



**CGA Committee Agenda**  
**December 6<sup>th</sup>, 2023**  
**8:30am**

**Greg Hogan, Councilmember, Chair**

**Melodi Koenig, Councilmember**

**Kim Agfalvi, City Clerk**

**Scott Larson, City Administrator**

**Gretchen Russo, Finance Director**

**Danielle Charchenko, Executive Assistant/Records Clerk**

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This meeting is being held in person and through the platform zoom. A link for virtual participation can be found on the agenda or on the City's website.

Zoom link: <https://us06web.zoom.us/j/83920091281?pwd=OwpmV2Ben8WD9qYeULN0b39tXYbHNG.1>

Meeting ID: 839 2009 1281

Password: 828366

**1. Call to Order**

**2. Public Comments**

**3. Agenda Items**

- A. AB23-91 Murrey's Disposal Franchise Agreement
- B. AB-23-103 – Special Events Policy
- C. AB23-104 – Sponsorship Policy
- D. AB23-105 – Food Truck Program

**4. Meeting Minutes of November 1<sup>st</sup>, 2023.**

**5. Action Items/Round table review.**

Final comments.

Identify Items that are ready to move forward, establish next meeting's agenda.

**6. Adjournment**



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Murrey's Franchise Agreement - Annual Rate Adjustment	<b>AB23-91</b>	<b>CGA</b>		
		<b>12.6.23</b>		
	<b>Department:</b> Administration			
	<b>Date Submitted:</b> 12.1.23			
	<b>Cost of Item:</b> N/A			
<b>Amount Budgeted:</b> N/A				
<b>Unexpended Balance:</b> N/A				
<b>Bars #:</b> N/A				
<b>Timeline:</b> January 2024 Passage				
<b>Submitted By:</b> Scott Larson				
<b>Fiscal Note:</b> None				
<b>Attachments:</b> Hopkins Letter				

**SUMMARY STATEMENT:**

The City has a Franchise Agreement (Agreement) with Murreys Disposal for garbage and recycling services. Section 8.2.1 of the Agreement allows for an annual rate adjustment based on 80% of the CPI, in this case that amount would be 3.83% for 2024. Section 8.3.1 of the Agreement allows for a fee adjustment to be made based on the change in rates for the Pierce County landfill. Pierce county is increasing their fee from \$66.42 per ton to \$171.23 per ton. Attached is Murray's rate sheet along with a sheet staff prepared showing how rates change from 2023.

Murreys is also requesting a new fee pursuant to 8.3.4 of the Agreement to help offset increased diesel costs due to the state's carbon fee on fuel. Section 8.3.4 of the Agreement states that "Changes in federal, state or local laws, taxes or regulations... that results in a detrimental change in operating circumstances or a material hardship upon the Franchisee at any time in performing this Franchise may be the subject of a request by the Franchisee for a rate adjustment, subject to review and approval by the City, which approval shall not be unreasonably withheld.

For this increase in taxes, Murreys is proposing a \$0.19/month increase in rates for residential customers and a \$0.28 to \$2.84/month increase for commercial customers. The city has the right to audit this request if it chooses.

Murrey's must notify the city 60 days before the increase which is effective March 1, 2024, and notify their customers 45 days before the increase. The City received notice of this increase on November 22, 2023.

**RECOMMENDED ACTION: Action:**

Due to the timeline Murreys has to notify customers, staff recommend we have a first reading at the December 13, 2023 council meeting with anticipated passage on January 10, 2024.

**FUTURE MOTION: Motion:**

To Approve Murrey's Rates As shown in Exhibit A, effective March 1st, 2024.

November 22, 2023

City of Orting  
Scott Larson, City Administrator  
110 Train St. SE  
Orting, WA 98360

Re: Notice of Rate Adjustment under Section 8.2.1, 8.3.1, and 8.3.4 of the Franchise Agreement between the City of Orting and Murrey's Disposal

Dear Mr. Larson:

Section 8.2.1 of the Franchise Agreement between the City of Orting and Murrey's Disposal, effective April 1<sup>st</sup>, 2012, provides for an annual CPI adjustment equal to 80% of the change in the 1<sup>st</sup> half semi-annual percentage change in the Consumer Price Index for All Urban Consumers, U.S. Department of Labor, Seattle-Tacoma-Bellevue area for the year preceding the rate adjustment. Eighty percent of the CPI change for this period is 3.83%

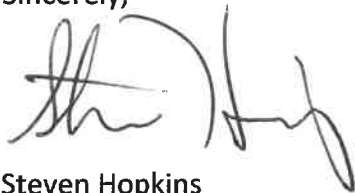
Section 8.3.1 of the Franchise Agreement provides for disposal fee adjustments to be made to collection rates to reflect changes to Pierce County disposal fees. We have been notified that on March 1, 2024, the landfill rate in Pierce County will increase from \$171.23 per ton to \$174.84 per ton.

Section 8.3.4 of the Agreement allows for the Contractor to apply to the City for temporary rate adjustments to reflect unforeseen costs arising during the term of this Agreement. As a result of the implementation of Washington's Climate Commitment Act, Murrey's has begun incurring a carbon fee on all fuel purchases. The current impact of passing through the carbon fee for residential customers is \$0.19/month. The impact for commercial customers ranges from \$0.28/month to \$2.84/month depending on the customer's level of requested service.

Rates reflecting the disposal fee increase, and changes in the CPI are detailed by level of service in the attached exhibit.

We take pride in providing you with comprehensive waste collection, disposal, and recycling services. If I can answer any questions, please contact me by phone at (541) 335-1351 or by email at [stevenh@wcnx.org](mailto:stevenh@wcnx.org).

Sincerely,



Steven Hopkins  
District Manager  
Murrey's Disposal

Cc: David-Patrick Dare, Murrey's Disposal  
Rachel Reynolds, Murrey's Disposal

**DM DISPOPSAL 2023 RATES**

Effective March 1, 2024

<u>Can Service:</u>	<u>2023</u>		<u>Increase</u>	
10 gallon weekly w/ recycle	\$ 16.60	\$ 17.36	\$ 0.76	per month
20 gallon weekly w/ recycle	\$ 22.61	\$ 23.68	\$ 1.07	per month
32 gallon weekly w/ recycle	\$ 27.87	\$ 29.23	\$ 1.36	per month
64 gallon weekly w/ recycle	\$ 44.21	\$ 46.46	\$ 2.25	per month
96 gallon weekly w/recycle	\$ 60.47	\$ 63.61	\$ 3.14	per month
Recycle Plus	\$ 18.00	\$ 18.00	\$ -	per month
Packout/Drive-in	\$ 11.34	\$ 11.80	\$ 0.46	per month
Occasional extra	\$ 7.44	\$ 7.79	\$ 0.35	per month
Return Trip	\$ 8.67	\$ 9.02	\$ 0.35	per month
Bulky Item Per Yard	\$ 28.92	\$ 30.14	\$ 1.22	per month
Return Check Fee	\$ 27.42	\$ 28.52	\$ 1.10	per month

<u>Container Service:</u>				
1 yard once a week	\$ 123.48	\$ 129.74	\$ 6.26	per month
1 yard twice a week	\$ 239.51	\$ 251.72	\$ 12.21	per month
1.5 yard once a week	\$ 169.31	\$ 178.06	\$ 8.75	per month
1.5 yard twice a week	\$ 334.99	\$ 352.34	\$ 17.35	per month
2 yard once a week	\$ 218.16	\$ 229.36	\$ 11.20	per month
2 yard twice a week	\$ 429.42	\$ 451.53	\$ 22.11	per month
2 yard three times a week	\$ 647.55	\$ 680.86	\$ 33.31	per month
4 yard once a week	\$ 411.82	\$ 433.07	\$ 21.25	per month
4 yard twice a week	\$ 823.59	\$ 866.09	\$ 42.50	per month
4 yard three times a week	\$ 1,210.27	\$ 1,273.00	\$ 62.73	per month
6 yard once a week	\$ 583.80	\$ 613.46	\$ 29.66	per month
6 yard twice a week	\$ 1,167.13	\$ 1,226.88	\$ 59.75	per month
6 yard three times a week	\$ 1,750.74	\$ 1,840.37	\$ 89.63	per month
6 yard five times a week	\$ 2,863.10	\$ 3,010.28	\$ 147.18	per pickup
4 yard compactor once a week 5:1	\$ 1,766.72	\$ 1,861.21	\$ 94.49	per pickup
1 yard extra on regular route	\$ 29.10	\$ 30.57	\$ 1.47	per pickup
1.5 yard extra on regular route	\$ 43.74	\$ 45.50	\$ 1.76	per pickup
2 yard extra on regular route	\$ 50.93	\$ 53.54	\$ 2.61	per pickup
4 yard extra on regular route	\$ 96.00	\$ 100.94	\$ 4.94	per pickup
6 yard extra on regular route	\$ 135.97	\$ 142.92	\$ 6.95	per pickup
4 yard compactor extra regular route 5:1	\$ 408.38	\$ 430.21	\$ 21.83	per pickup
Extra Yardage	\$ 17.92	\$ 18.94	\$ 1.02	per pickup
Lock/Unlock	\$ 5.36	\$ 5.57	\$ 0.21	per incident

Connect/Reconnect	\$ 13.75	\$ 14.30	\$ 0.55	per unit
Yard Waste 90-gal toter	\$ 6.28	\$ 6.53	\$ 0.25	per month
Occasional extra yard waste	\$ 3.01	\$ 3.13	\$ 0.12	per pickup
MF-Recycling	\$ 5.23	\$ 5.44	\$ 0.21	per month
Redeliver Cart	\$ 18.72	\$ 19.47	\$ 0.75	per delivery
Additional Recycling Cart	\$ 7.98	\$ 8.30	\$ 0.32	per month
Restart Fee	\$ 30.44	\$ 31.66	\$ 1.22	per incident
Time Change	\$ 114.77	\$ 119.39	\$ 4.62	per incident

City of Orting  
PO Box 489  
Orting WA 98360

EXHIBIT - A - 3/1/2024

<b>Can Service:</b>	<b>3/1/2024</b>
10gallon Cart	17.36
20gallon Cart	23.68
32gallon Cart	29.23
64gallon Cart	46.46
96gallon Cart	63.61
Recycle Plus	18.00
Packout/Drive-in	11.80
Occasional extra	7.79
Return trip	9.02
Bulky Item Per Yard	30.14
Return Check Fee	28.52
<b>Container Service:</b>	
1 yard once a week	129.74
1 yard twice a week	251.72
1.5 yard once a week	178.06
1.5 yard twice a week	352.34
2 yard once a week	229.36
2 yard twice a week	451.53
2 yard three times a week	680.86
4 yard once a week	433.07
4 yard twice a week	866.09
4 yard three times a week	1,273.00
6 yard once a week	613.46
6 yard twice a week	1,226.88
6 yard three times a week	1,840.37
6 yard Five times a week	3,010.28
4 yard compactor once a week 5:1	1,861.21
1 yard extra on regular route	30.57
1.5 yard extra on regular route	45.50
2 yard extra on regular route	53.54
4 yard extra on regular route	100.94
6 yard extra on regular route	142.92
4 yard compactor extra regular route 5:1	430.21
Extra Yardage	18.94
Lock/Unlock	5.57
Connect/Reconnect	14.30
Yard Waste 90-gal toter	6.53
Occasional extra yard waste	3.13
MF-Recycling	5.44
Redeliver Cart	19.47
Additional Recycling Cart	8.30
Restart Fee	31.66
Time Change	119.39



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Special Event Policy.	<b>AB23-103</b>	<b>CGA</b>		
		<b>11.1.2023</b>		
		<b>12.6.2023</b>		
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	<b>11.1.2023</b>		
<b>Cost of Item:</b>	N/A			
<b>Amount Budgeted:</b>	N/A			
<b>Unexpended Balance:</b>	N/A			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Kim Agfalvi, City Clerk</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b>	Special Event Policy			
<b>SUMMARY STATEMENT:</b>				
<p>The proposed City of Orting Special Event Policy outlines the special event application and review process, conditions of approval, application denial or event cancellation, fees, event sponsorship, insurance requirements, and community impact.</p>				
<b>RECOMMENDED ACTION:</b>				
Move forward to study session for Council consideration.				
<b>FUTURE MOTION:</b>				
Motion to approve the Special Event Policy as prepared.				





## City of Orting

### Special Event Policy

I. **Definitions:** The following terms shall have the following meanings:

“Special event” means the following:

1. Any organized formation, parade, procession or assembly consisting of persons, animals, vehicles or any combination thereof, traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk or other public way which does not comply with normal and usual traffic regulations or control; or
2. Any organized assemblage of 50 or more persons at any City-owned facility or park which is to gather for a common purpose under the direction and control of a responsible person or agency; or
3. Any other organized activity or set of activities open to the public conducted by an individual, group or entity for a common or collective use or benefit and which involves the use of public facilities or rights-of-way and the possible or necessary provision of City services ancillary thereto.

“Special events” include any event which is to be conducted on public property or public right-of-way; and, 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-ways near the event, or, which would significantly impact the need for City-provided emergency services, such as police, fire, or medial aid. It is presumed that any event on private property which involves an open invitation to the public, 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 public streets, rights-of-way or emergency services. Special events may include but are not limited to fun runs/walks, athletic competitions, bike-a-thons, parades, carnivals, city/town heritage celebrations, shows or exhibitions, holiday festivals, circuses, block parties, markets, musical entertainments, and motion picture filming.

“Special events protected under the First and Fourteenth Amendments” include any event involving political or religious activity intended primarily for the communication or expression of ideas.

“Special Event Permit” refers to the conditions of approval letter provided to the Applicant by the City, signed by the Applicant.

“Applicant” refers to the organization or individual named on the Special Event Application.

“City” refers to the City of Orting.

- II. **Special Event Application:** Approval from the City is required for any special event within Orting City limits. Submission of the completed Special Event Application, any additional information or documents required by the City, payment of any required fees, and formal approval from the City in the form of a Special Event Permit is required.

When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe upon constitutional freedom, and in a manner that respects the liberty of applicants and the public.

- a. **Review Process:** For a special event to be considered for approval, a complete Special Event Application must be submitted to the City a minimum of ninety (90) days prior to the event date. A complete application contains the following:
- i. All questions and sections of the Special Event Application are answered. If a section or question does not apply for a particular event, an indication of Not Applicable (N/A) should be used;
  - ii. Proof of payment of the \$200 Special Event Fee;
  - iii. A detailed map and timeline of the event; and
  - iv. Proof of insurance of the event applicant and/or sponsoring organization.

After the complete Special Event Application has been received, the application will be reviewed by City department heads to determine the conditions of approval for the event or reasons for denial of the application. It may be required that the applicant meet with the City to review the Special Event Application and provide any additional information or documents required by the City to assure guidelines and preparation prior to the event.

- b. **Waiver of Application Deadline:** Upon showing of good cause or at the discretion of the City, the City shall consider an application that is submitted after the submission 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 circumstance that gave rise to the permit application did not reasonably allow the applicant to submit within the time prescribed.
- c. A Special Event Application may not be required for the following:
- i. Funeral and wedding processions;
  - ii. Groups required by law to be so assembled;
  - iii. Gatherings of 30 or fewer people in City park, unless merchandise or services are offered for sale or trade;

- iv. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;
- v. Garage sales and rummage sales;
- vi. The exhibition of films or motion pictures; or
- vii. Other similar events and activities which do not directly affect or use City services or right-of-way property.
- viii. Events for the purpose of exercising rights under the First and/or Fourteenth Amendments of the U.S. Constitution.

**III. Conditions of Approval:** After the Special Event Application has been reviewed by department heads and any other requested information or documents have been provided by the applicant, the City will provide a letter to the applicant stating the conditions of approval for the event or reasons for denial of the application. The City may condition the approval of a special event 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. The applicant must agree to the conditions of approval and sign the letter. The signed letter will serve as formal approval of the special event and function as the Special Event Permit.

The following conditions apply to all Special Event Permits:

- a. Alteration of the time, place and manner of the event proposed on the Special Event Application;
- b. Conditions concerning the area of assembly and disbanding of an event occurring along a route; and
- c. Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

Conditions on Special Events Permits not protected under the First and Fourteenth Amendments of the U.S. Constitution include, but are not limited to:

- 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, regulation 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 risk 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. Payment of special event fees as stated in section V. "Fees"; and
- q. Provide evidence of liability insurance and additional insurance endorsement name the City of Orting as additional insured.

**IV. Application Denial or Event Cancellation**

- a. **Application Denial:** The City may deny a special event application for the following reasons:
  - i. The applicant provides false or misleading information;
  - ii. The applicant fails to submit the completed Special Event Application, Special Event Application fee, detailed map and timeline, and proof of insurance ninety (90) days prior to the event date, or fails to supply other information or documents required by the City;
  - iii. The applicant shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit;
  - iv. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property;
  - v. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic and would present an unreasonable risk of injury or damage to the public; or
  - vi. There are not sufficient safety personnel or other necessary City staff to accommodate the event.

In the event subsection iv. or v. above applies, the City shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application. In the event subsection vi. above applies, the City shall offer the applicant the opportunity to propose an alternative method to supply necessary staffing to accommodate the event.

- b. **Event Cancellation:** The City may revoke a Special Event Permit or cancel a special event for the following reasons:
  - i. The applicant requests cancellation of the event.
  - ii. The applicant, in the information supplied, has made misstatement of a material fact or fails to fulfill a term or condition of approval for the event in a timely manner.
  - iii. The applicant fails to pay any fees required by the City, in addition to the Special Event Application fee, a minimum of thirty (30) days prior to the special event.
  - iv. The applicant fails to provide an insurance certificate citing the City of Orting as additional insured a minimum of thirty (30) days prior to the special event.

- v. The applicant fails to provide any information or documents or meet any deadlines required by the City before the event date.
  - vi. An emergency or unforeseen occurrence requires the cancellation or termination of the event in order to protect public health or safety.
- c. **Appeal Procedure:** The applicant shall have the right to appeal the denial of a special event permit or permit condition. A written Notice of Appeal shall be filed with the City within three (3) business days after receipt or personal delivery of a notice of denial or permit conditions from the City. 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 designated City official and upon public comment given at the scheduled hearing before the Council. The hearing shall be scheduled no later than thirty (30) days after receipt of a timely and proper Notice of Appeal. Public comment at the appeal hearing shall be limited to three (3) minutes per individual and fifteen (15) minutes each for appellant and City respondent. The decision of the City Council is final.

If the applicant's reason for appeal includes allegations of Constitutional Amendment violations, the issue will be heard by a hearing examiner instead of the City Council. If there is insufficient time for a timely appeal to be heard by the City Council prior to the date on which the event is scheduled, the applicant may, at its own option, request that the designated City official schedule the appeal before the City Administrator or designee. The City Administrator or designee shall hold a hearing no later than five (5) business days after the filing of the appeal and will render a decision no later than one (1) business day after hearing the appeal. If the appeal is requested and heard before the City Administrator or designee, the City Administrator or designee's decision is final. There is no further appeal to the City Council.

