

## **Title 5**

### **BUSINESS LICENSES AND REGULATIONS**

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**Chapter 5.04**

**BUSINESS LICENSES**

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**5.04.010 City power to license.**

The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue. (Ord. 1297 § 1, 1958).

**5.04.020 Definitions.**

In construing the provisions of this chapter, save when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

A. “Business” means and includes all activities engaged in with the object of gain, benefit or

advantage to the licensee or to another person or class, directly or indirectly.

B. “Temporary business” means any business being operated in the city for less than 48 hours or operating out of a vehicle, truck, trailer or other mobile unit.

C. “Engage in business” or “engaging in business activities” means commencing, conducting or continuing in business, and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves up to the public as conducting such business.

D. “Person” herein used interchangeably, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise. (Ord. 2258 § 1, 1987; Ord. 1297 § 2, 1958).

**5.04.030 Imposition and collection required.**

On or after the effective date of the ordinance codified herein, there is levied upon and shall be collected from and paid as hereinafter provided, by every person, on account and for the privilege of engaging in business activities within the city, an annual license fee for each calendar year, or any portion thereof, in a sum equal to the amounts set forth for the various business activities as classified in the schedules codified in MVMC 5.04.040 through 5.04.070; provided, however, that persons engaging in any such businesses for the first time, after July 1st of any year, shall pay only 50 percent of the annual fee for the remainder of the license year. (Ord. 3274 § 1, 2005; Ord. 3106 § 1, 2002; Ord. 1762 § 1, 1974; Ord. 1297 § 3, 1958).

**5.04.040 Class 1 schedule – Amount per year.**

- Class 1, \$120.00 per year:
- Banks;
- Building materials and supplies companies;
- Bus companies;
- Canneries, except custom canneries;
- Food processors;
- Department stores, major;
- Grocery stores, supermarket type, having over 3,000 square feet;
- Manufacturing;
- Motor freight and transfer companies;
- New car dealers having used car lots;
- Railroad companies;
- Savings and loan associations;
- Soft drink manufacturing and/or bottlers;
- Title insurance companies;

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Theaters;

Wholesale petroleum products dealers. (Ord. 2359 § 1, 1989; Ord. 1762 § 1, 1974; Ord. 1297 § 3, 1958).

### 5.04.050 Class 2 schedule – Amount per year.

Class 2, \$60.00 per year, shall include all individuals practicing any of the following professions, whether solely, in partnership, in association, or under professional service corporate form:

A. Accountants, as defined by Chapter 18.04 RCW;

Acupuncturists, as defined by Chapter 18.06 RCW;

Advertising;

Appliance repairs;

Architects, as defined by Chapter 18.08 RCW;

Attorneys, as defined by Chapter 18.09 RCW;

Auctioneers, as defined by Chapter 18.11 RCW;

Automobile dealers, new cars only;

Automobile dealers, used cars only;

Automobile service stations;

Automotive parts and accessories stores;

Bakeries;

Barber shops, more than one operator;

Beauty shops, more than one operator;

Bulb dealers, wholesale or retail;

Building designers;

Butcher shops, independent or in conjunction with grocery store;

Camping resorts and recreational vehicle camps;

Chiropractors, as defined by Chapter 18.25 RCW;

Cigar stores;

Clothing stores;

Cocktail bars;

Collection agencies;

Commercial recreation facilities;

Commercial telephone solicitors, as defined by Chapter 19.158 RCW;

Contractors registered with the state pursuant to Chapter 18.27 RCW;

Cosmetologists, as defined by Chapter 18.16 RCW;

Counselors, as defined by Chapter 18.19 RCW;

Custom canneries;

Dairies;

Day care, licensed by state;

Dentists, as defined by Chapter 18.32 RCW;

Department stores, other;

Drive-in restaurants;

Drugstores;

Dry cleaners;

Electrical and appliance stores;

Engineers, as defined by Chapter 18.43 RCW;

Farm implement dealers;

Finance, investment or loan companies;

Florists or nurseries;

Food lockers licensed with the state pursuant to Chapter 19.32 RCW;

Fuel companies;

Funeral homes;

Furniture stores;

Garages;

Gift shops;

Grocery stores, less than 3,000 square feet;

Hardware stores;

Hauling;

Health studios, as defined by Chapter 19.142 RCW;

Home cleaning or maid service;

Hospitals;

Hotels, lodging houses, and similar establishments, all as defined by Chapter 19.48 RCW;

Immigration assistants, as defined by Chapter 19.154 RCW;

Insurance agencies;

Janitorial services;

Jewelry stores;

Laboratories;

Landlord, three or more rental units;

Laundries;

Machine shops;

Manicurists;

Marine supplies;

Massage practitioners/therapists;

Midwives;

Monument works;

Mortgage brokers, as defined by Chapter 19.146 RCW;

Motels;

Music stores;

Naturopaths;

Nursing homes;

Ocularists, as defined by Chapter 18.55 RCW;

Office supplies and equipment;

Optometrists, as defined by Chapter 18.53 RCW;

Osteopaths, as defined by Chapter 18.57 RCW;

Paint and/or glass companies;

Pawnbrokers, and second-hand stores and/or dealers as defined by Chapter 19.60 RCW;

Pharmacists, as defined by Chapter 18.64 RCW;

Photography shops;

Photography studios;

Physicians;

Plumbing shops, wholesale or retail;

Podiatrists, as defined by Chapter 18.22 RCW;

Printing shops;  
 Private investigators;  
 Psychologists;  
 Publishers;  
 Radio and television sales and service;  
 Real estate agencies;  
 Refrigeration lockers;  
 Restaurants;  
 Retail petroleum products;  
 Schools: commercial, business, dancing, etc.;  
 Secondhand stores;  
 Self-service storage facilities, as defined by Chapter 19.150 RCW;  
 Sellers of travel, as defined by Chapter 19.138 RCW;  
 Shoe repair shops, more than one man;  
 Snack bars;  
 Sporting foods;  
 Storage and carwash garages;  
 Surveyors, as defined by Chapter 18.43 RCW;  
 Taverns;  
 Taxi companies;  
 Theraputists, as defined by Chapter 18.59 or 18.74 RCW;  
 Toy stores;  
 Trailer courts;  
 Travel agencies: See sellers of travel above;  
 Upholstery shops;  
 Veterinarians;  
 Wholesale dealers;

B. All other businesses not included in Class 1 or 3, except individually owned and operated enterprises conducted wholly within the home; or domestic, such as unlicensed babysitting;

C. Businesses located outside the corporate limits of Mount Vernon making retail sales, or sales and deliveries within the corporate limits of the city;

D. Businesses located outside the corporate limits of Mount Vernon engaged in the sale of services within the corporate limits of the city.

E. Any business which acts as owner or operator or which sets up for operation by another or leases or distributes for the purpose of operation by another any coin-operated device or machine. (Ord. 3274 § 2, 2005; Ord. 3106 § 2, 2002; Ord. 2600 § 2, 1994; Ord. 2459 § 1, 1991; Ord. 2359 § 1, 1989; Ord. 1762 § 1, 1974; Ord. 1297 § 3, 1958).

**5.04.060 Class 3 schedule – Amount per year.**

Class 3, \$30.00 per year:  
 One-operator snack bars;  
 One-operator beauty shops;  
 One-operator barber shops;  
 One-operator shoe repair shops;

Tailor or dressmaking shops, one operator;  
 One-operator mechanical and/or electrical repair services. (Ord. 2359 § 1, 1989; Ord. 1762 § 1, 1974; Ord. 1297 § 3, 1958).

**5.04.070 Businesses with combined classifications – Fee determination.**

Businesses operated at one location comprised of a combination of the above classifications shall be required to procure only one license, the fee to be based upon the fee required for the activity falling within the higher classification. This section shall not apply to a commercial kennel or cattery, grooming parlor, pet shop or shelter as defined in Chapter 6.04 MVMC when combined with another classification of business and shall require a separate license and fee. (Ord. 3301 § 8, 2005).

**5.04.080 License – Expiration date.**

The business license referred to herein shall expire at the end of the calendar year for which it is issued and a new license shall be required for each calendar year. A new applicant shall pay for the license fee applicable to his classification; provided, however, that persons engaging in any such businesses for the first time, after July 1st of any year, shall pay only 50 percent of the annual fee for the remainder of the license year. (Ord. 3274 § 3, 2005; Ord. 1297 § 4, 1958).

**5.04.090 License – Application – Contents required – Issuance.**

*Repealed by Ord. 3274.* (Ord. 1297 § 4, 1958).

**5.04.100 License – Separate required for each place of business – Posting required – Procedure following moving or sale.**

Said license shall be personal and nontransferable. In case business is transacted at two or more separate places by one person within the city, a separate license for each place in which business is transacted with the public shall be required in accordance with the classifications in this chapter set forth, and the said person shall pay for each place of business a fee in accordance with said classification. Each license shall at all times be conspicuously posted in the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer shall return the license to the city clerk-treasurer and a new license shall be issued for the new place of business free of charge. In the event of the sale of a complete business, licensed under this chapter, said license may be transferred to the new owner; provided, that the

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city clerk-treasurer is given notice of said transfer within five days of the date of said transfer. (Ord. 1297 § 4, 1958).

#### **5.04.110 License – Nontransferable.**

No person to whom a license has been issued pursuant to this chapter shall suffer or allow any other person for whom a separate license is required, to operate under or display such license, nor shall any such other person operate under or display such license. (Ord. 1297 § 4, 1958).

#### **5.04.120 License – Fee provisions.**

The license fee and tax herein levied shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the city except as herein otherwise expressly provided. (Ord. 1297 § 5, 1958).

#### **5.04.130 Persons exempt from payment.**

Any person paying a business and occupation tax to the city under the terms of Chapter 5.48 MVMC, or under the terms of future ordinances of the city, shall be exempt from the payment of any license or tax under this chapter. (Ord. 1297 § 6, 1958).

#### **5.04.140 License – To be procured when – Delinquency charge.**

The license required by the terms of this chapter shall be procured by the licensee prior to January 31st of the calendar year for which required, or prior to the commencement of operation of business in the city, whichever date is later. For any license procured after the applicable date required herein, there is assessed, and there shall be collected by the city clerk-treasurer in addition to the required annual license fee, a delinquency charge of 10 percent of the annual license fee for each month or part of a month accruing between the time such license is procured and the time when the same should have been procured under the terms of this chapter. (Ord. 1297 § 7, 1958).

#### **5.04.150 Fee for publishers – Terms and period of validity.**

Publishers of newspapers, periodicals and/or other publications, may, in lieu of procuring any license provided for herein, pay to the city a sum equal in amount to the appropriate license fee set forth in MVMC 5.04.030 through 5.04.070, and upon payment thereof, shall be exempt from the requirements of this chapter, such exemption to apply for one calendar year, and to be renewed

each year upon an additional payment in like amount. (Ord. 1297 § 8, 1958).

#### **5.04.160 License – Collection by city authorized when.**

The licenses required under this chapter and all penalties thereon, shall constitute a debt to the city, and may be collected by court proceeding in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 1297 § 9, 1958).

#### **5.04.161 Temporary business – Permit required.**

Subject to the alternative provisions of MVMC 5.04.163, no person shall operate a temporary business within the city without a permit from the office of the city finance director. (Ord. 2258 § 2, 1987).

#### **5.04.162 Temporary business permit – Application.**

An application for a permit to operate a temporary business under this chapter shall be made at the city finance director's office upon forms provided by the city. Such applications shall be sworn to or affirmed and filed with the city finance director at least 24 hours prior to the time in which the permit applied for shall become effective. The application herein required shall contain the following information:

1. The name and address or headquarters of the person applying for the permit;
2. If the applicant is not an individual, the names and addresses of the applicants, principal officers and managers, and resident agent;
3. The name and address of the person or persons who will be in direct charge of conducting the temporary business;
4. The time within the temporary business will be operated and the location of the business in the city;
5. The application for permit must also be signed by the party on whose property the temporary business shall be located. (Ord. 2258 § 3, 1987).

#### **5.04.163 Temporary business groups – Master temporary business license – Application.**

A. As an alternative to the requirements of MVMC 5.04.161, any person who sponsors, organizes, leases or provides space to, or otherwise has administrative responsibility for any group of temporary businesses participating in a single event or

showing, may apply on behalf of such group for a master temporary business license, which will permit the operation of a group of temporary businesses in conjunction with such event or show. Any person who sponsors, organizes, leases or provides space to, or otherwise has administrative responsibility for any group of temporary businesses participating in any continuous, regular or frequent event or showing, may apply on behalf of such group for an annual master temporary business license. The applicant shall provide to the finance director the information required in MVMC 5.04.162 as to the sponsor, and shall be required to maintain records, available for inspection by the finance director, containing the information required by MVMC 5.04.162 as to each and every temporary business in the group. The application must be filed at least 24 hours prior to the time in which the permit applied for shall become effective. If no such master temporary business license or annual master temporary business license has been obtained, then each individual temporary business must have its own temporary license, and it shall be the responsibility of the individual temporary business to make sure that the appropriate license has been obtained in a timely manner.

