

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2021-1080**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO SALE OF MERCHANISE  
AND REFRESHMENTS IN THE PARK; AMENDING  
ORTING MUNICIPAL CODE SECTION 8-6-3; PROVIDING  
FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE**

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**WHEREAS**, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

**WHEREAS**, the City desires to update its regulations for use of the public parks to preserve the public health and welfare benefits of the City's recreational public spaces; and

**WHEREAS**, accordingly, the City desires to limit the vending of refreshments and merchandise to special events hosted in the park; and

**WHEREAS**,

**WHEREAS**, the City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, and benefits the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are hereby adopted and incorporated as findings in support of this Ordinance.

**Section 2. OMC Section 13-7-1, Amended.** Orting Municipal Code Section 13-7-1 is hereby amended as follows:

**8-6-3: PERMIT REQUIREMENTS FOR CERTAIN ACTIVITIES:**

A. Activities Enumerated: It shall be unlawful in any park, without first securing a permit from the city, for any person to:

1. Public Address System: Use a public address system or other sound amplifying device.

2. Advertisements: Use, place or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for advertising in any park or to attach any notice, bill, poster, sign, wire, rod or card to any tree, shrub, railing, post or structure, or erect a structure of any kind.

3. Refreshment or Merchandise Sales: Sell refreshments or merchandise or engage in any business or occupation, provided:

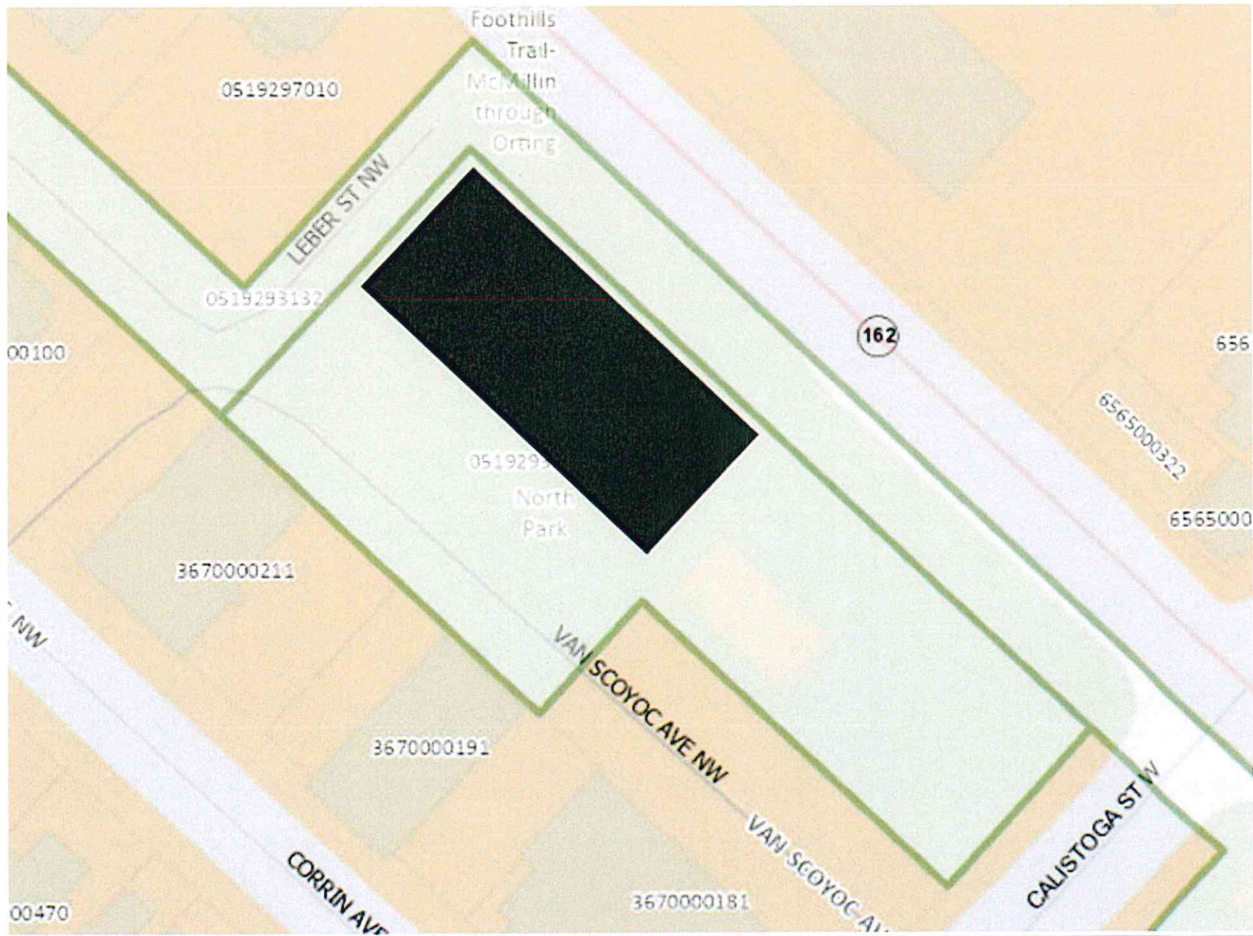
a. the business shall also obtain all other required permits, including but not limited to a business license or valid mobile food vendor license (per OMC Chapter 3-2); and

b. these activities may only occur:

i. in the area depicted in FIGURE A, subject to a Vendor Permit issued by the City, payment of a permit fee and rental fee set by resolution of the City Council, and execution of an indemnification agreement and submission of evidence in a form acceptable to the City Administrator of liability insurance the amount of at least one million dollars (\$1,000,000) (combined single limits per occurrence), two million dollars (\$2,000,000) aggregate naming the City of Orting as additional insured; or

ii. subject to a special event permit (per OMC 3-2-26).

FIGURE A





4. Peddling Or Soliciting; Entertainment: Take up any collections or to act as or apply the vocation of a solicitor, agent, peddler, beggar, strolling musician, organ grinder, exhorter, barker or showman within a park.

B. Permit Administration:

1. Display Permit Upon Request: Any person claiming to have a permit from the city must produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

2. Cancel Permit For Cause; Notice: The city reserves the right to cancel a permittee's activity on any day that the city wishes to make use of the facility and when there is a need of the facility which transcends the need of the permittee or for cause. Such notice shall be given at least twenty four (24) hours in advance.

3. Clean Up Facility: All permittees must leave the facility in a condition considered satisfactory to the caretaker or his designee who will supervise cleanup activities. No group shall conduct activities causing extra custodial work unless previous agreement has been made to pay for such work.

4. Assembly Of Minors; Adult Supervision: At all assemblies of minors under eighteen (18) years of age, responsible adults must be present throughout the entire function.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Codification.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

**Section 5. Effective Date.** This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11 DAY OF Aug, 2021.**

CITY OF ORTING

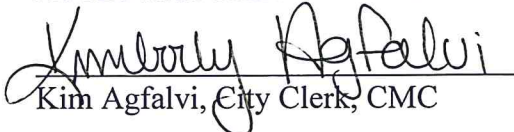
DocuSigned by:

Joshua Penner

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
Kim Agfalvi, City Clerk, CMC

Approved as to form:

Digitally signed by:

*Charlotte Archer*

203701F25520457...

Charlotte A. Archer

Inslee, Best, Doezie & Ryder, P.S.

City Attorney

Filed with the City Clerk:

Passed by the City Council:

Date of Publication:

Effective Date: