



**CGA Committee Agenda**  
**March 6th, 2024**  
**9:00am**

**Greg Hogan, Councilmember, Chair**

**Jeff Sproul, 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/82774485642?pwd=cY6zyVbMb1Di2Ub4VLb2LU1wSbX7o.1>

Meeting ID: 827 7448 5642

Password: 908950

**1. Call to Order**

**2. Public Comments**

**3. Agenda Items**

- A. **AB24-23** – RV and Safe Parking Code Amendments.
- B. **AB24-20** – Farmer's Market Sponsorship.
- C. **AB23-105** – Food Truck Program.
- D. **AB24-21** – Orting Historical Society Plaque Modification Request.
- E. **AB24-22** – Plaque/Monument Policy.

**4. Meeting Minutes of February 7<sup>th</sup>, 2024.**

**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>  Safe Parking – Recovery Café of Orting Valley.	<b>AB24-23</b>	<b>CGA</b>		
		<b>03.06.2024</b>	<b>03.20.2024</b>	<b>03.27.2024</b>
	<b>Department:</b> Administration			
	<b>Date Submitted:</b> <b>02.29.2024</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>TBD</b>				
<b>Submitted By:</b> <b>Staff</b>				

**Fiscal Note:** None

**Attachments:** Memo and Power point Presentation.

**SUMMARY STATEMENT:**

The Recovery Café of Orting Valley is proposing a transitional/emergency parking initiative that would allow them to create a few safe parking spaces for people experiencing homelessness. Also, city staff have fielded several questions recently regarding the occupation of recreational vehicles (RVs) in the city. In light of these requests, staff has prepared a memo to discuss how these activities should be managed. Should the Committee decide to allow these uses, several sections of the Municipal Codes will require revision. The memo provides an outline of the process for amending codes, background information on this issue for discussion, and proposed code changes the City Council may wish to consider.

**Staff Analysis of Current Request:**

Our current zoning code at OMC 13-3-3 adopted language around emergency housing, emergency shelter, and transitional shelter in 2022 through Ordinance No. 2022-1095. The code requires this type of housing to be indoors, and for the operator of that shelter to go through a Conditional Use Permit (CUP) process to permit the operation of such a facility. Further, our code limits the location of this type of housing to the Mixed-Use Town Center, and Mixed-Use Town Center North zones.

If council desires to allow vehicles to be used as temporary housing, the current zoning code would have to be updated to allow this type of use. Staff would recommend the council maintain the CUP process as there are a handful of other requirements the code requires operators of such facilities to comply with, and the CUP process is the mechanism that the city utilizes to make sure operators are complying with established codes.

If council desires to allow vehicles as temporary shelter, staff will prepare an ordinance for review, and if the ordinance is inline with council’s desire the request will be sent to Planning Commission as they are required to hold a public hearing and make a recommendation to council on this type of legislation.

**Recommended Action: Action:**

TBD.

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## **A RESOLUTION OF THE CITY COUNCIL OF ORTING IN SUPPORT OF A RESPONSIBLE AND COMMUNITY RESPECTFUL SAFE PARKING PROGRAM BY THE RECOVERY CAFÉ**

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**Whereas:** The Recovery Cafe was founded in Orting in 2018 with it's mission of helping others;

**Whereas:** The Recovery Cafe has received multiple compliments from both the judicial and police staff of Orting on their programs and professionalism;

**Whereas:** Current county and State legislation allows for and encourages safe parking as a viable option to addressing regional homelessness;

**Whereas:** Our City currently has no temporary housing of any kind for family members finding themselves in an emergency situation;

**Whereas:** The Senior Center of our City reports members occasionally sleeping in their vehicles due to financial challenges;

**Whereas:** The Orting School District annually serves over 50 children of homeless parents through the McKinney-Vento program who are houseless or severely burdened;

**Whereas:** Orting has the reputation of being a strong and effective service provider for the homeless for 130 years through it's historic Soldier's Home, whose homeless veterans have sacrificed and contributed to our cities culture and growth for generations;

**Whereas:** The Recovery Cafe has presented to the City a robust and accountable program featuring only 2-3 private stalls, 24hr video surveillance, background checks, no substance use, case management required, a hotline for after-hours staff, nightly curfews, and the prioritization of Orting families;

**Whereas:** The Recovery Cafe has agreed to regular meetings with the Orting Police Dept, remaining connected to citizens, and to present a report of the program's results and data to the City at the completion of it's first year;

**Now therefore,** let it be resolved that the City Council of Orting supports and appreciates the Recovery Cafe's efforts to help strengthen our city's housing challenges. Our City has a long history with the unhomed, and has benefited from their lives and sacrifices over it's existence.




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<b>TO:</b>	Scott Larson, City Administrator	<b>DATE:</b>	February 28, 2024
<b>FROM:</b>	MillieAnne VanDevender, AICP and Wayne Carlson, FAICP Contract City Planners	<b>PROJECT TYPE:</b>	Municipal Code Amendment
		<b>SUBJECT:</b>	Potential Amendments to OMC 10-14-3, 13-4-2, and 13-5-3

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It is our understanding that the Public Safety Committee is considering whether to allow the occupation of vehicles and recreational vehicles (RVs) in the city, and how these activities should be managed. Should the Committee decide to allow these uses, several sections of the Municipal Codes will require revision. This memo provides an outline of the process for amending codes, background information on this issue for discussion, and proposed code changes the City Council may wish to consider.

### Code Amendment Process

OMC 15-12-4 describes the process for amending development regulations and other official controls. The procedure follows a Type 5 process and code updates are subject to SEPA non-project environmental review as well as notification to the Department of Commerce. The following is a list of the process steps:

- Staff drafts proposed amendments to the Municipal Code.
- Staff sends a Notice of Intent to Adopt Changes to the Department of Commerce for a 60-day review (an expedited review may be requested).
- SEPA environmental review:
  - Staff prepares a SEPA checklist;
  - The SEPA official signs a Determination of Nonsignificance (DNS), as appropriate;
  - Staff issues the DNS by sending to Ecology and other agencies with interest; and
  - Public notice of the DNS would be combined with the Notice of Public Hearing before the Planning Commission.
- Planning Commission holds a public hearing.
- City Council holds a public hearing on the Planning Commission’s recommendation and considers Municipal Code amendments.

### Occupation of Vehicles (Safe Parking)

The Orting Municipal Code does not currently address overnight parking and occupancy of vehicles by those who are experiencing homelessness and using a vehicle as their primary residence. The State refers to this use as “Vehicle Resident Safe Parking” and other communities may call it simply, “Safe Parking.” Pierce County has adopted extensive regulations pertaining to Safe Parking, including definitions of relevant terms and an entire chapter dedicated to the matter. The following definitions are included in Pierce County Code (PCC) 18.25.030 and are helpful examples for understanding the various terms. Should the City of Orting choose to adopt Safe Parking regulations, similar definitions may be necessary.

*"Safe parking" means an off-street parking lot that is legally established, not including off-street parking areas and driveways for single-family or duplex dwellings, which offers, without charge, parking spaces in a safe and secure place for people experiencing homelessness who are living in passenger or recreational vehicles. Access to health and social services may also be provided.*

*"Safe parking host organization" means a non-profit, religious, or governmental organization that hosts safe parking for unhoused people in an existing parking lot.*

These particular definitions were chosen as examples for two reasons: they provide context on how the overall county is regulating the uses and they provide examples of the complexity of the issue and the decisions that must be considered.

### Should this use be allowed?

The first decision that must be made is how the community wants to allow these uses. Second, if allowed, the City must decide where it is appropriate to allow the uses, whether on public or private property and in what zoning districts. Finally, the City must determine the appropriate process and regulations for entitling safe parking facilities.

As discussed at the Community and Government Affairs Committee meeting on January 7, 2024, the *Recovery Café of Orting Valley* is proposing to designate a few spaces as a transitional/emergency safe parking facility for people experiencing homelessness. Although the *Recovery Café of Orting Valley* may be the only community organization that is currently seeking to create safe parking, the Council must consider the possibility that future requests may occur.

We examined relevant State regulations for safe parking. According to RCW 35A.21.360<sup>1</sup>, no city may take action to limit a religious organization's ability to host safe parking in an on-site parking lot. The state regulations allow a city, however, to place limitations on the use per the criteria in RCW 35A.21.360(2)(g). Therefore, one option for Orting is to revise the zoning code to specify that only religious organizations

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<sup>1</sup> RCW 35A.21.360 (1) *A religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.*

*RCW 35A.21.360 (2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:*

*RCW 35A.21.360 (2)(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:*

- (i) No less than one space may be devoted to safe parking per ten on-site parking spaces;*
- (ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and*

- (iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required.*

may host safe parking on their approved on-site parking lots. The other option is to allow any organization, whether religious or secular, to host safe parking on approved, on-site parking lots. If this option is selected, Council may wish to consider limiting which secular organizations may provide this use by requiring the organizations to have a demonstrated ability to offer comprehensive supportive services to support the vehicle residents.

### Where should this use be allowed?

Religious organizations and churches are not defined in the Orting Municipal code but the use table in OMC 13-3-3 lists churches as a use in the City. For the purposes of this discussion on permitting, we will assume that all religious organizations would fall under the “churches” category. Churches are currently allowed with a conditional use permit in the residential zones (RC, RU, and RMF) and are permitted in the mixed use (MUTC and MUTCN) zones. According to RCW 35A.21.360, Safe Parking shall not be prohibited at church sites. If the City decides Safe Parking should also be allowed on parking lots affiliated with secular organizations, then the City must decide in what zones to allow the use and if criteria should exist related to the appropriate services provided by a secular safe parking facility. We understand that the Committee has discussed the option to only allow Safe Parking where “Emergency Housing and Shelters” are currently allowed in the MUTC zones, however, it may be worth discussing the pros and cons of potentially allowing in any zone. The following is a list of the zoning districts within the City for consideration:

- Residential zoning districts (RC, RU, RMF)
- MUTC
- Light Manufacturing LM
- Open Space and Recreation OS
- Public Facilities PF

It should be noted that there is only one parcel in the city with the LM zoning designation which is currently occupied by utility/ power equipment. Also, the Orting Soldier’s Home is located on parcels with the Public Facilities zoning designation.

### How do we regulate this use?

If the City decides Safe Parking should be allowed on the approved parking lots affiliated with both religious and secular organizations and decides the use should be allowed in specific zones, the use table in OMC 13-3-3 will need to be amended and a subsection will potentially need to be added to Title 13 Section 5. The subsection would contain basic parameters for regulating Safe Parking while keeping within the list of limitations allowed to be imposed on religious organizations provided under RCW 35A.21.360 (2)(g). This RCW notes that a city may not limit the number of parking spaces to less than 10 percent of the on-site parking spaces, a city may require that restroom access be provided, and a city may require that the religious organization must continue to provide the minimum number of required parking spaces in addition to the Safe Parking spaces.

Amending the existing regulations covering Emergency Housing and Shelters (OMC 13-3-3) may require some finesse because there are footnotes within that section of the Municipal Code that are inconsistent with RCW 35A.21.360 (2)(g).

For permitting purposes, a Conditional Use Permit may be the best type of review process to allow the City the opportunity to assess unique site situations and require certain conditions such as screening and other design features to minimize impacts to adjacent properties. Additionally, or alternatively, it may be in the City's best interest to require a Memorandum of Understanding between the City and the host organization. The State provides parameters for such memorandums to protect the public health and safety of both the vehicle residents and those who live in a city.

RCW 35.21.915:

*(3)(a) A city or town may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the city or town.*

*(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.*

## Occupation of Recreational Vehicles (RVs)

Currently, the building codes in OMC 10-14 allow occupation of an RV on private property anywhere in the city for up to 180 days with the possibility for an extension of another 180 days. However, the zoning code states in multiple chapters that RVs may not be occupied on lots outside of approved RV parks. If temporary occupancy of RVs outside of RV parks is desired, code amendments would be required. In this memo, we have provided an outline of the amendment process and identified the code sections that should be amended if temporary occupancy of RVs outside of RV parks is desired.

## Applicable Codes

The code sections that currently regulate the use or storage of RVs are identified below. We have provided suggestions in track changes for amending the codes, if desired.

### **DEFINITIONS**

Title 7 of the Municipal Code pertains to regulations for traffic and motor vehicles and contains a definition of vehicle that is different than the one included in Title 13 Development Regulations.



