

ORDINANCE NO. 1510

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING BUSINESS LICENSING, CREATING A NEW CHAPTER 5.05C OF THE RUSTON MUNICIPAL CODE, ESTABLISHING PROCESSES AND PROCEDURES FOR BUSINESS LICENSING FOR TEMPORARY BUSINESSES, SUCH AS SALES OR SHOWS, IN THE CITY OF RUSTON, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State is requiring all cities with business licenses to make certain updates to its business licensing codes and the deadline for adopting these revisions for Ruston is October 17, 2018; and

WHEREAS, the City deemed it in the best interests to fully update its licensing code, including adoption of several new chapters under subtitle 5.05, including this new Chapter 5.05C; and

WHEREAS, on August 21, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on September 4, 2018, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. A new chapter is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 5.05C
TEMPORARY BUSINESS LICENSE – SALES OR SHOWS**

Sections:

- 5.05C.010 License required.**
- 5.05C.020 Definitions.**
- 5.05C.030 License fees.**
- 5.05C.040 Special event exclusions.**

- 5.05C.050 Exemptions**
- 5.05C.060 Special event requirements.**

5.05C.010 License required.

A. Show. It shall be unlawful for any person to operate, conduct, present or stage any temporary show without first obtaining a license pursuant to the provisions of this chapter.

B. Special event. It shall be unlawful for any person to act as a vendor in a temporary show without first obtaining the necessary vendor's license. Examples of temporary special events include, but are not limited to, trade shows, festivals, fairs, arts and crafts shows, farmer's markets, home shows, recreational vehicle shows, boat shows, or antique shows open to the public.

C. Transient stock. It shall be unlawful for any person to sell or offer for sale any transient stock of goods in the City without first obtaining a license pursuant to the provisions of this chapter.

5.05C.020 Definitions.

As used in this chapter, the following terms have the meanings indicated:

"Event" means any show in duration not more than ten consecutive days.

"Promoter" means any person engaged in the business of offering to any vendor, directly, or indirectly, sales areas within a special event location for the purpose of using such area during the term of the special event license.

"Sales area" means any stall, booth, stand, space, section, unit, or specified floor area within any special event location where goods or services are offered or displayed by a vendor for the purpose of sale, trade, barter, exchange or advertisement.

"Show" means any temporary public exhibition of entertainment, including, but not limited to, any circus, carnival, festival, motocross, motor sport, rodeo, trained animal show, dance performance, play, or other organized performances and/or exhibitions.

"Special event" means the congregation of a minimum of 15 vendors who are dealers, demonstrators, sellers or traders who rent, lease, purchase or otherwise obtain a sales area from a promoter for the purpose of selling, bartering, exchanging, trading or displaying goods or services.

"Special event location" means any area open to the public wherein vendors, dealers, sellers, traders or advertisers congregate for the purpose of participating in a special event.

"Temporary" means an event that is open to the public for a period not to exceed ten consecutive days.

"Transient stocks" means any stock of goods, wares or merchandise brought into the City temporarily for disposal, as distinguished from stocks of goods, wares and merchandise brought

into the City in connection with operation of a merchandising business permanently operated in the City or in connection with an organized public exhibition or show, convention, conference activity or trade show, all in which multiple vendors participate and the duration of which is ten consecutive days or fewer.

“Vendor” means any person who exhibits goods or services in a multiple-sales area at any multiple-sales location for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.

5.05C.030 License fees. License fees shall be as established by resolution of the City Council.

5.05C.040 Special event exclusions.

Vendors excluded from the provisions of this chapter and the licensing requirements of this chapter are those who participate in a show at which attendance is restricted and which show is not open to the public. Also excluded are vendors at flea markets, swap meets, transient stock vendors licensed under this chapter, and dealers of secondhand merchandise who are licensed under Chapter 5.06 (not including vendors at antique shows).

5.05C.050 Exemptions.

Vendors licensed under a general business license in Ruston (Chapter 5.05 or 5.05A RMC) do not need a temporary license and are thus exempt from the provisions of this chapter. In addition, the following are exempt:

- (a) Amateur or other exhibitions given solely for the benefit of any charitable organizations, or literary organization, and amateur or little theater productions.
- (b) Baseball, football, and other athletic games.
- (c) Motion picture theaters.
- (d) Temporary events that are operated within a theater, permanent building, or auditorium licensed under this chapter.
- (e) Holders of entertainment and dancing licenses issued pursuant to Chapter 5.11 RMC.

5.05C.060 Special event requirements.

- (a) The promoter shall submit to the City Clerk a list of the total number of vendors participating at the event for which the license is sought, which list shall include the vendor's name, address, and business phone number, along with a general description of the goods and/or services offered by each vendor.
- (b) The license fee shall be collected by the promoter and held in trust for the City. It shall be remitted to the Clerk three days prior to the commencement of the event. There shall be personal liability for any sums collected, or any sum which should have been collected on the part of the person ultimately responsible for collection or payment of the license fee.

- (c) If any corporation required to collect or remit a tax amount due to the City under the provisions of this chapter fails, for any reason, to make such collection or payment, any of its officers or employees having control or supervision of or charged with the responsibility of making such collection or payment shall be personally liable for such failure. The dissolution of a corporation shall not discharge an official's or employee's liability for a prior failure of the corporation to collect or pay the amount due.
- (d) Nothing in this section excuses the applicant from complying with the special event permit application and requirements contained in Chapter 14.04 RMC.

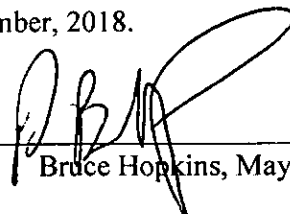
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall take effect on January 1, 2019, which is more than five days after publication as provided by law.

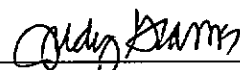
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of September, 2018.

APPROVED by the Mayor this 4th day of September, 2018.



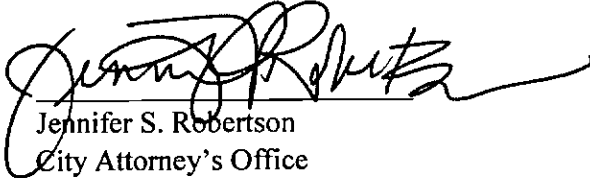
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams
City Clerk

APPROVED AS TO FORM:



Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
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