## V. **Fees**

- a. **Application Fee:** Payment of the Special Event Application fee is required for all special events. Payment must be made in the form of cash, check, or credit card payment to the City of Orting a minimum of ninety (90) days prior to the proposed event date for an event to be considered for approval.
- b. **Other Fees:** The applicant may request services be provided by the City for the special event. Refer to the Special Event Application for the list of services and corresponding fees offered by the City for special events. Requests by the applicant for services provided by the City are not guaranteed. Payment of fees for City provided services must be made a minimum of thirty (30) days prior to the special event.

## VI. **Event Sponsorship:** On the Special Event Application the applicant has the option to apply for City Sponsorship of the proposed special event.

- a. **Sponsorship Requirements:** To be considered for sponsorship, the special event must meet the following requirements:
  - i. The event serves a valid municipal purpose, such as strengthening the City's sense of community or celebrating the City's history, and allows all citizens to reasonably participate. The event may also provide, through increased customers, additional revenues for Orting businesses, and subsequently improved tax revenues for the City.
  - ii. The organization hosting the special event must be a non-profit that is actively registered with the Secretary of State.
  - iii. The organization must complete the Special Event Application and carry their own liability insurance that complies with the terms of section IV of the Special Event Sponsorship Policy.
- b. **Sponsorship Process:** For full details on the sponsorship process refer to the City's Special Event Sponsorship Policy. The sponsorship process must be started a minimum of ninety (90) days prior to the special event. A copy of the Special Event Sponsorship Policy can be requested by emailing [recreation@cityoforting.org](mailto:recreation@cityoforting.org).
- c. **Services included in Sponsorship:** For a list of services included in special event sponsorship, refer to the Special Event Application or Special Event Sponsorship Policy. Services provided by the City to the applicant as part of the event sponsorship will be specified in the conditions of approval letter provided to the applicant after the Special Event Application has been reviewed and sponsorship has been approved.

**VII. Insurance Requirements:** The City Administrator is authorized and directed to require written proof of such insurance prior to permit issuance. A general liability insurance policy shall be written on an occurrence form, shall name the City of Orting as an additional insured using an endorsement at least as broad as ISO additional endorsement form CG 20 26, shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period of not less than twenty-four (24) hours following the completion of the event, or for the entire period of set up and tear down, whichever is longer. The applicant shall provide the City and all additional insureds for the event with written notice of any policy cancellation within two business days of their receipt of such notice.

The types and amounts of insurance shall be determined by the City and based on the risk exposure of the event for all events not protected under the Frist and Fourteenth Amendments of the U.S. Constitution. Proof of insurance is required at least thirty (30) days prior to the event, by providing the City with a Certificate of Insurance along with additional insured document at least as broad as ISO form CG 20 26 naming the City of Orting as an additional insured.

- a. **Minimum Requirements:** General Liability occurrence-based insurance in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate is required for

special events. The General Liability Insurance must name the City of Orting as an ADDITIONAL INSURED using ISO form CG 20 11 or coverage at least as broad. Higher limits may be required for certain uses.

- b. **Additional Coverage:** Amounts and additional types of insurance will be determined, at the City's discretion, based on the risks associated with the event.

## VIII. Community Impact

- a. **Street Closures:** The applicant may request that streets within Orting City limits be closed for the proposed special event. Requests for street closures must be clearly indicated on the Special Event Application and are not guaranteed. If the applicant is requesting the closure of WA-162, a road closure agreement will need to be obtained from the Washington State Department of Transportation (WSDOT). A copy of the road closure agreement must be provided to the City a minimum of thirty (30) days prior to the event, otherwise closure of WA-162 may not be allowed for the event.

The following guidelines apply to all street closures:

- i. No paint (including water-based) may be used on any City sidewalk, street, or paved area.
  - ii. Only Public Works staff and Police Department staff are authorized to close a street.
  - iii. Once barricades are in place, they cannot be moved unless directed by City staff and/or the Police Department.
  - iv. Street closures require advanced placement of "No Parking" signs; once signs have been placed by City staff they cannot be altered by the event organizer.
- b. **Parades:** Parades utilizing city streets during special events may be subject to additional requirements by the City, including but not limited to:
    - i. Additional event insurance coverage;
    - ii. Notification to Police, Fire, and Medical Aid of the scope, size, route and date of the parade; and
    - iii. A safety plan with approval from Police, Fire, Medical Aid, and City Public Works departments.
    - iv. If the parade route utilizes WA-162, a road closure agreement will need to be obtained from the Washington State Department of Transportation (WSDOT).
  - c. **Neighborhood Notification:** Timely neighborhood notification of a special event is required to mitigate issues, minimize impacts, and ensure affected neighbors and businesses are aware of the event activity. The applicant is responsible for notifying neighboring residents and businesses that may be impacted by the special event a minimum of thirty (30) days prior to the event date. It is also the responsibility of the applicant to ensure vendor parking does not block Orting businesses on Washington Ave., Van Scoyoc Ave. or customer parking areas next to the parks or businesses with exceptions determined by the City of Orting.

- d. **Safety Plan:** Special events with an estimated 1,000 or more individuals in attendance may be required to submit a safety plan to the City. Details regarding what the event safety plan should include will be provided to the applicant by the City a minimum of thirty (30) days prior to the event and the safety plan must be submitted to the City a minimum of fourteen (14) days before the event.
- e. **Portable Restrooms and Trash Disposal:** The applicant may request that additional portable restrooms and trash disposal be provided by the City for the proposed special event. All requests must be clearly indicated on the Special Event Application and must include instructions for placement on the event map. Fees for portable restrooms and trash disposal will apply, unless otherwise indicated by the City. The applicant may also utilize an outside vendor to supply portable restrooms for the special event. Notification of placement of portable restrooms by the vendor must be provided to the City before the event date. Depending on the size of the special event, the City may require that the applicant provide additional portable restrooms, supplied either by the City or an outside vendor.

**IX. Food and Beverage Sales and Consumption:**

- a. **Business License:** If food will be sold at the proposed special event, the applicant is responsible for purchasing a Blanket Vendor Permit or providing documentation to the City of a valid business license with City of Orting endorsement for every food vendor.
- b. **Health Department Requirements:** The applicant is required to account for any and all food service permits or exemption certificates; food worker card(s); L&I licensing documentation; and evidence of liability insurance, with products/completed operations coverage. Applicant is responsible for abiding by all requirements of the Tacoma-Pierce County Health Department.
- c. **Alcohol Sales/Consumption:** Sale and/or consumption of alcohol at special events taking place on City property is not allowed at this time.

**X. Merchandise Vendor Sales**

- a. **Blanket Vendor Permit:** If merchandise or services will be sold at the proposed special event, the applicant is responsible for purchasing a Blanket Vendor Permit or providing documentation to the City of a valid business license with City of Orting endorsement for every vendor.
- b. **Vendor Placement:** A map indicating vendor placement must be submitted by the applicant to the City no later than five (5) business days prior to the event date. The City reserves the right to limit the number of vendors and the placement of vendor booths for special events.



- c. **Vendor Set-up/Tear-down:** Applicant is responsible for ensuring that vendor set-up and tear-down does not cause lasting damage to City Property and does not endanger park and trail-users. Driving and/or parking on the Foothills Trail is prohibited. No paint (including water-based) may be used on any City sidewalk, street, or paved area.

**XI. Amusement Rides and Inflatables**

- a. **Inflatables:** The use of inflatable amusement structures is only allowed outside in designated areas and shall only be provided by professional vendors. The number of inflatables and their proposed location must be indicated on the Special Event Application and map of the event. Proof of Commercial General Liability Insurance with limits of at least \$1,000,000 per occurrence, and naming the City of Orting as an additional insured using ISO form CG 20 26 or coverage at least as broad, is required from the vendor, as per the Washington State Department of Labor and Industries. This insurance shall contain, or be endorsed to reflect, that the insurance coverage is primary insurance as respect the City of Orting. Any insurance, self-insurance, or self-insured pool coverage maintained by the City of Orting shall be excess of the vendor's insurance and shall not contribute with it.
- b. **Other Amusement Rides:** Apart from inflatables, the use of amusement rides, as defined in RCW 67.42.010, is not permitted for any special event at this time.



City of Orting

104 Bridge St S • PO Box 489 • Orting, WA 98360

Phone: 360-893-9017 or (cell) 253-262-7842

Fax: 360-893-6809

Email: recreation@cityoforting.org

Web: www.cityoforting.org

## SPECIAL EVENT APPLICATION

**Definition:** “Special events” include any event which is to be conducted on public property or public right-of-way; and, 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-ways near the event, or, which would significantly impact the need for City-provided emergency services, such as police, fire, or medial aid. It is presumed that any event on private property which involves an open invitation to the public, 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 public streets, rights-of-way or emergency services. Special events may include but are not limited to fun runs/walks, athletic competitions, bike-a-thons, parades, carnivals, city/town heritage celebrations, shows or exhibitions, holiday festivals, circuses, block parties, markets, musical entertainments, and motion picture filming.

**Application: The following must be submitted at least ninety (90) days prior to event date:**

- Completed Application (ALL sections of application must be completed. Indicate “N/A” if an item does not apply)
- Event Map and Timeline
- Payment of Special Event Fee (\$200 paid via cash, check, credit, or debit)
- Completed Banner Application (if applying for sponsorship & requesting a banner be placed over SR-162)

**In addition, the following must be submitted thirty (30) days prior to event date:**

- Insurance Certificate in the amount of \$1 million per occurrence and \$2 million general aggregate, listing City of Orting as additional insured.
- Road closure permit issued from WSDOT (if applicable).
- Payment of Fees for additional services requested (not covered by sponsorship).

Upon receipt, a meeting with City Department Heads will be scheduled. It may be required that the applicant meet with Department Heads to review the Special Event Application to assure guidelines and preparation prior to the event. After your application has been reviewed, you will be notified if your event has been approved.

APPLICANT NAME: \_\_\_\_\_

ORGANIZATION NAME: \_\_\_\_\_

ARE YOU NON-PROFIT:  Yes  No IF YES, UBI#: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EVENT NAME: \_\_\_\_\_

BRIEF DESCRIPTION OF EVENT: \_\_\_\_\_

DATE(S) OF EVENT: \_\_\_\_\_

EVENT TIMES: Set-Up \_\_\_\_\_ Start of Event \_\_\_\_\_ Exit Time \_\_\_\_\_ End of Event \_\_\_\_\_

ANTICIPATED NUMBER OF ATTENDEES: Low Estimate \_\_\_\_\_ High Estimate \_\_\_\_\_

PRIMARY CONTACT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

PRIMARY CONTACT EMAIL: \_\_\_\_\_

DAY-OF CONTACT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

DAY-OF CONTACT EMAIL: \_\_\_\_\_

ALTERNATE CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_

**COMPLETE THE FOLLOWING FOR ALL SPECIAL EVENTS:**

**1. TYPE OF EVENT (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> Festival/Carnival/Fair  | <input type="checkbox"/> Walk Procession/Organized     |
| <input type="checkbox"/> Parade  | <input type="checkbox"/> Rally/Demonstration           |
| <input type="checkbox"/> Run/Race (*If you do not require the use of City parks, facilities, or services, you do not need to complete this application. Please submit a separate trail use application.) | <input type="checkbox"/> Block Party                   |
|  | <input type="checkbox"/> Other (Please specify): _____ |

Does this event involve political or religious activity intended primarily for the communication or expression of ideas?  Yes  No (If yes, please explain): \_\_\_\_\_

**2. FACILITIES & PARKS USAGE REQUESTED** (See Appendix A for rental rates):

- |  |  |
|--|--|
| <input type="checkbox"/> BBQ Area                      | <input type="checkbox"/> Basketball Court (no charge)            |
| <input type="checkbox"/> Gazebo                        | <input type="checkbox"/> Fountain Pavilion (no charge)           |
| <input type="checkbox"/> Orting Station                | <input type="checkbox"/> North Park Grass Area (no charge)       |
| <input type="checkbox"/> Multi-purpose Center (MPC)    | <input type="checkbox"/> South City Park Grass Areas (no charge) |
| <input type="checkbox"/> Charter Park (the skate park) |  |

**Please answer the following questions:**

Will you have additional garbage services and where will they be placed (show on Map)?  
\_\_\_\_\_

Will you have adequate restroom facilities and where will they be placed (show on Map)?  
\_\_\_\_\_  
\_\_\_\_\_

Will there be any open flame, cooking facilities or gas cylinders (show on Map)?  
\_\_\_\_\_

**3. INSURANCE:** A Certificate of Insurance in the amount of \$1 million per occurrence and \$2 million general aggregate showing the City of Orting as an additional Insured is required for all special events, and must be submitted a minimum of 30 days prior to the event. The City may require Applicant/Organization to purchase additional insurance coverage if deemed necessary.

**4. SERVICES REQUESTED:** Please indicate what services you are requesting be provided by the City of Orting. If a listed service is included as part of your potential City sponsorship, please leave the price area blank and check the "sponsored" box (You will also indicate what services you are requesting be sponsored on the included Sponsorship Application). \$200 Application Fee and \$100 Blanket Vendor Permit are not covered by event sponsorship.

<u>City Services</u> (please mark all that apply)	<u>Price</u>	<u>Total Price</u>	<u>Sponsored</u>
<input type="checkbox"/> 1 Public Works staff	\$75/hr x ___ hrs	\$_____	<input type="checkbox"/>
<input type="checkbox"/> 2 Public Works staff	\$150/hr x ___ hrs	\$_____	<input type="checkbox"/>
<input type="checkbox"/> 1 Police Officer	\$85/hr x ___ hrs	\$_____	<input type="checkbox"/>
<input type="checkbox"/> 2 Police Officers	\$170/hr x ___ hrs	\$_____	<input type="checkbox"/>
<input type="checkbox"/> 1 Dumpster	\$20/event	\$_____	<input type="checkbox"/>
<input type="checkbox"/> 2 Standard Portable Restrooms	\$150/event	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Electricity (2 Spider Boxes)	\$50/event	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Audio/PA system (Does not include a DJ)	\$75/event	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Barricades (Must provide placement on map)	\$50/event	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Street Sweeper (man power/vehicle)	\$150/hr x ___ hrs	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Portable Trailer Sign	\$50/day x ___ days	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Facility Rental *See Appendix A for rental rates	\$ Varies	\$_____	<input type="checkbox"/>
<input type="checkbox"/> Blanket Vendor Permit	\$100/event	\$_____	<input type="checkbox"/>
<b>Total For Special Event Services</b>		\$_____	
<b>Special Event Application Fee</b>		<b>\$200</b>	
<b>TOTAL TO BE PAID</b>		<b>\$_____</b>	

**5. BANNER REQUEST - FOR CITY SPONSORED EVENTS ONLY:** If you are applying for event sponsorship and plan to have a banner placed across Washington Ave./SR 162 before and/or during your event, a Banner Permit Application must be submitted in conjunction with the Special Event Application. For banner requirements and a copy of the Banner Permit Application, email recreation@cityoforting.org. Please note, banner message is limited to name, date, and event sponsors. Commercial advertising is not allowed, and the banner may only be across SR-162 for 2 weeks.

**6. VENDORS:** Will there be any vendors at your event?  Yes  No

If YES, ANTICIPATED NUMBER OF VENDORS: \_\_\_\_\_

If YES, applicant is responsible for purchasing a Blanket Vendor Permit **OR** must provide the City documentation of a valid business license with City of Orting endorsement for every vendor (Resolution 2011-12). Applicant/Organization is responsible for ensuring vendors have obtained all of the necessary food service permits or exemption certificates; food worker card(s); L&I licensing documentation; and evidence of liability insurance, with products/completed operations coverage required by the Tacoma-Pierce County Health Department.

It will be the responsibility of the Applicant/Organization to ensure vendor parking does not block Orting businesses on Washington Ave., Van Scoyoc Ave. or customer parking areas next to the parks or businesses with exceptions determined by the City of Orting. Driving and/or parking on the Foothills Trail is not allowed at any time before, during, or after the special event.

**7. PARADE INFORMATION:** Will a parade be part of this event?  Yes  No

If YES, answer the following: ESTIMATED # OF FLOATS/VEHICLES: \_\_\_\_\_ START TIME: \_\_\_\_\_

STAGING TIME: \_\_\_\_\_ STAGING LOCATION (show on map): \_\_\_\_\_

PARADE ROUTE (show on map): \_\_\_\_\_

Will horses or other animals be in the parade?  Yes  No If yes, approximately how many? \_\_\_\_\_

**\*Applicant/Organization is responsible for cleaning up after animals participating in the parade\***

Will the Police Department or Fire Department participate in the parade?  Yes  No

**8. STREET CLOSURES & EMERGENCY ACCESS:**

ARE YOU PLANNING TO CLOSE WA-162 TO TRAFFIC?  Yes  No

**\*If Yes, you will need to coordinate with WSDOT to approve the road closure. Visit <https://wsdot.wa.gov/about/contacts> for more information.**

ARE YOU PLANNING TO CLOSE ANY OTHER LOCAL STREETS?  Yes  No

If yes, which streets? (show on map)

Will the event interfere with access to emergency services or cause undue hardship or excessive noise levels to adjacent businesses and/or residents? (If yes, please explain)  Yes  No

What methods will you be using to notify adjacent homeowners/businesses of the event?

Please list any other information relevant to your event (use of inflatables, activities that will take place, etc.):

**9: AGREEMENTS**

**Initials:** \_\_\_\_\_ Applicant understands that if deadlines are not met, the Applicant/Organization's event may not be considered for sponsorship and/or the event may not occur.

**Initials:** \_\_\_\_\_ **Applicant understands that the Applicant/Organization must provide proof of Commercial General Liability insurance, with a minimum of \$1 million per occurrence and \$2 million general aggregate coverage, and name the City of Orting as an additional insured at least thirty (30) days prior to event.** The City may also require the Applicant/Organization to purchase additional insurance coverage if deemed necessary.

**Initials:** \_\_\_\_\_ If State Route WA-162 (Washington Ave.) is to be closed at any point during the event, the Applicant/Sponsoring Organization must obtain a permit for the road closure from the Washington State Department of Transportation (WSDOT) and provide a copy to the City at least thirty **(30) days prior to the event.** Road closure will NOT be allowed if road closure agreement with WSDOT is not received.

**Initials:** \_\_\_\_\_ Applicant understands that it is the Applicant/Organization’s responsibility to inform adjacent homeowners and businesses of the event at least thirty **(30) days in advance.**

**Initials:** \_\_\_\_\_ Applicant understands that the Applicant/Organization must allow for a 20ft access for emergency vehicles at all times during the event.

**Initials:** \_\_\_\_\_ The City will provide the Applicant/Organization with a site safety checklist to complete prior to the event. Applicant understands that if the checklist is not completed and returned to the City at least one (1) business day before the event date, the Applicant/Organization agrees to accept the facilities and premises as-is on the date of the event.