**OMC 7-2-3: VEHICLE:** Shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right of way, and shall also include parts of vehicles. (Ord. 2017-1004, 2-8-2017)

**OMC 13-2-23: VEHICLE:** A device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including mopeds, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Title 13 includes a definition for Recreational vehicle. Note that the definition does not appear to include travel trailers or campers and in fact, those specific items were removed from the definition by [Ordinance 2019-1053](#). Also note that the definition includes a reference to NFPA 1192–15 which is for recreational vehicles and ANSI A119.5–09 which has to do with Park Models.

**OMC 13-2-18: RECREATIONAL VEHICLE:** A recreational vehicle is a factory built vehicular structure designed only for recreational use and not as a primary residence or for permanent occupancy, built and certified in accordance with NFPA 1192–15 or ANSI A119.5–09 consensus standards for recreational vehicles and not certified as a manufactured home.

### **TEMPORARY OCCUPATION OF RVs**

We understand that Council suggests keeping the code language found in OMC 10-14-3 and requiring an active building or remodel permit to allow the temporary occupation of an RV on private property. We have proposed some changes to the relevant code sections in Title 10.

### **OMC 10-14-3 Permissible Parking of Mobile Homes and Recreational Vehicles:**

#### *C. Temporary Parking for Mobile Home or Recreational Vehicle*

*1. Mobile Homes: That a mobile home may be parked for a period not to exceed one hundred eighty (180) days on private property, provided the person desiring to so park and occupy the same shall first apply and obtain from the Code Enforcement Officer, a permit to do so, which application shall state the location at which the mobile home is to be parked, the motor vehicle license number and a general description of the mobile home for which permission is requested, and shall pay a permit fee in an amount set by Resolution of the City Council; provided, further, that such occupancy shall at all times comply with all regulations relating to health and sanitation, and shall also comply with electrical requirements of applicable ordinances. The permit to park and occupy the mobile home may be extended by the Code Enforcement Officer upon written request setting forth the need of extending the time, but such extension shall not exceed one hundred eighty (180) additional days. Parking and occupancy of recreational vehicles and mobile homes shall continue to be subject to restrictions set forth in ~~OMC 13-5-3(k)(1)(a)~~ [Title 13 Development Regulations](#).*

....

*3. Recreational Vehicles on Private Property: A recreational vehicle may stand or be parked and used or occupied on private property with the permission of the lawful ~~occupant thereof~~ [owner of the lot](#)*

upon which it will be placed, for a period not to exceed one hundred eighty (180) days within a twelve (12)-month period; provided, that:

- a. The lawful occupant of the ~~premises~~ recreational vehicle shall register with the Code Enforcement Officer prior to occupying the recreational vehicle on the premises; ~~and~~
- b. The recreational vehicle shall be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system; ~~;~~
- c. The recreational vehicle shall be located on ~~the premises~~ a lot in a residential zoning district in accordance with the provisions of OMC Title 13, Chapter 5; ~~and~~
- d. Such use or occupancy shall not create a public health hazard or nuisance, as determined by the City; ~~;~~
- e. The recreational vehicle shall not leak or cause illicit discharges to stormwater drainage systems, surface water or groundwater in accordance with OMC 9-5A-9:H; sites are subject to inspection for illicit discharges in accordance with OMC 9-5B-10;
- f. The recreational vehicle shall ~~shall~~ not be parked on or overhanging a public right of way (street or sidewalk); ~~;~~ and
- g. The occupation of the recreational vehicle shall be accessory to an active building or remodel permit that has been issued for construction located on the same lot where the recreational vehicle is placed.

Once a recreational vehicle is registered for occupation on private property for a period of one hundred eighty (180) days, the one hundred eighty (180) day period may be extended by the Code Enforcement Officer, upon written request setting forth the need of extending the time, but such extension shall not exceed one hundred eighty (180) additional days.

We also understand Council would like to create a permitting process to allow very short-term RV occupancy and create a way for this to be within the front yard setback, with a time-limit, and only permissible in residential zones. OMC 13-4-2 contains regulations for temporary uses and would be a logical place to add standards for RVs to be occupied temporarily. The code section currently allows singlewide mobile homes or manufactured homes to be placed and occupied temporarily in any zone.

#### **OMC 13-4-2 Standards (for Temporary Uses/Temporary Housing Units)**

- C. *Temporary Housing Unit: Singlewide mobile homes or manufactured homes may be placed in any zone or recreational vehicles may be placed in any residential zone for occupancy during the period of time necessary to construct a permanent dwelling on the same lot or tract, to provide on-site security and surveillance for public facilities, to provide classrooms or other school related space for public schools, or to provide for residential occupancy when permanent homes have been destroyed or damaged by a disaster, provided:*
  1. *The unit is removed from the site within thirty (30) days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.*

*A recreational vehicle may remain on site unoccupied as long as it meets all applicable development standards in Title 13 OMC.*

2. *The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.*
3. *The unit is not located in any required front ~~or side yard~~ where a rear yard is reasonably accessible or a side yard is of sufficient size to accommodate the recreational vehicle.*
4. *A temporary permit is issued by the building department prior to occupancy of the unit on the construction site.*
5. *Prior to the issuance of a temporary permit, the site shall be reviewed by the Pierce County health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.*
6. *In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the city may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.*
7. *Prior to the issuance of a temporary housing permit, the city shall review the application and may require installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.*
8. *The unit shall not be placed in critical areas or their associated buffers.*
9. *A recreational vehicle may be occupied for up to 14 days per year without a temporary use permit when located on a parcel in the RC, RU, or RMF zoning districts. The recreational vehicle shall not be connected to sewer.*
10. *Recreational vehicles located within an approved recreational vehicle park are not subject to the standards set forth in this Section.*

There are two options for further clarifying the temporary occupation of RVs in the development code.

Option 1: Revise Table 1 of OMC 13-3-3 to add RVs to the list of temporary lodging, with footnotes saying that this refers to RVs outside of RV parks and subject to specific code sections. Also, RVs would only be allowed in the RC, RU, and RMF zones, per the chart.

Option 2: Revise Table 2 of OMC 13-3-3 to add RVs to the list of accessory uses, with footnotes pointing to relevant code sections.

### **RVs IN THE PUBLIC RIGHT-OF-WAY**

The following code sections are included here for reference and for further understanding of how and when the codes allow RVs to be stored on lots in the city.

## OMC 13-5-3 Loading Area and Off Street Parking Requirements

K. *Commercial Vehicles, Recreational Vehicles, And Boats: The following special requirements and performance standards shall apply to private properties located in the Residential-Urban, Residential-Multi-Family, and Residential-Conservation Zones, except as otherwise authorized by the City through a conditional use permit:*

1. *Outdoor Storage of Vehicles: The outdoor storage of commercial vehicles, recreational vehicles, boats, and vehicle accessories is permitted in the residential zones, provided the following standards are met. For purposes of this section, "storage" means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of seventy two (72) continuous hours or longer.*
  - a. *Recreational Vehicles and Boats: Where a rear yard is reasonably accessible or a side yard is of sufficient size to accommodate the recreational vehicle, said recreational vehicle shall not be stored in the front yard of a lot. In no instance shall a recreational vehicle or boat be stored such that any portion of the vehicle encroaches upon a site distance area that would create a traffic hazard; nor shall a recreational vehicle or boat be stored on or overhang a public right-of-way. If located within a required front or street side yard, the storage area for a recreational vehicle or boat shall be improved with a durable and dustless surface and screened from views from adjacent properties.*

**OMC 10-14-3(C)2.** Recreational Vehicles On Public Property: No recreational vehicle shall stand or be parked on any street, right-of-way, alley or public place in the City for a period exceeding seventy two (72) hours in a one week period, provided that the Recreational Vehicle is parked in compliance with all provisions of the OMC, including but not limited to Title 7, and state law, including but not limited to WAC 308-330 et seq. No recreational vehicle shall stand or be parked for any period of time between sunset and sunrise in any City park or upon any other City-owned property, excluding a street or right-of-way, unless that area is posted granting permission to so use or as specified in this code.

## Resources for More Information

- From MSRC <https://mrsc.org/stay-informed/mrsc-insight/march-2022/safe-parking-programs-primer> “Safe parking areas offer a temporary off-street option for individuals and families who are experiencing homelessness and using a car or RV as their primary residence. These lots provide people with a safe and stable place to park their vehicles where they access volunteers who can provide them with hot food and warm clothes, and on-site service providers who can link them to employment, housing, and medical services. As many cities and counties require vehicles parked on the street and elsewhere to move often, parking in sanctioned areas also alleviates this concern.”
- [Safe Parking | Pierce County, WA - Official Website \(piercecountywa.gov\)](#)
- Pierce County Code Chapter 18A.39 – Safe Parking for Homeless Persons: [Ch. 18A.39 Safe Parking for Homeless Persons | Pierce County Code](#)

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2022-1095**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO ZONING CONTROLS  
PERTAINING TO PERMANENT SUPPORTIVE HOUSING,  
TRANSITIONAL HOUSING, EMERGENCY HOUSING AND  
EMERGENCY SHELTERS IN RESPONSE TO E2SHB 1220;  
AMENDING ORTING MUNICIPAL CODE SECTIONS 13-2,  
13-3-3 and 13-5-3; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, in 2021 the state legislature enacted Engrossed Second Substitute House Bill (E2SHB) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254, Laws of 2021 and will take effect on partially on July 25, 2021 and partially on September 30, 2021; and

**WHEREAS**, Section 3 of E2SHB 1220 contains the following preemption of local zoning authority:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.; and

**WHEREAS**, the City of Orting had no regulations related to the development and operation of transitional housing or permanent supportive housing needed to protect the community and residents of these units; and

**WHEREAS**, the City had not had sufficient time to evaluate the needs associated with transitional housing or permanent supportive housing and develop regulations between the time that E2SHB 1220 was signed by the Governor and became law and enacted interim regulations; and

**WHEREAS**, Pierce County conducted an annual point in-time count of homeless individuals in the County in January 2021; and

**WHEREAS**, the homeless census counted 1,005 homeless individuals in the County; and

**WHEREAS**, the homeless census counted three homeless individuals in Orting; and

**WHEREAS**, according to the 2020 decennial Census Pierce County has a population of 921,130 and Orting has a population of 9,041 accounting for approximately 1% of the County's population; and

**WHEREAS**, the City of Orting is planning to accommodate its share of the homeless population which is calculated at 10 individuals; and

**WHEREAS**, the City of Orting wishes to implement E2SHB1220 with restrictions that fit the small-town context of the City, which has no public transit and limited resources; and

**WHEREAS**, in accordance with the requirement set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed ordinance for its 60-day review and comment period on March 8, 2022; and

**WHEREAS**, the City's Planning Commission considered the amendments on March 8, 2022 and held a public hearing on the proposed amendments on April 4, 2022 and forwarded a recommendation to the City Council to adopt the proposed OMC amendments; and

**WHEREAS**, the City Council, on May 11, 2022, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission and had a closed record final decision; and

**WHEREAS**, in response to E2SHB 1220 the Orting City Council would like to make certain changes to its development regulations;

**WHEREAS**, the City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

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

**Section 1. Recitals.** The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

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

**13-2: DEFINITIONS**

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**13-2-6: E**

**EMERGENCY HOUSING:** Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

EMERGENCY SHELTER: a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

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**13-2-17: P**

PERMANENT SUPPORTIVE HOUSING: One or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

\*\*\*

**13-2-21: T**

TRANSITIONAL HOUSING: A facility that is owner, operated, or managed by a nonprofit organization or governmental entity that provides housing and supportive services to homeless individuals or families for up to two (2) years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

\*\*\*

**Section 3. OMC Section 13-3-3, Amended.** Orting Municipal Code Section 13-3-3 is hereby amended as follows:

**13-3-3: USES**

**TABLE 1  
CITY OF ORTING LAND USE**

	Zones							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Residential Uses <sup>1</sup> :								
Cottage	P	P	P		P			
Cottage development		P <sup>3,4</sup>	P <sup>3,4</sup>		P			
Duplex		P <sup>10</sup>	P	P	P <sup>25</sup>			
Group residences:		C	C <sup>3</sup>	C <sup>3</sup>				C <sup>22</sup>

	Zones							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Adult family homes	P	P	P	P	P			
Attached ground related residences					P			
Emergency Housing				C <sup>27-32</sup>	C <sup>27-32</sup>			
Emergency Shelter				C <sup>27-32</sup>	C <sup>27-32</sup>			
Permanent Supportive Housing	C <sup>26,30-33</sup>	C <sup>26,30-33</sup>	C <sup>26,30-33</sup>	C <sup>3,26,30-33</sup>	C <sup>3,26,30-33</sup>			
Single room occupancy sleeping units								C
Transitional Housing	C <sup>26-33</sup>	C <sup>26-33</sup>	C <sup>26-33</sup>	C <sup>3,26-33</sup>	C <sup>3,26-33</sup>			
Other <sup>6</sup>		C	P	C				
Manufactured home park	C	C	C					
Mobile/ manufactured home	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>					
Multiple-family			P	P <sup>3</sup>	P			
Single-family detached	P	P	P		P <sup>25</sup>			
Temporary Lodging								
Bed and breakfast	C	C	C	P <sup>3</sup>				
Hotel/motel				P <sup>3</sup> P <sup>3</sup>	P P			
Rooming house			C	C <sup>3</sup>				

Notes:

1. Residential planned unit developments (PUD) may allow increases in underlying density except in the MUTCN.
2. All development subject to Master Development Plan and MUTCN Bulk and Dimensional Requirements. See sections 13-3-2 E2 and E5 of this code.
3. Subject to architectural design review.
4. As a binding site plan.
5. Not located along retail street frontages.
6. Housing more than 12 unrelated individuals.
7. On a legal lot with permanent foundation.
8. On upper floors above ground floor commercial only.
9. On upper floors above ground floor commercial, or in freestanding residential buildings.
10. Duplexes and townhouses are not allowed on flag lots in the RU zone.
11. In planned retail centers when building area is less than 10,000 square feet.
12. See section 13-5-4 of this title.
13. On site sales of agricultural products allowed.
14. Food stores only.
15. On upper floors above ground floor retail.
16. Including outdoor display or sales yards.
17. Not including overnight kennels or treatment facilities.
18. Machine shops, incinerators, wrecking yards, and feedlots may be permitted subject to appropriate mitigation of impacts on surrounding nonindustrial areas. Significant adverse noise, air quality, or other impacts caused by manufacturing processes shall be contained within buildings.



