businesses constituting a home occupation
and those businesses located outside of the city but doing business
within the city, a fee of \$50.00 for temporary business, and a fee
of \$25.00 for all other businesses. The ~~city-clerk~~ director of
administrative services shall refer the application to the building
official who shall check the zoning of the proposed business loca-
tion and refer the application to the fire chief for inspection of
the premises prior to issuing the business registration certificate.
In addition, the ~~city-clerk~~ director of administrative services
shall refer the application to the police department for a review
of the type of business proposed and the products to be sold in
order to prevent the potential sale of stolen goods or the practice
of fraud upon the public, in addition to reviewing the location of
the business for the prevention of a safety hazard to the public.
In addition, all applicants for businesses dealing in food services
shall provide a copy of the certificate issued by the county health

department prior to the business registration certificate being issued. The city shall notify the applicant of the results of investigations and fire inspection within ten working days after the application is submitted. If the proposed business location is in compliance with the city's zoning and fire safety requirements, if the health certificate, when appropriate, has been furnished, and if the police department finds that a public safety hazard will not be created by the business and there shall not be a likelihood of stolen property being sold by the business or fraud upon the public being perpetrated, or if the city fails to notify the applicant of the results of said investigation and inspection within ten working days after the application is submitted, a business registration certificate shall be issued to the applicant.

"(e) C. A registration certificate will be valid for the calendar year for which said 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."

Section 2. There is hereby added to the Lacey Municipal Code a new section, 5.12.015, to read as follows:

"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 director of administrative services for a master business registration certificate for temporary sales. Such application shall be accompanied by a fee equal to \$50.00 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 of \$250.00. 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 said seller conducts sales activities and charge for the issuance of said permit the sum of \$0.50 (fifty cents), which sum shall be remitted to the city. Upon issuing said 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 subparagraph 'B' hereof 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 said 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

said inspection, it is determined that there is a reasonable likelihood that stolen property is being sold or fraud upon the public being perpetrated by an individual seller, the police chief or his designee may prohibit further sales by said seller, provided, however, that an individual seller shall have the right to appeal said prohibition to the director of administrative services within five days after said prohibition taking effect.

"E. A master certificate will be valid for the calendar year for which said 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 director of administrative services may revoke the master certificate or refuse to issue a new master certificate for a subsequent calendar year."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, this 11th day of MARCH, 1982.

Attest:

Timothy McGuire
City Clerk

Approved as to Form:

[Signature]
City Attorney

CITY COUNCIL

By [Signature]

Mayor

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