**Initials:** \_\_\_\_\_ Applicant/Organization agrees to defend, indemnify and save harmless the City of Orting, its appointed and elective officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorney’s fees and costs by reason of any and all claims and demands upon the City of Orting, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property including loss of therefrom, arising out of any activity under or in connection with this event, except only such injury as shall have been occasioned by the sole negligence of the City of Orting, its appointed or elected officers or employees.

**Initials:** \_\_\_\_\_ Applicant/Organization covenants and agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all claims, actions, liability, cost and expense. Applicant/Organization understands that the special event may include use of the covered park facilities, Orting Station, and the Multi-Purpose Center facilities which are all owned by the City of Orting.

**Initials:** \_\_\_\_\_ **THE UNDERSIGNED APPLICANT HEREBY** warrants that he/she is the authorized representative of the Sponsoring Organization, and further AGREES to defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of City’s property or from any activity, work or thing done, permitted, or suffered by APPLICANT or public in or about the City’s property as a result of the APPLICANT’S use of the City’s property.

I have read and agree to all of the above statements and declare under penalty of perjury (under the laws of the United States of America) that the foregoing is true and correct.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name & Title w/Organization:** \_\_\_\_\_

**Facilities are based on a first come, first serve basis. Special Events do not receive special privileges. Applications and all required documents may be emailed, mailed, faxed, or dropped off in person at City Hall. Payment can be made by mail or in person at City Hall. A receipt showing payment is NOT approval of the event. Orting City Hall is located at 104 Bridge St. South in Orting.**

If you have questions regarding the application, please contact the Activities & Events Coordinator by calling (360) 893-9017 or emailing [malfiere@cityoforting.org](mailto:malfiere@cityoforting.org)

**- End of Special Event Application -**

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### **City of Orting Sponsorship Application**

**Are you requesting City sponsorship?**       **Yes**    **No**    If you indicated NO, no further information is required.

#### **REQUIREMENTS FOR CITY SPONSORSHIP OF A SPECIAL EVENT:**

Some Special Events may qualify for City Sponsorship, according to the City's Special Event Sponsorship Policy (Policy No. 2017-1). Applicants for City Sponsorship for a Special Event shall comply with the City's Special Event Sponsorship Policy. Applicants are advised to review the City's Policy before requesting City Sponsorship for a Special Event. A copy of the Special Event Sponsorship policy may be requested by emailing [recreation@cityoforting.org](mailto:recreation@cityoforting.org). There is no additional fee to apply for City Sponsorship of an event. **However, the event organizer must purchase a \$100 Blanket Vendor Permit if vendors are participating in the event.** All City Sponsored Events shall comply with all applicable local, state and federal regulations.

All requests for City Sponsorship are reviewed by the City Council's Community and Government Affairs (CGA) Committee, and Applicants will be required to have a representative attend a CGA Committee meeting to answer any questions regarding the request.

**Applicants seeking City Sponsorship must meet these baseline criteria, and to qualify for City Sponsorship the event must abide by all requirements of the Policy, including:**

- Hosted by a Non-Profit Organization registered with the Washington Secretary of State, and provide proof of active status;
- Be open to all Orting residents;
- Serve a valid municipal purpose, such as strengthening the City's sense of community or celebrating the City's history.
- All items of the application are completed in full and received by the City 90 days prior to the date of the event;
- A brief letter defining the purpose of the event and requested City services (Review the Special Event Sponsorship Policy for more information);
- Proof of liability insurance that complies with the terms of Section IV of the City Special Event Sponsorship Policy.

**Please indicate what services you are requesting be provided by the City of Orting in your sponsorship (check all that apply):**

- Use of Main City Park, including grass areas, Gazebo, and Covered BBQ Area, located at 101 Train St. SW
- Use of Multipurpose Center (MPC) located at 202 Washington Ave. S.
- Use of North Park, including grass area and Orting Station building, located at 101 Washington Ave NW.
- Close Train St. around the Bell Tower at Main City Park.
- Close Van Scoyoc Ave. SW at Main City Park.
- Close Calistoga St. W between Van Scoyoc Ave. & Washington Ave.
- 1 Public Works staff for up to eight (8) hours. **# of hours requested:** \_\_\_\_\_
- 2 Public Works staff for up to eight (8) hours. **# of hours requested:** \_\_\_\_\_
- Police support to set up barricades/traffic signs and direct traffic (if closing WA-162).
- 1 Dumpster (confirm dumpster size with Activities & Events Coordinator).
- 2 Standard Portable Restrooms (in addition to the 2 existing at Main City Park).
- Electricity, including 2 Spider Boxes.
- Audio/PA system (Does not include a DJ).
- Barricades/Cones/Traffic Signs (Must provide placement on map).
- Hang event banner over Washington Ave. for 2 weeks (Organizer to provide banner).
- Event Advertisement on City Reader Board, Website, & Social Media.

- **If Event receives sponsorship, Orting City Logo shall be placed on all materials advertising the event and the City must be allowed a vendor booth at no charge.**
- **If Event receives sponsorship, Applicant/Organization must purchase a \$100 City Business License Blanket Permit if vendors are participating in the event.**
- **Sponsored services offered by the City of Orting will depend upon the City's determination of the value added by the event to the community.**
- **If City Sponsorship is authorized by the City Council, the Sponsored Organization will be required to execute an Agreement with the City, acknowledging and agreeing to terms including but not limited to such issues as insurance and indemnification.**

**- End of Special Event Sponsorship Application -**



## APPENIX A

### FACILITY RENTAL RATES

#### MULTI-PURPOSE CENTER (MPC)

The multi-purpose center is located at 202 Washington Ave. S in the same building as the library. This rental includes a large room with a stage (occupancy of 148), a kitchen with 2 stoves, a refrigerator, a freezer, and counter space. This facility also includes tables and chairs. A 2-hour minimum is required for all rentals. **A refundable deposit of \$150 is required to secure this space. If you will be serving alcohol, a \$300 refundable alcohol deposit is required.**

	Resident (per hour)	Non-Resident (per hour)	Non-Profit (per hour)
Monday-Thursday	\$30.00	\$50.00	\$15.00
Friday-Sunday	\$50.00	\$70.00	\$20.00

#### ORTING STATION

The Orting station located at 101 Washington Ave. NW is an open building that includes a large open area, a restroom, some counter space and a sink. This facility does NOT include tables and chairs. A 2-hour minimum is required for all rentals. **A refundable deposit of \$100 is required to secure this space. If inflatables will be used, a refundable inflatable deposit of \$200 is required.**

	Resident (per hour)	Non-Resident (per hour)	Non-Profit (per hour)
Monday-Thursday	\$20.00	\$30.00	\$10.00
Friday-Sunday	\$40.00	\$50.00	\$10.00

#### COVERED BBQ AREA

The covered BBQ area is located in the Main Park at 101 Train St. SW near the Bell Tower. This facility is also near the playground, horse shoe pits and park restrooms. Contact the Lions Club for BBQ racks. Up to 5 picnic tables can be placed under the covered area upon request. This space is rented per hour with a 2-hour minimum and 5-hour maximum rental time. **A refundable deposit of \$50 is required to secure this space.**

	Resident (per hour)	Non-Resident (per hour)	Non-Profit (per hour)
Monday-Thursday	\$10.00	\$20.00	\$5.00
Friday-Sunday	\$20.00	\$30.00	\$10.00

#### GAZEBO

The Gazebo is located in the South Main Park at 102 Train St. SW near the Bell Tower. This facility is also near the basketball court. This space is rented per hour with a 2-hour minimum and 5-hour maximum rental time. **A refundable deposit of \$50 is required to secure this space.**

	Resident (per hour)	Non-Resident (per hour)	Non-Profit (per hour)
Monday-Thursday	\$10.00	\$20.00	\$5.00
Friday-Sunday	\$20.00	\$30.00	\$10.00

Event Name: \_\_\_\_\_ Event Date: \_\_\_\_\_

Primary Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**Checklist/Timeline:**

**90+ Days Prior**

- Completed Application received** Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Payment of Fees (Amount: \$ \_\_\_\_\_)** Date: \_\_\_\_\_ Initials: \_\_\_\_\_ Receipt# \_\_\_\_\_
- Event Map & Timeline** Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Proof of Insurance (if sponsored)** Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Completed Banner Application received** Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Department Heads Meeting Date: \_\_\_\_\_
- Sponsorship Letter (if applicable) Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Approved by CGA (if sponsored) Date: \_\_\_\_\_

**60 Days Prior (Date: \_\_\_\_\_)**

- Approved by City Council (if sponsored) Date: \_\_\_\_\_
- Conditions of Approval signed** Date: \_\_\_\_\_
- Check-in w/Event Organizer Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Post Event to City Website (if sponsored) Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Order dumpster (if applicable) Date: \_\_\_\_\_ Initials: \_\_\_\_\_

**30 Days Prior (Date: \_\_\_\_\_)**

- Meeting with Dept. Heads (PW, Police, City) Date: \_\_\_\_\_
- Send Work Order details to Public Works Date: \_\_\_\_\_ Initials: \_\_\_\_\_ WO# \_\_\_\_\_
- Confirm details with Police (if applicable) Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Permit received from WSDOT (if applicable)** Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Insurance Certificate Received** Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Payment of Remaining Fees (Amount: \$ \_\_\_\_\_)** Date: \_\_\_\_\_ Initials: \_\_\_\_\_ Receipt# \_\_\_\_\_

**14 Days Prior (Date: \_\_\_\_\_)**

- Hang Event Banner Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Confirm PW Staff working event Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Event posted on Social Media Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
And Reader Board

**1 Week Prior (Date: \_\_\_\_\_)**

- Final Check-in w/Event Organizer Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Signage posted if closing roads Date: \_\_\_\_\_ Initials: \_\_\_\_\_
- Receive safety plan & updated map (if applicable) Date: \_\_\_\_\_ Initials: \_\_\_\_\_

**Day Before Event**

- Place NO PARKING or other signage required Date: \_\_\_\_\_ Initials: \_\_\_\_\_



## CITY OF ORTING

104 BRIDGE ST. S, PO BOX 489, ORTING WA 98360

Phone: (360) 893-2219 FAX: (360) 893-6809

[www.cityoforting.org](http://www.cityoforting.org)

### SPECIAL EVENT

#### **PERMIT AND CONDITIONS OF APPROVAL**

This document constitutes ~~the permit and an~~ agreement between APPLICANT NAME (referred to as "applicant") of the ORGANIZATION NAME and the City of Orting (referred to as "City") for the SPECIAL EVENT NAME to take place on the following date(s): XX/XX/XXXX. Upon signature by the applicant and the City, this document will serve as the "Special Event Permit" for the special event.

The City has approved the aforementioned special event pending the applicant agrees to the following terms:

1. Applicant will abide by all requirements and guidelines stated in the City of Orting Special Event Policy.
- 1-2. ~~[Optional]~~ Applicant will abide by all requirements and guidelines stated in their City of Orting sponsorship agreement.
- 2-3. A minimum of thirty (30) days prior to the event date, the applicant will provide the City with proof of a general liability insurance policy written on an occurrence form, naming the City of Orting as additional insured using an endorsement at least as broad as ISO additional endorsement form CG 20 26, and is written for a period not less than twenty-four (24) hours prior to the first event date and extending for a period of not less than twenty-four (24) hours following the completion of the last event date.
- 3-4. ~~[Optional]~~ Applicant will purchase a Blanket Vendor Permit from the City a minimum of thirty (30) days prior to the event date.
- 4-5. If the site safety checklist provided by the City is not completed and returned to the City at least one (1) business day before the event date, the applicant agrees to accept the facilities and premises in as-is condition on the date of the event.
- 5-6. Applicant will restore City property and/or facilities used during the special event to their original condition at the conclusion of the event. If City property/facilities are not restored to their original condition within seven (7) days following the special event, the City will complete any necessary repairs and the applicant will be responsible for all repair costs.
- 6-7. Applicant will inform adjacent business and residents of the event a minimum of thirty (30) days in advance of the event.
- 7-8. If closing Van Scoyoc or Washington Ave., the applicant will post "No Parking" signs a minimum of twenty-four (24) hours prior to event date.
- 8-9. If utilizing City provided services not included in the approved city-sponsorship, the applicant will pay any required fees a minimum of thirty (30) days prior to the event date.
- 9-10. Applicant will provide a basic first-aid station during the entire duration of the event.

~~10-11.~~ Applicant will ensure that volunteers and vendors do not drive and/or park on the Foothills Trail before, during, or at the conclusion of the event.

~~[delete if not applicable]~~ As an approved city-sponsored special event, the City agrees to provide the following at no additional expense to the applicant:

- a. Use of Main City Park, including grass areas, Gazebo, and Covered BBQ area, located at 101 Train St. SW at no fee.
- b. Use of the Multipurpose Center (MPC) located at 202 Washington Ave. S at no fee.
- c. Use of North Park, including grass area and Orting Station building, located at 101 Washington Ave. NW at no fee.
- d. Close Train St. around the Bell Tower at Main City Park.
- e. Close Van Scoyoc Ave SW at Main City Park.
- f. Close Calistoga St. W between Van Scoyoc Ave. and Washington Ave.
- g. One (1) Public Works staff for up to eight (8) hours.
- h. Two (2) Public Works staff for up to eight (8) hours.
- i. Police support to set up barricades/traffic sign and direct traffic (only if closing WA-162).
- j. Two (2) standard portable restrooms (in addition to the two existing units at Main City Park) for the date of the special event.
- k. Roll-off dumpster for trash disposal on date of the special event.
- l. Electricity, including 2 spider boxes.
- m. Audio/PA system (DJ not included).
- n. Barricades/Cones/Traffic Signs (applicant to provide amount and placement on event map).
- o. Placement of event banner over Washington Ave./SR-162 for two (2) weeks before the event. Banner shall be supplied by the applicant and is subject to approval by the City and the Washington State Department of Transportation. A Banner Application must be submitted by the applicant a minimum of ninety (90) days prior to placement date and the banner must be received by the City at least three (3) business days prior to placement date.
- p. Event advertisement on City reader board, website, and social media.

I, \_\_\_\_\_ (applicant's name) am an authorized representative of ORGANIZATION'S NAME and agree to the aforementioned terms. I understand that if any of the aforementioned terms are not met, the City may revoke the Special Event Permit and/or cancel the special event.

APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINT NAME & TITLE: \_\_\_\_\_

CITY REPRESENTATIVE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINT NAME & TITLE: \_\_\_\_\_

# CITY OF ORTING SPECIAL EVENT WORKSHEET

The following checklist is provided to help event organizers meet all required deadlines from the City of Orting for your special event.

## 90+ DAYS PRIOR TO EVENT

DATE:

Submit COMPLETE application, including:	<input type="checkbox"/>	Notes:
<ul style="list-style-type: none"> <li>• Proof of insurance</li> </ul>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Event map &amp; timeline</li> </ul>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Payment of application fee</li> </ul>	<input type="checkbox"/>	
Complete Sponsorship application (if applicable).	<input type="checkbox"/>	
Submit required sponsorship documents, including:	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Sponsorship letter</li> </ul>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Proof of insurance</li> </ul>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>• Proof of non-profit status</li> </ul>	<input type="checkbox"/>	
Begin road closure process w/WSDOT (if closing WA-162).	<input type="checkbox"/>	

## 60+ DAYS PRIOR TO EVENT

DATE:

Present at CGA meeting (if applying for sponsorship).	<input type="checkbox"/>	Meeting date:
Confirm services to be provided by the City.	<input type="checkbox"/>	
Check-in w/City via email, phone, or in person.	<input type="checkbox"/>	

## 30+ DAYS PRIOR TO EVENT

DATE:

Submit Insurance Certificate citing City of Orting as additional insured.	<input type="checkbox"/>	Notes:
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Submit any other required insurance documents.	<input type="checkbox"/>	
Submit payment for any remaining fees.	<input type="checkbox"/>	
Submit updated map & timeline if necessary.	<input type="checkbox"/>	
Notify neighboring businesses and residents about event.	<input type="checkbox"/>	
Check-in w/City via email, phone, or in person.	<input type="checkbox"/>	
Provide road closure permit from WSDOT (if closing WA-162).	<input type="checkbox"/>	

**14+ DAYS PRIOR TO EVENT** **DATE:**

Submit safety plan (if applicable).	<input type="checkbox"/>	
Check-in w/City via email, phone, or in person.	<input type="checkbox"/>	

**7+ DAYS PRIOR TO EVENT** **DATE:**

Final check-in w/City via email, phone, or in person.	<input type="checkbox"/>	
Site walk-through w/City staff.	<input type="checkbox"/>	

**NOTES:**



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Special Events Sponsorship Policy.	<b>AB23-104</b>	<b>CGA</b>		
		<b>11.1.2023</b>		
		<b>12.6.2023</b>		
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	<b>10.27.2023</b>		
<b>Cost of Item:</b>	N/A			
<b>Amount Budgeted:</b>	N/A			
<b>Unexpended Balance:</b>	N/A			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Kim Agfalvi, City Clerk</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Sponsorship Policy				
<b>SUMMARY STATEMENT:</b>				
<p>Staff have prepared an updated sponsorship policy that further defines baseline criteria for all sponsored events, what services are offered for those that are granted sponsorship, provides an “a la carte” list of services that can be chosen from, outlines the process for seeking sponsorship, and defines the insurance and indemnity requirements for City sponsored events.</p>				
<b>RECOMMENDED ACTION: <u>Action:</u></b>				
Move forward to City Council study session for consideration.				
<b>FUTURE MOTION: <u>Motion:</u></b>				
To approve the City of Orting Special Events Sponsorship Policy as prepared.				



### **3-8-1: SCHEDULING MULTI-PURPOSE CENTER AND COVERED FACILITIES:**

A. Policies And Procedures: The city administrator or his/her designee is authorized to establish, publish, and implement policies and procedures for special events and for the use of the Multi-Purpose Center, athletic fields and covered facilities within the city parks, and all other city facilities, including public rights of way, that are subject to use fees (collectively referred to as "city facilities"). Such policies shall be consistent with this chapter and title 8, chapter 6 of this code. The use fees established hereto may only be waived in accordance with the provisions of this chapter.

B. Administration: The parks and recreation director or his/her designee shall administer this chapter and the policies and procedures established by the city administrator or his/her designee. The parks and recreation director, or designee, will schedule and collect the applicable fees for the use of city facilities. Applications and regulations for the use of city facilities can be picked up at city hall during normal business hours or on the city website at [www.cityoforting.org](http://www.cityoforting.org). Reservations will not be made until completed applications are returned to city hall with the approval of the Orting parks and recreation director or his/her designee. Reservations for the use of city facilities must be made at least two (2) weeks prior to the event, unless, in the discretion of the parks and recreation director or his/her designee, good cause exists to waive the two (2) week notice requirement. In general, completed applications for requested use of the MPC and covered facilities shall be processed on a first come, first served basis. (Ord. 919, 11-30-2011)

### **3-8-2: PRIORITY AND SECONDARY USES:**

The city of Orting shall have priority for use of city facilities and all other users shall be considered secondary uses. In the event a conflict occurs in the requested use of a city facility, the city parks and recreation director shall resolve such conflict by reference to the priority for use as set forth below:

A. Group 1 city of Orting use: This includes meetings of the city's elected and appointed bodies and open houses, activities or events conducted or sponsored by the city of Orting.