19. When entirely located in a building, not producing adverse noise or air quality impacts, and not located along retail street frontage. Ground floor area limited to 10,000 square feet maximum.
20. Private facilities.
21. Subject to all other City regulations regarding livestock.
22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.
23. Three or more units per building.
24. May not have frontage along SR 162/Washington Avenue N. Must be screened from all adjacent residences with sight obscuring landscaping, 6-foot tall solid fencing.
25. For Senior Housing (aged 55+) only.
26. The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the applicable zoning of the property.
27. The total combined capacity of all emergency shelter beds, emergency housing beds, and transitional housing units in the City shall not exceed 0.4% of the City's population, as estimated annually by the Washington Office of Financial Management.
28. Emergency housing and emergency shelters are required to be indoors. An operations and security plan shall be required that addresses site management and neighborhood impacts. Each facility shall be limited to a total of 10 individuals.
29. Emergency housing, emergency shelter, and transitional housing uses shall not be located on any parcel that abuts or is directly across a public right-of-way from a parcel with an existing school or park use, or on any parcel within the main street area of Orting, defined as the area bounded by Whitsell Street, Bridge Street, Corrin Avenue Northwest, and Rainier Lane Northeast. This does not include indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (ex: heating and cooling centers).
30. No person convicted of a felony assault, arson, illegal drug manufacturing, burglary, or kidnapping charge within the past three (3) years, or otherwise under court supervision or sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons. To ensure compliance, providers of transitional housing and permanent supportive housing shall order and review background checks prior to resident entry. Providers of emergency housing and emergency shelter shall order and review background checks within three days of intake.
31. All providers of emergency shelter, emergency housing, transitional housing, and permanent supportive housing shall, after the initial two years of operation of any such facility, provide the City with a report that demonstrates ongoing compliance with the terms of the Conditional Use Permit as defined at the time of approval. Such providers are also required to maintain a valid City of Orting business license and liability insurance. These service providers should prioritize individuals living in the Orting valley. Upon intake, providers shall record each individual's most recent city or other place of residence and shall provide a report on such data to the City every year. Providers shall also record the number of individuals seeking services who are turned away due to lack of capacity and their most recent place of residence.
32. In reviewing Conditional Use Permit applications for emergency shelter, emergency housing, transitional housing, and permanent supportive housing, the Hearing Examiner shall not treat adversely or discriminate against people experiencing homelessness.

~~32.33.~~ No more than two persons per bedroom shall inhabit a permanent supportive housing or transitional housing facility.

\*\*\*

**Section 4. OMC Section 13-5-3, Amended.** Orting Municipal Code Section 13-5-3 is hereby amended as follows:

H. Uses Not Specified: In the case of a use not specifically mentioned in subsection I of this section, the requirements for off street parking facilities shall be determined by the Administrator. Such determination shall be based upon the requirements for the most comparable use specified in subsection I of this section and/or through a parking study as required by the Administrator or their designee.

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**Section 5. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6. Codification.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

**Section 7. Effective Date.** This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10<sup>th</sup> of August, 2022.**

CITY OF ORTING

  
Joshua penner (Aug 12, 2022 13:43 PDT)

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
Kim Agfalvi (Aug 12, 2022 13:44 PDT)

Kimberly Agfalvi, City Clerk

Approved as to form:



Charlotte A. Archer  
Inslee, Best, Doezie & Ryder, P.S.  
City Attorney

Filed with the City Clerk: 6.9.2022  
Passed by the City Council: 8.10.2022  
Date of Publication: 8.16.2022  
Effective Date: 8.21.2022











# Supportive and Transitional Housing Permanent Regulations

Final Audit Report

2022-08-12

Created:	2022-08-12
By:	City Clerk (clerk@cityoforting.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAADv_cTjC_ToilKnC3EVMWbZ4wc5VSrcD

## "Supportive and Transitional Housing Permanent Regulations" History

-  Document created by City Clerk (clerk@cityoforting.org)  
2022-08-12 - 8:34:17 PM GMT
-  Document emailed to penner@cityoforting.org for signature  
2022-08-12 - 8:35:01 PM GMT
-  Email viewed by penner@cityoforting.org  
2022-08-12 - 8:43:22 PM GMT
-  Signer penner@cityoforting.org entered name at signing as Joshua penner  
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-  Document e-signed by Joshua penner (penner@cityoforting.org)  
Signature Date: 2022-08-12 - 8:43:38 PM GMT - Time Source: server
-  Document emailed to Kim Agfalvi (kagfalvi@cityoforting.org) for signature  
2022-08-12 - 8:43:39 PM GMT
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-  Document e-signed by Kim Agfalvi (kagfalvi@cityoforting.org)  
Signature Date: 2022-08-12 - 8:44:43 PM GMT - Time Source: server
-  Document emailed to Charli Archer (carcher@insleebest.com) for signature  
2022-08-12 - 8:44:45 PM GMT
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 Document e-signed by Charli Archer (carcher@insleebest.com)

Signature Date: 2022-08-12 - 8:47:29 PM GMT - Time Source: server

 Agreement completed.

2022-08-12 - 8:47:29 PM GMT

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# RVs and Safe Parking

## Potential Municipal Code Updates

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ORTING – COMMUNITY & GOVERNMENT AFFAIRS AND  
PUBLIC SAFETY COMMITTEES

MARCH 6 AND MARCH 7, 2024



# Discussion Topics

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- Two different but related forms of temporary occupancy in the city:
  1. Safe Parking
  2. Recreational Vehicles
- Code Revision Process
- Next Steps



# Background – Safe Parking

- The State refers to this use as “**Vehicle Resident Safe Parking.**”
- Other communities may call it simply, “**Safe Parking.**”
- For context: Pierce County currently regulates Safe Parking.

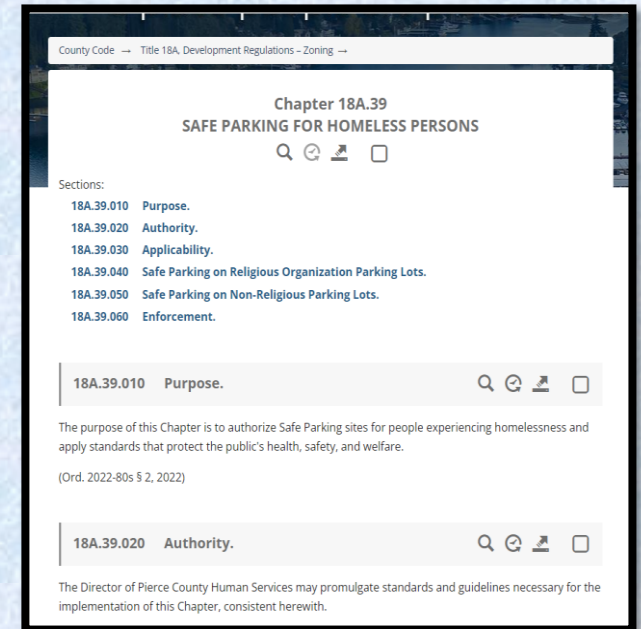
➤ A section of their website is devoted to the matter.

<https://www.piercecountywa.gov/7835/Safe-Parking>

➤ The Pierce County Code contains a chapter on Safe Parking.

➤ Pierce County Code definition of Safe parking:

*"Safe parking" means an off-street parking lot that is legally established, not including off-street parking areas and driveways for single-family or duplex dwellings, which offers, without charge, parking spaces in a safe and secure place for people experiencing homelessness who are living in passenger or recreational vehicles. Access to health and social services may also be provided.*





# Topics to Consider

	Religious Organizations	Secular Organizations
<b>Should the City allow Safe Parking?</b>	The City must not limit ability per RCW 35A.21.360.	
<b>Where should Safe Parking be allowed?</b>	Churches are allowed in MUTC and with a CUP in all residential zones.	Zones: RC, RU, RMF, MUTC, LM, OS, PF
<b>Should a Conditional Use Permit be required?</b>		The CUP process would allow the City to provide conditions.
<b>Should a Memorandum of Understanding be required?</b>	RCW 35A.21.360 provides guidance.	Could use the same guidance as a basis.
<b>Should the # of spaces be limited?</b>	Must not limit to less than 10% of spaces on site and overall site must continue to meet zoning code requirements.	
<b>Other requirements?</b>	May require restroom access.	



# Should the City allow Safe Parking?

RCW [35A.21.360](#)

**Hosting the homeless by religious organizations—When authorized—Requirements—Prohibitions on local actions.**

- (1) A religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.
- (2) A **code city may not enact an ordinance or regulation or take any other action that:**
  - (a) **Imposes conditions other than those necessary to protect public health and safety** and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;
  - (b) **Requires a religious organization to obtain insurance pertaining to the liability of a municipality** with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability;
  - (c) **Imposes permit fees in excess** of the actual costs associated with the review and approval of permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;
  - (g) **Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, except for limitations that are in accord with specific criteria.**



# Where should Safe Parking be allowed?

---

If allowed, the City must decide where it is appropriate to allow the uses, whether on public or private property and in what zoning districts.

- According to RCW 35A.21.360, Safe Parking shall not be prohibited at church sites. Churches are allowed in MUTC and with a CUP in all residential zones.
- “Emergency Housing and Shelters” are currently allowed in the MUTC zones. Should Safe Parking be limited to MUTC zones or also allowed in RC, RU, RMF, LM, OS, and PF?



# Should a Conditional Use Permit be required?

---

- Conditional Use Permits (CUP) are Type 3 procedures heard by the Hearing Examiner.
- The CUP process would allow the City to
  - Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and
  - Make further stipulations and conditions that may reasonably assure that the basic intent of the code will be served.
- Option to amend the Use Table in OMC 13-3-3 to add a line for the use.
- May be helpful to add a subsection to Title 13, Chapter 5 like the sections for Home Occupations and Accessory Dwelling Units.



# Should a Memorandum of Understanding (MOU) be required?

---

- Could require the host organizations to have a demonstrated ability to offer comprehensive supportive services to support the vehicle residents. This could be in a MOU or a code requirement.
- RCW 35A.21.360 provides guidance for MOU for religious organizations.
  - At a minimum, the agreement must include information on the following:
    - The right of a resident in a vehicle resident safe parking to seek public health and safety assistance,
    - The resident's ability to access social services on-site; and
    - The resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization;
    - A written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the vehicle resident safe parking; and
    - When a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the vehicle resident safe parking using a release of information.



# Should the number of spaces be limited?

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- RCW 35A.21.360.(2)(g) says a city may not limit a religious organization's ability to host Safe Parking except in the following ways:
  - The City may not restrict the number of Safe Parking spaces to less than 10% of on-site parking spaces;
  - Restroom access must be provided;
  - Religious organizations must continue to provide enough parking spaces to meet any existing on-site parking minimum requirement unless a memorandum of understanding with a religious organization reduces the minimum number of on-site parking spaces required.
- Should the same restrictions apply to religious and secular organizations?