B. By the way of example, but not of limitation, the following may be considered events or showings which may utilize the provisions of this section:

1. Master temporary business license: Non-continuous, infrequent events of short duration, such as a fair, festival, annual show, etc.

2. Annual master temporary business license: Regular or continuous events such as craft displays or sales booths at malls or parking lots so long as only temporary businesses as defined herein are included. (Ord. 2258 § 4, 1987).

#### **5.04.164 Application – Requirements for permit issuance.**

The city finance director shall examine each application filed under MVMC 5.04.161 through 5.04.166 for a permit and shall make or caused to be made such further investigation of the application and the applicant as the city finance director shall deem necessary. The permit will be issued when the city finance director determines the following facts:

A. That all of the statements made in the application are true;

B. That the applicant is not engaged in any fraudulent transaction or enterprise;

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C. Nothing in the proposal will violate provisions of the zoning ordinance for the city, MVMC Title 17, or any other law or ordinance. (Ord. 2258 § 5, 1987).

**5.04.165 Temporary business licenses – Fees.**

A. Before a temporary business license is issued, there shall be paid to the city finance director the sum of \$5.00 for a permit which allows a temporary business to operate at one location for 48 hours or less within the city.

B. Before a master temporary business license is issued, there shall be paid to the city finance director a fee of \$15.00 for a permit which allows a group of temporary businesses to operate for 48 hours or less within the city.

C. Before an annual master temporary business license is issued, there shall be paid to the city finance director a fee of \$30.00 for a permit which allows a group of temporary businesses to operate at a single location at continuous, regular, or frequent events, so long as no temporary business within the group operates for a period exceeding 48 hours. (Ord. 2258 § 6, 1987).

**5.04.166 Temporary business permit – Nontransferable.**

Any permit issued under MVMC 5.04.161 through 5.04.165 shall be nontransferable. (Ord. 2258 § 7, 1987).

**5.04.170 Finance director as license officer.**

A. The administration and interpretation of this chapter shall be accomplished under the direction of the finance director. It shall be the duty of the finance director to require all parties engaging in any business activity to procure such license, and should there be any license fee not paid by any person, it shall be the duty of the finance director to enforce collection thereof in the manner provided in this chapter. The finance director may make and publish rules of procedure and regulations for the administration and interpretation of this chapter. It is unlawful to violate or knowingly fail to comply with any such rule or regulation.

B. The finance director shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall have the authority to:

1. Adopt Forms. Adopt application, license, renewal, annual return, and all other necessary or convenient forms and prescribe the information to be provided. Such required information shall include, but not be limited to, the residence of the applicant, the nature of his business or business

activity in which he desires to engage, the place where it is proposed to be conducted and the amount of the fee prescribed by this chapter. If the finance director shall find the application to be correct, the finance director shall, upon the payment of the fee, issue a license in accordance herewith.

2. Obtain Endorsement. Submit applications, when deemed appropriate, to other city officials for their endorsements thereon as to compliance by the applicant with all city regulations which the officials have the duty of enforcing.

3. Investigate. Investigate and determine the eligibility of any applicant for a license, the amount of fees or other amounts due as prescribed herein, and the correctness of data submitted to the city.

4. Examine Records. Examine and audit the books and records of any applicant, licensee, or business when reasonably necessary to the administration of this chapter. The records of a business, including federal and state tax returns and invoices, shall be open for examination by the director or authorized agent at any time to the extent authorized by law. The finance director may require the attendance of any person at a time and place fixed by the finance director or authorized agent in accordance with and to the extent authorized by applicable law.

5. Give Notice. Notify any applicant of the acceptance or rejection of the application.

6. Regulate Form of Licenses. Ensure that each license is numbered, and shows the name of the licensee, and business address.

7. Keep Records and Deposit Funds. Keep full and accurate records of all funds received under the provisions of this chapter. Upon receipt of any license fee and/or penalties collected under the provisions of this chapter, the finance director shall deposit the same to the credit of the current expense fund.

8. Waive Penalties. The finance director is authorized, but not obligated, to waive all or a portion of the penalties provided herein in the event that the finance director determines that the late payment was the result of excusable neglect or extreme hardship. (Ord. 3274 § 5, 2005).

**5.04.175 Requests for finance director review.**

A. Any person aggrieved by a rule or ordinance in this chapter and any person seeking a waiver or interpretation under this chapter may request finance director review of the same.

B. All requests for review and reasons thereof shall be communicated to the finance director or his/her designee. A record of any review which is

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approved by the finance director shall be created and maintained.

C. The finance director may require the person to submit background information and may hold a conference with the person. After review, and the conference if one is held, the finance director will make a determination regarding the issue of concern. This determination and the grounds for such a determination shall be recorded and records kept and made available at the city’s finance department. (Ord. 3274 § 6, 2005).

**5.04.180 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. (Ord. 3440 § 2, 2008).

**Chapter 5.05**

**PARADES, ATHLETIC EVENTS AND OTHER SPECIAL EVENTS**

Sections:

- 5.05.010 Definitions.
- 5.05.020 Permit required.
- 5.05.030 Permit application.
- 5.05.040 Permit issuance.
- 5.05.050 Action on permit application.
- 5.05.060 Grounds for denial of application.
- 5.05.070 Permit conditions.
- 5.05.080 Appeal procedure.
- 5.05.090 Indemnification agreement.
- 5.05.100 Insurance.
- 5.05.110 Fees for city services.
- 5.05.120 Cleanup deposits.
- 5.05.130 Revocation of permits.
- 5.05.140 Violation – Penalty.
- 5.05.150 Severability.

**5.05.010 Definitions.**

A. “Director” means the director of the Mount Vernon city parks department.

B. “Special events” include any event which is to be conducted on public property or on a public right-of-way; and, also, any event held on private property which would have a direct significant impact on traffic congestion, or traffic flow to and from the event over public streets or rights-of-way; or which would significantly impact the need for city-provided emergency services such as police, fire or medical aid. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of 100 or more people are each presumed to be an event that will have a direct significant impact on the public streets, rights-of-way or emergency services. Special events might include, but not be limited to, fun runs, roadway foot races, fund-raising walks, auctions, bike-a-thons, parades, carnivals, shows or exhibitions, filming/movie events, circuses, block parties, markets, sporting events and fairs.

C. “Use” shall mean to construct, erect, or maintain in, on, over, or under any street, right-of-way, park or other public place any building, structure, sign, equipment or scaffolding; to deface any public right-of-way by painting, spraying or writing on the surface thereof; or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public place within the city, including any use related to special events. (Ord. 3206 § 2, 2004).

**5.05.020 Permit required.**

Any person desiring to conduct or sponsor a parade, athletic event or other special event in the city of Mount Vernon shall first obtain a special event permit from the director. A special event permit is not required for the following:

- A. Parades, athletic events or other special events that occur exclusively on city property and are sponsored or conducted in full by the city of Mount Vernon. An internal review process will be conducted for these events;
- B. Funerals and weddings;
- C. Groups required by law to be so assembled;
- D. Gatherings of 30 or fewer people in a city park, unless merchandise or services are offered for sale or trade;
- E. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;
- F. Garage sales and rummage sales;
- G. The exhibition of films or motion pictures;
- H. Other similar events and activities which do not directly affect or use city services or property. (Ord. 3206 § 2, 2004).

**5.05.030 Permit application.**

A. Any person desiring to sponsor a parade, athletic event or other special event shall apply for a special event permit by filing an application with the director, on the form supplied by the director, at least 60 days prior to the date on which the event is to occur. A completed application does not constitute approval of the permit.

B. A waiver of application deadline shall be granted upon a showing of good cause or at the discretion of the director. The director shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other city services for the event. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and that the event is for the purpose of exercising the right of free speech. (Ord. 3206 § 2, 2004).

**5.05.040 Permit issuance.**

The director may issue the special events permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit and compliance with MVMC 5.05.090 pertaining to indemnification, MVMC 5.05.100 pertaining to insurance, MVMC 5.05.110 pertaining to police traffic con-

trol fees (when applicable), and MVMC 5.05.120 pertaining to cleanup deposits (when applicable). (Ord. 3206 § 2, 2004).

**5.05.050 Action on permit application.**

The director may approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process of the application for special events permit on the grounds specified in MVMC 5.05.060. If the application is denied or conditionally approved, the director shall inform the applicant of the grounds for denial in writing, or the reason for a change in the date, time, route or location of the event, and the applicant's right of appeal per MVMC 5.05.080. The applicant shall be notified of any permit conditions at the time the application is approved and of the applicant's right of appeal of the permit conditions. (Ord. 3206 § 2, 2004).

**5.05.060 Grounds for denial of application.**

Approval of the issuance of a special event permit may be denied and/or the permit may be revoked if, in the sound discretion of the director, he or she finds that one or more of the following is more likely than not to be true:

- A. The event would endanger public health.
- B. The event would seriously inconvenience the general public's use of the public property, services or facilities.
- C. There are insufficient public safety personnel or other necessary city staff to accommodate the event so that it may occur in a reasonably safe manner.
- D. The applicant fails to complete the application form after having been notified of the additional information or documents required.
- E. Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail.
- F. The applicant refuses or fails to agree, to abide, or comply with all of the conditions and terms of the permit.
- G. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or previously granted encroachment permit.
- H. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class.

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I. The dates of the event would conflict with other previously permitted events.

J. The applicant's insurance lapses or is canceled.

K. The event would create or constitute a public nuisance.

L. The event would be likely to cause significant damage to public property or facilities.

M. The event would engage in or encourage participants to engage in illegal acts. (Ord. 3206 § 2, 2004).

### 5.05.070 Permit conditions.

The director may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions include but are not necessarily limited to:

A. Alteration of the date, time, route or location of the event proposed on the event application.

B. Conditions concerning the area of assembly and disbanding of an event occurring along the route.

C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

D. Requirements for the use of traffic cones or barricades.

E. Requirements for the provision of first aid or sanitary facilities.

F. Requirements for use of event monitors and providing notice of permit conditions to event participants.

G. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety.

H. Compliance with animal protection ordinances and laws.

I. Requirements for use of garbage containers, cleanup, and restoration of city property.

J. Restrictions on the use of amplified sound and compliance with noise ordinance, regulations and laws.

K. Notice to residents and/or businesses regarding any activity which would require a street closure.

L. Restrictions on the sale and/or consumption of alcohol.

M. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the city.

N. Requirements regarding the use of city personnel and equipment.

O. Compliance with any other applicable federal, state or local law or regulation.

P. Pre-existing contractual obligations with the applicant/sponsor. (Ord. 3206 § 2, 2004).

### 5.05.080 Appeal procedure.

The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of fees or cleanup deposits imposed pursuant to MVMC 5.05.110 and 5.05.120, or a determination by the city that the applicant's certificate of insurance does not comply with the requirements specified in MVMC 5.05.100. A written notice of appeal shall be filed within three business days after receipt or personal delivery of a notice of denial or permit conditions from the director. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The city council shall hear the appeal on the record provided from the director and upon public comment given at the scheduled hearing before the council. The hearing shall be scheduled no later than 30 days after receipt of a timely and proper notice of appeals. Public comment at the appeal hearing shall be limited to three minutes per individual and 15 minutes each for appellant and city respondent. The decision of the city council is final. (Ord. 3206 § 2, 2004).

### 5.05.090 Indemnification agreement.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the city for any costs incurred by it in repairing damage to city property and indemnify and defend the city, its officers, employees, and agents from all causes of action, claims or liabilities occurring in connection with the permitted event except those which occur due to the city's sole negligence. (Ord. 3206 § 2, 2004).

### 5.05.100 Insurance.

The following insurance shall be required in connection with the issuance of special use permits: \$1,000,000 commercial general liability insurance per occurrence combined single limits, \$2,000,000 aggregate, unless waived by the city council.

The director is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written on an occurrence basis, shall name the city as an

additional insured, shall be written for a period not less than 24 hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon 30 days' written notice to the city. (Ord. 3206 § 2, 2004).

#### **5.05.110 Fees for city services.**

A. Upon approval of an application for a special event permit, the director should provide the applicant with a statement of the estimated cost of providing city personnel and equipment if any are needed and available for the special event. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment 10 days prior to the special event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating city equipment to provide such services.

B. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

C. Permit fees and fees for the use of city services and equipment may be waived in part or in full by the city council based upon recommendation of the director if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

D. Permit fees and fees for the use of city services and equipment may be waived in part or in full by the city council based upon recommendation of the director if in review of the application it is found that the event's purpose is solely for constitutional First Amendment exercise, and that the cost of city services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment exercise. Any applicant/sponsor seeking a partial or full waiver of permit fees and fees for city services must file a verified statement under oath as to the reasons and facts which would exempt the applicant/sponsor from such fees when the permit application is submitted. (Ord. 3206 § 2, 2004).