B. Group 2 associated groups: This includes individuals or entities contracted to perform services for the city wherein use of the MPC or covered facilities is necessary in the course of performance of such services.

C. Group 3 local groups/residents: This includes entities with their principal place of business in the city of Orting and individuals who reside within the city limits.

D. Group 4 nonlocal groups/residents: This includes entities with their principal place of business outside the city of Orting and individuals who reside outside the city limits. (Ord. 919, 11-30-2011)

### **3-8-3: CHANGE IN SCHEDULE/RESERVATION OF RIGHTS:**

The city reserves the right to make changes in the scheduling, if in the sole judgment of the city, a city facility is needed for an activity or event for governmental purposes, including, by way of example and not limitation, scheduling of a special or emergency meeting, open houses, hearings, or events or activities of the city of Orting. The city

reserves the right to, without recourse to the city, cancel a reservation and refund any prepaid deposits and use fees in the event that the reserved city facility, in sole judgment of the city administrator or his/her designee, is needed for an activity or event for use by the city of Orting, becomes unsafe for use, requires emergency maintenance to render the city facility safe, or otherwise requires unplanned maintenance that, taking into consideration cost and availability of resources, cannot reasonably be performed at another time. (Ord. 919, 11-30-2011)

#### **3-8-4: FEES, DEPOSITS AND OTHER CHARGES:**

All fees, deposits and other charges for use of city facilities shall be as established from time to time by resolution of the city council. (Ord. 919, 11-30-2011)

#### **3-8-5: DEPOSITS/WAIVER OF USE FEE AND DEPOSIT:**

A. MPC And Covered Park Facilities Deposit Required: Except as provided below, all groups using the city's MPC and covered park facilities shall be required to make a refundable deposit at the time of application for use of the MPC and covered park facilities. The deposit shall be refunded within five (5) business days provided that reasonable care has been exercised in the use of the MPC and covered park facilities, no part of the MPC and covered park facilities have been damaged, and the MPC and covered park facilities are left in a clean and orderly condition.

B. Alcoholic Beverages Served - Additional Deposit And Insurance Requirement: When serving alcoholic beverages users shall pay an additional deposit and obtain liability insurance applicable to such an event with a minimum one million dollars (\$1,000,000.00) per occurrence coverage. Alcoholic beverage consumption on city property is regulated by section [8-6-4](#) of this code.

C. Use Fee And Deposit Waived: Except as provided below, no use fee or deposit shall be required for the following users or uses of a city facility:

1. Use by the city of Orting for official purposes, including, without limitation, Orting parks and recreation programs;
2. Limited use by state or local governmental agencies for official government purposes; or
3. Use by any person, association, partnership, organization, company, or corporation for activities or events that are funded or sponsored in whole or in part by the city of Orting. (Ord. 2016-982, 3-30-2016)

#### **3-8-6: SPECIAL EVENT:**

"Special event" shall mean ~~any organized activity conducted by an event organizer for a common or collective use, purpose, or benefit that involves the use of, or has an impact on multiple city facilities. (Ord. 919, 11-30-2011)~~ any event which is to be conducted on public property or public right-of-way; and, 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-ways near the event, or, which would significantly impact the need for City-provided emergency services, such as police, fire, or medial aid. It is presumed that any event on private property which involves an open invitation to the public, 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 public streets, rights-of-way or emergency services. A special event can include, but is not limited to:

- A. Any organized formation, parade, procession or assembly consisting of persons, animals, vehicles or any combination thereof, traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk or other public way which does not comply with normal and usual traffic regulations or control; or
- B. Any organized assemblage of 50 or more persons at any public park or city facility which is to gather for a common purpose under the direction and control of a responsible person or agency; or
- C. Any other organized activity or set of activities open to the public conducted by an individual, group or entity for a common or collective use or benefit and which involves the use of public facilities or rights-of-way and the possible or necessary provision of City services ancillary thereto.

Examples of special events include fun runs/walks, athletic competitions, bike-a-thons, parades, carnivals, city/town heritage celebrations, shows or exhibitions, holiday festivals, circuses, block parties, markets, musical entertainments, and motion picture filming.

### **3-8-7: EVENT ORGANIZER:**

"Event organizer" shall mean any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event. (Ord. 919, 11-30-2011)

### **3-8-8: SPONSORSHIP:**

- A. —A.—Definition: "Sponsorship" shall mean a special event: 1) that is managed or organized by the city, or by another person on the city's behalf, 2) funded in whole or in part by the city, 3) for which the city provides, at no cost, in kind services in support of the special event, or 4) for which the city has agreed to lend its name as a sponsor or cosponsor.
- B. Criteria For All Sponsored Events: Sponsorship is extended to events that serve valid municipal purposes for which the City Council approves use of city facilities and services by a non-profit group without charge. Sponsorship is extended to events upon application, on a case-by-case basis and at the discretion of the council. To qualify for sponsorship, an approved event must:
  - 1. Be one where all citizens can reasonably participate;
  - 2. Serve a valid municipal purpose, such as strengthening the City's sense of community or celebrating a City's history and;
  - 3. May provide, through increased customers, additional revenues for Orting businesses and subsequently improved tax revenues for the City.

4. Organizations must be a non-profit that is actively registered with the Washington Secretary of State.

4.5. Organizations must fill out the Special Event Application and carry their own liability insurance that complies with the Special Event Sponsorship policy.

**BC.** Sponsorship Decisions: A special event may be sponsored by the city upon approval by the city council in accordance with applicable sponsorship policies. (Ord. 919, 11-30-2011)



# CITY OF ORTING

## ~~Policy No. 2017-1~~

### **Special Event Sponsorship Policy**

**Mission Statement: The City of Orting supports the development of events and activities that are vibrant and active and bring significant value to its citizens.**

#### **Section 1. Baseline Criteria for all Sponsored Events**

Sponsorship is extended to events that serve valid municipal purposes for which the City Council approves use of city facilities and services by a non-profit group without charge. Sponsorship is extended to events upon application, on a case-by-case basis ~~and at various levels of support depending on the value the event has for the community~~ and at the discretion of the council.

To qualify for sponsorship, an approved event must:

- Be one where all citizens can reasonably participate;
- Serve a valid municipal purpose, such as strengthening the City's sense of community or celebrating a City's history and;
- May provide, through increased customers, additional revenues for Orting businesses and subsequently improved tax revenues for the City.

All groups proposing events which seek sponsorship by the City of Orting must meet these baseline criteria:

- Organizations must be a non-profit that is actively registered with the [Washington Secretary of State](#).
- Organizations must fill out the Special Event Application and carry their own liability insurance that complies with the terms of Section IV of this policy.

#### **Section II. What Sponsorship May Include for Sponsored Events**

The City offers an "a la carte" style of sponsorship where applicants indicate which services they would like provided by the City in their sponsorship. The City then decides, from the services requested, what will be provided for the event sponsorship. The amount of services and/or level of support offered by the City will depend upon the City's determination of the value added by the event to the community and staffing and/or budgeting allowances. [Services are based on](#)

[availability, and the city reserves the right to withdraw some or all of the services if availability changes.](#)

The following City-provided services are listed on the Special Event Sponsorship Application:

- Use of Main City Park, including grass areas, Gazebo, and Covered BBQ Area, located at 101 Train St. SW at no fee.
- Use of Multipurpose Center (MPC) located at 202 Washington Ave. S. at no fee.
- Use of North Park, including grass area and Orting Station building, located at 101 Washington Ave NW. at no fee.
- ~~Closure~~ [Closure](#) Train St. around the Bell Tower at Main City Park.
- ~~Closure~~ [Closure](#) Van Scoyoc Ave. SW at Main City Park.
- ~~Closure~~ [Closure](#) Calistoga St. W between Van Scoyoc Ave. & Washington Ave.
- 1 Public Works staff for up to eight (8) hours. # of hours requested: \_\_\_\_\_
- 2 Public Works staff for up to eight (8) hours. # of hours requested: \_\_\_\_\_
- Police support to set up barricades/traffic signs and direct traffic (if closing WA-162).
- 1 Dumpster (confirm dumpster size with Activities & Events Coordinator).
- 2 Standard Portable Restrooms (in addition to the 2 existing at Main City Park).
- Electricity, including 2 Spider Boxes.
- Audio/PA system (Does not include a DJ).
- Barricades/Cones/Traffic Signs (Must provide placement on map).
- Hang event banner over Washington Ave. for 2 weeks (Organizer to provide banner [and fill out permit](#)).
- Event Advertisement on City Reader Board, Website, & Social Media.

### **Section III. Process for seeking Sponsorship**

All groups seeking sponsorship must submit a written request to the Council's Community and Governmental Affairs Committee (CGA), at least 90 days prior to the date of the proposed special event. The written submission shall comply with the following:

1. The written submission can be simple, such as a brief letter along with the Special Event Application, but it must clearly define the purpose of the event, including reference to a valid municipal purpose, and who it serves. All requested services/facility use must be specified in the letter of request.
2. [Any deviation at the time of the event from the use proposed in the written submission may result in the immediate termination of the City's sponsorship of the event and the event organizer being billed for city services.](#)

2.3.A representative of the group must attend the CGA Committee meeting in order to answer any questions.

3.4.The CGA Committee will review applications prior to recommendation to the City Council for final determination by Resolution.

4.5.When approved, all materials distributed by the Organization pertaining to the City Sponsored event must contain the City of Orting logo.

5.6.An authorized representative of the group shall execute an Agreement with the City, acknowledging and agreeing to terms including but not limited to such issues as insurance and indemnification (described in Section IV).

6.7.Within sixty (60) days of the City-Sponsored Event, the Group shall provide a written report and may give an additional oral report at a City Council Meeting to the City Council about the event, including but not limited to the following topics:

- Summarize the event.
- Answer the following: Were the event's objectives achieved? Why or why not? Were there any unexpected positive outcomes or challenges?
- Reference the event's budget. Provide an analysis of actual expenses and income in relation to the projected budget.
- Provide a good faith best-estimate of actual attendance at the event.
- Describe the methodologies used to arrive at the good faith estimate of actual attendance numbers described above.

#### **Section IV. Insurance & Indemnity Requirements for City-Sponsored Events**

All organizations selected to host City-Sponsored events pursuant to this policy shall execute an agreement with the City prior to the event, and said agreement shall include the following requirements pertaining to indemnification and insurance:

**1. Indemnification / Hold Harmless:** User shall defend, indemnify and hold harmless the City of Orting, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of Premises or from any activity, work or thing done, permitted, or suffered by User in or about the Premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Orting.

**2. Insurance**

A. **Insurance Term:** The User shall procure and maintain for the duration of the use or rental period including the 24 hours before and 24 hours after the event insurance against claims for injuries to persons or damage to property which may arise from or in connection with the use of the facilities and the activities of the User and his or her guests, representatives, volunteers and employees.

B. **No Limitation:** User's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the User to the coverage provided by such insurance, or otherwise limit the City of Orting's recourse to any remedy available at law or in equity.

C. **Required Insurance:** User's required insurance shall be as follows:

General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 covering premises, operations, products-completed operations and contractual liability. The City of Orting shall be named as an additional insured on User's General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or an endorsement providing at least as broad coverage. The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

The insurance policy shall contain, or be endorsed to contain that the User's insurance coverage shall be primary insurance as respect the City of Orting. Any insurance, self-insurance, or self-insured pool coverage maintained by the City of Orting shall be excess of the User's insurance and shall not contribute with it.

D. **City of Orting Full Availability of User Limits:** If the User maintains higher insurance limits than the minimums shown above, the City of Orting shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the User, irrespective of whether such limits maintained by the User are greater than those required by this contract or whether any certificate of insurance furnished to the City of Orting evidences limits of liability lower than those maintained by the User.

E. **Certificate of Insurance and Acceptability of Insurers:** The User shall provide a certificate of insurance evidencing the required insurance before using the Premises. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

Notes/Questions:

Changed that written request for sponsorship must be submitted 90 days rather than 60 days prior. Good

Do we still want to require the oral report listed in Section 3, #7? I think this is good follow up to determine if the organizer is meeting the intent/valid municipal purpose of the event.



Changed general aggregate requirement from \$1 million to \$2 million (that seems to be industry standard now)

I suggest sending this document to our insurance company for their opinion as well. [Agreed](#)



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject:</b>  Food Truck Program.	<b>AB23-105</b>	<b>CGA</b>		
		<b>10.4.2023, 11.1.2023</b>		
	<b>Department:</b> Administration			
	<b>Date Submitted:</b> 10.6.2023			
	<b>Cost of Item:</b>		N/A	
<b>Amount Budgeted:</b>		N/A		
<b>Unexpended Balance:</b>		N/A		
<b>Bars #:</b>		N/A		
<b>Timeline:</b>		Before the end of the year.		
<b>Submitted By:</b>		<b>Danielle Charchenko, Executive Assistant</b>		
<b>Fiscal Note:</b>				
<b>Attachments:</b>				
<b>SUMMARY STATEMENT:</b>				
<p>Recently the City has seen an increase in food truck operators that are interested in serving in Orting. Most cities in Washington state have made a code revision or created new City codes to define and regulate mobile food vending Adopting an updated food truck program that includes a shorter application and a reduced vendor fee would streamline the process and allow for more vendors.</p>				
<b>RECOMMENDED ACTION: <u>Action:</u></b>				
Committee Discussion.				
<b>FUTURE MOTION: <u>Motion:</u></b>				
TBD.				

### **3-2-1: TITLE:**

This chapter shall constitute the *BUSINESS LICENSE CODE* of the city and may be cited as such. (Ord. 939, 4-30-2014)

### **3-2-2: PURPOSE:**

The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue for the privilege of engaging in business in the city and to regulate such businesses to protect the public health, safety and welfare. The provisions of this chapter shall also be liberally construed for the accomplishment of such purposes. (Ord. 939, 4-30-2014)

### **3-2-3: CONFLICT:**

In the event of a conflict between a requirement of this chapter and a requirement of state or federal law, such requirement of state or federal law shall control to the extent of the conflict. (Ord. 939, 4-30-2014)

### **3-2-4: DEFINITIONS:**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section:

**AMUSEMENT DEVICE:** Those devices and machines which, through the insertion of a coin, token, slug, paper currency or through an electronic transaction (e.g., bank card, credit card, etc.) will permit a person to play a game. It includes pinball machines, video games, electromechanical games, claw machines, cranes, pool tables, bowling machines, and all other devices of like kind, nature, or purpose; provided that, it does not include gambling devices. A vending machine is not an amusement device.

**APPLICANT:** The organization or individual named on the Special Event Application or Special Business License Application.

**AUTHORIZED SPECIAL EVENT VENDOR:** A vendor operating under authority of a special event business license or special event permit.

**BLANKET VENDOR PERMIT:** A one-time permit purchased by an event organizer to operate in lieu of the requirement for individual general and special business licenses for vendors to perform vending services under the authority of a special event permit or special event business license. Additional days may be purchased for use of this permit. Non-profit organizations holding a holiday bazaar, merchandise sale, fundraiser, craft fair, etc. on private property are exempt.

**BUSINESS:** Includes all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly.

**CARNIVAL:** A business activity typically featuring a variety of mechanical rides and amusement devices for the enjoyment of customers thereof and that usually, but not necessarily, also offers food and beverage services, as well as games involving throwing, pitching or shooting skills, and sideshows.

**CART:** A mobile, nonmotorized conveyance capable of moving or being moved, which is intended to be pushed, pulled or otherwise similarly transported by an itinerant vendor a mobile vendor during the normal course of business operation.

CIRCUS: A business activity typically featuring a variety of performances and exhibitions involving wild animals, feats of horsemanship, stunts, acrobatics, aquatic sports, and clowns for the enjoyment of the customers thereof, and to which a fee is charged for admission.

CITY: The city of Orting.

CITY ADMINISTRATOR: The city administrator for the city of Orting, or the city administrator's designee. The mayor shall possess the same authority to act pursuant to the provisions of this title as is granted herein to the city administrator.

CITY SPONSORED EVENT: A special event which benefits the community and is open for participation to the general community at large, and is conducted in whole or in part on public property or public rights of way, and the city, solely or in partnership with another entity, produces, manages and/or coordinates the event, or has agreed to provide in-kind services and/or other financing in support of the special event, or has agreed to lend its name in support of the special event, after determining that the special event either:

- A. Provides a local commemoration of a national holiday;
- B. Serves a valid municipal purpose, such as strengthening the City's sense of community or celebrating a City's history.~~Provides cultural or recreational experiences to city residents that are not otherwise routinely available in the community;~~ or
- C. Provides, through increased customers, additional revenues for Orting businesses and subsequently improved tax revenues for the City.~~Significantly enhances tourism or other forms of economic development to the city.~~

EMPLOYEE: Any person employed at any business enterprise performing any part of their duties within the city. All officers, agents, dealers, franchisees, etc., of a corporation or business trust, and partners of a partnership, except limited partners, are employees within this definition.

ENGAGING IN BUSINESS:

A. The term "engaging in business" 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 out to the public as conducting such business.

B. This definition sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this definition are illustrative only and are not intended to narrow this definition of "engaging in business". If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

C. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker

or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

2. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

3. Soliciting sales.

4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

5. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

6. Installing, constructing, or supervising installation or construction of, real or tangible personal property.

7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

8. Collecting current or delinquent accounts.

9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

10. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

12. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

13. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

14. Investigating, resolving, or otherwise assisting in resolving customer complaints.

15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

D. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

1. Meeting with suppliers of goods and services as a customer.

2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

3. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

4. Renting tangible or intangible property as a customer when the property is not used in the City.

5. Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

6. Conducting advertising through the mail.

7. Soliciting sales by phone from a location outside the City.

E. A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection D of this definition.

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the Constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

EVENT ORGANIZER: Any person who conducts, manages, promotes or organizes a commercial or noncommercial special event.

FOOD: ~~Has its usual and ordinary meaning and includes all items designed for human consumption, including, but not limited to, candy, coffee, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks and dairy products. For the purpose of this chapter includes ice cream, candy, gum, soft drinks, and other similar prepackaged products. The preparation and sale of any other food item not defined by this chapter shall fall under the food truck program guidelines policy.~~

FOOD VENDING OR FOOD VENDING SERVICES: Engaging in the business of vending food ~~as described in this chapter of any kind or description.~~

FOOD TRUCK: A motor vehicle, or trailer, used to prepare and serve food and that vends food from a curbside location or on private property. Food trucks that comply with the City of Orting Food Truck Program guidelines and have an active food truck license are exempt from this section through OMC 3-2-29.