# Topics to Consider

	Religious Organizations	Secular Organizations
<b>Should the City allow Safe Parking?</b>	The City must not limit ability per RCW 35A.21.360.	
<b>Where should Safe Parking be allowed?</b>	Churches are allowed in MUTC and with a CUP in all residential zones.	Zones: RC, RU, RMF, MUTC, LM, OS, PF
<b>Should a Conditional Use Permit be required?</b>		The CUP process would allow the City to provide conditions.
<b>Should a Memorandum of Understanding be required?</b>	RCW 35A.21.360 provides guidance.	Could use the same guidance as a basis.
<b>Should the # of spaces be limited?</b>	Must not limit to less than 10% of spaces on site and overall site must continue to meet zoning code requirements.	
<b>Other requirements?</b>	May require restroom access.	



# Background - Recreational Vehicles (RVs)

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- Code changes are needed if the City desires to allow occupancy outside of RV parks and to create a permitting process to allow very short-term RV occupancy.
- Conflicting Codes:
  - OMC 10-14 allows occupation of an RV on private property anywhere in the city for up to 180 days with the possibility for an extension of another 180 days.
  - The zoning code states in multiple chapters that RVs may not be occupied on lots outside of approved RV parks.





# Conflicting Definitions

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- **OMC 7-2-3: VEHICLE:** Shall include, but not be limited to, automobiles, motorcycles, trucks, buses, **motorized recreational vehicles, campers, travel trailers**, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right of way, and shall also include parts of vehicles. (Ord. 2017-1004, 2-8-2017)
- **OMC 13-2-23: VEHICLE:** A device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including mopeds, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

**OMC 13-2-18: RECREATIONAL VEHICLE:** A recreational vehicle is a factory built vehicular structure designed only for recreational use and not as a primary residence or for permanent occupancy, built and certified in accordance with NFPA 1192–15 or ANSI A119.5–09 consensus standards for recreational vehicles and not certified as a manufactured home.

- The definition does not appear to include travel trailers or campers and in fact, those specific items were removed from the definition by Ordinance 2019-1053. Also note that the definition includes a reference to NFPA 1192–15 which is for recreational vehicles and ANSI A119.5–09 which has to do with Park Models.



# Suggested Updates to Title 10 - Building and Construction

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- Chapter 14 includes regulations for parking and occupying mobile homes and recreational vehicles.
- The chapter specifies that RVs are not allowed to be parked in the right-of-way for more than 72 hours in one week, all applicable regulations must be met, and RVs are not allowed to be parked during the night in any City park or other City-owned property.
- OMC 10-14-3:C Permissible Parking of Mobile Homes and Recreational Vehicles on Private Property:
  3. Recreational Vehicles on Private Property: A recreational vehicle may stand or be parked and used or occupied on private property with the permission of the lawful ~~occupant thereof~~ owner of the lot upon which it will be placed, for a period not to exceed one hundred eighty (180) days within a twelve (12)-month period; provided, that:
    - a. The lawful occupant of the ~~premises~~ recreational vehicle shall register with the Code Enforcement Officer prior to occupying the recreational vehicle on the premises; and
    - b. The recreational vehicle shall be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system.;



# Suggested Updates to Title 10 – Building and Construction

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3. Recreational Vehicles on Private Property: A recreational vehicle may stand or be parked and used or occupied on private property with the permission of the lawful occupant ~~thereof~~ owner of the lot upon which it will be placed, for a period not to exceed one hundred eighty (180) days within a twelve (12)-month period; provided, that:

c. The recreational vehicle shall be located on ~~the premises~~ a lot in a residential zoning district in accordance with the provisions of OMC Title 13, Chapter 5; ~~and~~

d. Such use or occupancy shall not create a public health hazard or nuisance, as determined by the City; ~~and~~

e. The recreational vehicle shall not leak or cause illicit discharges to stormwater drainage systems, surface water or groundwater in accordance with OMC 9-5A-9:H; sites are subject to inspection for illicit discharges in accordance with OMC 9-5B-10;

f. ~~The recreational vehicle shall~~ shall not be parked on or overhanging a public right of way (street or sidewalk); ~~and~~

g. The occupation of the recreational vehicle shall be accessory to an active building or remodel permit that has been issued for construction located on the same lot where the recreational vehicle is placed.



# Suggested Updates to Title 10 – Building and Construction

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Once a recreational vehicle is registered for occupation on private property for a period of one hundred eighty (180) days, the one hundred eighty (180) day period may be extended by the Code Enforcement Officer, upon written request setting forth the need of extending the time, but such extension shall not exceed one hundred eighty (180) additional days.

**Does the City want revisions to this section?**



# Suggested Updates to Title 13 – Development Regulations

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- OMC 13-4-2 contains regulations for temporary uses and would be a logical place to add standards for RVs to be occupied temporarily. The code currently allows singlewide mobile homes or manufactured homes to be placed and occupied temporarily in any zone.

- OMC 13-4-2 Standards (for Temporary Uses/Temporary Housing Units):

C. Temporary Housing Unit: Singlewide mobile homes or manufactured homes may be placed in any zone or recreational vehicles may be placed in any residential zone for occupancy during the period of time necessary to construct a permanent dwelling on the same lot or tract, to provide on-site security and surveillance for public facilities, to provide classrooms or other school related space for public schools, or to provide for residential occupancy when permanent homes have been destroyed or damaged by a disaster, provided:



# Suggested Updates to Title 13 – Development Regulations

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1. The unit is removed from the site within thirty (30) days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner. A recreational vehicle may remain on site unoccupied as long as it meets all applicable development standards in Title 13 OMC.
2. The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.
3. The unit is not located in any required front ~~or side~~ yard where a rear yard is reasonably accessible, or a side yard is of sufficient size to accommodate the recreational vehicle.
4. A temporary permit is issued by the building department prior to occupancy of the unit on the construction site.
5. Prior to the issuance of a temporary permit, the site shall be reviewed by the Pierce County health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.



# Suggested Updates to Title 13 – Development Regulations

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6. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the city may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.
7. Prior to the issuance of a temporary housing permit, the city shall review the application and may require installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.
8. The unit shall not be placed in critical areas or their associated buffers.
9. A recreational vehicle may be occupied for up to 14 days per year without a temporary use permit when located on a parcel in the RC, RU, or RMF zoning districts. The recreational vehicle shall not be connected to sewer.
10. Recreational vehicles located within an approved recreational vehicle park are not subject to the standards set forth in this Section.



# Suggested Updates to Title 13 – Development Regulations

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There are two options for further clarifying the temporary occupation of RVs in the development code.

Option 1: Revise the Land Use Table in OMC 13-3-3 to add RVs to the list of temporary lodging, with footnotes saying that this refers to RVs outside of RV parks and subject to specific code sections. Also, RVs would only be allowed in the RC, RU, and RMF zones, per the chart.

Option 2: Revise Table 2 of OMC 13-3-3 to add RVs to the list of accessory uses, with footnotes pointing to relevant code sections.





# Process for Amending Codes

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## Type 5 Process per OMC 15-12-4

- Staff sends a Notice of Intent to Adopt Changes to the **Department of Commerce** for a 60-day review (an expedited review may be requested).
- **SEPA** environmental review:
  - Staff prepares a SEPA checklist;
  - The SEPA official signs a Determination of Nonsignificance (DNS), as appropriate;
  - Staff issues the DNS by sending to Ecology and other agencies with interest; and
  - Public notice of the DNS would be combined with the Notice of Public Hearing before the Planning Commission.
- **Planning Commission** holds a public hearing.
- **City Council** holds a public hearing on the Planning Commission's recommendation and considers Municipal Code amendments.



# What's next?

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- Staff will present the information to the Community and Government Affairs Committee, the Public Safety Committee, and at a Council Study Session.
- Council would request the Planning Commission set the matter for a public hearing and recommendations if Council would like to proceed with updates to the relevant code sections.



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# Questions?

## STAFF CONTACTS:

MillieAnne VanDevender, AICP - Contract Planner [planner@cityoforting.org](mailto:planner@cityoforting.org)

Scott Larson - City Administrator [slarson@cityoforting.org](mailto:slarson@cityoforting.org)





**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>  Resolution No. 2024-06, City Sponsorship of Orting Valley Farmers Market.	<b>AB24-20</b>	<b>CGA</b>		
		<b>3.7.2024</b>		
	<b>Department:</b>	Administration		
<b>Date Submitted:</b>	<b>3.1.2024</b>			
<b>Cost of Item:</b>	<u>\$</u>			
<b>Amount Budgeted:</b>	<u>\$</u>			
<b>Unexpended Balance:</b>	<u>\$</u>			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>CGA Committee</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Application and Resolution No. 2024-06				
<b>SUMMARY STATEMENT:</b>				
<p>The City received an application for sponsorship from the Orting Valley Farmers Market for sponsorship of their summer market series. The Policy requires that the City Council review and approve all applications for sponsorship, and determine whether an event qualifies for sponsorship (after review and approval of the application by the Community &amp; Government Affairs Committee). To qualify for sponsorship, an approved event must:</p> <ol style="list-style-type: none"> <li>1. Allow all citizens to reasonably participate;</li> <li>2. Serve a valid municipal purpose, such as strengthening the City’s sense of community or celebrating a City’s history and;</li> <li>3. May provide, through increased customers, additional revenues for Orting businesses and subsequent improved tax revenues for the City.</li> </ol> <p>CGA reviewed the application on March 7, 2024, and recommend approval.</p> <p>City Council City Council reviewed the application on March 20, 2024 and moved the application forward to the March 27, 2043 meeting for consideration.</p>				
<b>RECOMMENDED ACTION: Action:</b>				
Move forward to the City Council Study Session on March 20 <sup>th</sup> , 2024 for consideration.				
<b>RECOMMENDED MOTION: Motion:</b>				
To approve resolution no. 2024-06, a resolution of the City of Orting, Washington, declaring a public purpose and authorizing City sponsorship of the Orting Valley Farmer’s Market.				

**CITY OF ORTING**  
**WASHINGTON**  
**RESOLUTION NO. 2024-06**

**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, DECLARING A PUBLIC PURPOSE AND  
AUTHORIZING CITY SPONSORSHIP OF THE ORTING  
VALLEY FARMER’S MARKET.**

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**WHEREAS**, the City of Orting has adopted a Special Event Sponsorship Policy (the “Policy”) to extend City-sponsorship to events that the City Council determines serve valid municipal purposes; and

**WHEREAS**, in accordance with the Policy, 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

**WHEREAS**, upon a declaration by the City Council that a particular event qualifies for sponsorship, the event may be entitled to use of city facilities and services without charge; and

**WHEREAS**, the City received an application for sponsorship from the Orting Valley Farmer’s Market; and

**WHEREAS**, the City Council’s Community & Government Affairs Committee reviewed the application on March 6th, 2023, and recommended approval of the application; and

**WHEREAS**, the City Council finds that the Orting Valley Farmer’s Market has been an institution of public service for many years, is open to the public, and serves the valid municipal purposes of providing an opportunity for strengthening the City’s sense of community and celebrating the agricultural assets that are fundamental to the City; and

**WHEREAS**, the City Council finds that the Orting Valley Famer’s Market’s application meets the requirements of the City’s Policy, and qualifies for City-sponsorship as an event serving valid municipal purposes; and

**NOW, THEREFORE**, the City Council of the City of Orting, Washington, do resolve as follows:

**Section 1. Declaration of Public Purpose.** The City Council declares that the Orting Valley Farmer’s Market is an event open to the public, which serves the valid municipal purposes described herein.

**Section 2. Authorization for Sponsorship of Event.** The City Council authorizes the City’s sponsorship of the Orting Valley Farmer’s Market, pursuant to the City’s Policy. This authorization extends to each event identified on the Orting Valley Farmer’s Market’s

application for sponsorship, on every Friday between June 7<sup>th</sup>, 2024, and August 23<sup>rd</sup>, 2024 and the Mother's Day Market held on Saturday, May 11<sup>th</sup>, 2024. The Mayor is authorized to enter into a contract with the Orting Valley Farmer's market to memorialize the City's sponsorship described herein.

**Section 3. Effective Date.** This Resolution shall take effect and be in full force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27<sup>th</sup> DAY OF MARCH, 2024.**

CITY OF ORTING

---

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

---

Kimberly Agfalvi, CMC, City Clerk

Approved as to form:

---

Charlotte Archer, City Attorney  
Inslee, Best, Doezie & Ryder, P.S.



