

ORDINANCE 747

CITY OF LACEY

AN ORDINANCE RELATING TO THE BUSINESS REGISTRATION REQUIREMENTS FOR GROWERS SELLING THEIR OWN AGRICULTURAL PRODUCTS WITHIN THE CITY AND AMENDING SECTION 5.12.010 OF THE LACEY MUNICIPAL CODE

WHEREAS, it is important to the citizens of the City of Lacey and the surrounding area that agricultural production be encouraged and in order to encourage said production, it is necessary to provide for a reasonable business registration fee for growers who sell their own agricultural products to the public from locations within the City; now, therefore

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

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

"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 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 nor to the sales activities of persons, firms, or corporations conducted on premises or in facilities furnished by a person, firm, or corporation holding a business registration certificate for a 'farmers' market.'

'Temporary,' as used solely in this chapter, shall be any business operated for 30 consecutive days or less within the corporate limits of the city or which may be located in a mobile unit, provided, however, that the term 'temporary' shall not apply to the direct sales of agricultural products grown in Thurston County by the grower or the grower's employees. 'Farmers' market,' as used solely in this chapter, means an organization of local growers and handcrafters formed for the purpose of selling goods grown or made by said members where the normal requirements for participation is that those members selling have either grown or crafted 75 percent of their product.

"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. Such application shall be accompanied by the fee established by resolution of the city council; provided, however, that until such time as the council passes a resolution establishing the fee for a 'farmers' market,' the annual application fee for such organization shall be \$60.00. Provided, further, that until the city council passes a resolution establishing the fee for the direct sales of agricultural products grown in Thurston County by a grower or a grower's employee, the fee shall be \$50.00 for each location for a period of 90 days and an additional fee of \$10.00 for each 30 days thereafter to a maximum of an additional 60 days. The application shall be reviewed by the building official, who shall check the zoning of the proposed business location and refer the application to the fire chief for inspection of the premises prior to issuing the business registration certificate. In addition, the police department shall review 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 appropriated, 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 the investigation and inspection within ten working days after the application is submitted, a business registration certificate shall be issued to the applicant.

"C. A registration 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.~~ period of time for which the fee is paid pursuant to this section and resolution of the city council."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 25th day of April, 1985.

CITY COUNCIL

Attest:

Timothy McGuire
City Clerk

Approved as to Form:

[Signature]
City Attorney

By Richard D. Beuer
Mayor

Posted: 4-25-85

Published: 5-1-85