~~ITINERANT VENDOR: Any person, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in the business of providing vending services and who conducts such a business either in or about a stationary vendor unit, or from a mobile vendor unit by traveling from place to place, or customer to customer. A person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.~~

LICENSE OR BUSINESS LICENSE: As used generally in this chapter shall mean a written authorization to engage in business in the City issued by the City pursuant to the requirements of this chapter. A business license is categorized either as a general business license or a special business license. Unless otherwise provided herein, a reference to license or business license shall mean and refer to both a general and special business license.

LICENSEE: Any person issued a business license pursuant to the provisions of this chapter.

LIFE AND SAFETY CODES: Building codes, fire codes, electrical codes and other codes of the city relating to health, safety and related requirements for use and occupancy of buildings.

MOBILE FOOD VENDOR: ~~An itinerant vendor~~ mobile vendor providing food vending services from a mobile vending unit.

~~MOBILE ICE CREAM VENDOR: A mobile vendor, either as a principal or agent, who engages in the vending of ice cream and/or frozen novelty items for immediate human consumption.~~

MOBILE VENDOR: ~~An itinerant vendor providing vending services from a mobile vending unit.~~ Any business operator or vendor who conducts business from a motor vehicle or cart upon public streets, not including food trucks as defined in this chapter.

MOBILE VENDOR UNIT: A vehicle, cart or other conveyance capable of moving or being moved and being used, or intended for use, by a person or persons to provide vending services while located within or upon the public rights of way.

NONCOMMERCIAL DOOR TO DOOR ADVOCATE: A person who goes door to door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this chapter, the term door to door advocate shall fall under the term solicitor and include door to door canvassing and pamphleteering intended for noncommercial purposes.

**NONPROFIT:** Any business enterprise registered as a nonprofit corporation within the state of Washington or granted nonprofit status through the code of the internal revenue service of the United States.

**OMC:** The Orting municipal code.

**PEDDLER:** An individual who, on his or her own behalf or on behalf of, or as an agent, contractor or employee of another person, goes from house to house, door to door, business to business, street to street, or any other type of place to place movement, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. For purpose of this chapter, the term peddler shall have the same common meaning as the term "hawker".

**PERSON:** Any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

**PHYSICAL PRESENCE:** An address where the business is located. A post office box with an address in the city of Orting for a business is considered a physical presence.

**PLACE OF BUSINESS:** The physical location of the business.

**PROMOTER OR ORGANIZER:** Any person engaged in the business of providing to any vendor, directly, or indirectly, sales areas within a farmers' market, public market, or special event location for the purpose of using such location during the term of a farmers' market, public market or special event.

**RESIDENCE:** Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SALES AREA:** Any stall, booth, stand, space, section, unit, or specified floor area within any farmers' or public market or special event location where vending services will be provided.

**SOLICITOR:** An individual, on his or her own behalf or on behalf of, or as an agent, contractor or employee of another person, who goes from house to house, door to door, business to business, street to street, or any other type of place to place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this chapter, the term "solicitor" shall have the same meaning as the term "canvasser". The following are examples of activities of a solicitor:



- A. Seeking to obtain orders for, or the sale of, goods, wares, merchandise, foodstuffs, or services of any kind, character, or description, for any kind of consideration whatsoever; or
- B. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
- C. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication; or
- D. Seeking to obtain gifts or contributions of money, clothing, or other valuable things for the support or benefit of any charitable or nonprofit organization, association, or corporation.

SPECIAL BUSINESS LICENSE: A business license issued pursuant to this chapter and subject to special license requirements as set forth in this chapter and denominated as a special business license.

SPECIAL EVENT: any event which is to be conducted on public property or public right-of-way; and, 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-ways near the event, or, which would significantly impact the need for City-provided emergency services, such as police, fire, or medial aid. It is presumed that any event on private property which involves an open invitation to the public, 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 public streets, rights-of-way or emergency services. A special event can include, but is not limited to:

- A. Any organized formation, parade, procession or assembly consisting of persons, animals, vehicles or any combination thereof, traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk or other public way which does not comply with normal and usual traffic regulations or control; or
- B. Any organized assemblage of 50 or more persons at any public park or city facility which is to gather for a common purpose under the direction and control of a responsible person or agency; or
- C. Any other organized activity or set of activities open to the public conducted by an individual, group or entity for a common or collective use or benefit and which involves the use of public facilities or rights-of-way and the possible or necessary provision of City services ancillary thereto.

Examples of special events include fun runs/walks, athletic competitions, bike-a-thons, parades, carnivals, city/town heritage celebrations, shows or exhibitions, holiday festivals, circuses, block parties, markets, musical entertainments, and motion picture filming.

~~An outside or outdoor thematic entertainment, amusement, athletic or political event, that is advertised or promoted inside or outside the city, on private property or in the exclusionary use of public property, and that is reasonably foreseeable to involve a~~

~~large assemblage of vehicles and persons, and that may cause traffic congestion, impact required parking, involve sanitation and security concerns, the erection of structures or operation of rides, games or machines that may affect the city residents' or invitees' health, safety, or welfare, or that may require excessive public safety cost in responding to and/or managing the event to preserve the public peace. A special event has a specific start and stop date, and has no intervening dates of event inactivity, except for legislative or City sponsored events. A series of similar events is not considered a single event, unless conducted on consecutive days. The outdoor display or sale of merchandise or placement of vending on private property in connection with the sale of merchandise is not considered a special event. A special event can include, but is not limited to:~~

~~—A.— Any organized formation, parade, procession or assembly consisting of persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls; or~~

~~—B.— Any organized assemblage, not meeting the criteria for a facilities use permit, of persons at any public beach or public park which is to gather for a common purpose under the direction and control of a person; or~~

~~—C.— Any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of City public safety services in response thereto.~~

~~Examples of special events include filming, concerts, parades, circuses, fairs, festivals, block parties, automobile or motorcycle rallies, community events, sporting competition such as marathons and running events, bicycle races or tours, or spectator sports such as football, basketball and baseball games, golf tournaments or hydroplane or boat races.~~

~~SPECIAL EVENT PERMIT: A conditions of approval letter provided to the Applicant by the City, signed by the Applicant.~~

~~SPECIAL EVENT VENDOR: An itinerant vendor providing vending services at a farmers' or public market or special event under authority of a special event business license.~~

~~STATIONARY FOOD VENDOR: An itinerant vendor who provides food vending services from a stationary vendor unit.~~

~~STATIONARY FOOD VENDOR UNIT: A stationary vendor unit used, or intended to be used, to provide food vending services.~~

~~STATIONARY VENDOR: An itinerant vendor who provides vending services from a stationary vendor unit.~~

~~STATIONARY VENDOR UNIT:~~

~~—A.— A vehicle, cart or other conveyance capable of moving or being moved, or~~

~~—B. A structure that is not permanently affixed to real property, and which issued, or intended to be used, at a fixed location to provide vending services.~~

VENDING MACHINE: A machine which, through the insertion of a coin, token, slug, paper currency or through an electronic transaction (e.g., bank card, credit card, etc.), will return to the persona predetermined specific article of merchandise or which will install, repair, clean, alter, imprint, or improve tangible personal property of or for consumers. It includes machines which vend photographs, toilet articles, cigarettes and confections as well as machines which provide laundry and cleaning services.

VENDING OR VENDING SERVICES: Exhibiting goods or services for sale for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.

VENDOR: Any person who exhibits goods or services for sale for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services. (Ord. 939, 4-30-2014; amd. Ord. 2018-1036, 9-26-2018)

### **3-2-5: LICENSE REQUIRED:**

A. Except as otherwise provided herein, no person shall engage in business in the City without first having obtained through the Department of Revenue, and keeping in full force and effect, a valid business license authorizing such person to engage in the business authorized therein.

B. It shall be unlawful for a person to engage in a business in the City for which a business license has previously been issued but has expired until such time as that business license has been renewed or a new business license has been issued.

C. It shall be unlawful for a person to engage in a business in the City for which a business license has been suspended until such time as the period of suspension has ended.

D. It shall be unlawful for a person to engage in a business in the City for which a business license has been revoked until such person is qualified for, and obtains, and keeps in full force and effect, a valid business license authorizing such person to engage in the business authorized therein.

E. All business licenses approved for issuance by the City Administrator shall be and are conditioned upon compliance at all times with all ordinances, regulations and laws of the City and the State applicable to the operation of such business or which otherwise bears a direct relationship to the conduct of the business licensed.

F. Upon issuance, unless revoked or suspended or relinquished by the licensee, a business license shall be valid ~~until its expiration date, which will be December 31 of any given year~~ for a (12) month period, provided that licensee continues in business and pays the license fee due pursuant to the provisions of this chapter, and must be renewed annually. No business license may be issued for a period longer than twelve (12) months. No business license may be issued for multiple years or more than one hundred eighty (180) days in advance of the effective date of said business license.

G. Issuance of a business license does not imply compliance with other City codes, regulations or laws, and does not permit business operation unless the business is properly zoned and/or in compliance with all applicable laws/rules.

H. Applicants for a special business license shall be required to comply with the additional special business license requirements set forth in this chapter. Upon issuance of a special business license, licensees shall be subject to both the general business license requirements and the applicable special business license requirements of this chapter. In the event of a conflict between the general license provisions and the special business license provisions of this chapter, the special business license provisions shall control to the extent of the conflict. (Ord. 939, 4-30-2014)

### **3-2-6: EXEMPTIONS:**

The requirement set forth in this chapter to have and maintain a valid business license (either a general or a special business license) as a condition of engaging in business in the City shall not apply to:

A. Minors doing business or operating a business concern where no other person is employed by the minor;

B. The United States or any instrumentality thereof and the State of Washington or any Municipal subdivision thereof;

C. Persons whose sole activity is the rental of real property;

D. Fraternal benefit associations or societies as defined in Revised Code of Washington 48.36A.010;

E. Nonprofit religious organizations;

F. Nonprofit associations, clubs, or corporations maintained for the purpose of organized sports, charity, public school related activities or Municipal corporation related activities, including Police and Fire Department reserve organizations;

G. Any farmer, gardener, or other person selling, delivering, or peddling any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person;

H. A vendor not otherwise exempt pursuant to subsection G of this section, participating in a farmers' or public market or special event for which a special event business license and blanket vendor permit has been issued; provided that, complete information for such vendor has been provided by the event organizer to the City in compliance with the provisions of subsection [3-2-26B](#) of this chapter and the vendor is otherwise qualified to engage in business in the City;

I. A person participating in a collective garden within the meaning of Revised Code of Washington chapter 69.51A; and

J. A person, employee, agent, representative, independent contractor, broker or a person acting on behalf of another person, whose activities within the City are limited to the following:

1. Meeting with suppliers of goods and services as a customer;
2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions;
3. Attending meetings, such as board meetings, retreats, seminars, and conferences or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf;
4. Renting tangible or intangible property as a customer when the property is not used in the City;
5. Attending, but not participating in, a trade show or multiple vendor events;
6. Conducting advertising through the mail;
7. Soliciting sales by phone from a location outside of the City;
8. Selling products to businesses within the City by wholesale distributors, unless said distributor has an office, warehouse or other business establishment located within the City;
9. Delivering goods by a seller located outside of the City into the City by means of common carrier; provided, that the seller engages in no other business activities in the City;
10. Meeting with customers or potential customers when no sales or orders are solicited at the meeting; or
11. Collecting current or delinquent accounts by phone from a location outside of the City. (Ord. 939, 4-30-2014)

K. Food trucks that comply with the City of Orting food truck program guidelines and have an active food truck license are exempt from this section through OMC 3-2-29.

### **3-2-7: APPLICATION AND ISSUANCE:**

A. Any person desiring to obtain a general business license under this chapter shall apply to the City Administrator or his or her designee for such license upon such forms as the City prepares and provides, and shall give such information as the City Administrator or his or her designee deems reasonably necessary to administer and enforce this chapter. Such person shall pay the City Administrator or his or her designee the sum or sums required to be paid therefor pursuant to section [3-2-9](#) of this chapter. Any person desiring to obtain a special business license under this chapter shall be subject to the application requirements as set forth herein for a general business license and any additional application requirements set forth in this chapter for such special business license.

B. For purposes of the license by this chapter, any person or business whose value of products, gross proceeds of sales, or gross income of the business in the City is equal to or less than ten thousand dollars (\$10,000.00) and who does not maintain a place of business within the City, shall file a business license registration, declare no fee due, and submit the registration to the Director or designee. The threshold applies to

general business licenses, not regulatory licenses or activities that require a specialized permit. (Ord. 2018-1036, 9-26-2018)

### **3-2-8: LICENSEE; APPLICANT:**

When a license is applied for on behalf of a person other than an individual or sole proprietorship, the licensee shall be such person on whose behalf the license is applied for (e.g., the corporation, limited liability company, etc.). When a license is applied for on behalf of an individual or sole proprietorship, the licensee shall be such individual or sole proprietor on whose behalf for which the license is applied. When the licensee will be an individual or sole proprietorship, the "applicant" shall be the licensee. When the licensee is a corporation, the "applicant" shall be a principal officer authorized by requisite board action to file a business license application on behalf of the licensee, or a representative of licensee if the application is accompanied by a power of attorney designating the representative as attorney in fact for the applicant with full power and authority to complete and submit the application on behalf of the licensee. When the licensee is a limited liability company, "applicant" shall include the members, or if the certificate of formation vests management of the limited liability company in a manager or managers, the term "applicant" shall include such manager or managers. When the licensee is a partnership, the "applicant" shall include principal partners. Applicant shall provide, at a minimum, the business name, business address, and telephone number of the proposed business, a listing and explanation of all services to be provided, a description of any other business activity to be conducted on the premises or adjoining premises owned and controlled by the applicant, and the principal enterprise of the business if different from the activity being licensed.

In addition to such other information deemed necessary by city administrator, the application shall require the disclosure of the number of employees at each location and state whether the owner, or owners, work in the business at each specific location. If an applicant claims an exemption or deduction under the terms of this chapter, the application shall also include a full disclosure of those facts pertinent to the exemption or deduction.

The city administrator, upon receipt of such application, the required information and the required sum or sums, shall issue to each person a receipt stating therein the date, amount paid and the kind of trade, profession or business for which such license is required. Every business license issued under this chapter shall recite the amount paid therefor, the date of issue, the date of expiration, to whom it is issued, and the kind of business licensed. The business license shall also be signed by the city administrator. Upon filing such application with the city administrator, the person shall be entitled to be issued and to receive a business license or special event business license, in accordance with the provisions of this chapter. (Ord. 939, 4-30-2014)

### **3-2-9: FEES:**

Except as otherwise provided in this chapter, a business license fee shall be collected from every person engaging in business in the city. Unless a flat fee is established for a particular type of business by resolution of the city council, the license fee shall be based on the business's number of employees as set forth in the current fee schedule as adopted by resolution of the city council. The fee for a special event business license

shall be set by resolution of the city council and shall be a flat fee; provided that, the special event business license fee shall be waived for city sponsored events. (Ord. 939, 4-30-2014)

### **3-2-10: DETERMINATION OF EMPLOYEES:**

For purposes of determining the number of employees for calculating the license fee, the following rules shall govern:

A. Only those individuals working in the city shall be considered in the total number of employees. However, the fact an individual also works outside the city shall not exclude him or her from the total sum of employees for purposes of this chapter.

B. The owner or officers of a business shall be included in the total number of employees.

C. Individuals working less than twenty (20) hours per week for a business shall be considered a fraction of an employee in such amount as their average weekly hours worked bear to forty (40) hours.

D. The annual license fee shall be determined by the greatest number of employees employed by the business between January 1 and December 31 of the preceding year in which the license is payable. The number of employees shall be determined by the employer's highest numerical count and most recent employer's unemployment compensation quarterly report filed with the Washington state employment security department.

E. A new business that has not yet established or reported employee information to the state shall determine their initial license fee by the maximum number of employees estimated to be employed during that calendar year.

F. Businesses doing business in the city that have no employees physically working within the city shall pay the minimum license fee required under this chapter.

G. Real estate and insurance agents or salespeople shall be considered employees of the agency/entity from which they work, and shall not be required to obtain a separate license, but shall be included in the calculation of total employees if the license fee is based upon the number of employees. (Ord. 939, 4-30-2014)

### **3-2-11: LICENSE NONTRANSFERABLE:**

A license issued pursuant to this chapter is personal and nontransferable. Any unauthorized transfer or attempt to transfer a license shall automatically void such license. (Ord. 939, 4-30-2014)

### **3-2-12: LICENSE TERM AND RENEWAL:**

A. In General: A license issued pursuant to this chapter shall ~~expire at eleven fifty nine o'clock (11:59) P.M. on December 31 of each year~~ be valid for a twelve (12) month period and shall be renewed annually upon application and payment of the annual business license fee prior to ~~January 1 of each year~~ expiration of the active business license. It is the obligation of the licensee to be aware of the time period for renewal. No person may apply for renewal of a business license more than sixty (60) days prior to expiration. Application for renewal shall be submitted upon such forms and in such

manner as may be established from time to time by the city administrator. No application for renewal shall be deemed complete unless it is accompanied by payment of the applicable fees. License fees will not be prorated.

B. Nonrenewal; Expiration Of License: Failure to renew the required business license prior to its expiration shall result in the expiration of the license and the inability to engage in business within the city.

C. Renewal After Expiration: Submittal of an application for a new business license is not required to apply for renewal of an expired business license, provided that the business activities for which the initial license was issued have not materially changed and applicant submits a completed application for renewal of the expired business license within sixty (60) days following expiration. Nothing herein is intended, or shall be construed, to authorize a person to engage in business in the city without having in place a valid business license as required in this chapter. (Ord. 939, 4-30-2014)

**3-2-13: DISPLAY:**

Every license issued under this chapter shall be displayed for inspection, by the owner or holder thereof, on demand by any city officer. Unless so displayed upon demand, it shall be conclusively presumed that such person has not obtained a valid business license. (Ord. 939, 4-30-2014)

**3-2-14: SEPARATE LICENSE; WHEN REQUIRED:**

A separate business license shall be obtained for each branch, establishment, or location at which the business related activity is engaged in, and each license shall authorize the licensee to engage only in that business or business enterprise at that location. A separate business license shall not be required for a business activity determined by the city administrator to be an accessory activity to a branch, establishment or location for which a business license is issued. A separate business license shall not be required for the renting and/or leasing of real property in multiple locations which shall be considered a single business encompassing all rental or leased units in the city by a single owner or property manager. A separate business license is not required for each location at which a mobile vendor engages in business in the city. (Ord. 939, 4-30-2014)

**3-2-15: CHANGE OF LOCATION:**

When the physical location of a business located in the city is moved to another location in the city, the licensee shall return the business license to the city administrator and a new license shall be issued for the new place of business and shall be valid for the unexpired term. The fee for a new license shall be set by resolution of the city council. This requirement shall not apply to mobile vendors. (Ord. 939, 4-30-2014)

**3-2-16: MULTIPLE BUSINESSES:**

When more than one business is operated at the same location, each business shall be required to obtain a separate business license. (Ord. 939, 4-30-2014)

**3-2-17: NO LIABILITY OF CITY:**

Issuance of a license pursuant to this chapter does not constitute the creation of a duty by the city to indemnify the licensee for any wrongful acts against the public, or to



guarantee the quality of goods, services or expertise of a licensee, or lawfulness of the business activities engaged in. The issuance of such a license does not shift responsibility from the licensee to the city for proper training, conduct, or equipment of the licensee or its agents, employees or representatives, even if specific regulations require standards of training, conduct or inspection. (Ord. 939, 4-30-2014)

**3-2-18: QUALIFICATIONS OF LICENSEES; PERMIT REQUIREMENTS;  
CONDITIONAL LICENSES:**

A. No general or special business license shall be issued, nor shall any license be renewed pursuant to the provisions of this chapter, to:

1. An individual who is not eighteen (18) years of age at the time of application;
2. A licensee/applicant who has had a similar license revoked or suspended pursuant to applicable city codes or other similar code provisions of any jurisdiction, within two (2) years prior to the license application;
3. A licensee/applicant whose business activities, or proposed business activities, are unlawful under state, federal or local laws;
4. A licensee/applicant whose business activities, or proposed business activities, constitute a public nuisance; or
5. A licensee/applicant for a special business license who does not meet the qualifications under the business license code for issuance of such special business license.

