



City of Orting

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

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

www.cityoforting.org

Received Date

**BUSINESS LICENSE APPLICATION
MOBILE / ITINERANT / STATIONARY
VENDORS LICENSE YEAR: 2024**

Please check all boxes that apply:

New Business Existing Business/New Owner Change in Business Location

License Renewal Mobile vendor

Stationary mobile vendor: Location of mobile station: _____

Business is located inside city limits Business is located outside city limits Home Occupation

**Attach to application: A copy of the applicant's driver's license or other government issued identification, containing a picture of the applicant and \$250 Mobile Vendor Business License Fee.*

BUSINESS INFORMATION

Legal Business Name:			WA State UBI #:
Doing Business As:			Federal Tax ID #:
Professional License#:	Expiration:	Type of Professional Lic:	
Pierce County Health Department License #:			
Business Mailing Address:			
City:	State:	Zip Code:	
Phone:	Fax:		
Business Location Address:			
City:	State:	Zip Code:	
Phone:	Fax:		
Vehicle Identification Number:			
Emergency Contact Name:			Phone:
Mailing Address:			
City:	State:	Zip Code:	
E-mail:	Fax:		

DESCRIPTION OF BUSINESS

TYPE OF BUSINESS: Please select all that apply:

Construction Food Service Light Industrial Medical Personal Services Professional Services
Real Estate Retail Sales Wholesale Mobile Vendor Stationary Mobile Vendor
Other: _____

Nature of your business: _____

Total # of Employees, Managers, & Owners: _____

BUSINESS OWNER'S INFORMATION

Applicants Full Name:

Known By / Prior Names:

Date of birth: ____/____/____

Social Security #: ____ - ____ - ____

Driver's License Number:

Home Address:

City:

State:

Zip Code:

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Email:

BACKGROUND INFORMATION

Within the ten-year period prior to the date of the application, has the applicant been convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States? [] NO [] YES

If YES, state nature and circumstances of offense: _____

Within the five-year period prior to the date of the application, has the applicant been 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? [] NO [] YES

If YES, state nature and circumstances of offense: _____

OTHER DATA:

- 1) Do you buy and/or sell used goods? YES NO
- 2) Is there gambling activity? YES NO
If YES, List State License # _____
- 3) Is there a charge for admission? YES NO
- 4) Is liquor served? YES NO
If YES, List State License # _____
- 5) Is there dancing or live entertainment? YES NO
- 6) Is there music? YES NO

CERTIFICATE OF LIABILITY INSURANCE

Furnish to the City proof that the mobile/itinerant/stationary vendor business is carrying the following minimum amounts of insurance: (1) **General Comprehensive Liability Insurance** in an amount of not less than **\$500,000 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 **\$25,000 for damages** on account of any one accident or occurrence.

ARCHITECTURAL DESIGN REVIEW BY THE CITY PLANNING COMMISSION

(stationary mobile vendors only)

Provide a letter of approval from the City of Orting Planning Commission for architectural design review.

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. I hereby declare that I have been provided with a copy of Orting Municipal Code (OMC) Chapter 3-2-25. I also hereby authorize the City of Orting or an independent investigating agency to conduct a background investigation, as described and required by OMC Chapter 3-2-25. Signed by:

Signature: _____ Date: _____

Print Name and Title: _____

Attested by (City Official): _____ Date: _____

Print Name and Title: _____

Applications must be completed in full and returned with the applicable non-refundable application fee. Incomplete applications will not be processed. A new license is required if a business changes location or ownership. Please notify the City of Orting if the business closes. The City’s acceptance of your application and fee does not constitute approval or authorization to conduct business. Other permits and/or licenses may be required.

Orting Municipal Code 3-2-25: Itinerant Vendors

In addition to the general business license requirements, the following additional requirements and regulations shall apply to itinerant 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 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 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 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 vendors do not provide bathroom facilities for vendor operators or customers;
 - c. Difficulty in enforcing health and other regulations applicable to itinerant vendors due to the itinerant and mobile nature of the business;
 - d. Trampling down lawns when itinerant vendors and their customers trespass upon or walk across private property;
 - e. Invasion of personal privacy when itinerant 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 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 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 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 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 vendors and their customers can have upon the community; and
 - d. These public interests can be served by providing itinerant 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.
- b. Based upon the foregoing findings, the city council has determined that the adoption of reasonable time, place and manner restrictions on itinerant food vending activities are necessary in order to protect the public health, safety and welfare.

C. Itinerant Vendor License Required:

1. Prohibition: It is unlawful for a stationary or mobile vendor, not otherwise exempt from the provisions of this chapter, to engage in vending services within the city except as provided and authorized in this chapter.
2. Itinerant 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 food vendor license issued by the city in compliance with the provisions of this chapter.
3. Separate License Required: A separate itinerant food vendor license is required for each stationary or mobile food vendor unit operating within the city.
4. Compliance With Laws: All itinerant 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 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 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 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. Incidental Sale Of Goods: A licensed itinerant 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 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. If the application is for a mobile food vendor license, proof of insurance required pursuant to this chapter;
14. The uniform business identifier number issued by the state of Washington or a federal tax identification number; and,
15. 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 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 Vendor License: Every itinerant 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 vendor, the city may consider, whether the conduct indicates that the applicant or licensee is unfit to operate as an itinerant 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 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 Vendor License: Itinerant 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 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 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 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. 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 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)