#### **5.05.120 Cleanup deposits.**

A. The applicant/sponsor of an event involving the sale of food or beverages for immediate consumption, erections of structures, horses or other large animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide a cleanup deposit prior to the issuance of a special event permit.

B. The cleanup deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the city for cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill. (Ord. 3206 § 2, 2004).

#### **5.05.130 Revocation of permits.**

Any permit issued pursuant to this chapter may be summarily revoked by the director at any time when, by reason of disaster, public calamity, riot or other emergency or exigent circumstances, the director determines that the safety of the public or property requires such immediate revocation. The director may also summarily revoke any permit issued pursuant to this chapter if the director finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in the application. (Ord. 3206 § 2, 2004).

#### **5.05.140 Violation – Penalty.**

A. It shall be unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.

B. The special event permit authorizes the permittee/sponsor to conduct only such an event as it is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit or for any event participate with knowledge thereto to willfully violate the terms and conditions of the permit or to

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continue with the event if the permit is revoked or expired.

C. Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty of not more than \$1,000 or imprisonment of not more than 90 days, or both such fine and imprisonment. (Ord. 3206 § 2, 2004).

**5.05.150 Severability.**

If any section, subsection, sentence, clause, chapter, provision, or phrase of this chapter or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the chapter or the application or the provisions to other persons or circumstances. (Ord. 3206 § 2, 2004).

**Chapter 5.12**

**AMUSEMENT FACILITIES**

Sections:

- 5.12.010 License – Required for certain amusements – Period of validity.
- 5.12.020 License – Fee schedule.
- 5.12.030 Unlawful acts prohibited and license display required.
- 5.12.040 License – Limitations on use – Violation grounds for revocation.
- 5.12.050 Violation deemed misdemeanor – Penalty.

**5.12.010 License – Required for certain amusements – Period of validity.**

Every person, firm, association or corporation keeping, operating, furnishing or displaying for use bowling alleys, pool tables, billiard tables or card tables or tables used for any table games, for profit or for the purpose of attracting trade or profit shall procure each year, from the city clerk-treasurer, a license for such purpose. All such licenses shall continue in force during the calendar year and shall expire on December 31st of the year in which issued, and shall not be transferable. (Ord. 1247 § 1, 1957).

**5.12.020 License – Fee schedule.**

Every such person, firm, association or corporation shall, prior to the issuance of such license, pay a license fee as follows:

- A. Bowling alleys, per alley: \$5.00 per year;
- B. Pool tables, each: \$10.00 per year;
- C. Billiard tables, each: \$10.00 per year;
- D. Card or game tables, first table: \$50.00 per year; additional tables, each: \$25.00 per year. (Ord. 1247 § 2, 1957).

**5.12.030 Unlawful acts prohibited and license display required.**

It is unlawful for any person, firm, association or corporation to keep, operate, furnish or display for use, bowling alleys, pool tables, billiard tables, card or game tables without having first procured the license required by this chapter and without having first paid the license fees required herein. Said license certificates must be prominently displayed at the place of business of the licensee. (Ord. 1247 § 3, 1957).

**5.12.040 License – Limitations on use –  
Violation grounds for revocation.**

It is unlawful for any licensee hereunder to exercise his license in violation of the laws of the state of Washington, and such violation shall be grounds for revocation of such license by the city council, and shall be grounds for refusal of reinstatement or issuance of further licenses under this chapter. (Ord. 1247 § 4, 1957).

**5.12.050 Violation deemed misdemeanor –  
Penalty.**

The violation of any of the terms of this chapter shall be a misdemeanor and shall subject the offender to the provisions of MVMC 1.20.010. (Ord. 1247 § 5, 1957).

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**Chapter 5.13**

**CABARETS**

Sections:

- 5.13.010 Permit required – Renewal – Nontransferability.
- 5.13.020 Issuance – Revocation – Grounds.
- 5.13.030 Violations – Punishment.

**5.13.010 Permit required – Renewal – Nontransferability.**

It is unlawful for any person, firm or corporation holding a retailer’s liquor license in accordance with Chapter 66.24 RCW to permit or allow upon such business premises any music, dancing or entertainment whatsoever unless permission has first been obtained from the city clerk-treasurer. Such permit shall be free of charge, must be renewed annually the first week of January, and may not be transferred. It shall be a condition of such permit that it be prominently displayed within the business premises. (Ord. 1928 § 1, 1978).

**5.13.020 Issuance – Revocation – Grounds.**

The permit shall be issued by the city finance director upon determination that the premises are safe and suitable for the activities to be performed and that such activity is not incompatible with the reasonable use and enjoyment of surrounding premises. Such permit may be revoked by the city council upon recommendation by the building official, only upon finding that the premises are unsafe or unsuitable for the use contemplated or that the music, dancing or entertainment interferes with the reasonable use and enjoyment of surrounding premises. (Ord. 1928 § 1, 1978).

**5.13.030 Violations – Punishment.**

The violation of any of the terms of this chapter will constitute a misdemeanor punishable in accordance with MVMC 1.20.010. (Ord. 1928 § 1, 1978).

**Chapter 5.14**

**GAMBLING TAX**

Sections:

- 5.14.010 Definitions.
- 5.14.020 Taxes imposed – Amounts.
- 5.14.030 Intention to engage in activity – Notice to be filed.
- 5.14.040 Exemptions – Charitable activities.
- 5.14.050 Computation and quarterly payments – Exceptions.
- 5.14.060 Administration and collection.
- 5.14.070 Method of payment.
- 5.14.080 Record keeping requirements.
- 5.14.090 Overpayment or underpayment.
- 5.14.100 Failure to make timely payment – Penalty fees.
- 5.14.110 Failure to make return.
- 5.14.120 Tax additional to others.
- 5.14.130 Taxes, penalties and fees constitute debt to city.
- 5.14.140 Appeal procedure – City council authority.
- 5.14.150 Rules and regulations – Enforcement.
- 5.14.160 Limitation on right to recovery.
- 5.14.170 Violation – Penalty.

**5.14.010 Definitions.**

For the purposes of this chapter, the words and terms used shall have the same meaning as each has under the provisions of Chapter 9.46 RCW as now, or hereafter amended, and under the rules of the Washington State Gambling Commission, Chapter 230 WAC, unless otherwise specifically provided or the context in which they are used herein clearly indicates that they be given some other meaning. (Ord. 2143 § 1, 1984).

**5.14.020 Taxes imposed – Amounts.**

Subject to the provisions of MVMC 5.14.040, there is hereby levied upon all persons, associations and organizations conducting or operating within the jurisdiction of Mount Vernon any of the activities listed below a tax in the following amount, to be paid to the city:

A. Bingo. Upon any bingo activity, a tax computed at the rate of five percent of the gross receipts therefrom, less the amount of money paid in cash, and paid for merchandise actually awarded as prizes during the taxable period;

B. Raffles. Upon any raffle activity, a tax computed at the rate of five percent of the gross receipts therefrom, less the amount of money paid in cash,

### 5.14.030

and paid for merchandise actually awarded as prizes during the taxable period;

C. Punch Boards or Pull-Tab. Upon any punch board or pull-tab, computed at the rate of four percent of the gross receipts directly from the operation of the punch boards or pull-tabs themselves; provided, however, for a bona fide charitable or nonprofit organization the tax upon any punch board or pull-tab shall be based on gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes, and shall be at the rate of 10 percent;

D. Social Card Games. Upon any social card games, a tax computed at the rate of 10 percent of the gross revenue received from the conduct of such activity. (Ord. 2904 § 1, 1998; Ord. 2143 § 2, 1984).

### 5.14.030 Intention to engage in activity – Notice to be filed.

A. In order that the city may identify those persons who are subject to taxation under this chapter, each person, association or organization shall file with the finance director a sworn declaration of intent to conduct an activity taxable as herein provided. The declaration of intent shall be on a form to be prescribed by the finance director, and shall be submitted with a copy of the license issued by the Washington State Gambling Commission. The filing shall be made not later than 10 days prior to conducting or operating a taxable activity, or 20 days after the effective date of the ordinance codified in this chapter if the activity is being conducted prior to its adoption. No fee shall be charged for such filing, which filing is not for the purpose of regulation of this activity but for the purposes of administration of this taxing chapter only.

B. Failure to timely file shall not excuse any person, association or organization from any tax liability. (Ord. 2143 § 8, 1984).

### 5.14.040 Exemptions – Charitable activities.

No tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities, or any combination thereof, are conducted by any bona fide charitable or nonprofit organization, as defined in RCW 9.46.020 (3), which organization has not paid operating or management personnel and has grossed income from bingo, raffles or amusement games or any combination thereof not exceeding \$5,000 per year less the amount paid for as prizes. (Ord. 2143 § 3, 1984).

### 5.14.050 Computation and quarterly payments – Exceptions.

Each of the various taxes imposed by this chapter shall be computed on the basis of activity during each calendar quarter year, shall be due and payable in quarterly installments, and remittance, together with return forms, shall be made to the finance director of the city on or before the last day of the month next succeeding the quarterly period in which the tax accrued; that is, on January 31st, April 30th, July 31st, and October 31st of each year; provided, that the following exceptions to this payment schedule shall be allowed, or required:

A. Whenever any person, association or organization taxable hereunder conducting or operating a taxable activity on a regular basis discontinues operation of that taxable activity for a period of more than four consecutive weeks, or quits business, sells out, or otherwise disposes of the business, or terminates the business, any tax due hereunder shall become due and payable, and such taxpayer shall, within 10 days thereafter, make a return and pay the tax due.

B. Whenever it appears to the office of the finance director of the city that the collection of taxes from any person, association or organization may be in jeopardy, the finance director, after not less than 14 days' notice to the taxpayer, may require the taxpayer to remit taxes and returns at such shorter intervals as the finance director shall deem appropriate under the circumstances.

C. Whenever reports required by the State Gambling Commission under the provisions of Chapter 9.46 RCW are required on less than a quarterly basis, any person, association or organization taxable under this chapter shall report and pay taxes to the city on the same basis. (Ord. 2143 § 4, 1984).

### 5.14.060 Administration and collection.

A. Administration and collection of the various taxes imposed under this chapter shall be the responsibility of the finance director of the city. Remittance of the amount due shall be accompanied by a completed return form prescribed to swear and affirm that the information given in the return is true, accurate and complete.

B. The finance director is authorized, but not required, to mail to taxpayers the appropriate forms. Failure of any taxpayer to receive such a form shall not excuse such taxpayer from making the return and timely paying all taxes due. The finance director shall make forms available to the

public in reasonable numbers in the office of the finance director during regular business hours.

C. In addition to the return form, a copy of the taxpayer's quarterly report to the Washington State Gambling Commission, required by Chapter 230-08 WAC for the period in which the tax accrued,

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shall accompany remittance of the tax amount due. (Ord. 2143 § 5, 1984).

#### **5.14.070 Method of payment.**

Taxes payable under this chapter shall be remitted to the office of the finance director on or before the time required, by bank draft, certified check, cashier's check, personal check, money order, or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the draft or check is honored in the usual course of business, nor shall the acceptance of any sum by the finance director be an acquittance or discharge of the tax unless the amount paid is the full amount due. The return, and copy of the quarterly report to the Washington State Gambling Commission, shall be filed in the office of the finance director after notation by that office upon the return of the amount actually received from the taxpayer. (Ord. 2143 § 6, 1984).

#### **5.14.080 Record keeping requirements.**

A. Each person, association or organization engaging in an activity taxable under this chapter shall maintain records respecting that activity which truly, completely and accurately disclose all information necessary to determine the taxpayer's tax liability during each tax base period. Such records shall be kept and maintained for a period of not less than three years. In addition, all information and items required by the Washington State Gambling Commission under Chapter 230-80 WAC, and the United States Internal Revenue Service, respecting taxation, shall be kept and maintained for the periods required by those agencies.

B. All books, records and other items required to be kept and maintained under this section shall be subject to, and immediately made available for inspection and audit at any reasonable time, with or without notice, at the place where such records are kept. Inspection shall be made upon demand by the finance director or his designee, at the place where such records are kept for the purpose of enforcing the provisions of this taxing chapter.

C. Where a taxpayer does not keep all of the books, records or items required to be kept or maintained under this section in this jurisdiction, so that the finance director may examine them conveniently, the taxpayer shall either:

1. Produce all of the required books, records or items within this jurisdiction for such inspection within seven days following a request of the finance director or his designee that he do so; or
2. Bear the actual cost of inspection by the finance director or his designee, at the location at which such books, records or items are located;

provided, that a taxpayer choosing to bear these costs shall pay in advance to the finance director the estimated cost thereof, including but not limited to, round-trip fare by the most rapid means, lodging, meals, and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined following such examination of the records. (Ord. 2143 § 9, 1984).