B. A licensee/applicant may be denied a license by reason of the prior conviction for a felony, gross misdemeanor or misdemeanor, if the crime for which he or she was convicted directly relates to the business for which the license is sought, and the time elapsed since the conviction is less than ten (10) years for a felony or less than five (5) years for a misdemeanor or gross misdemeanor.

C. No person or business may reapply for a denied or revoked business license merely by renaming the business. The denial or revocation of a license applies to any business entity, regardless of its name, that is operating under the same ownership and/or management and engages substantially in the same type of business as that of a business that has been previously denied a license or has had its license revoked under this chapter within two (2) years of such application for a license.

D. In the event an applicant seeks a business license for a business to be located in a building or structure for which a building permit is required, whether as a newly constructed building or structure, or a remodeled building or structure, the building permit process, including final inspections/issuance of occupancy permits, shall be completed prior to issuance of a business license.

E. In the event an applicant seeks a business license for a business to be located in a building or structure for which no building permit is required, the applicant shall be entitled to receive a "conditional" business license, assuming that all other applicable licensing requirements of this chapter have been met. Such conditional license shall be

conditioned on the business premises being inspected for compliance with applicable life and safety codes, and subject to the following:

1. The applicant shall arrange for such inspection(s) within sixty (60) days of commencing business at the premises by contacting the city; provided, however, that the applicant may request from the city administrator an extension of the sixty (60) day time period, which request may be granted upon a good cause showing of why the inspection could not be timely completed; and

2. Failure of the applicant to arrange for and complete the life and safety code compliance inspection within the sixty (60) day time period shall cause the conditional business license to be automatically canceled. Such cancellation shall not require compliance with the provisions for denial, revocation or suspension of business licenses set forth in this chapter. Thereafter, until all licensing and inspection requirements have been fully complied with, any continued operation of the business shall constitute a violation of this chapter. (Ord. 939, 4-30-2014)

### **3-2-19: DENIAL, REVOCATION OR SUSPENSION OF LICENSE:**

Any business license application submitted under the provisions of this chapter may be denied, and any business license issued under the provisions of this chapter may be revoked, or suspended at any time, as provided for in this chapter. No person may engage in business or continue to engage in business for which a business license has been denied, revoked or suspended; provided that, this prohibition shall not apply to the extent that such suspension or revocation has been stayed pursuant to the provisions of this chapter or lawful order of a court of competent jurisdiction. (Ord. 939, 4-30-2014)

### **3-2-20: GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION:**

The grounds for denial, suspension or revocation of a business license shall include any one or more of the following:

A. The license or application therefor was procured or submitted by fraud or misrepresentation of fact;

B. The licensee/applicant has failed to comply with any of the provisions of this chapter or other applicable state, federal or local law, or has failed to meet the qualifications set forth in this chapter;

C. The licensee/applicant, or licensee's/applicant's employees or agents, have been convicted of a crime, or suffered civil judgment or consent decree which bears a direct relationship to the conduct of the business licensed pursuant to this chapter; provided that, such conviction, if for a felony is less than ten (10) years old, and if for a misdemeanor or gross misdemeanor is less than five (5) years old;

D. The licensee/applicant, or licensee's/applicant's employees or agents, have violated any law or ordinance relating to the regulation of the business licensed issued pursuant to this chapter, or any health or safety ordinance which bears a direct relationship to the conduct of the business licensed pursuant to this chapter;

E. The licensee/applicant has caused or permitted a public nuisance to exist;

F. The licensee/applicant has failed to pay a civil penalty or to comply with any lawful notice and order of the city administrator which bears a direct relationship to the conduct of the business licensed pursuant to this chapter;

G. The licensee's/applicant's continued conduct of the business will, for any other reason, result in a danger to the public health, safety or welfare;

H. The licensee is delinquent in the payment of taxes to the city that are due and owing for the licensed business, and has failed to pay, or enter into agreement with the city for payment of, such amounts due and owing within thirty (30) days of written notice of such delinquency; and

I. The licensee/applicant, or licensee's/applicant's employees or agents, have engaged in, have permitted or have acquiesced in unlawful drug activity on the business premises. For purposes of this section, the term "permitted" shall mean, in addition to its ordinary meaning, that licensee/applicant has actual or constructive knowledge of the circumstances which would foreseeably lead to the unlawful drug activity. "Unlawful drug activity" means manufacturing, delivering, selling, storing, or giving away any controlled substance, as defined in the Washington uniform controlled substances act <sup>1</sup> or the federal controlled substances act (21 USC section 801 et seq.), in violation of state, federal or local law. (Ord. 939, 4-30-2014)

Notes

<sup>1</sup> 1. RCW ch. 69.50.

### **3-2-21: DENIAL, SUSPENSION, REVOCATION PROCEDURE:**

A. Upon determination by the city administrator that a license application is to be denied or that a license is to be suspended or revoked pursuant to the provisions of this chapter, the city administrator shall give a written notice and order of such action to the licensee/applicant by certified mail. The notice and order shall set forth the facts and grounds for the denial, revocation or suspension and shall include a statement advising that the applicant/licensee may appeal from the notice and order or from any action of the city administrator to the city hearing examiner, provided that the appeal is made in writing as provided in this chapter and filed with the city administrator within fourteen (14) days after the date of receipt of the notice and order, and that failure to appeal shall constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the applicant/licensee either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to such applicant/licensee at the address which appears on the application/business license.

C. Service by mail shall mean sending the document by regular, first class mail, postage prepaid and properly addressed, to the applicant's/licensee's address as provided by the applicant/licensee. Service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday, or federal legal holiday, in which event service shall be deemed

complete on the first day other than a Saturday, Sunday, or legal holiday following the third day. "Personal service" shall mean handing the document to the applicant/licensee or leaving it at the applicant's/licensee's place of business in the city with a person in charge thereof. (Ord. 939, 4-30-2014)

**3-2-22: APPEAL FROM DENIAL OR FROM NOTICE OR ORDER:**

A. The city hearing examiner appointed pursuant to title 1, chapter 12 of this code is designated to hear appeals by applicants or licensees aggrieved by actions of the city administrator pertaining to any denial, suspension, or revocation of business licenses. The hearing examiner may adopt reasonable rules and regulations for conducting such appeals. Copies of all rules and regulations so adopted shall be filed with the city clerk, who shall make them freely accessible to the public.

B. Any licensee/applicant may, within fourteen (14) days after receipt of a notice and order of denial, suspension or revocation, file with the city clerk a written notice of appeal containing the following:

1. A heading with the words: "Before the Hearing Examiner of the City of Orting";
2. A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the business involved in the notice and order;
4. A brief statement, in concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant or appellants;
5. A brief statement, in concise language, of the relief sought, and the reasons why it is claimed that the protested action or notice and order should be reversed, modified, or otherwise set aside. Appellant shall specify the errors of law and/or errors of fact upon which the appeal is based;
6. The signatures of all persons named as appellants, and their official mailing addresses; and
7. The verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal.

C. As soon as practicable after receiving a written appeal, the city administrator shall fix a date, time, and place for the hearing of the appeal by the hearing examiner. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing by the city administrator, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

D. At the hearing, the appellant(s) shall be entitled to appear in person, and to be represented by counsel and to offer such evidence as may be pertinent and material to the notice and order. Technical rules of evidence need not be followed.

E. Only those errors of law and fact specifically raised by the appellant(s) in the written notice of appeal shall be considered in the hearing of the appeal. Appellant(s) shall bear the burden of proof by a preponderance of the evidence that the city administrator erred in issuing the denial, suspension, or revocation.

F. Within fourteen (14) days following conclusion of the hearing, the hearing examiner shall make written findings of fact and conclusions of law, supported by the record, and issue a decision which may affirm, modify, or overrule the denial, suspension, or revocation of the city administrator. The hearing examiner may also impose terms as conditions to issuance or continuation of a business license; provided that, when deemed necessary by the hearing examiner, at the conclusion of the hearing or within the ten (10) business days following conclusion of the hearing, the hearing examiner may announce the need for a longer time period, not to exceed fifteen (15) days, within which the written findings of fact and conclusions of law and decision shall be made.

G. Any party aggrieved by the decision of the hearing examiner may appeal that decision to the city council by filing a written notice of appeal, within ten (10) days after receipt of the decision of the hearing examiner, with the city clerk. The city administrator shall transmit a complete copy of the hearing examiner's record, findings and conclusions, and decision, and all exhibits, to the city council and shall cause the appeal to be placed upon the agenda of the city council within thirty (30) days after receipt of the notice of appeal. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing by the business license clerk, by mailing a copy thereof, postage prepaid, by certified mail with return receipt requested, addressed to each appellant at his or her address shown on the notice of appeal.

H. Any appeal of the decision of the city council must be filed within fourteen (14) days of issuance of the decision.

I. Enforcement of any suspension or revocation of any business license, or other order of or by the city administrator, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. The city administrator shall have the authority to issue a temporary business license in the event that such issuance is necessary to protect appellant's constitutionally protected rights.

J. Failure of any aggrieved party to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order of denial, revocation or suspension. (Ord. 939, 4-30-2014)

### 3-2-23: INSPECTIONS; RIGHT OF ENTRY:

The city administrator is authorized to make such inspections of the premises and facilities of establishments licensed or required to be licensed under this chapter, and to take such action as may be required to enforce the provisions of business license ordinances or other applicable codes. The mayor or city administrator may designate any appropriate city employees, including, but not limited to, code enforcement officers, building inspectors and commissioned police officers, to undertake such inspections. Inspections shall, to the extent possible, comply with the following:

A. The person(s) designated to make such inspection(s) may enter any licensed business location, at any reasonable time, to inspect the same and/or perform any duty imposed by law;

B. If the place of business is occupied, said inspector(s) shall first present proper credentials and demand entry and right to inspect;

C. If the place of business is unoccupied, said inspector(s) shall first make a reasonable effort to locate the licensee or other person having charge or control of the premises and shall then present proper credentials and demand entry and right to inspect;

D. No licensee, or its employees or agents, shall fail or neglect, after proper demand, to admit said inspector(s), acting within the scope of the inspector's employment, to any location licensed for business, or to interfere with an inspector while in the performance of the inspector's duty; and

E. Nothing herein shall prevent or prohibit undercover investigations or inspections by appropriate officers in appropriate circumstances. (Ord. 939, 4-30-2014)

### 3-2-24: REGULATIONS:

The city administrator may establish administrative rules and regulations as deemed appropriate, consistent with this chapter, for the purpose of enforcing and carrying out its provisions. (Ord. 939, 4-30-2014)

### 3-2-25: SPECIAL BUSINESS LICENSE REQUIREMENTS ~~ITINERANT VENDORS:~~ MOBILE VENDORS

In addition to the general business license requirements, the following additional requirements and regulations shall apply to ~~itinerant~~ mobile vendors:

A. Purpose: The general purpose of this section is to promote the health, safety, comfort, convenience, prosperity and general welfare of the citizens, businesses and visitors of Orting by limiting business activities of ~~itinerant~~ mobile vendors within the city and requiring that new and existing ~~stationary and~~ mobile food vendors provide the community and customers with a minimum level of cleanliness, quality, safety and security. It is the purpose and intent of the city council in enacting this chapter, to provide ~~stationary and~~ mobile food vendors with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. It is further the purpose of this chapter to authorize and permit mobile food vendors to use the public rights of way to provide food vending services in conformance with the requirements of this chapter. The city does not intend this section to otherwise authorize or allow ~~itinerant~~ mobile vendors, ~~other than mobile food vendors,~~ to use the public rights of way to provide vending services, ~~and further, does not intend this section to authorize or allow stationary vendors to provide vending services~~ other than in locations zoned for such uses or otherwise allowed pursuant to a special events permit.

B. Findings:

1. The city council hereby finds and declares that ~~itinerant~~ mobile vending activity occurring on public streets and sidewalks and private property creates or may create the following negative impacts:

a. An increase in the amount of litter and an increased risk of public health and safety violations due to lack of connections to power and water, especially when in connection with on site food preparation;

b. Increased concerns over health and proper sanitation because ~~itinerant~~ mobile vendors do not provide bathroom facilities for vendor operators or customers;

c. Difficulty in enforcing health and other regulations applicable to ~~itinerant~~ mobile vendors due to the ~~itinerant and~~ mobile nature of the business;

d. Trampling down lawns when ~~itinerant~~ mobile vendors and their customers trespass upon or walk across private property;

e. Invasion of personal privacy when ~~itinerant~~ mobile vendors remain parked for long periods of time in front of a person's home or business;

f. Heightened intensity of use to surrounding areas;

g. Impediments to vehicular and pedestrian traffic on public rights of way;

h. Increased risk of traffic congestion, vehicle accidents and personal injuries when vending from mobile vendor units;

i. Hazards to motorists, pedestrians, and ~~itinerant~~ mobile vendors and their customers when operating on public and private streets and sidewalks and public rights of way;

j. Traffic hazards, including disruption of traffic flow and distracted drivers, when other vehicles stop to make purchases from such ~~itinerant~~ mobile vendors;

k. Impediments to the clear path of travel for pedestrians and diminished space on sidewalks, which could force pedestrians onto streets and create particular difficulties for residents with disabilities;

l. Safety hazards from street geometry, traffic circulation patterns, and from differences between motor vehicle and mobile vendor unit travel speeds;

m. A heightened degree of accident vulnerability, particularly near intersections and driveways or on streets with higher speeds and traffic volumes, when ~~itinerant~~ mobile vendors operate and conduct business on the shoulders of streets and public rights of way;

n. Decreased on and off street parking availability; and

o. Substantial public health, safety and welfare concerns requiring a higher level of compliance monitoring and applicant screening than for other businesses operating in the city, thereby substantially increasing city costs.

2. The city council hereby also finds and declares that:

- a. There is an increased public interest and demand for access to itinerant mobile vendors engaged in the business of selling food;
- b. ~~It is in the public interest to: increase access to affordable and gourmet foods; encourage budding food entrepreneurs; and support local small business and economic development;~~
- c. It is in the public interest to provide a business friendly environment and balance the unmet demands that itinerant vendors can provide within the existing business climate against the negative impacts that activities of itinerant mobile vendors and their customers can have upon the community; and
- d. These public interests can be served by providing itinerant mobile vendors with the opportunity to conduct business on private property and within public rights of way while protecting the public health, safety and welfare through establishment of business license requirements and regulations.

Based upon the foregoing findings, the city council has determined that the adoption of reasonable time, place and manner restrictions on itinerant mobile food vending activities are necessary in order to protect the public health, safety and welfare.

C. Itinerant Mobile Vendor License Required:

1. Prohibition: It is unlawful for a ~~stationary or~~ mobile vendor, not otherwise exempt from the provisions of this chapter, to engage in vending services within the city except as provided and authorized in this chapter.
2. Itinerant Mobile Food Vending Authorized: A ~~stationary or~~ mobile vendor is authorized to provide food vending services upon having first obtained, and thereafter keeping in full force and effect, a valid itinerant mobile food vendor license issued by the city in compliance with the provisions of this chapter.
3. Separate License Required: A separate itinerant mobile food vendor license is required for each ~~stationary or~~ mobile food vendor unit operating within the city.
4. Compliance With Laws: All itinerant mobile food vendor licenses approved for issuance pursuant to this chapter shall be and are conditioned upon compliance at all times with all ordinances and regulations of the city and the laws of the state applicable to the operation of such business or which otherwise bear a direct relationship to the conduct of the business licensed, including, but not limited to, compliance with the Tacoma-Pierce County health department regulations. Issuance of a business license does not imply compliance with applicable laws, ordinances or regulations.
5. Special License; Endorsement: An ~~itinerant mobile~~ food vendor license is a special and limited license and authorizes the holder only to engage in business in the city ~~either as a mobile food vendor or as a stationary food vendor~~. An itinerant mobile food vendor license endorsed for the holder to operate as a mobile food vendor does not authorize the holder to operate as a stationary food vendor. ~~An itinerant food vendor license endorsed for the holder to operate as stationary food vendor does not authorize the holder to operate as a mobile food vendor.~~



6. Nuisance: Any ~~stationary or~~ mobile food vending unit being operated by a person without a valid ~~itinerant- mobile~~ food vendor license with the proper endorsement shall be deemed a public safety hazard and public nuisance.

~~7. Change Of Location; Stationary Vendor Unit: An itinerant food vendor license endorsed for a stationary food vendor shall be issued only for the location identified on the license. When the place of business of a stationary food vendor unit is changed, the stationary food vendor license shall become void.~~

~~7.~~ Incidental Sale Of Goods: A licensed ~~itinerant- mobile~~ food vendor may engage in exhibiting and selling goods that are incidental to the food vending services being provided.

D. Licensee; Applicant: Where the license is applied for on behalf of a person other than an individual or sole proprietorship, the licensee shall be such person on whose behalf the license is applied (e.g., the corporation, limited liability company, etc.). Where the license is applied for on behalf of an individual or sole proprietorship, the licensee shall be such individual or sole proprietor on whose behalf for which the license is applied. Where the licensee will be an individual or sole proprietorship, the applicant shall be the licensee. Where the licensee is a corporation, the "applicant" shall be the principal officers of the corporation. Where the licensee is a limited liability company, "applicant" shall include all of the members, or if the certificate of formation vests management of the limited liability company in a manager or managers, the term "applicant" shall include such manager or managers. Where the licensee is a partnership, the "applicant" shall include principal partners.