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: DOUG GRAVES

ORGANIZATION NAME: ORTING VALLEY FARMERS MARKET

ARE YOU NON-PROFIT:  Yes  No IF YES, UBI#: 603436579

MAILING ADDRESS: P.O. BOX 1665. ORTING WA. 98360

EVENT NAME: ORTING VALLEY FARMERS MARKET

BRIEF DESCRIPTION OF EVENT: WEEKLY FARMERS MARKET 2024

DATE(S) OF EVENT: MOTHERS DAY MARKET SATURDAY MAY 11, REGULAR SEASON EVERY FRIDAY FROM JULIE 7TH THROUGH AUGUST 23 RD

EVENT TIMES: Set-Up 12:30 PM Start of Event 3:00 PM Exit Time 8:00 PM End of Event 7:00 PM

ANTICIPATED NUMBER OF ATTENDEES: Low Estimate 400 High Estimate 1500

PRIMARY CONTACT NAME: DOUG GRAVES PHONE: 253-509-3609  
PRIMARY CONTACT EMAIL: OYFM CONTACT @ GMAIL . COM  
DAY-OF CONTACT NAME: DOUG GRAVES PHONE: 253-509-3609  
DAY-OF CONTACT EMAIL: OYFMCONTACT @GMAIL, COM  
ALTERNATE CONTACT: JOANN HOLBROOK PHONE: 206-300-8650

**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 Rally/Demonstration               |
| <input type="checkbox"/> Parade  | <input type="checkbox"/> Block Party   |
| <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 checked="" type="checkbox"/> Other (Please specify):<br><u>FARMERS MARKET</u> |

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 (Check all that apply. 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"/> North Park Fountain Pavilion (no charge)            |
| <input checked="" type="checkbox"/> <u>Orting Station building</u> | <input checked="" type="checkbox"/> <u>North Park Grass Area (no charge)</u> |
| <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)             | <input type="checkbox"/> Bell Tower area at Main City Park                   |

**Please answer the following questions:**

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

TYPICALLY GARBAGE CANS ARE SET OUT AS NEEDED AND GARBAGE IS DISPOSED OF AT THE END OF DAY.

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

SHOWN ON MAP

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

USED BY VARIOUS FOOD VENDORS

**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 checked="" type="checkbox"/> 1 Police Officer	\$100/hr x ___ hrs	\$ _____	<input checked="" type="checkbox"/>
<input type="checkbox"/> 2 Police Officers	\$200/hr x ___ hrs	\$ _____	<input type="checkbox"/>
<input checked="" type="checkbox"/> 1 Dumpster	\$20/event	\$ _____	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> 2 Standard Portable Restrooms	\$200/event	\$ _____	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Electricity (2 Spider Boxes)	\$50/event	\$ _____	<input checked="" 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 checked="" type="checkbox"/> Facility Rental *See Appendix A for rental rates	\$ Varies	\$ _____	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Blanket Vendor Permit	\$100/event	\$ <u>100<sup>00</sup></u>	<input checked="" type="checkbox"/>
<b>Total For Special Event Services</b>		\$ <u>100<sup>00</sup></u>	
<b>Special Event Application Fee</b>		\$200	
<b>TOTAL TO BE PAID</b>		\$ <u>300<sup>00</sup></u>	

**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: 30-50 EACH WEEK

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?

SIGNAGE, ADVERTISING, AND SOCIAL MEDIA

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

MUSICAL ENTERTAINMENT USUALLY ON THE CONCRETE PAD AT THE ORTING STATION BUILDING

**9: AGREEMENTS**

Initials: W DG

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: W DG

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: W DG

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: W DG

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: W DG

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

Initials: W DG

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: W DG

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: W DG

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: W DG

**THE UNDERSIGNED APPLICANT HEREBY** warrants that he/she is over the age of 18 and an authorized representative of the hosting 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: William Doug Graves Date: 2-5-24

Print Name & Title w/Organization: WILLIAM DOUG GRAVES, MARKET MANAGER - ORTING VALLEY FARMERS MARKET

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

- End of Special Event Application -

**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. 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 at no charge.
- Use of Multipurpose Center (MPC) located at 202 Washington Ave. S. at no charge.
- Use of North Park, including grass area and Orting Station building, located at 101 Washington Ave NW. at no charge.
- 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 approximately 6 folding tables and 60 folding 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 and additional insurance 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: Orting Valley Farmers Market Event Date: multiple

Primary Contact: Doug Graves Phone: 253-509-3609  
orfmccontact@gmail.com

Checklist/Timeline:

90+ Days Prior

- Completed Application received
- Payment of Fees (Amount: \$ 300 )
- Event Map & Timeline
- Proof of Insurance (if sponsored)
- Completed Banner Application received
- Department Heads Meeting
- Sponsorship Letter (if applicable)
- Approved by CGA (if sponsored)

Date: 2/5/24 Initials: MA  
 Date: 2/7/24 Initials: MA Receipt# 1082  
 Date: 2/5 Initials: MA  
 Date: 2/7 Initials: MA  
 Date: 2/5 Initials: MA  
 Date: 2/14  
 Date: 2/5 Initials: MA  
 Date: \_\_\_\_\_ presented @  
3/6 CGA

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

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

Date: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_

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

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

Date: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_ WO# \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_ Receipt# \_\_\_\_\_

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

- Hang Event Banner
- Confirm PW Staff working event
- Event posted on Social Media  
And Reader Board

Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_

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

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

Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Day Before Event

- Place NO PARKING or other signage required

Date: \_\_\_\_\_ Initials: \_\_\_\_\_



104 Bridge St S., PO Box 489, Orting, WA 98360  
 Phone: 360.893.2219 Fax: 360.893.6809  
 Website: www.cityoforting.org  
 Email: malfiere@cityoforting.org

## BANNER PERMIT APPLICATION

This Permit Application allows the City and WSDOT to keep track of banners placed across SR 162. City Council sponsorship and/or a valid municipal purpose is required for banner approval. The application and payment (if applicable) must be submitted 90 days before the proposed date the banner will be placed. Before installation, the City of Orting will contact WSDOT as part of the permitting process. When the banner is approved by WSDOT the City of Orting will notify you. Please allow up to 3 weeks for approval.

**This form must be completed IN FULL each time a banner is to be installed.**

**\*\*Name, Date and Event Sponsors are ONLY allowed on the banner for it to be approved by WSDOT\*\***

Applicant Name: DOUG GRAVES Representing: ORTING VALLEY FARMERS MARKET

Event Name: ORTING VALLEY FARMERS MARKET Event Date: 6/7/24 THRU 8/23/24

Mailing Address: P.O. BOX 1665  
ORTING WA. 98360

Phone: 253-509-3609 Email: DVFMCONTACT@GMAIL.COM

Non-Profit:  Yes [ ] No UBI #: 603436579

Location of Banner: SR 162 & ~~Leber St. NE~~ Cost: \$195.00  
AT KEY BANK

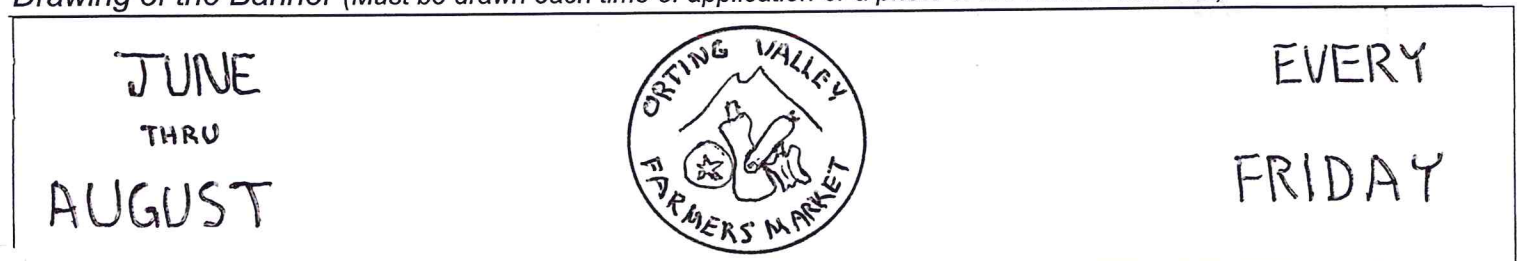
Requested period for the banner to be across SR 162: 5/24/24 through 8/23/24  
**The banner may only be across SR 162 for 2 weeks**

### Specifications of Banner

Material Type: VINYL Size: 30' x 33" Thickness: 18 oz

How many \_\_\_ cuts are on the banner: \_\_\_ One sided or Two Sided: [ ] One  Two

*Drawing of the Banner (Must be drawn each time of application or a photo of the banner attached):*



Manufacturer of the banner: PROMO UP GRAHAM WA.

Is this a new banner or one that has been used previously in Orting?  New [ ] Previously-used



**Banner must meet the following requirements:** Banner shall not be larger than 24 feet wide and 36 inches high. Banner shall maintain minimal vertical clearance to overhead utility lines set forth by PSE. Banners shall have wind load relief flaps eighteen (18) inches wide and ten (10) inches high spaced at a density of one flap for each ten (10) square feet of surface area. Relief flaps shall be spaced uniformly to provide uniform wind load reduction. Banners shall have two (2) inch high vinyl coated nylon strip (13oz) securely sewn along top and bottom.

**Hold Harmless Agreement:** Permittee agrees to indemnify, defend, and hold the City, its officers, employees, and volunteers, harmless from and against any and all claims, actions, or damages of any type asserted against or incurred by the City in connection with any acts or omissions of the permittee, its agents, employees, contractors, or any person in connection with the permit, provided this obligation shall not include such claims which may be caused by the sole negligence of the City or its officers or employees.

Signature: William D. Jones Date 2 / 5 / 24

**\*\*RETURN COMPLETED FORM ALONG WITH PAYMENT (if applicable) BY MAIL OR IN PERSON AT CITY HALL AT LEAST 90 DAYS PRIOR TO HANGING OF BANNER\*\***

**Official Use Only:**

Application Received: <u>2 / 5 / 24</u>	Amount Paid: _____	Receipt #: _____
Date Application Emailed to WSDOT: Date ___ / ___ / ___		
WSDOT Contact: _____		
Confirmation from WSDOT: Date ___ / ___ / ___ (Attach Authorization document)		
Notification to Applicant: Date ___ / ___ / ___ Email or Phone: [ ] Email [ ] Phone		
Date Received Banner: ___ / ___ / ___ Received by: _____		
Date Banner Installed: ___ / ___ / ___ Date Banner Removed: ___ / ___ / ___		
Date Banner Picked-up: ___ / ___ / ___ Picked-up by: _____		

Receipt: 1082                      02/07/2024  
Acct #:     1894  
City of Orting  
PO Box 489  
Orting, WA 98360

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Orting Valley Farmer's Market

WA

Treasurer's Rec - CK/Cash  
Memo: Special Event fee for Farmer's  
Market 2024

Fees - Special Events	200.00
Non Taxed Amt:	<u>200.00</u>
Total:	200.00
Chk: 1576	<u>200.00</u>
Full Tendered:	200.00
Change:	0.00
Issued By: Jennifer Corona	
	02/06/2024 15:46:24



Receipt: 1083 02/07/2024

Account #: 1894

City of Orting

PO Box 489

Orting, WA 98360

Orting Valley Farmer's Market

WA

Treasurer's Rec - CK/Cash  
Memo: Blanket Vendor Fee for Orting  
Valley Farmer's Market 2024

Fees - Special Events	100.00
Non Taxed Amt:	<u>100.00</u>
Total:	100.00
Chk: 1577	<u>100.00</u>
Ctl Tendered:	100.00
Change:	0.00
Issued By: Jennifer Corona	
	02/06/2024 15:47:29

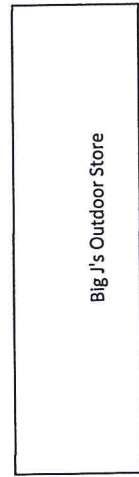




Saints Cosmos  
and Damian  
Church Parking

Orting Valley Farmers Market  
2024 Regular Season Layout  
Doug Graves - Market Manager

CORRIN AVE



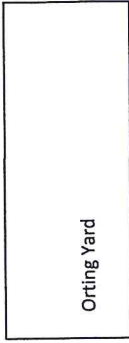
Big J's Outdoor Store

Business Parking



D&D Construction

Business Parking



Orting Yard

Business Parking

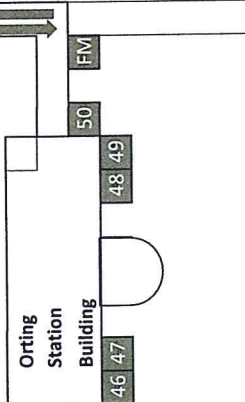
CUSTOMER ENTRANCE  
CUSTOMER EXIT

Dumpster  
2 Porta-Potties

Customer Parking

Restroom

Vendor Parking



Orting Station Building

FM

50

48 49

46 47

45

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6

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1

Fountains

Foothills Trail

CALISTOGA ST

SR 162 / WASHINGTON AVE



# ORTING VALLEY FARMERS MARKET

February 5, 2024

City of Orting  
Attn: Michell Alfieri  
104 Bridge Street  
Orting WA. 98360

Once again, thank you for the opportunity to host this year's Orting Valley Farmers Market. As we have done throughout the years, the Orting Valley Farmers Market will again strive to utilize Vendors who offer creative, innovative, fresh, and tasty products along with live entertainment, children's programs, and a summertime setting that can be enjoyed by all.