#### **5.14.090 Overpayment or underpayment.**

If, upon application by a taxpayer for a refund or for an audit of his records, or upon any examination of the returns or records of any taxpayer, it is determined by the finance director that within the past three years immediately preceding receipt by the finance director of the application by the taxpayer for a refund, or an audit, or, in the absence of such an application, within the three years immediately preceding the commencement by the finance director of such examination:

A. A tax or other fee has been paid in excess of that properly due, the total excess paid over all amounts due to the city within such period shall be credited to the taxpayer's account, or shall be credited to the taxpayer at the taxpayer's option. No refund or credit shall be allowed with respect to any excess amounts paid more than three years before the date of such application or examination;

B. A tax or other fee has been paid which is less than that properly due, or no tax or other fee has been paid, the finance director shall mail a statement to the taxpayer showing the balance due, including the tax amount or penalty assessments and fees, and it shall be a separate, additional violation of this chapter, both civil and criminal, if the taxpayer fails to make payment in full within 10 calendar days of such mailing. (Ord. 2143 § 10, 1984).

#### **5.14.100 Failure to make timely payment – Penalty fees.**

A. If full payment of any tax or fee due under this chapter is not received by the finance director on or before the date due, there shall be added to the amount due a penalty fee, as follows:

1. One to 10 days late, five percent of tax due;
2. Eleven to 20 days late, seven and one half percent of tax due;
3. Twenty-one to 31 days late, 10 percent of tax due;
4. Thirty-two to 60 days late, 15 percent of tax due; but in no event shall the penalty amount be less than \$5.00. In addition to this penalty, the city may charge the taxpayer interest in the amount of

#### **5.14.110**

one and one-half percent of all taxes and fees due for each 30-day period, or portion thereof, that such amounts are past due.

B. Failure to make payment in full of all tax amounts, and penalties, within 60 days following the day the amount initially became due shall be both a civil and a criminal violation of this section. (Ord. 2143 § 7, 1984).

#### **5.14.110 Failure to make return.**

If any taxpayer fails, neglects or refuses to make and file his return as and when required under the provisions of this chapter, the finance director is authorized to determine the amount of tax payable, together with any penalty and/or interest assessed. Taxpayer shall then be notified by mail of the amount which shall become immediately due and payable. (Ord. 2143 § 12, 1984).

#### **5.14.120 Tax additional to others.**

The tax levied in this chapter shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the city, except as herein otherwise expressly provided. (Ord. 2143 § 13, 1984).

#### **5.14.130 Taxes, penalties and fees constitute debt to city.**

Any tax due and unpaid under this chapter, and all penalties or fees, shall constitute a debt to the city of Mount Vernon, a municipal corporation, and may be collected by court proceedings the same as any other debt in like amount, which shall be in addition to all other existing remedies. (Ord. 2143 § 15, 1984).

#### **5.14.140 Appeal procedure – City council authority.**

Any taxpayer aggrieved by the amount of the tax found by the city finance director to be required under the provisions of this chapter, may appeal to the city council from such finding by filing a written notice of appeal with the city finance director within 14 days from the time such taxpayer was given notice of such amount. The city finance director shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time shall not be more than 30 days after the filing of notice of appeal, and he shall cause a notice of hearing and a notice of the time and place thereof to be mailed to the applicant. At such hearing, the taxpayer shall be entitled to be heard and to introduce evidence in his own behalf. The city council shall thereupon ascertain the correct amount of the tax, which decision shall be set forth in the minutes

of the meeting, and the city finance director shall immediately thereafter notify the appellant, by mail, which amount, if appellant is unsuccessful, must be paid within 10 days after such notice is given. (Ord. 2143 § 11, 1984).

#### **5.14.150 Rules and regulations – Enforcement.**

The finance director shall have the power, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this chapter or with other superior law, for the purpose of carrying out the provisions hereof, and it is unlawful to violate or fail to comply with any such rule or regulation. (Ord. 2143 § 14, 1984).

#### **5.14.160 Limitation on right to recovery.**

The right of recovery by the city from the taxpayer for any tax provided under this chapter shall be outlawed after the expiration of three calendar years from the date said tax became due. The right of recovery against the city because of over-payment of tax by any taxpayer shall be outlawed after the expiration of three calendar years from the date such payment was made. (Ord. 2143 § 16, 1984).

#### **5.14.170 Violation – Penalty.**

A. Any person violating or failing to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the finance director pursuant hereto, upon conviction thereof, shall be punished as provided in MVMC 1.20.010.

B. Any taxpayer who engages in or carries on any gambling activity subject to a tax hereunder without having complied with the provisions of this chapter shall be guilty of a violation of this chapter for each day during which the gambling activity is carried on. (Ord. 2143 § 17, 1984).

**Chapter 5.15**

**ADMISSIONS TAX**

(Repealed by Ord. 2976)

**Chapter 5.16**

**AUCTIONS**

Sections:

- 5.16.010 License – Required.
- 5.16.020 License – Display required.
- 5.16.030 License – Fee.
- 5.16.040 Violation deemed misdemeanor – Penalty.

**5.16.010 License – Required.**

Any person, firm, association or corporation desiring to conduct any sale of personal property by auction within the city shall, at least 24 hours prior to the conduct of said sale, obtain from the city clerk-treasurer a license so to do, and pay the license fees provided herein. (Ord. 1248 § 1, 1957).

**5.16.020 License – Display required.**

Said license shall be prominently displayed at the scene of said auction sale and available for inspection of the public and any officer or peace officer of the city. (Ord. 1248 § 2, 1957).

**5.16.030 License – Fee.**

The license fee for the conduct of a sale of personal property by auction shall be \$10.00 per day. (Ord. 1248 § 3, 1957).

**5.16.040 Violation deemed misdemeanor – Penalty.**

The violation of any of the terms of this chapter shall be a misdemeanor and shall subject the offender to the provisions of MVMC 1.20.010. (Ord. 1248 § 4, 1957).

**Chapter 5.20**

**COIN-OPERATED DEVICES**

(Repealed by Ord. 2600)

## Chapter 5.24

### PAWNBROKERS AND SECONDHAND DEALERS

#### Sections:

- 5.24.010 Definitions.
- 5.24.020 Legislative intent.
- 5.24.030 Recordkeeping required.
- 5.24.040 Report to chief of police.
- 5.24.050 Inspection of records and goods required.
- 5.24.060 Retention of property – In pledge.
- 5.24.070 Retention of property – On consignment.
- 5.24.080 Duties upon notification that property is reported stolen.
- 5.24.090 License – Required when – Fee – Expiration date – Renewal.
- 5.24.100 Revocation of license.
- 5.24.110 License – Display.
- 5.24.120 Criminal convictions.
- 5.24.130 Violations deemed gross misdemeanors – Designated.
- 5.24.140 Miscellaneous violations – Penalty.

#### **5.24.010 Definitions.**

The definitions in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

“Loan period” means the period of time from the date the loan is made until the date the loan is paid off, the loan is in default, or the loan is refinanced and new loan documents are issued, including all grace or extenuation period.

“Melted metals” means metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots which are produced from ore that has not previously been processed.

“Metal junk” means any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

“Nonmetal junk” means any nonmetal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form except nonmetal junk does not include an item made in a former period which has enhanced value because of its age.

“Pawnbroker” means every person engaged, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

“Precious metals” means gold, silver, and platinum.

“Secondhand dealer” means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, secondhand property including metal junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the state. “Secondhand dealer” also includes persons or entities conducting business at flea markets or swap meets more than three times per year.

“Secondhand property” means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books and clothing of a resale value of \$75.00 or less, except furs.

“Transaction” means a pledge, or the purchase of, or consignment of, or the trade of any item of personal property by a pawnbroker or a secondhand dealer from a member of the general public. (Ord. 3049 § 1, 2001).

#### **5.24.020 Legislative intent.**

The city council intends, by enacting the ordinance codified in this chapter, to provide restrictions that are supplemental to those set forth in Chapter 19.60 RCW. The provisions of this chapter are intended to address circumstances unique to the city of Mount Vernon. It is not the intent of this chapter to reduce or otherwise abrogate the requirements of any applicable state law. (Ord. 3049 § 2, 2001).

#### **5.24.030 Recordkeeping required.**

A. Every pawnbroker and secondhand dealer doing business in the city shall maintain wherever that business is conducted a record in which shall be legibly written in the English language, at the time of each transaction the following information:

1. The signature of the person with whom the transaction is made;
2. The date of the transaction;
3. The name of the person or employee conducting the transaction;
4. The name, date of birth, sex, height, weight, race, address and telephone number of the person with whom the transaction is made;
5. A complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number or name, any initials or engravings, size, patterns and color, or stone or stones, and in the case of firearms, the cal-

## 5.24.040

iber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;

6. The price paid or the amount loaned;

7. The type and identifying number of identification used by the person with whom the transaction is made, which shall consist of a valid driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government issued picture identification will be required; and

8. The nature of the transaction, a number identifying the transaction, the store identification as designated by the applicable law enforcement agency, or the name and address of the business and the name of the person or employee of the business conducting the transaction, and the location of the property.

B. This record shall at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions and shall be maintained wherever that business is conducted for three years following the date of the transaction. (Ord. 3049 § 3, 2001).

### 5.24.040 Report to chief of police.

A. Every pawnbroker or secondhand dealer in the city of Mount Vernon shall, before 5:00 p.m. on each working day, furnish to the chief of police, on such forms as may be provided and in such format as may be required by the chief of police, a full, true, and correct transcript of the record of all transactions conducted on the preceding working day. This information shall be transmitted to the chief of police or his designee by electronic transmission through a modem or similar device, or by delivery of computer disk in such a format that the data can be copied by direct electronic entry into the Mount Vernon police department's computerized system for identifying and tracing lost, stolen, and sought-after property, subject to the requirements of, and approval by the chief of police; provided, that 10 or fewer written transactions reported within a seven-day period by a pawnbroker or secondhand dealer are exempt from electronic reporting. In such cases written transaction reports will be required; however, no fee will be assessed.

B. 1. Pawnbrokers or secondhand dealers shall report their transactions electronically to the chief of police as required by subsection A of this section

commencing on a date 60 days following the effective date of the ordinance codified in this chapter.

2. The police chief may, for good cause shown, grant a pawnbroker or secondhand dealer an extension of the otherwise applicable deadline set forth in subsection (B)(1) of this section to a date not later than April 30, 2001. An extension may only be granted upon application by the pawnbroker or secondhand dealer, upon a showing that the pawnbroker or secondhand dealer is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission, and upon agreement by the pawnbroker or secondhand dealer to pay the city a fee of \$0.25 per transaction reported after the otherwise applicable deadline to offset the Mount Vernon police department's costs in converting the data from paper format into electronic form.

The chief of police shall establish the format and requirements for the transmission of data and may restrict the scope of items that are to be electronically reported. A transaction that is reported by electronic transmission under subsection A of this section should not be reported on paper forms unless the chief of police so requests.

C. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the chief of police alters the required format, pawnbrokers and secondhand dealers shall be given at least 30 days to comply with the new format requirements.

D. If a pawnbroker or secondhand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or secondhand dealer shall promptly report that fact to the Mount Vernon chief of police, together with the name of the owner, if known, and the date when, and the name of the person from whom it was received. (Ord. 3049 § 5, 2001).

### 5.24.050 Inspection of records and goods required.

Pawnbrokers' and secondhand dealers' records, and all goods received, shall at all times during the ordinary hours of business be open to the inspection of the prosecuting attorney, peace officer or other commissioned law enforcement officer of the city. (Ord. 3049 § 7, 2001).

### 5.24.060 Retention of property – In pledge.

Property bought or received on consignment by any pawnbroker or secondhand dealer shall not be removed from the pawnbroker's or secondhand dealer's place of business within 30 days after the

receipt of the property, except when redeemed by the owner. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the state or the city of Mount Vernon. (Ord. 3049 § 8, 2001).

**5.24.070 Retention of property – On consignment.**

A. Property bought or received on consignment by a pawnbroker or secondhand dealer with a permanent place of business in the city shall not be removed from that place of business, except consigned property returned to the owner, within 30 days after the receipt of the property. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the state or the city of Mount Vernon.

B. Property bought or received on consignment by a pawnbroker or secondhand dealer without a permanent place of business in the state shall be held within the city, except consigned property returned to the owner, for 30 days after receipt of the property. The property shall be available within the appropriate jurisdiction for inspection at reasonable times by any commissioned law enforcement officer of the state or the city of Mount Vernon. (Ord. 3049 § 9, 2001).

**5.24.080 Duties upon notification that property is reported stolen.**

Following notification from a law enforcement agency that an item of property has been reported as stolen, the pawnbroker or secondhand dealer shall hold that property intact and safe from alteration, damage, or commingling. The pawnbroker or secondhand dealer shall place an identifying tag or other suitable identification upon the property so held. Property held shall not be released for 120 days from the date of police notification unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. In cases where the applicable law enforcement agency has placed a verbal hold on an item, that agency must then give written notice within 10 business days. If such written notice is not received within that period of time, then the hold order will cease. The pawnbroker or secondhand dealer shall give a 20-day notice before the expiration of the 120-day holding period to the applicable law enforcement agency about the stolen property. If notice is not given within 20 days, then the hold on the property shall continue for an additional 120 days. The applicable law

enforcement agency may renew the holding period for an additional 120-day period, as necessary. After the receipt of notification from a pawnbroker or secondhand dealer, if an additional holding period is required, the applicable law enforcement agency shall give the pawnbroker or secondhand dealer written notice, prior to the expiration of the existing hold order. A law enforcement agency shall not place on hold any item of personal property unless that agency reasonably suspects that the item of personal property is a lost or stolen item. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen or lost. (Ord. 3049 § 10, 2001).