E. Application And Issuance: Any person desiring to obtain an ~~itinerant mobile~~ food vendor license under this chapter shall apply to the city for such license upon such forms as the city prepares and provides, give such information as required herein and any such additional information that the city administrator deems reasonably necessary to administer and enforce this chapter, and pay the city the sum or sums required to be paid pursuant to section [3-2-9](#) of this chapter. An application not including the required information and license fee shall not be deemed complete and will not be processed by the city. (Note: When applicant is a corporation, partnership or limited liability company, the application shall include the required information for each of the partners, managers or members identified as applicants in subsection D of this section.)

Applicant shall provide the following information, which shall be included with and made a part of the application:

1. The business name;
2. A business address at which licensee will receive notices from the city;
3. A telephone number at which the licensee can be contacted;
4. Each applicant's: name, prior name(s) and aliases; address; present place of residence and the length of residence at such address; and business address if other than above identified address;

5. Address or place of residence of each applicant during the two (2) years prior to the date of the application;

6. In the event the name or address of an applicant has changed within the two (2) years prior to the date of application, each name and address used for the preceding two (2) year period;

7. Each applicant's physical description, date of birth and social security number;

8. Whether the applicant(s) has ever been, within the ten (10) year period prior to the date of the application, convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States;

9. Whether the applicant(s) has ever been, within the five (5) year period prior to the date of the application, convicted of a violation of a misdemeanor or gross misdemeanor under the laws of this state or any other state or federal law of the United States;

10. A description of the item(s) or services being sold and/or a description sufficient for identification of the subject matter of the business in which the applicant will engage;

11. A description of the ~~stationary or~~ mobile food vending unit, including unique identifying serial numbers or vehicle identification numbers;

~~12. If the application is for a stationary food vendor license, the location upon which the stationary food vending unit will be operated and proof of compliance with the applicable architectural design review requirements of title 13, chapters 6 and 7 of this code;~~

~~13. 12. If the application is for a mobile food vendor license, p~~ Proof of insurance required pursuant to this chapter;

~~14. 13.~~ The uniform business identifier (UBI) number issued by the state of Washington or a federal tax identification number; and,

~~15. 14.~~ A letter, or equivalent, issued no greater than ninety (90) days prior to the date of application, from the Tacoma-Pierce County health department certifying, or otherwise evidencing, that the ~~stationary or~~ mobile food vendor unit is in compliance with required health department regulations.

F. Authorization For Background Check: Applicants shall complete an authorization form to release information allowing the city police department to conduct a local criminal history background check and allowing the Washington state patrol to conduct a state and national criminal history check in accordance with the provisions of Revised Code Of Washington 35A.21.370 and 10.97.050. Applicants may be required to submit to fingerprinting or palm scanning by the police department, in connection with an application for an ~~itinerant- mobile~~ food vendor license. Applicants shall be required to provide a copy of a valid driver's license or picture ID for identification purposes.

G. Attestation: Each applicant shall sign the application either in the presence of the city clerk, or designee, or the city administrator, and shall provide proof of applicant's

identity, or each such applicant's signature shall be notarized. Each applicant shall attest as to the truth and accuracy of the contents of the application provided by the applicant.

H. Receipt: Upon receipt of a complete application and the required sum or sums, the city administrator shall issue to applicant a receipt stating therein the date, amount paid and for which type of license was applied.

I. Content Of ~~Itinerant- Mobile~~ Vendor License: Every ~~itinerant- mobile~~ vendor license issued under this chapter shall recite the date of issue, date of expiration, and the name of the licensee, shall include an endorsement for ~~either a mobile vendor license or stationary vendor license~~, and shall be signed by the city administrator.

J. Investigation Of Applicants: It shall be the duty of the chief of police, or his or her designee, to investigate each application. The chief of police shall endeavor to complete such investigation within a reasonable time period after receipt of a complete application. In his/her investigation, the chief of police shall determine to the best of his/her ability:

1. The genuineness of all credentials presented by the applicant(s);
2. The truth of the facts set forth in the application; and

3. If the applicant(s) has been convicted of a crime, which bears a direct relationship to the conduct of the business licensed pursuant to this chapter; provided that, such conviction, if for a felony is less than ten (10) years old, and if for a misdemeanor or gross misdemeanor, is less than five (5) years old. In considering whether or not the conduct in question relates to the applicant or licensee's ability to operate as an ~~itinerant- mobile~~ vendor, the city may consider, whether the conduct indicates that the applicant or licensee is unfit to operate as an ~~itinerant- mobile~~ vendor. The city will presume that any one of the following categories of crimes that constitute a felony or misdemeanor under Washington state law, or under the laws of the state or district in which the crime was committed and for which a conviction is less than ten (10) years old for a felony and less than five (5) years old for a misdemeanor, has a direct relationship to the fitness of such person to engage in business as ~~itinerant- a mobile~~ vendor:

- a. Homicide;
- b. Assault;
- c. Crimes of dishonesty;
- d. Sex crimes;
- e. Drug related crimes;
- f. Crimes against children and/or vulnerable adults;
- g. Burglary and/or trespass; or
- h. Kidnapping and/or unlawful imprisonment.

K. Limitation On Activities Permitted By ~~Itinerant~~ Mobile Vendor License: ~~Itinerant~~ Mobile food vendors shall be subject to the following requirements:

1. Mobile food vendors shall not operate the mobile food vendor unit in such a manner as to impede the normal usage of arterial streets;
2. Mobile food vendors shall not stop on the traveled portion of any street or within fifty feet (50') from a corner to provide vending services;
3. No mobile food vendor shall locate his or her mobile food vendor unit in such a manner as to cause a traffic hazard, such as on streets with inadequate shoulders or restricted sight distance, and mobile food vendor unit displays of merchandise, seating, signage, or temporary shelters shall not obscure traffic;
4. The retail sale of any nonfood products is prohibited except for the exhibition and sale of goods incidental to the food vending services being provided;
5. No ~~itinerant~~ mobile food vendor shall conduct business so as to violate any ordinances of the city, including those regulating traffic and rights of way and zoning, as now in effect or hereafter amended;
6. All ~~itinerant~~ mobile food vendors shall operate in compliance with applicable health and sanitation laws, rules and regulations of the city, the state and the Tacoma-Pierce County health department regarding food handling, and all mobile food vendor units and related equipment and devices used for the handling, storage, transportation and/or sale of food shall comply with all laws, rules and regulations respecting such mobile food vendor units and related equipment and devices as may be established by the city, the state and the Tacoma-Pierce County health department;
7. No customer shall be served on the street side of a mobile food vendor unit. All service must be on the curb side when the mobile food vendor unit is on or abutting a public street;
8. All ~~itinerant~~ mobile food vendors shall provide garbage receptacles for customer use and shall maintain the area around the mobile food vendor unit, clean and free from litter, garbage, and debris;
9. At the conclusion of business activities at a given location, the mobile food vendor shall clean all the public way surrounding his or her mobile food vendor unit of all debris, trash and litter generated by the food vendor's business activities;
- ~~10. At the conclusion of daily business activities, the stationary food vendor shall clean all the area surrounding his or her stationary food vendor unit of all debris, trash and litter generated by the food vendor's business activities;~~
- ~~11. All itinerant food vendors preparing food by cooking, frying or other means shall be equipped with at least one 2A-40-BC fire extinguisher;~~
- ~~12. Stationary food vendor units shall comply with applicable architectural design review (ADR) standards as set forth at section 13-6-7 of this code, as now or may hereafter be amended;~~

~~— 13. Stationary food vendors may have outside seating for not more than six (6) persons;~~

~~— 14. Any exterior signage for stationary food vendor units shall be in compliance with the applicable ADR requirements as set forth at title 13, chapter 7 of this code;~~

~~15. Stationary food vendor units may only operate in locations as allowed by the city zoning code or special event permit;~~

~~16. The connection of a stationary food vendor unit to a source of electricity, water, and/or sewer at a stationary food vendor site is prohibited unless a permit has been obtained from the city for each connection and the connection has been inspected and found to comply with applicable city codes; and~~

~~47.10.~~ Mobile food vendors shall at all times while engaging in business in the city have and maintain insurance in compliance with the requirements of this chapter.

L. Insurance Required: No ~~itinerant~~ mobile food vendor business license shall be issued to a mobile food vendor, or renewed, unless a certificate is furnished to the city showing that the mobile food vendor is carrying the following minimum amounts of insurance: 1) general comprehensive liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and 2) property damage insurance in an amount of not less than twenty five thousand dollars (\$25,000.00) for damages on account of any one accident or occurrence. (Ord. 939, 4-30-2014)

### 3-2-26: SPECIAL BUSINESS LICENSE REQUIREMENTS - FARMERS' OR PUBLIC MARKET; SPECIAL EVENT:

A. The event organizer of a farmers' or public market or other special event may apply for a special event business license. The special event business license and blanket vendor permit will, upon issuance, operate in lieu of the requirement for individual general and special business licenses for vendors operating at the farmers' or public market or special event, to the extent a business license would otherwise be required under the provisions of this chapter. The special event business license shall be of limited duration commensurate with the term of the farmers' or public market or special event for which the special event business license is issued. The fee for a special event business license shall be as set forth in section 3-2-9 of this chapter. Notwithstanding the foregoing, no vendor, not otherwise qualified to obtain a business license from the city, may engage in vending services pursuant to a special event business license.

B. The event organizer of the farmers' or public market or special event shall, at least five (5) business days prior to the first day of the farmers' or public market or special event, submit to the city administrator a complete list of all vendors operating under authority of the special event business license at the event. The event organizer may supplement the list prior to the first day of the special event upon the city administrator's determination of good cause for delay. The vendor list shall not be deemed complete unless it includes the following for each vendor:

1. The name, contact phone number, and address of the vendor operating under the special events business license and the type of business engaged in (except with regard to vendors described at subsection [3-2-6H](#) of this chapter, vendors exempt from the business license requirements of this chapter are not required to be identified);

2. The name and address of the persons authorized to act, and provide vending services, on behalf of the vendor;

3. The department of revenue unified business identifier number issued to the vendor; and

4. A depiction of the approximate location of the sales area for each vendor.

C. Each vendor must display on site a copy of the special event license issued to the event organizer of the farmers' or public market or special event. A vendor that has not been identified on the vendor list, or supplemental vendor list, submitted to the city, and not otherwise exempt from the business license requirements, is not authorized to operate at the special event under such special event business license.

D. The special event business license shall not replace, and shall be in addition to, a special event permit that may be required for the special event. No nonexempt vendor may operate under a special event business license that would not otherwise be qualified to obtain a valid business license from the city.

E. Identification of a vendor on the vendor list does not imply compliance with applicable laws, ordinances or regulations and does not relieve the vendor from compliance at all times with all ordinances and regulations of the city and the laws and regulations of the state and other regulatory agencies, applicable to the operation of such business or which otherwise bears a direct relationship to the conduct of the business licensed, including, but not limited to, compliance with the Tacoma-Pierce County health department regulations. (Ord. 939, 4-30-2014)

**3-2-27: SPECIAL BUSINESS LICENSE REQUIREMENTS - CARNIVAL; CIRCUS:**  
In addition to the general business license requirements, the following additional requirements and regulations shall apply to carnivals and circuses:

A. License; Fee; Regulations; Terms: No person may operate, or aid in the operation of, a carnival and/or circus in the city without first obtaining, and having in full force and effect, a special business license for the operation of such carnival or circus. All fees required for a circus or carnival special license shall be in accordance with section [3-2-9](#) of this chapter, the fee schedule. The term of the license shall be limited to the days that the licensee will be in operation in the city as specified in the license application.

B. Hours Of Business: All carnivals and/or circuses shall be discontinued and no part thereof shall be open to the public after the hour of eleven o'clock (11:00) P.M., and shall remain closed until ten o'clock (10:00) A.M. of the same day unless for good cause, the hours of operation are extended by the city administrator at the time of application for the special business license.

C. Sanitary Conditions And Lighting: Every carnival and circus and any building in which any carnival or circus is held shall at all times be kept in a clean, healthy and

sanitary condition and in compliance with the health and sanitation regulations of the Tacoma-Pierce County health department. All stairways, halls, passages, and rooms which are open to the public shall be kept open and well lighted during the time that said carnival or circus is in operation. Every carnival and circus shall maintain adequate sanitary facilities, including toilets, at all times during installation, operation, and removal of all carnival or circus structures and equipment, unless such facilities are otherwise provided on site.

D. Duty Of Preserving Order: The burden of preserving order is upon the licensee of the carnival and/or circus, and if any carnival or circus in the city is not deemed operated in accordance with the rules and regulations prescribed in this chapter and as set forth in the state law, the licensee shall be subject to revocation of the business license, and the licensee or other individual responsible shall be subject to such other punishment as the law and this chapter provide.

E. Employment Of Law Enforcement Officers: In the event it becomes necessary to secure the services of one or more law enforcement officers to properly enforce these rules and regulations and to maintain order at a carnival and/or circus, all expense for such services shall be borne by the licensee and it is the duty of the licensee to secure the service of such officer or officers as are necessary to preserve order and enforce the rules and regulations prescribed by this chapter and state law.

F. Smoking Prohibited: No person shall be permitted to smoke or carry in his or her hand a lighted cigar, cigarette or pipe inside of any tent, building, or other structure during the hours when said carnival and/or circus is open to the public.

G. Fire Code: All carnivals and circuses must comply with the provisions of the city of Orting fire code as enacted or thereafter amended.

H. Location Of Site: No carnival and/or circus shall be operated in a location which is closer than one thousand (1,000) yards from any school or church, or one hundred (100) yards from any house, residence or other human habitation, except in such instances where the city administrator determines that there exists good cause to waive such requirements, based upon a review of the facts and circumstances pertaining to said carnival and/or circus.

I. Inspections: The chief of police or any police officer or code enforcement officer of the city shall at all times have full and free access to any carnival or circus without fee, compensation or reward, for the purpose of maintaining order, inspecting such entertainment or exhibition or enforcing laws and ordinances of the city. It shall be a misdemeanor offense for any person ~~wilfully~~willfully refusing such officer or officers admission.

No license shall be issued until inspections and approval shall have been made as follows:

1. The fire district shall be responsible for inspections of all carnival and circus premises and equipment for compliance with all applicable fire code requirements. The license applicant shall be responsible for payment to the fire district of the costs for such required inspection.

2. The Tacoma-Pierce County health department, or its equivalent, shall be responsible for inspection of all carnival and circus premises and all applicable equipment for compliance with all applicable health regulations. The license applicant shall be responsible for payment to the Tacoma-Pierce County health department of the costs for such required inspection.

3. The city administrator may review all carnivals and circuses to ensure that they have adequate liability insurance covering installation and operation of their equipment, including amusement rides.

J. Duty To Comply With All State And Federal Laws And Regulations; License Revocation: All persons licensed pursuant to this section are responsible for ensuring that all equipment and devices used in the carnival or circus comply with all applicable state and federal regulations. Violation of this section shall constitute grounds for revocation of the special business license.

K. Liability Insurance: No special business license shall be issued until inspections and approval shall have been made as follows:

1. Any carnival or circus operating amusement rides shall, prior to operation, provide a certificate of insurance showing evidence of comprehensive general public liability and property damage liability insurance with limits of not less than one million dollars (\$1,000,000.00) per occurrence.

2. Each carnival and circus operating amusement rides shall provide to the city administrator certification that all rides have been inspected for safety by a recognized safety inspection program approved by the current liability insurance carrier with inspectors certified by the Washington state department of labor and industries. The city administrator shall be authorized to conduct an inspection of all amusement rides to verify passage of inspection.

L. Nuisance: Any carnival or circus operating in the city without the license required by this chapter shall be considered a nuisance and shall be subject to abatement by the city. (Ord. 939, 4-30-2014)

### 3-2-28: SPECIAL BUSINESS LICENSE REQUIREMENTS - AMUSEMENT DEVICES:

A. Purpose: No person shall operate, maintain, possess or install in any store, building, public or quasi-public place where the public is invited, or wherein the public may enter, any amusement device unless such person or entity shall have first obtained an amusement device license for that purpose from the city administrator. Such license shall be in addition to the general business license required for the applicant to engage in business activities on the premises.

B. Gambling Devices Not Permitted: Nothing in this chapter shall in any way be construed to authorize, license, or permit a gambling device, or a mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to future laws of the state.

C. License Issuance: All amusement device licenses for the placement, operation, or use of amusement devices shall be issued to and in the name of the licensee. An



amusement device license shall be required for each number of amusement devices placed for operation in a business. Such license shall be transferable from one amusement device to another similar amusement device within that business; provided, however, the total number of amusement devices placed for operation shall not at any time exceed the number of amusement device licenses issued to that business. The licensee shall notify the city administrator of the transfer of the amusement device license within ten (10) business days of its occurrence, identifying, by serial number and title by which the game is commonly known, the device which is now installed, possessed or operated.

D. Term; Transfer: The term of an amusement device license commences January 1 and expires at twelve o'clock (12:00) midnight on December 31 of the same year. The fee for each such amusement device license shall be as set forth pursuant to section [3-2-9](#) of this chapter. (Ord. 939, 4-30-2014)

### 3-2-29: SPECIAL BUSINESS LICENSE REQUIREMENTS - PEDDLERS AND SOLICITORS:

A. Purpose: The city council finds that the public health, safety, and welfare requires that the citizens of the city be protected from uninvited solicitors to: 1) protect against criminal activity, including fraud, bunco and burglary; 2) minimize the unwelcome disturbance of residents and their privacy; 3) preclude solicitation and sales by individuals who have been convicted of certain crimes; and 4) preclude soliciting where it would interfere with pedestrian and vehicular passage.

B. License Required: Except as otherwise provided herein, it shall be unlawful for any individual to engage in business in the city as a solicitor or peddler without first having applied for and obtained, and having in full force and effect, a valid solicitor or peddler license.

C. Compliance With Laws: All solicitor or peddler licenses issued pursuant to this chapter shall be and are conditioned upon compliance at all times with all ordinances and regulations of the city, state laws, and regulations of regulatory agencies having authority over the licensee applicable to the operation of such business or which otherwise bear a direct relationship to the conduct of the business licensed. Issuance of a business license does not imply compliance with applicable laws, ordinances or regulations.