This season, we will again have a Mother's Day Market on Saturday May 11<sup>th</sup> from 11am to 3pm and our regular season will be every Friday 3pm to 7pm from June 7<sup>th</sup> through August 23<sup>rd</sup>.

We are asking the City of Orting to provide, in sponsorship, the following items for this event season:

1. Use of all city facilities in North Park.
2. One Police officer who can make random passes through the market between the hours of 3pm and 7pm.
3. 1 Dumpster (already located at North Park).
4. 2 Standard Portable Restrooms to be located at North Park.
5. Electricity, including 2 Spider Boxes and 2 power cords.
6. Hanging of Banner over Washington Ave. for the entire market season.

The Orting Valley Farmers Market intends to comply with all requirements as detailed in our Special Event Application as well as to the satisfaction of City representatives.

Respectfully,

Doug Graves

Orting Valley Farmers Market - Manager



## BUSINESS INFORMATION

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Business Name:

**ORTING VALLEY FARMERS MARKET**

UBI Number:

**603 436 579**

Business Type:

**WA NONPROFIT CORPORATION**

Business Status:

**ACTIVE**

Principal Office Street Address:

**19511 112TH AVE E, GRAHAM, WA, 98338-6467, UNITED STATES**

Principal Office Mailing Address:

**PO BOX 1665, ORTING, WA, 98360-1665, UNITED STATES**

Expiration Date:

**08/31/2024**

Jurisdiction:

**UNITED STATES, WASHINGTON**

Formation/ Registration Date:

**08/28/2014**

Period of Duration:

**PERPETUAL**

Inactive Date:

Nature of Business:

**AGRICULTURAL. CHARITABLE. EDUCATIONAL. FARMERS MARKET- CHARITABLE  
EDUCATIONAL AGRICULTURAL**

Charitable Corporation:



Nonprofit EIN:

**47-1671216**

Most Recent Gross Revenue is less than \$500,000:



Has Members:



Public Benefit Designation:



Host Home:



## REGISTERED AGENT INFORMATION

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Registered Agent Name:

**PRESIDENT**

Street Address:

**9715 210TH STREET CT E, GRAHAM, WA, 98338-8017, UNITED STATES**

Mailing Address:

**PO BOX 1665, ORTING, WA, 98360-1665, UNITED STATES**

# GOVERNORS

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<b>Title</b>	<b>Governors Type</b>	<b>Entity Name</b>	<b>First Name</b>	<b>Last Name</b>
GOVERNOR	INDIVIDUAL		JOANN	HOLBROOK
GOVERNOR	INDIVIDUAL		DOUG	GRAVES





**Special Event City Sponsorship Cost Estimate**

**Event Name:** Orting Valley Farmers Market

**Event Dates & Time:** 13 total dates (see below), 3:00-7:00pm, 11am-3pm for 5/11 date  
 5/11, 6/7, 6/14, 6/21, 6/28, 7/5, 7/12, 7/19, 7/26, 8/2, 8/9, 8/16, and 8/24

**Applicant/Organization:** Doug Graves, Orting Valley Farmers Market

<b>City Services Requested</b>	<b># of hours</b>	<b>Estimated Cost</b>
Use of North Park (includes Orting Station) - <b>13 total dates</b>		\$3,900.00
2 Portable Restrooms (in addition to existing at Main Park)		\$1,500.00
1 Dumpster		\$50.00
Electricity (includes 2 spider boxes) - <b>13 total dates</b>		\$975.00
Hang Event Banner over Washington Ave.		\$300.00
Event Advertisement (reader board & social media)		\$150.00
1 Public Works staff (estimated \$75/hr) - <b>approx 1 hr per date</b>	13	\$975.00
Police support (estimated \$115/hr each) - <b>approx 1 hr per date</b>	13	\$1,495.00
<b>Total Estimated Cost of Sponsorship*</b>		<b>\$9,345.00</b>

\*This is strictly an estimate of proposed costs. Actual cost of sponsorship will vary.



**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 1.3.2024 2.7.2024</b>		
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	<b>10.6.2023</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>	Before the end of the year.			
<b>Submitted By:</b>	<b>Danielle Charchenko, Executive Assistant</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b>	Ordinance No. 2024-1124, Food Truck Program Application and guidelines			
<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>				
Move forward to City Council Study session on February 21 <sup>st</sup> , 2024.				
<b>FUTURE MOTION: <u>Motion:</u></b>				
To adopt the City of Orting Food Truck Program as presented.				

# CITY OF ORTING

## WASHINGTON

### ORDINANCE NO. 2024- 1124

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, AMENDING CHAPTER 3-2 OF THE  
ORTING MUNICIPAL CODE RELATING TO BUSINESS  
LICENSES; PROVIDING FOR SEVERABILITY; AND  
SETTING AN EFFECTIVE DATE**

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**WHEREAS**, the City of Orting is a non-charter code city under Title 35A RCW; and

**WHEREAS**, RCW 35A.21.160 provides that a code city shall have all of the powers which any city of any class may have including cities of the first class; and

**WHEREAS**, RCW 35A.82.020 authorizes code cities to “exercise the authority authorized by general law for any class of city to license and revoke the same for cause, to regulate, make inspections and to impose excises for regulation or revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions and any other lawful activity ...”; and

**WHEREAS**, RCW 35.22.280(32) authorizes any city of the first class to grant licenses for any lawful purpose, to fix by ordinance the amount to be paid therefore, and to provide for revocation of such licenses; and

**WHEREAS**, the City of Orting, at Orting Municipal Code (OMC) Title 3, Chapter 2, regulates the licensing of businesses for the privilege of engaging in business in the City and to regulate such businesses to protect the public health, safety and welfare; and

**WHEREAS**, the City has determined that Title 3, Chapter 2 of the OMC should be amended with respect to the business licensing provisions relating to special events, food vendors and mobile food vendors, as well as other minor revisions, all as stated in this Ordinance, and that said amendments will promote the efficient and effective administration of the City’s business licensing program; and

**WHEREAS**, the City Council has considered this Ordinance, together with all public comment, and has determined that the proposed amendments are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

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

**Section 1. OMC Title 3, Chapter 2 Amendment.** Orting Municipal Code Title 3, Chapter 2, titled “Business License Code,” is hereby amended to read as stated in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3. Codification of Amendments.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

**Section 4. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28<sup>th</sup> DAY OF February, 2024.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Kimberly Agfalvi, City Clerk, CMC

APPROVED AS TO FORM:

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Charlotte A. Archer, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Date of Publication:  
Effective Date:

## EXHIBIT A

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### 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 that will have a direct significant impact on public streets, rights-of-way or emergency services.~~ 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 is used, 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 ~~MOBILE VENDORS~~ ~~ITINERANT 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. No mobile vendor may park overnight.

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.~~

~~8.7.~~ 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~~

~~17. 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

---

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:

- Public rights-of-way as follows:
  - Calistoga St W
  - Train St; between Corrin Ave SW and Rainier Ln SW
  - SR 162; Washington Ave N/Washington Ave S/Bridge St S/Harman Way S
- 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.
- Residential zones and private residences without a Special Event Permit.
- Vendors shall not park overnight.

Vendors must register for a free single-day parking permit through [Orting Parks & Recreation \(teamsideline.com\)](https://teamsideline.com) to park and operate on Van Scoyoc Ave SW, located in the Main City Park and shall not block any business or parking lot entrances. Offerings will allow a maximum of three vendors per day. The City Administrator may establish administrative rules and regulations as deemed appropriate, consistent with the Orting Municipal Code, for the purpose of enforcing and carrying out its provisions. The City Administrator shall have the authority to revoke a vendor parking permit at any time.

### 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: \_\_\_\_\_

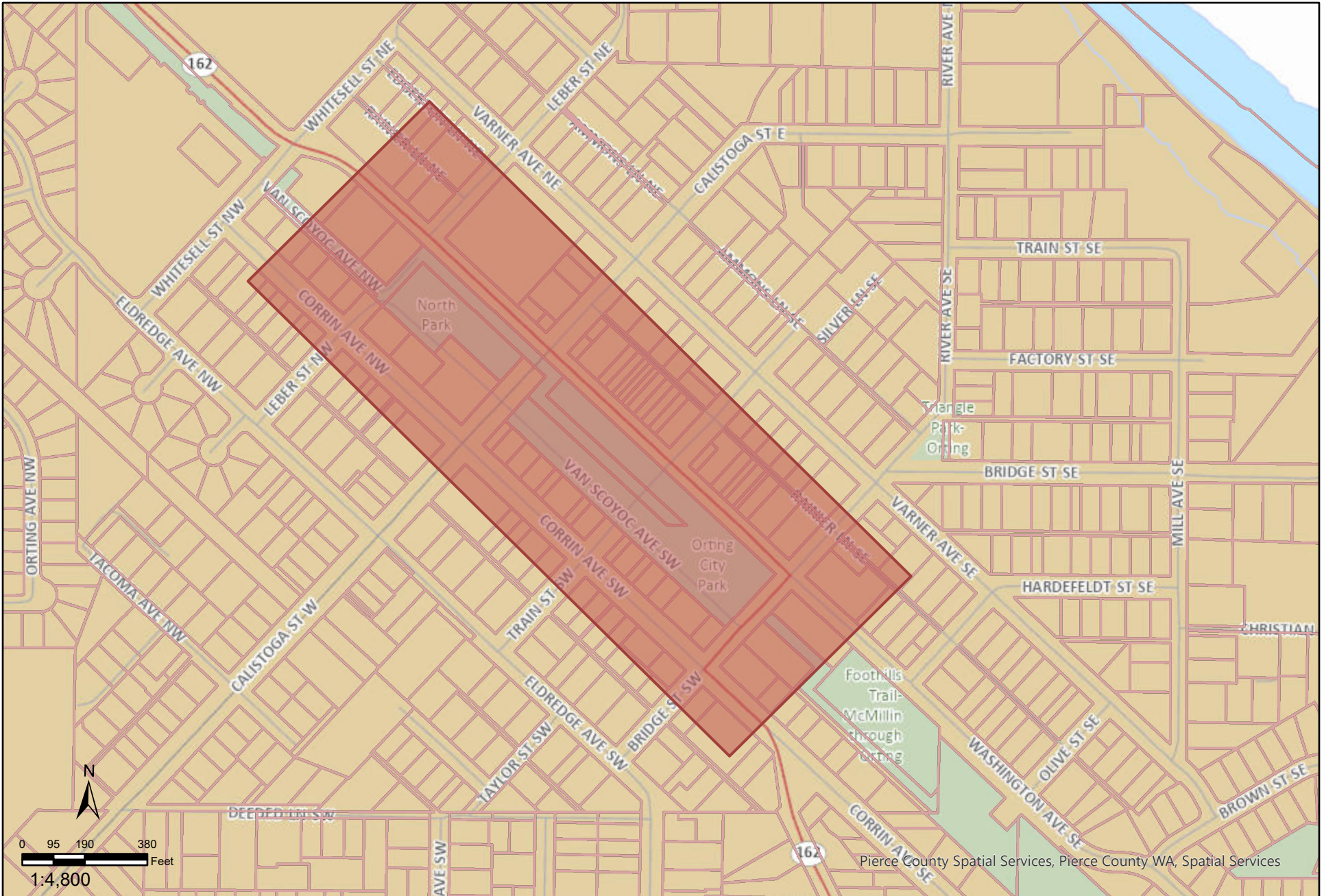
Attested by (City Official): \_\_\_\_\_ Date: \_\_\_\_\_

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



**Red Streets:** Prohibited

**Green Street:** Allowed with a permit



Pierce County Spatial Services, Pierce County WA, Spatial Services

*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.*

Date: 10/27/2023 10:53 AM



**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>  Plaque Modification Request – Orting Historical Society.	<b>AB24-21</b>	<b>CGA</b>		
		<b>3.6.2024</b>		
	<b>Department:</b>	Admin/Orting Historical Society		
	<b>Date Submitted:</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</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Orting Historical Society request and photos				
<b>SUMMARY STATEMENT:</b>				
<p>The Orting Historical Society installed a commemorative plaque next to the historical train switch on the west side of City Hall and they are requesting to modify the approved design of the installed plaque to allow for an extension to be added to the top of the plaque to give more information on the history of the train switch and to showcase historical pictures. Attached is documentation and a mock up of the design presented by the Orting Historical Society for reference.</p>				
<b>RECOMMENDED ACTION: <u>Action:</u></b>				
TBD.				
<b>RECOMMENDED MOTION: <u>Motion:</u></b>				
TBD.				