**5.24.090 License – Required when – Fee – Expiration date – Renewal.**

Any person, firm or corporation engaging in the business of pawnbroker or secondhand dealer within the corporate limits of the city shall procure from the city finance director a city business license pursuant to Chapter 5.04 MVMC with a secondhand dealer or pawnbroker endorsement. Such license shall be obtained annually. The fee for such license shall be the sum of \$25.00, regardless of the date on which the license is issued. The license shall expire at midnight on the 31st day of December of each year and must be renewed prior to expiration. (Ord. 3049 § 11, 2001).

**5.24.100 Revocation of license.**

A. The finance director may deny a license to any applicant or may suspend all licenses of any holder when such person, or any person with an interest in the application for or holder of such license:

1. Has obtained a pawnbroker or secondhand dealer endorsement license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
2. Has failed to pay its pawnbroker or secondhand dealer endorsement license fee pursuant to this chapter;
3. Has violated any conditions of this chapter, or of Chapter 19.60 RCW.

A licensee shall have their license suspended for 30 days for the first violation; 90 days for the second violation; and upon the third violation in a 12-month period, the pawnbroker and/or secondhand dealer endorsement license shall be revoked.

B. Any licensee requesting an appeal of the denial, suspension or revocation of a pawnbroker or secondhand dealer endorsement license may do so in writing, specifying their objections, and filing

## 5.24.110

such appeal with the finance director of the city of Mount Vernon. The finance director will, within 14 days of receiving such notice of appeal, conduct an administrative hearing on the matter appealed. The licensee shall be given at least five days' notice prior to the hearing, excluding weekends and holidays. The finance director is hereby authorized to adopt reasonable rules by which the appeal hearing may be conducted. All decisions of the finance director are final, and appeal therefrom may be taken to superior court. (Ord. 3049 § 12, 2001).

### 5.24.110 License – Display.

A person holding a pawnbroker's or secondhand dealer's license from the city of Mount Vernon shall prominently display the license at the place of business of the licensee. (Ord. 3049 § 13, 2001).

### 5.24.120 Criminal convictions.

No person, firm, or corporation shall be eligible to receive a license as provided in MVMC 5.24.090 if such person, or any employee of such firm or corporation, has been convicted of any violation of RCW 9A.52.020 through 9A.52.060 (burglary); RCW 9A.52.095 through 9A.52.100 (vehicle prowling); any violation of Chapter 9A.56 RCW (robbery, theft, possession of, or receiving, stolen property); violation of RCW 9A.82.050 (trafficking in stolen property); violation of RCW 9A.56.060 (constituting a felony conviction of unlawful issuance of bank checks (UIBC), or two or more misdemeanor convictions of UIBC); any violation of Chapter 9A.60 RCW (fraud); any violation of Chapter 9A.68 RCW (bribery and corrupt influence); and violation of Chapter 9A.72 RCW (perjury); any violation of Chapter 9A.82 RCW (criminal profiteering); any violation of Chapter 9A.83 RCW (money laundering); or any violation of Chapter 69.50 RCW constituting a felony (drug violations) within the preceding 10 years, whether such person was acting on his or her own behalf or as the agent of another. For the purposes of this section, offenses committed in states other than Washington that are substantially similar to those offenses identified herein shall be construed as being identical to violations of Washington law, and shall render the individual committing the offense ineligible to receive a license as if the offense had been committed in Washington. The license of any pawnbroker or secondhand dealer shall be immediately revoked upon receipt of information by the city that such person, or any employee of any such firm or corporation, licensed as a pawnbroker or secondhand dealer has been convicted of any of the offenses identified in this

section within the preceding 10 years, whether such person was acting in his or her own behalf or as the agent of another. In the event of a revocation of a license under the provisions of this section, there shall be no rebate of any license fee, or portion of any license fee. (Ord. 3049 § 14, 2001; Ord. 2721 § 1, 1996).

### 5.24.130 Violations deemed gross misdemeanors – Designated.

It is a gross misdemeanor for:

A. Any person to remove, alter, or obliterate any manufacturer's make, model or serial number, personal identification number or identifying marks engraved or etched upon an item of personal property that is purchased, consigned, or received in pledge;

B. Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter, or to knowingly fail to make entry of any material matter, in any book, record, or writing required to be kept under this chapter;

C. Any pawnbroker or secondhand dealer to receive any property from any person under the age of 18 years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or secondhand dealer as having been convicted of any violation of RCW 9A.52.020 through 9A.52.060 (burglary); RCW 9A.52.095 through 9A.52.100 (vehicle prowling); any violation of Chapter 9A.56 RCW (robbery, theft, possession of, or receiving, stolen property); violation of RCW 9A.82.050 (trafficking in stolen property); violation of RCW 9A.56.060 (constituting a felony conviction of unlawful issuance of bank checks (UIBC), or two or more misdemeanor convictions of UIBC); any violation of Chapter 9A.60 RCW (fraud); any violation of Chapter 9A.68 RCW (bribery and corrupt influence); and violation of Chapter 9A.72 RCW (perjury); any violation of Chapter 9A.82 RCW (criminal profiteering); any violation of Chapter 9A.83 RCW (money laundering) or any violation of Chapter 69.50 RCW constituting a felony (drug violations) within the preceding 10 years whether the person is acting in his or her own behalf or as the agent of another;

D. Any pawnbroker or secondhand dealer to refuse to allow any prosecuting authority or any peace officer or officer of the city to inspect his or her records, or any goods received and in his or her possession during the ordinary hours of business;

E. Any person to fail to immediately notify the chief of police of the possession of any property which he or she may have good cause to believe

has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him or her;

F. Any person to engage in the business of pawnbroker or secondhand dealer without first having procured a current annual license; or

G. Any pawnbroker to engage in the business of cashing or selling checks, drafts, money orders, or other commercial paper serving the same purpose unless the pawnbroker complies with the provisions of Chapter 31.45 RCW; or

H. Any person to knowingly violate any other provision of this chapter or Chapter 19.60 RCW. (Ord. 3049 § 15, 2001).

**5.24.140 Miscellaneous violations – Penalty.**

Any violation of any provision of this chapter, other than those violations set forth in MVMC 5.24.130, shall be a misdemeanor. (Ord. 3049 § 16, 2001).

**Chapter 5.28**

**SEWAGE SYSTEM INSTALLERS**

Sections:

- 5.28.010 Definitions.
- 5.28.020 Applicability of provisions.
- 5.28.030 License – Required when.
- 5.28.040 License – Issuance prerequisites – Bond.
- 5.28.050 License – Fee – Period of validity – Renewal requirements – Not required when.
- 5.28.060 License – Suspension or revocation – Grounds and procedure – Appeals.
- 5.28.070 License – Nontransferability.
- 5.28.080 Licensee – Notification of address change required when.
- 5.28.090 Damages by failure of installer to perform – Legal remedies.
- 5.28.100 Licensee – Permit of self-inspection granted when – Conditions.
- 5.28.110 Enforcement authority.
- 5.28.120 Violation deemed misdemeanor – Penalty.

**5.28.010 Definitions.**

The following shall apply in the interpretation and enforcement of this chapter:

A. “Health department” means the Skagit County health department;

B. “Health officer” means the duly appointed health officer of Skagit County or his duly authorized representative;

C. “Individual sewage disposal system” means septic tank, grease trap, leaching pit, surface and subsurface disposal fields or filter beds and appurtenances, or any approved device designed for disposal of sewage other than public sewers;

D. “Installer” means any person engaged for hire to excavate land for an individual septic sewage disposal system, to install, to alter, and/or to repair an individual sewage disposal system;

E. “Installer’s license” means a license granted by Skagit County to installers, or a license issued by the city of Mount Vernon;

F. “Person” means an individual, whether of a firm, a trusteeship, a corporation or an association. (Ord. 1453 § 2, 1964).

**5.28.020 Applicability of provisions.**

Provisions of this chapter shall apply to all territories lying within the limits of the city. (Ord. 1453 § 1, 1964).

## 5.28.030

### 5.28.030 License – Required when.

It is unlawful for any person to engage in the business of installation, alteration and/or repair of individual sewage disposal systems, without possessing a valid installer's license, provided that an installer's license shall not be required of any owner installing or repairing an individual sewage disposal system upon his own property for his own residential occupancy. (Ord. 1453 § 3, 1964).

### 5.28.040 License – Issuance prerequisites – Bond.

Before an installer's license shall be issued:

A. The applicant shall submit in legible form to the health officer his completed and properly signed application accompanied by the required fee made payable to the city;

B. The applicant shall pass the installer's examination or otherwise demonstrate to the health officer sufficient knowledge of principles of sanitation and the rules and regulations governing individual sewage disposal systems in Skagit County;

C. The applicant shall deliver to the Skagit County health officer a bond:

1. In the form approved by both the health officer and the prosecuting attorney,

2. In the sum of \$1,000, executed by a surety company duly authorized to do business in the state of Washington, or by two good and sufficient guarantors not connected in business with the applicant and approved by the health officer, and

3. Conditioned that the said registered installer and his agents in performing the work governed by this chapter shall exercise all reasonable care and skill and shall fully comply with all provisions of this chapter. The initial bond may be continued in effect thereafter by delivery of the yearly continuation certificate furnished by the bonding company or guarantors. (Ord. 1453 § 4, 1964).

### 5.28.050 License – Fee – Period of validity – Renewal requirements – Not required when.

Each installer's license as required under this chapter shall be issued for the calendar year. The license fee shall be \$50.00 for the first calendar year, and the renewal fee shall be \$10.00 per consecutive calendar year. All license renewal applications, accompanied by the required bond and renewal fee, shall be submitted to the Skagit County health department by December 15th. Any person holding a current and valid installer's license issued by Skagit County, Washington, shall

be exempt from payment of installer's license fees required by this chapter.

All applications for installer's licenses shall be made upon forms provided by the Skagit County health department. (Ord. 1453 § 5, 1964).

### 5.28.060 License – Suspension or revocation – Grounds and procedure – Appeals.

An installer's license may be suspended or revoked for misrepresentation in giving false information, or for failure to comply with the rules and regulations governing individual sewage disposal systems in Skagit County or the provisions of this chapter.

Suspension and/or revocation of a license shall be carried out as follows: The health officer shall notify by person, telephone or mail as to the deficiencies and/or violations of each installation disapproved. If after 48 hours, except for Saturdays, Sundays and holidays, the licensee fails to advise the health office of his plan to correct the deficiencies or violations, the health officer shall then confirm the notification by registered mail to the latest reported address of the installer's business or residence and giving an opportunity within eight days for a hearing before the health officer; 10 days from the date of receipt of this notification, the health officer shall suspend or revoke the license unless, within this 10-day period, the licensee has given in writing satisfactory reason for not suspending or revoking his license. Said revocation may be further appealed to the city council of Mount Vernon. (Ord. 1453 § 6, 1964).

### 5.28.070 License – Nontransferability.

An installer's license is not transferable. (Ord. 1453 § 7, 1964).

### 5.28.080 Licensee – Notification of address change required when.

Any person having been issued an installer's license is required to notify the health officer in writing within four days, of any change in his business address and/or of his home address. (Ord. 1453 § 8, 1964).

### 5.28.090 Damages by failure of installer to perform – Legal remedies.

Any person who may be damaged by failure of a licensed installer to install, alter or repair any individual sewage disposal system as required under the rules and regulations of the Skagit County board of health, shall in addition to other legal remedies have a right of legal action in his own name on the bond as required under this chap-

ter and for an amount not exceeding \$1,000. (Ord. 1453 § 9, 1964).

**5.28.100 Licensee – Permit of self-inspection granted when – Conditions.**

Pursuant to this chapter, the health officer may at his discretion, grant to a licensed installer, without charge, a permit of self-inspection. The conditions of such permit continuation, the limits of such permit authorization, as well as the nullification of such a permit, shall be at the discretion and direction of the health officer. (Ord. 1453 § 10, 1964).

**5.28.110 Enforcement authority.**

It shall be the duty of the Skagit County health officer to enforce the provisions of this chapter. (Ord. 1453 § 11, 1964).

**5.28.120 Violation deemed misdemeanor – Penalty.**

Any person found guilty of willful violation of this chapter is deemed guilty of a misdemeanor and subject to the provisions of MVMC 1.20.010. (Ord. 1453 § 12, 1964).

**Chapter 5.32**

**TAXICABS**

Sections:

- 5.32.010 License – Required when – Fee.
- 5.32.020 Fee for stands occupying meter space.
- 5.32.030 Fees payable in advance annually.
- 5.32.040 License – Issuance prerequisites and authority.
- 5.32.050 Violation deemed misdemeanor – Penalty.