D. Limitation On Activities Permitted By Solicitors And Peddlers: Except as otherwise authorized pursuant to this chapter, it shall be unlawful for a solicitor or peddler within the city to:

1. Engage, or attempt to engage, in the business of soliciting or peddling upon public property, including public parks, public trails, public rights of way, and public sidewalks; provided that, such prohibition shall not apply to use of the public rights of way for travel and shall not prohibit constitutionally protected activities;

2. While engaged, or attempting to engage, in the business of soliciting or peddling, enter upon any other person's private property, home, residence, apartment complex or business that conspicuously displays a "No Peddlers" or "No Solicitors" sign,

or any other similar sign that communicates the occupant's desire not to be contacted by solicitors;

3. While engaged, or attempting to engage, in the business of soliciting or peddling, persist or continue in any solicitation or attempted solicitation, or peddling or attempted peddling, of any particular member of the general public after such person has expressed his or her desire that further solicitation or peddling efforts discontinue;

4. While engaged, or attempting to engage, in the business of soliciting or peddling, call attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure;

5. While engaged, or attempting to engage, in the business of soliciting or peddling, obstruct the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right of way;

6. While engaged, or attempting to engage, in the business of soliciting or peddling, conduct business in a way so as to create a threat to the health, safety, and welfare of any specific individual or the general public;

7. Engage in or attempt to engage in business before eight o'clock (8:00) A.M. or after eight o'clock (8:00) P.M.;

8. While engaged, or attempting to engage, in the business of soliciting or peddling, fail to provide proof of license, or registration, and identification when requested;

9. Use the solicitor or peddler license of another person;

10. While engaged, or attempting to engage, in the business of soliciting or peddling, allege false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler or solicitor shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person; or

11. Remain on the property of another when requested to leave.

E. Exemptions: In addition to the exemptions set forth at section [3-2-6](#) of this chapter, no solicitor or peddler license shall be required for the following:

1. Any person selling personal property at wholesale to dealers in such articles or commodities; newspaper couriers; and persons who have been invited to call upon another person for the purpose of displaying for possible purchase goods, literature or giving information about any article, thing, product or service;

2. Farmers, gardeners, or other persons who deliver or sell any agricultural, horticultural, or farm products which they have actually grown, harvested, or produced; provided, that this exemption does not apply to the sale of firewood;

3. Any person who makes casual sales of seasonal articles such as produce, holiday items, handmade gift articles, etc., or provides seasonal services such as lawn care, snow removal and other household jobs;

4. Any person engaged in the business of selling through the United States mail;

5. Charitable, religious or nonprofit organizations, or organizations that have received exempt status under 26 USC 501(c)(3) or are registered pursuant to and in compliance with chapter 19.09 Revised Code Of Washington (charitable solicitations) and have proof of such exempt status or registration;

6. Candidates for political office, campaign workers, members and representatives of political committees or political organizations campaigning on behalf of ballot issues, distributors of sample ballots and other political literature and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency;

7. Minors conducting fundraising activities, who represent an organization for the benefit of youths, including, but not limited to, Boy Scouts, Girl Scouts, and Little League groups;

8. Any person going from house to house, door to door, business to business, street to street, or any other type of place to place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption shall not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity;

9. Mobile food vending activities pursuant to and in compliance with a valid mobile food vendor license;

10. Authorized special event vendors engaging in vending activities at a farmers' or public market or special event; and

11. Persons engaged in activities as a noncommercial door to door advocate.

F. Licensee; Applicant: All applications shall be made by, and on behalf of, each individual who will engage in business in the city as a solicitor or peddler, and such individual shall be the licensee. If the licensee is not a sole proprietor, and is acting as an agent, contractor, or employee of another person, such person shall have and maintain a valid general business license in the city.

G. Application And Issuance: Any individual desiring to obtain a solicitor or peddler license under this chapter shall apply to the city for such license upon such forms as the city prepares and provides, and shall give such information as required herein and any such additional information that the city administrator deems reasonably necessary to administer and enforce this chapter, and shall pay the city the sum or sums required to be paid therefor pursuant to section [3-2-9](#) of this chapter. An application not including the required information and license fee shall not be deemed complete and will not be processed by the city.

The following information shall be included with and be made a part of the application:

1. The applicant's name;
2. An address at which the licensee will receive notices from the city;
3. A telephone number at which the licensee can be contacted;
4. Applicant's name, prior name(s) and aliases; address; present place of residence and the length of residence at such address; and business address if other than above identified address;
5. Address or place of residence of applicant during the two (2) years prior to the date of the application;
6. In the event the name or address of applicant has changed within the two (2) years prior to the date of application, each name and address used over the last two (2) year period;
7. Applicant's physical description, date of birth and social security number;
8. Whether applicant has ever been, within the ten (10) year period prior to the date of the application, convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States;
9. Whether applicant has ever been, within the five (5) year period prior to the date of the application, convicted of a violation of a misdemeanor or gross misdemeanor under the laws of this state or any other state or federal law of the United States;
10. A description of the item(s) or services being sold and/or a description sufficient for identification of the subject matter of the business in which applicant will engage;
11. The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation;
12. Applicant's driver's license number or other acceptable form of identification;  
and
13. The uniform business identifier number issued by the state of Washington or federal tax identification number for the business on whose behalf the licensee is performing soliciting or peddling services.

H. Authorization For Background Check: Applicant shall complete an authorization form to release information allowing the police department to conduct a local criminal history background check and allowing the Washington state patrol to conduct a state and national criminal history check in accordance with the provisions of Revised Code Of Washington 35A.21.370 and 10.97.050. Applicant may be required to submit to fingerprinting or palm scanning by the police department, in connection with the application for the license, and shall be required to provide a copy of a valid driver's license or picture ID for identification purposes.

I. Attestation: Each applicant shall sign the application either in the presence of the city clerk, or designee, or the city administrator, and shall provide proof of applicant's identity, or each such applicant's signature shall be notarized. Each applicant shall attest as to the truth and accuracy of the contents of the application provided by applicant.

J. Receipt: The city shall, upon receipt of a complete application and the required sum or sums, issue to applicant a receipt stating therein the date, amount paid and for which type of license was applied.

K. Content Of Solicitor Or Peddler License: Every peddler or solicitor license issued under this chapter shall recite the date of issue, date of expiration, and the name of the licensee, include an endorsement for either a peddler or solicitor license, and be signed by the city administrator.

L. Investigation Of Applicants: It shall be the duty of the chief of police, or his/her designee, to investigate each application. The chief of police, or his/her designee, shall endeavor to complete such investigation within a reasonable time period after receipt of the complete application. In his/her investigation, the chief of police, or his/her designee, shall determine to the best of his/her ability:

1. The genuineness of all credentials presented by the applicant;
2. The truth of the facts set forth in the application; and

3. If the applicant has been convicted of a crime which bears a direct relationship to the conduct of the business licensed pursuant to this chapter; provided that, such conviction, if for a felony is less than ten (10) years old, and if for a misdemeanor or gross misdemeanor, is less than five (5) years old. In considering whether or not the conduct in question relates to the licensee's/applicant's ability to operate as an ~~itinerant~~ mobile vendor, the city may consider whether the conduct indicates that the applicant or licensee is unfit to operate as an ~~itinerant~~ mobile vendor. The city will presume that the following categories of crimes that constitute a felony or misdemeanor under Washington state law or under the laws of the state or district in which the crime was committed and for which a conviction is less than ten (10) years old for a felony and less than five (5) years old for a misdemeanor, have a direct relationship to the fitness of such person to engage in business as solicitor or peddler:

- a. Homicide;
- b. Assault;
- c. Crimes of dishonesty (e.g., theft, bunco, embezzlement, fraud, etc.);
- d. Sex crimes;
- e. Drug related crimes;
- f. Crimes against children and/or vulnerable adults;
- g. Burglary and/or trespass; or

h. Kidnapping and/or unlawful imprisonment.

M. Carrying Of License Required: The license required by this section shall be carried at all times by the solicitor or peddler for whom it was issued when soliciting in the city. The license shall be displayed by the solicitor or peddler whenever and wherever he or she shall be requested to do so by any police officer, city official or person solicited or peddled.

N. Uninvited Solicitors/Peddlers Prohibited; Violation A Nuisance: It is unlawful and constitutes a nuisance for a person to go upon a premises and ring the doorbell upon or near a door, or create a sound in any other manner calculated to attract the attention of the occupant of such residence or business for the purpose of securing an audience with the occupant thereof, and engage in soliciting or peddling, in defiance of the notice prohibiting soliciting or peddling conspicuously posted upon the premises of such residence or business.

O. Uninvited Solicitors/Peddlers; Departure From Premises Required: It shall be the duty of every solicitor and peddler upon going onto any premises of any residence or business in the city to determine if a notice prohibiting soliciting or peddling has been posted, and to be governed by the statement contained on the notice by immediately and peacefully departing from the premises.

A solicitor who has gained entrance to a residence, business, or development, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 939, 4-30-2014)

3-2-30: VIOLATION; PENALTY:

A. Any act or omission in violation of subsection [3-2-5A](#) of this chapter (failure to obtain a business license) constitutes a class 1 civil infraction under title 1, chapter 4 of this code for which a monetary penalty may be assessed and enforced.

B. Any act or omission in violation of subsection [3-2-5B](#) of this chapter (expired license) constitutes a class 4 civil infraction under title 1, chapter 4 of this code for which a monetary penalty may be assessed and enforced.

C. Any act or omission in violation of subsection [3-2-5C](#) or D of this chapter (suspended or revoked license) constitutes a class 1 civil infraction under title 1, chapter 4 of this code for which a monetary penalty may be assessed and enforced.

D. Any act or omission in violation of section [3-2-11](#), "License Nontransferable", of this chapter constitutes a class 1 civil infraction under title 1, chapter 4 of this code for which a monetary penalty may be assessed and enforced.

E. It shall be a misdemeanor offense for any person who, with intent thereby to obtain a business license pursuant to this chapter, knowingly makes any materially false statement in a written instrument submitted or offered as part of or in conjunction with a business license application. "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the issuance of a business license.

F. Any act or omission in violation of section [3-2-13](#), subsection [3-2-26C](#) or [3-2-29M](#) of this chapter (display license) constitutes a class 1 civil infraction under title 1, chapter 4 of this code for which a monetary penalty may be assessed and enforced.

G. It shall be a misdemeanor offense for any person to operate a carnival or circus in the city without first having obtained, and having in full force and effect, a valid special business license issued pursuant to section [3-2-27](#) of this chapter.

H. Except as otherwise provided herein, any act or omission in violation of this chapter constitutes a class 3 civil infraction under title 1, chapter 4 of this code for which a monetary penalty may be assessed and enforced.

I. Every act or omission which constitutes a civil violation under this chapter, or any rule or regulation issued pursuant thereto, shall constitute a separate civil violation for each and every day during any portion of which the act or omission constituting the violation is committed, continued or permitted.

J. The penalties set forth herein are in addition to any other penalties or remedies that may be otherwise available pursuant to this code or applicable laws, or in equity. (Ord. 939, 4-30-2014)



## CITY OF ORTING

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104 BRIDGE ST. S, PO BOX 489, ORTING WA 98360  
Phone: (360) 893-2219 FAX: (360) 893-6809  
[www.cityoforting.org](http://www.cityoforting.org)

### City of Orting Food Truck Program Guidelines

The Orting City Council has authorized a program to allow licensed and permitted food trucks to operate city-wide utilizing private properties (as authorized by property owner), existing street parking and other public property locations. Food trucks that comply with the following regulations are exempt from Orting Municipal Code (OMC) 3-2-25 Itinerant Vendors. Other local and state laws may apply.

A food truck is defined as a motor vehicle, or trailer, used to prepare and serve food and that vends food from a curbside location or on private property. Sales of ice cream, candy, gum, soft drinks, and similar pre-packaged products does not constitute operation of a food truck.

#### 1. Program Guidelines

Food trucks operating within the regulations of this program must apply for and obtain the following:

- City of Orting food truck license;
- City of Orting endorsement;
- Certificate of Insurance showing the food truck is carrying the following minimum amounts of insurance: (1) public liability insurance in an amount of not less than \$1,000,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and (2) property damage insurance in an amount of not less than \$75,000 for damages on account of any one accident or occurrence;
- Tacoma-Pierce County Health Department approval;
- Any required State Labor and Industry regulations.

The license fee for a food truck license is \$50.00 and is valid for a 12-month period.

#### 2. Operating Conditions and Regulations

Food trucks shall not be parked more than 12 inches from curb nor any place where official signs prohibit parking. These distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered object. Signage: One sandwich board sign allowed, placed within the same block the truck is parked; sign shall not impede ADA access.



### 3. Allowable Locations and Times

Food trucks shall be allowed to operate on any City sidewalks or on-street parking rights-of-way, subject to the following prohibitions; and any private property with property owner approval. Vendor shall not park and operate the truck in front of another restaurant without business owner permission. The following locations are **prohibited**; please see the attached Food Truck Maps for more detail:

- City parks;
- Within 300 feet of public events in public parks or right-of-way that include food vendors or food sales, except when authorized in writing by the event organizer. Examples include Orting Valley Farmer's Market, Daffodil Parade, and Home for the Holidays.
- Public rights-of-way as follows:
  - Calistoga St W
  - Train St; between Corrin Ave SW and Rainier Ln SW
  - Van Scoyoc Ave SW
  - SR 162; Washington Ave N/Washington Ave S/Bridge St S/Harman Way S

Vendors are exempt from posted time limits in right-of-way location, however, shall not park overnight.

### 4. Prohibitions and Violations

Prohibitions: Food trucks operating in the right-of-way shall not utilize tables, chairs, or audio amplification in conjunction with the food truck. All equipment shall be contained within or on the food truck.

Prohibitions for all food trucks (operating in right-of-way or on private property): The food truck operator is responsible for disposing of all trash and waste associated with the operation of the food truck. City trash receptacles may not be used to dispose of trash or waste, and waste disposal and spill prevention regulations must be followed. All areas within 5 feet of the food truck must be kept clean.

Violations: A license issued pursuant to these guidelines may be revoked, in writing, by the City Administrator for any of the following reasons:

- Any fraud, misrepresentation or false statement contained in the application for license;
- Any fraud, misrepresentation or false statement made in connection with the selling of products;
- Any violation of these policies;
- Conviction of the licensee of a felony or of a misdemeanor involving moral turpitude; or
- Conducting the business licensed under this program in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

A violation of any provision of these guidelines is subject to a penalty as set forth in OMC 3-2-30.

## 5. Appeal

A person aggrieved by the denial of an application for a license, a license renewal, or by the revocation of a license as provided for in this chapter shall have the right to appeal such an administrative decision to the hearing examiner as provided in OMC 3-2-22.



City of Orting

104 Bridge St. S., PO BOX 489, ORTING WA 98360

Phone: (360) 893-2219 - FAX: (360) 893-6809

[www.cityoforting.org](http://www.cityoforting.org)

Received Date

## BUSINESS LICENSE APPLICATION

### Food Truck License

All documents pertaining to the application shall be submitted at the time of filing. Please note that incomplete applications will not be accepted and this license is required for all food truck and trailer businesses operating under the requirements of the Food Truck Program.

***\*Attach to application: A copy of the applicant's Driver's License, proof of Liability Insurance, proof of Food Establishment Permit and \$50 Business License Fee.***

**Business Name:** \_\_\_\_\_ **UBI #:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

**Commissary Address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Vehicle License Plate:** \_\_\_\_\_

**Business Website and/or Social Media Addresses:**

\_\_\_\_\_

\_\_\_\_\_

### **A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THE APPLICATION**

I hereby declare under penalty of perjury, that the statements furnished by me on this application, including any accompanying information, are true, correct and complete.

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

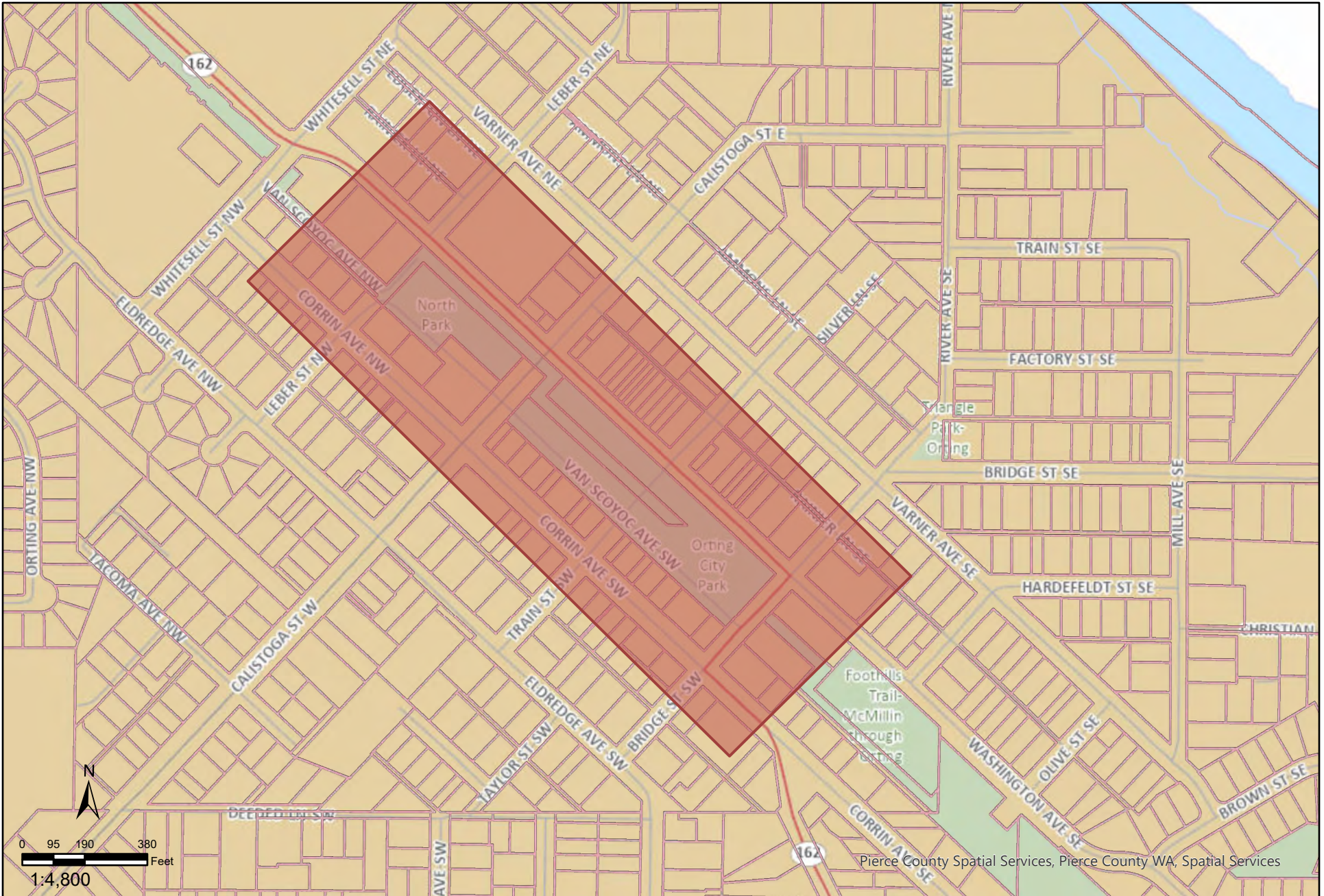
Print Name and Title: \_\_\_\_\_

Attested by (City Official): \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_



Disclaimer: The map features are approximate and have not been surveyed. Additional features not yet mapped may be present. Pierce County assumes no liability for variations ascertained by formal survey.



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