# Orting Historical Society

Railroad Switch plaque rack modification request

March 06, 2024

March 06, 2024

City Of Orting  
Community Governmental Affairs Committee  
104 Bridge St S.  
Orting, WA 98360

Ref: Railroad Switch second plaque Status

Greeting Councilmembers Hogan & Sproul,

At the Community Governmental Affairs committee (CGA) meeting of March 01<sup>st</sup>, 2023, the Orting Historical Society presented plans for installing a restored railroad switch and a plaque rack with a plaque documenting the history of this switch to be installed along the west side of city hall. The plans were approved by the CGA committee. The same plans were presented to the Orting Council Study session on March 16<sup>th</sup> where they were approved and then sent on to the full council's meeting on March 29<sup>th</sup>, 2023 for the final approval. See one page of the plan on page 3.

Since the original approval of the plaque design, the society learned that the planned design would not work. The society had planned for the switch history, documentations of all those who contributed and a couple of historical pictures all to be on one plaque. It was too much information for the plaque sized that we had committed to purchasing and further the plaque rack was completed. So we were committed. Then a second plaque was suggested. It was design and completed some months ago.

On February 09<sup>th</sup>, 2024, Don Tracy, Steve Limbaugh, of Valley Sign, and I installed the first plaque. Then, the society began planning for the fabrication of an extension to be built and attached to the top of the existing plaque rack. See page 4 as to how it would look when attached to the first plaque.

The next day, February 10<sup>th</sup>, I received an e-mail from the city advising that the attachment rack would have to be approved by the CGA committee.

Since receiving the e-mail from the city I sat down and drafted this letter hoping that I can give the CGA committee enough information that would allow us to move forward on this project.

Just to let you know, I have the same volunteer lined up to fabricate the attachment for this plaque and that is Stan Daffern.

My question, when this request get your approval will it be sent on to the council study session and then the full council for their approval?

Thank you for your time in reviewing our request.

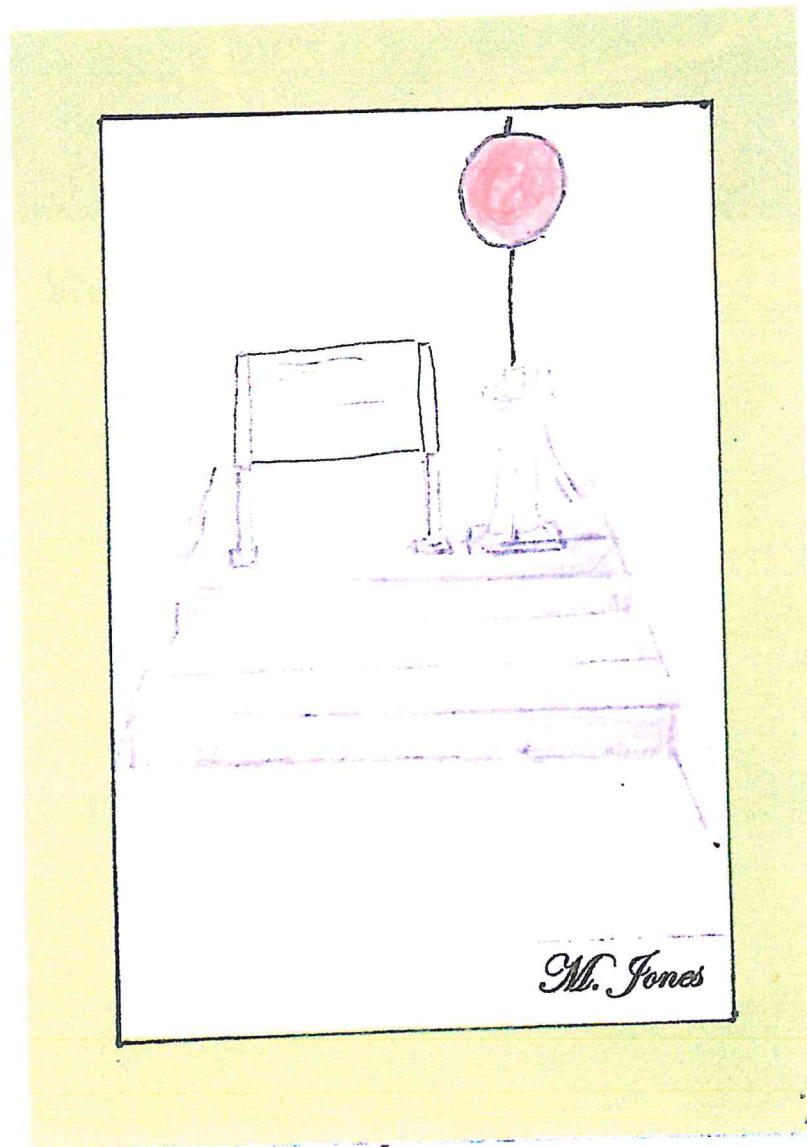
A handwritten signature in cursive script that reads "Sam".

Guy S. (Sam) Colorossi  
Orting Historical Society  
Secretary/Treasurer

Picture # 14584292 – Example of the monument rack.



Picture # 15125344 –Artist rendition of the site by Madeline Jones .





**Steve Limbaugh of Valley Sign**



**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>  Plaque / Monument Policy.	<b>AB24-22</b>	<b>CGA</b>		
		<b>3.6.2024</b>		
	<b>Department:</b>	Administration		
	<b>Date Submitted:</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</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b>	Example policies			
<b>SUMMARY STATEMENT:</b>				
<p>The CGA Committee has expressed interest in adopting a plaque/monument policy. Staff have provided a couple of examples of plaque/monument donation policies from other cities including the City of Lynden and Snohomish County.</p>				
<b>RECOMMENDED ACTION: <u>Action:</u></b>				
TBD.				
<b>RECOMMENDED MOTION: <u>Motion:</u></b>				
TBD.				

**CITY OF LYNDEN**

**POLICY TITLE:** COMMEMORATIVE DONATION PROGRAM

**POLICY NUMBER:** AD - 30

**PROPOSED BY:** ADMINISTRATION

**DATE APPROVED  
BY COUNCIL:**

**PURPOSE:**

Donations are important to the vitality of the Parks Department, and to the City and its mission to preserve, enhance and strengthen the quality of life in the community. The following document defines and establishes a process for accepting donations and memorials for the City of Lynden. Citizens wishing to commemorate an anniversary, celebrate a new birth, or honor the memory of a loved one may request that trees, benches, playground equipment, etc. be placed in specific sites, subject to: a) approval by the City; b) consistency with City and Park plans; and c) current aesthetic needs. Further, the City reserves the right to remove any and all donated items at any time.

**POLICY:**

***Department Responsibilities:***

Each Department affected shall be responsible for accepting or denying donations based on the plans and needs of their Department, and making sure that such donations are consistent with this policy.

It is the Department's responsibility to:

- ensure that funds are deposited into the proper accounts;
- ensure that proper City officials are informed of the donations and that the donation fits current City needs in relation to landscape structure or development plans;
- ensure that the donations are suitably acknowledged;
- ensure that timely reports are made (reports may be made monthly or quarterly to Council and may be presented to Council in a ceremonial format, if desired);
- ensure that expenditures are consistent with requirements placed on donor and donations; and
- provide receipts for tax purposes.

## Commemorative Donation Guidelines:

### Site Specific Requests

In order to maintain a balance in the placement of donations such as benches, trees and playground equipment, etc. in areas where people congregate, wait, rest or engage in social activity, all site specific requests must be approved by the departments that have jurisdiction over the site and must be consistent with the City and Parks Master Plan. Site specific locations include: public facilities, parks and thoroughfares.

### Recognition Plaques

While the City respects the desire of individuals to remember their loved ones, it also recognizes the desire of community members not to be burdened with a constant reminder of death in public places. Therefore, care must be taken to recognize and remember loved ones in a discreet manner. Recognition plaques and signage shall be discreetly placed and planned to avoid conflicts.

Plaque requirements are as follows:

1. Size of plaque may not exceed 14” in length x 4” in height x 1/4” in thickness.
2. The City will not be responsible for replacement if damaged or vandalized.
3. The number of lines on a plaque will not exceed three, the number of spaces will not exceed 40 per line, and the wording may include:
  - a) Date
  - b) “Dedicated to (name) (year)”
  - c) “Donated by (name) (year)”
  - d) “Commemorating the (year) Anniversary of (event), or
  - e) “In recognition of ...”

### Commemorative Bench Donations

Citizens wishing to commemorate an event or recognize a loved one may purchase pre-approved benches that are available in a range of prices.

*Request* - To make a commemorative bench request, the Donor must complete an application form and submit it to Parks and Recreation. Parks and Recreation will forward the application to the Department in whose jurisdiction the donation will be made.

Donors may purchase the pre-approved benches themselves or include a check with the application for the amount designated.

*Recognition* - Upon receipt of the application, the department will respond to the Donor with a letter signed by the Mayor that includes the identification of the individual or event to be recognized/honored and the site location of the bench.



A plaque may be discreetly placed on the back of the bench in accordance with the standards set forth above.

*(See attached "Application for Commemorative Bench Donation")*

#### Commemorative Living Tree Donation

Donors wishing to commemorate a person or event may wish to participate in the Commemorative Living Tree Program. The Commemorative Living Tree program enables citizens to have trees planted within the city parks and thoroughfares in celebration of a special event or the life of an individual.

*Request* - To make a commemorative tree donation request, the Donor must complete an application form and submit it to Parks and Recreation. Parks and Recreation will forward the application to the Department in whose jurisdiction the donation will be made.

The type and size of the tree must be pre-approved by the department. Donors may purchase the tree and have it planted themselves, or they may include a check with the application for a designated amount (that will include the cost of the tree and the cost to plant the tree).

*Recognition* - Upon receipt of the application, the department will respond to the Donor with a letter signed by the Mayor that includes the identification of the individual or event to be recognized/honored and the site location of the tree.

*See attached "Application for Commemorative Living Tree Program")*

#### Other Commemorative Donations

Donors wishing to commemorate a person or event may wish to participate in the Commemorative Donation Program. The Commemorative Donation Program enables citizens to donate items, such as playground equipment, to the City in celebration of a special event or the life of an individual.

*Request* - To make a commemorative donation (other than trees or benches) request, the Donor must complete an application form and submit it to Parks and Recreation. Parks and Recreation will forward the application to the Department in whose jurisdiction the donation will be made.

The proposed donation must be pre-approved by the department in whose jurisdiction the donation would be located.

*Recognition* - Upon receipt of the application, the department will respond to the Donor with a letter signed by the Mayor that includes the identification of the individual or event to be recognized/honored, the name of the item donated and the location for such donated item.

*(See attached "Application for Commemorative Donations other than Trees or Benches")*

### **Exceptions to Standard Procedures**

If the donation creates any of the following conditions, a staff report must be submitted to and approved by the City Administrator, prior to acceptance:

1. Does it create an immediate or initial City expenditure of \$500 or more which has not been included in the approved City budget? This pertains both to a direct outlay of City funds or to the use of City staff, resources and materials.
2. Does it create an annual City maintenance obligation of \$1000 or more which has not been included in the approved City budget?
3. Does it materially affect or change any aspect of City operations?
4. Unless otherwise stated in a contract, the Donor shall give up ownership rights; right to alter, move or remove said donations without reservation, and maintenance obligation rights.