**5.32.010 License – Required when – Fee.**

No person, firm, or corporation shall operate a taxicab, automobile for hire, nor use a stand on the streets of Mount Vernon for taxicab service, without securing from the finance director and thereafter maintaining in full force and effect a license therefor as herein provided. The license fee for operating an automobile for hire service or taxicab service in the city shall be \$75.00 per year, plus \$25.00 per year for each vehicle operated in the city. (Ord. 2412 § 1, 1990; Ord. 1180 § 1, 1955; Ord. 976 § 1, 1947).

**5.32.020 Fee for stands occupying meter space.**

In addition to the annual license fee above provided, there shall be payable to the city the sum of \$300.00 per year for each stand occupying an available parking space on a city street or city-owned parking lot. (Ord. 2412 § 2, 1990; Ord. 976 § 2, 1947).

**5.32.030 Fees payable in advance annually.**

The license fee and the fee for the street stand shall be payable annually in advance. (Ord. 976 § 3, 1947).

**5.32.040 License – Issuance prerequisites and authority.**

The city finance director is instructed to issue a license to any applicant who has complied with the state law respecting securing of for-hire licenses and for-hire surety bond or liability insurance policy as provided by law. The city license of any taxicab operator failing to comply with the provisions of Chapter 46.72 RCW or of any person whose permit or certificate has been suspended or revoked under the terms of that chapter shall be automatically revoked. To renew a license which has been revoked the applicant must pay the fees set forth in MVMC 5.32.010 and show full compliance with

**5.32.050**

state laws. (Ord. 2412 § 3, 1990; Ord. 976 § 4, 1947).

**5.32.050 Violation deemed misdemeanor – Penalty.**

It is a misdemeanor punishable as set forth in MVMC 1.20.010 for violation of this chapter. (Ord. 976 § 5, 1947).

**Chapter 5.36**

**TRAILERS AND MOBILE HOMES<sup>1</sup>**

Sections:

- 5.36.010 Definitions and applicability of provisions.
- 5.36.020 Exemptions from applicability.
- 5.36.030 Location in certain districts prohibited.
- 5.36.040 Permit, license and compliancy with laws and regulations required.
- 5.36.050 Permit – Application – Contents required.
- 5.36.060 Permit – Application – Issuance authority and criteria.
- 5.36.070 License – Required – Issued when – Fee – Period of validity – Revocation authorized when – Appeals.
- 5.36.080 Violation – Penalty.

**5.36.010 Definitions and applicability of provisions.**

A. “House trailer,” as used in this chapter includes any and all types and varieties of mobile home, including all structures originally manufactured or designed for use as mobile homes whether in their original manufactured state or after conversion into permanent structures and before or after placement on permanent or semipermanent foundations. This chapter does not apply and the term “house trailer” does not apply to small trailers commonly known as “camping trailers,” which may be stored within the city but which are not used for human habitation in any manner within the city.

B. “Person,” as used in this chapter includes individuals, partnerships, associations or corporations. (Ord. 1338 §§ 1 and 2, 1960).

**5.36.020 Exemptions from applicability.**

This chapter shall not apply to house trailers located within licensed trailer courts in the city. (Ord. 1338 § 9, 1960).

**5.36.030 Location in certain districts prohibited.**

No person shall place, move, install or maintain a house trailer on private property within any residential district R-1 or residential district R-1B within the city limits as said districts already established by the zoning ordinances of the city. (Ord. 1338 § 3, 1960).

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1. For mobile home park zoning, see Ch. 17.39 MVMC.

**5.36.040 Permit, license and compliancy with laws and regulations required.**

No person shall place, move, install or maintain a house trailer on any other private property within the city without first obtaining a permit to do so from the planning commission and obtaining a license from and paying the required license fee to the city clerk-treasurer. Any person obtaining a permit and license shall comply with all of the laws of the state of Washington and of the laws and regulations of the county of Skagit and the city of Mount Vernon, with respect to sanitation and health. (Ord. 1338 § 4, 1960).

**5.36.050 Permit – Application – Contents required.**

Any person desiring to place, install or maintain a house trailer within the city shall apply in writing to the Mount Vernon planning commission stating his full name, address, present location of the house trailer and proposed location of the house trailer together with a description, designating the year, make and model and the size of the house trailer. (Ord. 1338 § 5, 1960).

**5.36.060 Permit – Application – Issuance authority and criteria.**

Upon receiving an application for a house trailer permit the planning commission shall make or cause to be made a study of the proposal and inspection of the house trailer and proposed house trailer location. In deciding whether or not to issue said permit, the planning commission shall consider the permanent or temporary nature of the proposed installation, the feelings and attitudes of other persons and property owners within the area, the effect of the installation on the use and enjoyment of nearby property and the market value of nearby property, the condition and appearance of the actual mobile unit proposed to be installed, the amount of area of the proposed location and the proximity of other buildings near the proposed location. If, after a consideration of the foregoing factors, the planning commission shall deem the proposed house trailer installation contrary to the general welfare of the city and its inhabitants, then said permit application shall be denied. If, after the same consideration, the planning commission shall deem the proposed installation not contrary to the general welfare of the city and its inhabitants, then said permit shall be approved and issued. (Ord. 1338 § 6, 1960).

**5.36.070 License – Required – Issued when – Fee – Period of validity – Revocation authorized when – Appeals.**

A. No person shall under any circumstances place, move, install or maintain a house trailer within the city without obtaining a house trailer license from the city clerk-treasurer. The city clerk-treasurer shall issue said license upon presentation of a permit from the planning commission and payment of the annual license fee. The annual license fee for house trailer permits shall be the sum of \$12.00 for each calendar year or portion thereof. Each license shall be valid from the date of issuance until midnight of the following December 31st.

B. The planning commission may, upon good cause shown, revoke any permit issued hereunder, which revocation shall automatically revoke any license issued hereunder. Upon notice of revocation, the licensee shall remove the house trailer from the location where installed and shall be entitled to a pro rata refund of the annual license fee.

C. Any decision of the city planning commission hereunder shall be appealable to the city council. (Ord. 1338 § 7, 1960).

**5.36.080 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and punished as set forth in MVMC 1.20.010. (Ord. 1338 § 8, 1960).

**Chapter 5.40**

**TRAILER PARKS<sup>1</sup>**

Sections:

- 5.40.010 Trailer park defined.
- 5.40.020 License – Required – Fee – Expiration date.
- 5.40.030 License – Grounds for revocation or refusal to renew.
- 5.40.040 Violation – Penalty.

**5.40.010 Trailer park defined.**

“Trailer park” as used herein is defined and is construed to mean the business of furnishing parking space for two or more inhabited house trailers on a temporary, semipermanent or permanent basis. (Ord. 1147 § 1, 1955).

**5.40.020 License – Required – Fee – Expiration date.**

Any person, firm, copartnership, voluntary association or corporation, before engaging in the business of operating a trailer park within the corporate limits of the city, shall first obtain from the city clerk-treasurer a license so to do, and shall pay an annual license fee in the sum of \$25.00. Said license, when so purchased, shall be for the calendar year for which purchased and shall expire on the thirty-first day of December of the year for which purchased. (Ord. 1147 § 2, 1955).

**5.40.030 License – Grounds for revocation or refusal to renew.**

The violation of the provisions of this chapter shall constitute grounds for summary revocation of any license granted hereunder, and failure to comply with the provisions hereof shall constitute adequate grounds for refusal to issue a license, or renew the same. (Ord. 1147 § 4, 1955).

**5.40.040 Violation – Penalty.**

Any person, firm, copartnership, voluntary association or corporation operating a trailer park without having a valid license so to do, shall be guilty of a misdemeanor and shall be punishable as set forth in MVMC 1.20.010. (Ord. 1147 § 5, 1955).

**Chapter 5.44**

**TRAVELING SHOWS**

Sections:

- 5.44.010 License – Required when.
- 5.44.020 License – Display and inspection requirements.
- 5.44.030 Compliance with state and city laws required – Admission tax collection required when.
- 5.44.040 License – Fee – Statement of duration of show required.
- 5.44.050 Violation – Penalty.

**5.44.010 License – Required when.**

Any person, firm, association or corporation desiring to stage, within the city, any circus, carnival, or any traveling show or exhibition, shall, at least 24 hours prior to opening for trade or business, obtain from the city clerk-treasurer a license and pay the license fees provided herein. (Ord. 1246 § 1, 1957).

**5.44.020 License – Display and inspection requirements.**

Such license shall be prominently displayed at the entrance of such circus, carnival, show or exhibition and available at all times to the inspection of any peace officer or other officer of the city. (Ord. 1246 § 2, 1957).

**5.44.030 Compliance with state and city laws required – Admission tax collection required when.**

Any circus, carnival, traveling show or exhibition staged within the city shall be conducted in accordance with the laws of the state and the ordinances of the city. All licensees hereunder shall collect and pay to the city any admissions taxes required by the ordinances of the city. (Ord. 1246 § 3, 1957).

**5.44.040 License – Fee – Statement of duration of show required.**

All applicants for licenses hereunder shall furnish to the city clerk-treasurer a sworn statement regarding the duration of the stay of their circus, carnival, show or exhibition and the license shall specify such duration and shall expire on the day specified on the license. License fees shall be charged as follows: \$50.00 per day, payable in advance. (Ord. 1246 § 4, 1957).

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1. For mobile home park zoning, see Ch. 17.32.

**5.44.050 Violation – Penalty.**

The violation of any of the terms of this chapter shall be a misdemeanor and shall subject the offender to the provisions of MVMC 1.20.010, and in addition thereto, the revocation of the license issued hereunder. (Ord. 1246 § 5, 1957).

**Chapter 5.48****UTILITY OCCUPATIONS TAX LICENSE**

## Sections:

- 5.48.010 City powers to license for revenue.
- 5.48.020 Definitions.
- 5.48.030 License – Required – Operation without deemed chapter violation.
- 5.48.040 License tax year.
- 5.48.050 Occupations subject to tax – Amount.
- 5.48.060 Exceptions and deductions from gross income.
- 5.48.063 Allocation of income for cellular telephone service.
- 5.48.066 Rate change.
- 5.48.070 Tax year and preparation of returns.
- 5.48.080 Recordkeeping and inspection requirements.
- 5.48.090 Confidentiality required – Exceptions.
- 5.48.100 Examination and investigation authorized when.
- 5.48.110 Refunds and statements for balance due authorized when.
- 5.48.120 Liability for license fee or tax payment – Notice required.
- 5.48.130 Unlawful acts designated.
- 5.48.140 Disposition of moneys.
- 5.48.150 Violation – Penalty.
- 5.48.160 Effective date.

**5.48.010 City powers to license for revenue.**

The provisions of this chapter shall be deemed as exercise of the power of the city to license for revenue. (Ord. 2087 § 2, 1983).

**5.48.020 Definitions.**

In construing this chapter, except when otherwise plainly declared or clearly apparent from context, the following definitions shall be applied:

A. “Cellular telephone service” means a two-way voice and data telephone/telecommunication system based in whole or substantially in part on wireless radio communications and which is not currently subject to regulation by the Washington Utilities and Transportation Commission (WUTC). Cellular telephone service includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS) and any other evolving wireless radio communications technology which accomplishes the same purpose as cellular mobile service.

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B. "Cable television service" means the one-way transmission of video programming and associated nonvideo signals to subscribers together with subscriber interaction, if any, which is provided in connection with video programming. For the purposes of this definition, open video services in which video programming is provided shall be construed as a cable television service, to the extent allowed by federal law.

C. "Competitive telephone service" means the providing by any person of telephone telecommunications equipment, or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is other than toll service which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made. Transmission of communications through cellular telephones is classified as "telephone business" rather than "competitive telephone service."

D. "Gross income" means the value proceeding or accruing from the sale of tangible property or service, and receipts (including all sums earned or charged) by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments however designated, derived wholly within the city (excluding receipts or proceeds from the use or sale of personal property constituting plant or equipment not sold in the ordinary course of trade or any interest therein, and proceeds and receipts from the sale of notes, bonds, mortgages or other evidence of indebtedness, or shares of stock and the like) and without any deductions on account of the property sold, the cost of materials used, labor costs, interest paid, or any expense whatsoever, and without any deduction on account of losses.

E. "Person" or "persons" means a person or persons of either sex, firms, copartnerships, corporations or other associations of natural persons, whether acting by themselves or by servants, agents or employees.

F. "Taxpayer" means any person liable for the license fee or tax imposed by this chapter.

G. "Tax year" or "taxable year" means the calendar year commencing on January 1st and ending on the last day of December.

H. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, cellular telephone services, coin telephone service, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or channel,

cable, microwave, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service, the providing of cable television service, or the providing of broadcast services by radio or television stations. (Ord. 3240 § 1, 2005).

### 5.48.030 License – Required – Operation without deemed chapter violation.

A. No person shall engage in or carry on any business, occupation, pursuit or privilege for which a license fee or tax is imposed by this chapter without first having obtained, and being the holder of, a valid and subsiding license so to do, to be known as an "occupations license."