### **Acknowledgement of Donations**

Methods of recognition vary according to categories of giving. Recognition may be as simple as a thank you letter, certificate of recognition or a tax receipt for tree donations; or, in the case of benches and other large donation items such as playground equipment, etc., Council recognition or plaques may be provided.



**Section III**

I understand that:

1. My donated item must be approved by the City of Lynden Department that has jurisdiction over the selected site for the location of my donation.
2. My site selection must be approved by the City of Lynden Department that has jurisdiction over the site;
3. The City will not be responsible for replacing any damaged or vandalized donated items.
4. The City of Lynden reserves the right to remove any and all donated items at any time.
5. The City of Lynden will provide a full refund of funds submitted by donor should the City be unable to fulfill Donor's request for a Commemorative Donated item.

Donor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please submit completed application to:

City of Lynden  
Parks and Recreation Department  
323 Front Street  
Lynden, WA 98264

\*\*\*\*\**(The following is for City use only.)*\*\*\*\*\*

**CITY OF LYNDEN**  
**RESPONSE TO APPLICATION**  
**FOR**  
**COMMEMORATIVE DONATION**

City Department with Jurisdiction: \_\_\_\_\_

**Section I**

\_\_\_\_\_ Application for Commemorative Donation has been approved as follows:

Description of Item to be donated: \_\_\_\_\_

\_\_\_\_\_

Approved Location for donated item: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Donor will purchase and/or provide and deliver approved item to approved site.

\_\_\_\_\_ Check in the amount of \$ \_\_\_\_\_ has been received and the City will purchase and install approved item in approved location.

**Section II**

\_\_\_\_\_ Application for Commemorative Donation has been denied because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Signature of Department Head**

\_\_\_\_\_  
**Date**



**POLICY NO: 042**  
**APPROVED: 12-3-08**

## **POLICY/PROCEDURE**

### **SNOHOMISH COUNTY PARKS DONATION PROGRAM**

Many of Snohomish County's parks and green spaces are in need of new furnishings and equipment. In addition, the Parks Department works with a number of Foundations that support park development and resource management projects throughout the system. The Parks Department also accepts cash donations for scholarships for disadvantaged children or families.

Using Parks & Recreation policies and donor input as a guide, Snohomish County Parks & Recreation will make final decisions on locations for *all donations*, and reserves the right to refuse to accept donations that are deemed inappropriate.

Donating a *new* park bench, picnic table, tree, recreation equipment, or donating to a Foundation or a Scholarship Program provides a lasting and memorable way to acknowledge a friend, family member, or assist other community members in Snohomish County.

All donated items can include an inscribed plaque that describes the event or person being remembered. Plaques that are affixed to donated items are provided by Snohomish County Parks and shall be reviewed for appropriate language and content. The plaques wording is determined by the purchaser, however plaques may not include memorial language ( i.e. "In memory of", "Birth and Death Dates" ). Plaques for tree donations are plastic and embedded on top of a 4"x4" post (Parks Department provides). Plaques for benches and picnic tables are made of brass and are 4" x 6" in size. They are attached to the concrete slab below the bench or table.

Parks Department staff makes the final decision on the location of trees, benches or tables. Benches and tables are ordered from a distributor and the typical waiting period is about 6 weeks. Benches and tables are installed by park maintenance staff.

DEDICATED TO

\_\_\_\_\_ (name) \_\_\_\_\_  
\_\_\_\_\_ (year installed) \_\_\_\_\_

Current pricing information can be provide by Thomas Hartzell, Senior Park Planner, 425-388-6695, [thomas.hartzell@snoco.org](mailto:thomas.hartzell@snoco.org). **Refurbishment** of *existing park furnishings* is another great way to help Snohomish County Parks. Funds donated for refurbishment will be used to repair an existing bench or picnic table and install the recognition plaque. If no repairs are needed at the time of donation, the funds will be retained for future maintenance and refurbishment of the bench or picnic table.

For all donations, donors must work with a Parks Department representative; Thomas Hartzell, Senior Park Planner, 425-388-6695, [thomas.hartzell@snoco.org](mailto:thomas.hartzell@snoco.org) to ensure the donation, its location, and plaque are approved by Snohomish County Parks & Recreation.

Because park furnishings only last for a matter of years before requiring complete replacement, donated furnishings may become available for *renewal*, with preference given to the original donor to renew. Newly donated furnishings become available for renewal after fifteen years, while refurbished furnishings become available for renewal after ten years.

The fee for renewal at either the ten or fifteen year mark is decided on a case-by-case basis, depending on whether the item is in need of refurbishment or complete replacement at that time. If you are interested in renewal at the end of your gift, please notify the Parks Department of any changes to your contact information.

Your signature on this form indicates that you have read both pages of this document, consulted with the Snohomish County Parks Donation representative, and you understand that: location of all donated furnishings and language used on recognition plaques are subject to approval by Snohomish County Parks and Recreation,

As a tax-deductible donation, donated furnishings are property of Snohomish County Parks and Recreation.

All donations will be maintained according to Parks and Recreation policy and priorities.

The donation terms are as follow: (15) fifteen years for a new furnishings and (10) ten years for a refurbished improvement. After that period, the furnishings will be available for renewal.

Donor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Donated furnishings will be installed after they have been paid for in full.

Please send a check payable to Snohomish County Parks Department or discuss other payment options with the Park Representative.

Questions? Contact Thomas Hartzell at 425 388 6695, [thomas.hartzell@snoco.org](mailto:thomas.hartzell@snoco.org)

**SNOHOMISH COUNTY PARKS DONATION PROGRAM**

All donated items can include an inscribed plaque that describes the event or person being remembered. Parks Department staff must approve the wording and font of all plaques. Parks Department staff makes the final decision on the location of trees, benches or tables. Benches and tables are ordered from a distributor. Benches and tables are installed by park maintenance staff when staffing and workload allows. Typical time frame is 90-120 days from the placing of order.

Questions? Contact Thomas Hartzell at 425 388 6695 or [thomas.hartzell@snoco.org](mailto:thomas.hartzell@snoco.org)

**DONATION PROGRAM APPLICATION**

DONOR(S) NAME: \_\_\_\_\_ PH#: \_\_\_\_\_

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

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PERSON / EVENT BEING HONORED \_\_\_\_\_

- \_\_\_ 1" to 1 1/2" cal TREE with MARKER - \$1,500  
Name of Tree (botanical/common name) \_\_\_\_\_
- \_\_\_ BENCH - \$2,200 (locally made Concrete or recycled plastic).
- \_\_\_ PICNIC TABLE - \$3,500
- \_\_\_ OTHER, Describe: \_\_\_\_\_

PARK NAME: \_\_\_\_\_

LOCATION IN PARK: \_\_\_\_\_

(Attach map of park if available)

Donations are tax deductible. Make checks payable to Snohomish County Parks and Recreation

PLAQUES: Plaques and posts are provided by Snohomish County Parks. The plaques wording is determined by the purchaser. Plaques **cannot** say "In Memory of" or have "Birth and Death" dates. Plaques for tree donations are embedded on top of a 4"x4" post are made of plastic. Bronze plaques for picnic tables and benches are 4" x 6" in size and are fixed flush-mounted to bench slats or table tops.

Proposed wording for plaque:

DONATED BY THE FRIENDS AND FAMILY OF \_\_\_\_\_ (Name)  
\_\_\_\_\_ (Year installed)

OR (your own wording)  
Mail Application and Check to  
Snohomish County Parks and Recreation  
Willis Tucker Regional Park  
6705 Puget Park Dr.  
Snohomish WA 98296





**CGA Committee Minutes**  
**February 7<sup>th</sup>, 2024**  
**11:00am**

- Greg Hogan, Councilmember, Chair**
- Jeff Sproul, Councilmember**
- Kim Agfalvi, City Clerk**
- Scott Larson, City Administrator**
- Gretchen Russo, Finance Director**
- Danielle Charchenko, Executive Assistant/Records Clerk**

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**1. Call to Order.**

Councilmember Greg Hogan called the meeting to order at 11:00am. In attendance at the meeting was Councilmember Greg Hogan, Councilmember Jeff Sproul, City Clerk Kim Agfalvi, Finance Director Gretchen Russo, and Executive Assistant Danielle Charchenko.

**2. Public Comments**

No public comments were made.

**3. Agenda Items**

**A. AB24-17 – Safe Parking.**

City Clerk Kim Agfalvi stated that Deputy Mayor Gunther prepared a draft resolution and had requested that Safe Parking be brought to CGA for review. She stated for Council to allow vehicles to be used as temporary housing, the current zoning code would have to be updated to allow that type of use. City Clerk Kim Agfalvi briefed that staff would need to prepare an ordinance to amend the code to allow safe parking and that the item would need to go to Planning Commission for a public hearing and recommendation to Council. Committee discussion followed.

**Action:** Bring back to CGA meeting on March 6<sup>th</sup>, 2024.

**B. AB23-104 – Sponsorship Policy.**

City Clerk Kim Agfalvi briefed on the updated sponsorship policy and stated the agenda packet included the WCIA Special Event Risk Tool-Kit used to provide best practice recommendations. City Attorney Charlotte Archer reviewed and briefed on suggested changes provided by Councilmember Sproul. Committee discussion followed.

**Action:** Move forward to study session on February 21<sup>st</sup>, 2024 for Council consideration.

**C. AB24-18 – Daffodil Parade Sponsorship.**

City Clerk Kim Agfalvi stated the City had received a completed and timely application from the Orting Chamber of Commerce for the Daffodil Festival and briefed on a meeting with the Daffodil Committee on January 31<sup>st</sup>, 2024. Commission discussion followed.

**Action:** Move forward to study session on February 21<sup>st</sup>, 2024 for Council consideration.

**D. AB23-105 – Food Truck Program.**

Executive Assistant Danielle Charchenko briefed on the Food Truck Program and stated that all requested changes had been made and that staff was presenting the final version for consideration. Committee discussion followed.

**Action:** Move forward to study session on February 21<sup>st</sup>, 2024 for Council consideration.

**E. AB24-14 – Council Rules of Procedure.**

City Clerk Kim Agfalvi briefed that the Council Rules of Procedure have been updated to reflect updates provided by Councilmember Sproul regarding facilities referenced, address changes, and prepared a resolution to specify The News Tribune as the newspaper of record.

**Action:** Move forward to study session on February 21st, 2024 for Council consideration.

**Councilmember Sproul requested at 5-minute recess at 11:55am. The meeting resumed at 12:00pm.**

**F. AB24-15 – Orting Sign Parcel.**

City Clerk Kim Agfalvi briefed on the sign parcel update and stated the City purchased an electronic readerboard a year or so ago to replace the manual readerboard. She stated through the permitting process it was discovered that Pierce County owns the parcel where the current readerboard is located and briefed that Pierce County had proposed a long-term lease for 25 years to allow install of the sign and infrastructure, with a ten-year extension option. Committee discussion followed.

**Action:** Move forward to study session on February 21st, 2024 for Council consideration.

**G. AB24-10 – Meeting Dates 2024.**

City Clerk Kim Agfalvi briefed on the staff recommended dates for goal setting, budget retreat, and included the Council request for canceling August meetings to allow for staff and Council vacations. Committee discussion followed.

**Action:** Move forward to study session on February 21st, 2024 for Council consideration.

**H. AB24-16 – Rainier Communication Commission (RCC) Interlocal Agreement.**

City Clerk Kim Agfalvi briefed on the proposed replacement RCC Interlocal Agreement and stated the Rainier Communications Commission, established in 1992, supports competition in cable TV services in Pierce County and manages Pierce County Television (PCTV). Over the last 30 years, there have been significant shifts in cable services and customer expectations that have outdated the original 1992 Interlocal Agreement. Committee discussion followed.

**Action:** Move forward to study session on February 21st, 2024 for Council consideration.

**I. AB23-93 – OHS Plaque Relocation.**

City Clerk Kim Agfalvi briefed on the Orting Historic Society (OHS) plaque relocation to the west side of City Hall for the Parametrix commemorative plaque. The Committee asked staff to explore options for creating a monument or memorial garden policy as part of the Main Parks Master Plan.

**Action:** Move the relocation of the plaque to the west side of City Hall forward to study session on February 21st, 2024 for Council consideration and bring back a monument/plaque policy to CGA meeting on March 6<sup>th</sup>, 2024 for committee consideration.

**4. Meeting Minutes of January 3<sup>rd</sup>, 2024.**

The meeting minutes of January 3<sup>rd</sup>, 2024 were approved.

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

**6. Adjournment.**

Councilmember Hogan adjourned the meeting at 12:30pm.

ATTEST:

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Kimberly Agfalvi, City Clerk, CMC