B. Any taxpayer who engages in, or carries on, any business subject to tax hereunder without first obtaining his occupations license so to do, shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on, and any taxpayer who fails or refuses to pay the license fee or tax, or any part thereof, on or before the due date shall be deemed to be in operation without a license. (Ord. 2087 § 4, 1983).

### 5.48.040 License tax year.

A. All occupations licenses shall be for the tax year for which issued and shall expire at the end of such tax year.

B. Such occupations license and the fee or tax therefor, imposed hereby, shall be for the year commencing on the first day of January and ending on the last day of December of each year. (Ord. 2087 § 5, 1983).

### 5.48.050 Occupations subject to tax – Amount.

There is levied upon the persons, on account of business activities, annual license fees or occupation tax. The persons engaged in or carrying on the business shall be charged with collection of the tax as a condition of doing business, and the basic tax shall be levied hereafter upon their subscribers at the rate set forth below and in proportion to their contribution to gross income as hereinbefore defined:

A. Upon every person engaged in or carrying on the business of selling or furnishing electric lights and power, or natural or manufactured gas, a fee or tax equal to:

1. Six percent to that portion of gross income from \$1.00 to \$5,000 derived from a single customer collected monthly.

2. Four percent to that portion of gross income in excess of \$5,000 derived from a single customer collected monthly.

B. Upon every person engaged in or carrying on the business of selling or furnishing cable television service, or city sewer service, or garbage service provided within the city, a fee or tax equal to seven percent of the total gross income from such business within the city.

C. Upon any telephone business there shall be levied a tax equal to six percent of the total gross operating revenues, including revenues for intrastate toll, derived from the operation of such businesses within the city. (Ord. 3240 § 2, 2005).

#### **5.48.060 Exceptions and deductions from gross income.**

A. There shall be excluded from the total gross income, or total gross operating revenues, upon which the license fee or tax is computed, the following:

1. Transactions in interstate or foreign commerce, or from business done for the United States and the state, or their officers or agents or any amounts paid by the taxpayer to the United States and the state, as excise taxes levied or imposed upon the sale or distribution of property or services, or as an occupations tax.

2. That portion of gross income derived from charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate service.

3. Charges by a taxpayer engaging in a telephone business to a telecommunications company, as defined in RCW 80.04.010, for telephone service that the purchasers buys for the purpose of resale.

4. Adjustments made to a billing or to a customer account or a telecommunications company accrual account in order to reverse a billing or a charge that has been made as a result of third party fraud or other crime and was not properly a debt of a customer.

5. Charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter, or charges to cellular telephone service subscribers passed on to compensate for the cost to the company of the tax imposed by this chapter.

B. Deductions. There shall be allowed as a deduction the following:

1. As to cellular telephone service, cash discounts, and credit losses actually sustained by a taxpayer on an accrual basis.

2. As to electric lights and power, uncollectibles and credit losses actually sustained by a taxpayer on an accrual basis. (Ord. 3240 § 3, 2005).

#### **5.48.063 Allocation of income for cellular telephone service.**

A. Service Address. Payments by a customer for the telephone service from telephones without a fixed location shall be allocated among taxing jurisdictions to the location of which the customer's principal service address during the period for which the tax applies.

B. Presumption. There is a presumption that the service address a customer supplies to the taxpayer is current and accurate, unless the taxpayer has actual knowledge to the contrary.

C. Roaming Phones. When the service is provided while a subscriber is roaming outside the subscriber's normal cellular network area, a gross income shall be assigned consistent with the taxpayer's accounting system to the location of the originating cell site of the call, or to the location of the main cellular switching office that switched the call.

D. Dispute Resolution. If there is a dispute among one or more other cities and/or the taxpayer as to the service address of a customer who is receiving cellular telephone services, and the dispute is not resolved by negotiation among the parties, then the dispute shall be resolved by the city and the other city or cities by submitting the issue for settlement to the Association of Washington Cities (AWC). The taxpayer shall have no further liability with respect to additional taxes on the disputed revenues, but will change his or her billing records for future revenues to comport with the settlement facilitated by AWC. (Ord. 2706 § 4, 1995).

#### **5.48.066 Rate change.**

No change in the rate of tax upon persons engaging in providing cellular telephone service shall apply to business activities occurring before the effective date of the change, and, except for a change in the tax rate authorized by RCW 35.21.870, no change in the rate of the tax may take effect sooner than 60 days following the enactment of the ordinance establishing the change. The finance director, or designee, shall send to each cellular service company a copy of any ordinance changing the rate of tax upon cellular telephone service promptly upon its enactment. (Ord. 2706 § 5, 1995).

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**5.48.070 Tax year and preparation of returns.**

A. The tax year will be divided into 12 months and the tax receipts remitted on a monthly basis. The tax collected each month shall be remitted to the city clerk-treasurer on or before the twenty-fifth day of the following month.

B. On or before the twenty-fifth day of each month every business collecting the tax shall complete and file with the city clerk-treasurer an occupation tax form for the preceding month. The tax forms will be provided by the clerk-treasurer. The taxpayer shall complete the forms giving the information necessary to enable the treasurer and the taxpayer to arrive at the lawful amount of the fee or tax, and shall sign the same by affidavit swearing or affirming that the information therein given is full and true and that he knows the same to be so.

C. Every such application or return shall be accompanied by bank draft, certified check or United States money order, payable to the city clerk-treasurer, or by cash, in the amount of the tax or fee for the preceding quarter required by the provisions hereof. (Ord. 2087 § 8, 1983).

**5.48.080 Recordkeeping and inspection requirements.**

Each taxpayer shall keep books or records reflecting the amount of his gross income, and such books or records shall at reasonable times be open to the inspection of the city treasurer, or agent, for verification of the taxpayer's return or application. (Ord. 2087 § 9, 1983).

**5.48.090 Confidentiality required – Exceptions.**

The applications or returns made to the city clerk-treasurer pursuant to this chapter, shall not be made public, nor shall they be subject to the inspection of any person except the mayor, city attorney, city clerk-treasurer or his agent, and members of the city council. (Ord. 2087 § 10, 1983).

**5.48.100 Examination and investigation authorized when.**

If any taxpayer fails to apply for a license or make his return, or if the city clerk-treasurer is dissatisfied with any return, the officer or agent may enter the premises of such taxpayer at any reasonable time and may examine his books and records, and may examine any person under oath administered by him or his agent, touching the matters inquired into, or the officer or agent may fix a time for the investigation of the correctness of the return, and may issue a subpoena to the taxpayer or

any person, to attend upon such investigation and there testify under oath administered by such officer or agent, in regard to the matters inquired into, and may by subpoena require him, or any person, to bring with him such books, records and papers as may be necessary for the investigation. (Ord. 2087 § 11, 1983).

**5.48.110 Refunds and statements for balance due authorized when.**

If the city clerk-treasurer, upon investigation or upon checking returns, finds the fee or tax, or any of them, paid to him, is more than the amount required of the taxpayer, he shall refund the amount overpaid by a warrant on the current expense fund. If the city clerk-treasurer finds that the fee or tax is less than required, he shall send a statement to the taxpayer showing the balance due, and such taxpayer paying less than the required amount shall within 10 days pay the balance due. (Ord. 2087 § 12, 1983).

**5.48.120 Liability for license fee or tax payment – Notice required.**

If any taxpayer fails to apply for a license, or make his return or to pay the fee or tax therefor, or any part thereof, within three days after the same becomes due, the city clerk-treasurer shall ascertain the amount of the fee or tax and shall notify such taxpayer thereof, who shall be liable therefor in any suit or action by the city for the collection thereof. (Ord. 2087 § 13, 1983).

**5.48.130 Unlawful acts designated.**

It is unlawful for any person liable to tax or fee hereunder to fail or refuse to make application or return for a license, or to neglect or refuse to pay the fee or tax when due, or for any person to make any false or fraudulent application or return, or any false statement or representation in, or in connection with, any such application or return, or in any manner to hinder or delay the city or any of its officers in carrying out the provisions of this chapter. (Ord. 2087 § 14, 1983).

**5.48.140 Disposition of moneys.**

All moneys derived by the city from occupations tax or fee as herein assessed shall be placed by the city clerk-treasurer into the current expense fund. (Ord. 2087 § 15, 1983).

**5.48.150 Violation – Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction

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tion thereof, shall be punished by a fine of not to exceed \$300.00, or by imprisonment in the city jail for a term not to exceed 90 days, or by both such fine and imprisonment. Each day that business is conducted in violation of this chapter shall be construed as a separate violation, as provided in MVMC 5.48.020. (Ord. 2087 § 17, 1983).

**5.48.160 Effective date.**

This chapter shall take effect and be in force five days from and after its passage and publication as by law provided, with the monthly tax remittance to commence effective March 1, 1983. (Ord. 2087 § 18, 1983).

**Chapter 5.52**

**MALT LIQUOR SALE AND DISTRIBUTION**

Sections:

- 5.52.010 Sale of more than six gallons – Requirements.
- 5.52.020 Receipt required – Form.
- 5.52.030 Compliance required.
- 5.52.040 Intentional false information – Purchaser.
- 5.52.050 Intentional false information – Seller.

**5.52.010 Sale of more than six gallons – Requirements.**

Any person who sells or offers for sale kegs or other containers containing six gallons or more of malt liquor to consumers who are not licensed under Chapter 66.24 RCW shall:

A. Require the purchaser to sign a receipt for the beverage in substantially the form provided in MVMC 5.52.020 and provide the following:

- 1. Two pieces of identification, one of which is a motor vehicle operator’s license number or Washington State Identification Card, or military identifications;
- 2. Location, date and time where the beverage will be consumed;
- 3. A sworn statement providing that the purchaser is of legal age to purchase, possess or use malt liquor, that the purchaser will not allow any person under the age of 21 to consume the beverage except as provided in RCW 10.20.060, and that the purchaser will not remove or obliterate the numbered label affixed to the container.

B. Record the identification of the keg or container for the purpose of tracing the item if the contents are consumed in violation of this code in the following manner:

- 1. Record the serial number of the keg or container on the receipt;
- 2. Identify the keg or container purchased by affixing a numbered label to the keg or container;
- 3. Record the identification number on the receipt. The original copy of the receipt shall be retained for a period of one year subject to inspection by the city police department. A copy of the receipt shall be provided to the purchaser.

C. Notify the city police department in the event that the purchase exceeds six gallons or more of malt liquor. (Ord. 2120 § 1, 1984).

**5.52.020 Receipt required – Form.**

The form of the receipt required by MVMC 5.52.010 shall be substantially in the following form:

RECEIPT FOR SALE OF MALT LIQUOR  
IN KEGS OR CONTAINERS TO  
UNLICENSED PERSONS

Date of Sale \_\_\_\_\_ Invoice No. \_\_\_\_\_  
Keg Identification Number(s) \_\_\_\_\_  
Brand \_\_\_\_\_ Keg Capacity \_\_\_\_\_  
No. of Kegs \_\_\_\_\_ Total Gallons \_\_\_\_\_  
Name of Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Location, Time and Date Where  
Beverages will be Consumed \_\_\_\_\_  
Motor Vehicle Operator’s License  
Number \_\_\_\_\_  
Washington State Identification  
Card \_\_\_\_\_  
Other Identification \_\_\_\_\_

I declare that under penalty of violation of Mount Vernon Municipal Ordinance Number 2120 that the information provided in this receipt is true and correct and that I am over the legal age to purchase, possess or use malt liquor, that I will not allow the malt liquor purchased and identified by this receipt to be consumed by any person who is under the age of twenty-one (21) except as provided in RCW 10.20.060, and that I will not remove or obliterate the numbered identification label affixed to the container.

\_\_\_\_\_  
Signature of Purchaser  
Identity of Seller \_\_\_\_\_  
Address of Licensed Premises \_\_\_\_\_

**NOTICE**

It is unlawful for any person under the age of twenty-one (21) years to acquire in any manner, consume or have in his or her possession, any intoxicating liquor, provided that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of twenty-one (21) years by his parent or guardian for beverage or medicinal purposes in the home or administered to him by his physician or dentist for medicinal purposes. A person who signs this receipt with knowledge that any information in the receipt is false does so in violation of Mount Vernon Municipal Ordinance Number 2120. Viola-

tions of any of the provisions of that ordinance is a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not to exceed 180 days.

(Ord. 2120 § 2, 1984).

**5.52.030 Compliance required.**

It shall be unlawful for any person to sell or offer for sale or to purchase any keg or container containing six gallons or more of malt liquor except upon compliance with MVMC 5.52.010 and 5.52.020. (Ord. 2120 § 3, 1984).

**5.52.040 Intentional false information – Purchaser.**

It shall be unlawful for any person to knowingly supply false information to be set forth on the receipt required by MVMC 5.52.010 or to sign such receipt knowing that information contained thereon is false. (Ord. 2120 § 4, 1984).

**5.52.050 Intentional false information – Seller.**

It shall be unlawful for any person to sell any keg or container containing six gallons or more of malt liquor knowing that any information on the receipt required by MVMC 5.52.010 is false. (Ord. 2120 § 5, 1984).

## Chapter 5.56

### PANORAMS AND PANORAM DEVICES

#### Sections:

- 5.56.010 Definitions.
- 5.56.020 License – Requirements.
- 5.56.030 Operator’s license – Requirements.
- 5.56.040 Device license – Requirements.
- 5.56.050 License – Application requirements.
- 5.56.060 License – Fees and renewal.
- 5.56.070 Right of entry for inspection of premises.
- 5.56.080 License – Issuance conditions.
- 5.56.090 License – Suspension and revocation conditions.
- 5.56.100 Appeal procedures.
- 5.56.110 Premises operation regulations.
- 5.56.120 Access or use by persons under 18 prohibited.
- 5.56.130 Violation – Penalty.

#### 5.56.010 Definitions.

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

A. “Panoram,” “preview,” “picture arcade” or “peep show” means any device for which payment of a fee, membership fee or other charge is used to exhibit or display a picture, view or graphic display, including a live performance. All such devices are denominated in this chapter by the terms “panoram” or “panoram device.” The words “panoram” or “panoram device” as used in this chapter do not include games which employ pictures, views or video displays or gambling devices regulated by the state.

B. “Panoram premises” means any premises or portion of any premises in which any panoram device is located and to which members of the public are admitted. The term “panoram premises” as used in this chapter does not include movie or motion picture theater auditoriums capable of seating more than five people.

C. “Panoram station” means a portion of any panoram premises on which panoram devices are located and from which the panoram picture, view or graphic display is to be viewed. (Ord. 2192 § 1, 1985).

#### 5.56.020 License – Requirements.

A. It is unlawful to display, exhibit, expose or maintain upon any premises to which members of the public are admitted any panoram device with-

out a valid and current license for such premises to be designated a panoram premises license.

B. Separate licenses are required for each panoram premises and the same shall at all times be conspicuously posted and maintained therein.

C. The finance director shall prescribe the form of such license, number the same, and shall indicate thereon the number of panoram devices which may be operated thereunder and the location of the licensed panoram premises. (Ord. 2192 § 2, 1985).

#### 5.56.030 Operator’s license – Requirements.

It is unlawful to own, exhibit or display for the public or to place with another, by lease or otherwise, for public use, exhibit or display any panoram device without a valid and current license to be designated a panoram operator’s license. The finance director shall prescribe the form of such license and shall number the same. (Ord. 2192 § 3, 1985).

#### 5.56.040 Device license – Requirements.

A. It is unlawful to exhibit or display for public use any panoram device upon any panoram premises without first having obtained a license for each such panoram device, to be designated a panoram device license.

B. Panoram device licenses shall be issued for specific panoram premises only and shall not be transferable.

C. The current panoram device license for each panoram device should be securely attached to such panoram device in a conspicuous place.

D. The finance director shall prescribe the form of such license and number the same. (Ord. 2192 § 4, 1985).

#### 5.56.050 License – Application requirements.

Any person seeking a panoram premises, panoram operator’s or panoram device license shall file a written application with the finance director on a form provided by the finance director for that purpose. The finance director, upon presentation of such application and before acting on the same, shall refer such application to the police department, which shall make a full investigation as to the truth of the statements contained therein, and to the planning department and fire department which shall investigate and provide information to the finance director concerning compliance of the premises and devices sought to be licensed with this and other applicable city and state health, zoning, building, fire and safety ordinances and laws. (Ord. 2192 § 6, 1985).

**5.56.060 License – Fees and renewal.**

A. 1. The license year shall be from January 1st to December 31st of each year. All licenses shall expire on December 31st each year.

2. Except as hereinafter provided, all license fees shall be payable on an annual basis. Annual license fees shall be as follows:

a. Panoram premises license, \$30.00 per year;

b. Panoram device license, \$30.00 per each device;

c. Panoram operator license, \$200.00 per year; provided, that as to panoram operator licenses, the annual fee may be paid quarterly within 15 days after the end of each quarter.

B. License fees shall not be prorated except that if the original application or license is made subsequent to June 30th of any year, the license fee for the remainder of that year shall be one-half the annual license fee. Licenses issued under this chapter may not be assigned or transferred to other operators, premises or devices.

C. The licenses required by the terms of this chapter shall be procured by the licensee prior to January 31st in the calendar year for which required or prior to the commencement of operation of business in the city, whichever date is later. For any license procured after the applicable date required herein there is assessed, and there shall be collected by the finance director, in addition to the annual license fee, a delinquency charge of 10 percent of the annual license fee for each month or part of a month accruing between the times such license is procured and the time when the same should have been procured (January 31st) under the terms of this chapter. (Ord. 2192 § 5, 1985).

**5.56.070 Right of entry for inspection of premises.**

A. Applicants for any license authorized to be issued under this chapter shall allow the premises and devices sought to be licensed to be inspected by authorized inspectors from the fire, police and planning departments.

B. Licensees operating premises and devices licensed under this chapter shall hold those areas upon the premises which are accessible to the public and devices therein open for routine regulatory inspection by the city and other regulatory agencies during normal business hours, and at all times during actual operation of the business. (Ord. 2192 § 7, 1985).

**5.56.080 License – Issuance conditions.**

A. After investigation, the finance director shall issue the applicable license or licenses authorized by this chapter if the finance director finds:

1. That the business for which a license is required by this chapter will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws of the state and the ordinances of the city as well as the requirements of this chapter;

2. That the applicant, his or her employees, agents, partners, directors, officers, stockholders or managers have not knowingly made false, misleading or fraudulent statements of fact in the application for license or in any report or record required to be filed with the finance director;

3. That the applicant has not had a panoram premises, panoram operator's or panoram device license revoked by the city within two years of the date of application;

4. That the applicant and all employees, agents, partners, directors, officers or managers have attained the age of 18 years.

B. The decision of the finance director regarding issuance of any license shall be rendered within 30 days of the date of filing of the application. (Ord. 2192 § 8, 1985).

**5.56.090 License – Suspension and revocation conditions.**

A. After an investigation and upon the recommendation of the chief of police, city planner or fire chief, the finance director may, upon 30 days' notice, revoke any license issued pursuant to this chapter if one or more of the following conditions exist:

1. License was procured by fraud or false representation of fact in the application or in any report or record required to be filed with the finance director;

2. The building structure, equipment or location of the business for which the license was issued does not comply with the requirements, or fails to meet the standards of the applicable health, zoning, building, fire and safety laws of the state and ordinances of the city and the requirements of this chapter;

3. The licensee, his or her employee, agent, partner, director, officer or manager has knowingly allowed or permitted any act of sexual intercourse, sodomy, oral copulation or masturbation to be committed in or upon the panoram premises, or has knowingly allowed the panoram premises to be used as a place in which solicitations for sexual

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intercourse, sodomy, oral copulation or masturbation occur; or

4. The licensee, his or her employee, agent, partner, director, officer or manager has been convicted of an offense under RCW 9.68.140 in connection with the licensed premises or a licensed panoram device.

B. If the finance director finds that any condition set forth in subsection A of this section exists and that such condition constitutes an immediate threat of serious injury or damage to person or property, the finance director may immediately revoke the license issued under this chapter without prior opportunity to be heard, in which event the licensee shall be entitled to a post-revocation hearing in accordance with MVMC 5.56.100 at the soonest available opportunity. The notice of immediate revocation of license given pursuant to this subsection shall include the finance director's finding regarding the condition found to exist and that it constitutes an immediate threat of injury or damage to person or property and the reasons therefor. (Ord. 2192 § 9, 1985).

### 5.56.100 Appeal procedures.

A. Any person aggrieved by the action of the finance director in the refusing to issue or renew any license under this chapter or in revoking any license issued under this chapter shall have the right to appeal such action to the city council by filing a notice of appeal with the finance director within 10 days of receiving notice of the action from which the appeal is taken.

B. The city council upon receipt of a timely notice of appeal shall set a date for hearing such appeal. The city council shall hear testimony, take evidence and may hear oral arguments and receive written briefs. Except in cases of summary revocation of licenses because of immediate threat of serious injury or damage to persons or property pursuant to MVMC 5.56.090(B), the filing of such appeal shall stay the action of the finance director pending the decision of the council. (Ord. 2192 § 10, 1985).

### 5.56.110 Premises operation regulations.

The finance director shall not license any panoram premises which does not conform to the following requirements and shall revoke the license of any panoram premises and the license of any operator thereof which does not maintain conformity with the following requirements:

A. The entire interior of the panoram premises shall be arranged in such a manner that the interior of every panoram station is visible from the

entrance to or a central corridor or other readily accessible part of the panoram premises and in such a manner that the entire back of any person viewing a panoram device is visible when observed from such location.

B. No booths or enclosures of any kind shall be maintained for any panoram device. Panoram devices may be shielded as necessary from light or as necessary to prevent the panoram picture, view or graphic display from being viewed by any person who has not paid to see it; provided, however, that no such shield shall extend above the level of the top or below the level of the bottom of the picture, view or graphic display, nor shall any shield extend more than 12 inches horizontally from the front of the panoram picture, view or graphic display.

C. The licensee shall not permit any doors to areas on the premises which are available for use of persons other than the licensee or employees of the licensee to be locked during business hours.

D. The licensee shall maintain illumination generally distributed in all parts of the premises available for the use by the public and at all times when the premises are open or when any member of the public is permitted to enter and to remain therein. (Ord. 2192 § 11, 1985).

### 5.56.120 Access or use by persons under 18 prohibited.

It is unlawful for anyone under the age of 18 years to be in or upon any panoram premises or to use any panoram device upon any panoram premises and it is unlawful for any operator or owner of a panoram device or for any manager or other person in charge of any panoram premises to permit or let anyone under 18 years of age to be in or upon such premises or to use any such device. (Ord. 2192 § 12, 1985).

### 5.56.130 Violation – Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punished in accordance with MVMC 1.20.010. (Ord. 2192 § 13, 1985).

**Chapter 5.60****GARAGE SALES**

Sections:

- 5.60.010 Definitions.
- 5.60.020 Garage sales – Limits.
- 5.60.030 Signs to be placed only on residential premises.
- 5.60.040 Sales not to impede traffic.
- 5.60.050 Violations – Penalties.

**5.60.010 Definitions.**

For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. “Garage sale” means and includes all general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “back yard,” “patio,” “flea market” or “rummage sale.” This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

B. “Person” means any corporation, individual, or members of a family conducting the sale, but shall not include nonprofit organizations.

C. “Nonprofit organization” includes, but is not limited to, fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, churches, church auxiliary organizations, student groups and parent-teacher organizations.

D. “Personal property” does not include farm equipment, automobiles, lumber, fruit and vegetables being sold and displayed in commercially zoned areas of the city. (Ord. 2503 § 1, 1992).

**5.60.020 Garage sales – Limits.**

No person shall operate, conduct, manage, allow or permit a garage sale upon his premises or other property under his control more often than once per quarter or four times per calendar year. The sale shall not be continued for a period of more than three consecutive days and shall be conducted from the hours of 8:00 a.m. to 8:00 p.m. (Ord. 2503 § 2, 1992).

**5.60.030 Signs to be placed only on residential premises.**

Signs, cards or placards advertising a garage type sale shall be placed only on the residential premises on which the garage sale is being conducted or on other property with permission of the owner. Signs shall not be posted more than 48 hours prior to the sale and shall be removed within 24 hours after the close of the sale. Signs shall not be attached to any public structure, signs, utility poles, or traffic control devices. (Ord. 2503 § 3, 1992).

**5.60.040 Sales not to impede traffic.**

Garage sales shall be supervised by, and are the responsibility of, the occupant of the residential premises. This person shall not allow vehicles to impede the passage of traffic on any public roads in the area of the residential premises. Personal property shall not be displayed on any public rights-of-way. No yard type sale shall be allowed if in the opinion of the city police and fire departments it may constitute a traffic, fire, or other safety hazard. Police or fire departments may require closure of the sale if in the opinion of the department a traffic, fire, or safety hazard is present, or for any violations of the above rules and regulations. (Ord. 2503 § 4, 1992).

**5.60.050 Violations – Penalties.**

A. Any person violating any of the provisions of this chapter shall be deemed to have committed a non-traffic infraction and shall be subject to penalties as follows:

1. First offense, \$50.00;
2. Second offense, \$100.00;
3. Third or more offenses, \$150.00.

B. The provisions of Chapter 46.63 RCW for the disposition of traffic infractions shall apply to the dispositions of all violations under this chapter except as follows:

1. The provisions in Chapter 46.63 RCW relating to the provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this chapter;
2. The provisions in Chapter 46.63 RCW relating to the imposition of sanctions against a person’s driver’s license or vehicle license are not applicable to this chapter.

C. The form for notice of infraction for a violation of this chapter shall be prescribed by rule of the Supreme Court. (Ord. 2503 § 5, 1992).

