



LAKWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, April 27, 2015

7:00 P.M.

City of Lakewood

City Council Chambers

6000 Main Street SW

Lakewood, WA 98499

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (3) 1. Economic Development update. – (Memorandum)
- (32) 2. US Open update. – (Memorandum)
- (45) 3. National Night Out update. – (Memorandum)
- (46) 4. Review of business license code amendments. – (Memorandum)

REPORTS BY THE CITY MANAGER

- (117) Review of public art options. – (Memorandum)

ITEMS TENTATIVELY SCHEDULED FOR THE MAY 4, 2015 REGULAR CITY COUNCIL MEETING:

- 1. Item No. 4 above.
- 2. Welcoming Lakewood Sister City Bauang, LaUnion, Philippines –
Mayor Del R. De Guzman, Bauang, La Union, Philippines
- 3. Proclamation declaring the week of May 3 – 9, 2015 as Teachers
Appreciation Week. – *Ms. Myra Johnson, Clover Park Education
Association*
- 4. Proclamation recognizing Taj Jensen as 2015 Washington State's
Elementary Principal of the Year. – *Mr. Taj Jensen*

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.

5. Proclamation declaring May 10-16, 2015 as Police Week. – *Interim Police Chief Mike Zaro*
6. Proclamation declaring the week of May 17 – 23, 2015 as National Public Works Week. - *Mr. Don Wickstrom, Public Works Director*
7. Appointing a member to the Public Safety Advisory Committee through August 6, 2016. – (Motion – Consent Agenda)
8. Appointing a member to the Lakewood’s Promise Advisory Board through May 21, 2018. – (Motion – Consent Agenda)
9. Awarding a bid for the 2015 chip sealing program. – (Motion – Consent Agenda)
10. Awarding a bid for San Francisco Avenue street improvements. – (Motion – Consent Agenda)
11. This is the date set for a public hearing on vacating a portion of Lakeholme Road SW. – (Public Hearing – Regular Agenda)
12. Adopting the 2015-2016 Biennial Budget amendments. – (Ordinance – Regular Agenda)
13. Establishing a line of credit with Heritage Bank. – (Ordinance – Regular Agenda)
14. Approving the Five Year 2015-2019 and Fiscal Year 2015 Joint Tacoma-Lakewood Consolidated Plan and proposed use of funds. – (Resolution – Regular Agenda)
15. Authorizing the execution of an agreement with New Cingular Wireless, LLC, in the amount of \$10,500 relative to a local utility tax claim settlement. – (Motion – Regular Agenda)

COUNCIL COMMENTS

ADJOURNMENT

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk’s Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.



To: Mayor and City Councilmembers

From: Becky Newton, Economic Development Manager

Through: John J. Caulfield, City Manager

A handwritten signature in cursive script that reads "John J. Caulfield".

Meeting Date: April 27, 2015

Subject: Economic Development Update

Enclosed is a presentation of economic development activities for the period of January through March, 2015. Additional updates will be provided at the meeting with regard to current projects underway.

The areas of focus for this presentation are:

- Business Retention, and Expansion (BRE)
- Business Recruitment, and Attraction
- Target Area Development, and Redevelopment Activity Progress
- Potential Linear Park Concept
- JBLM Clear Zone
- Housing Stock, Quality and Choices

Overall, permit activity has been moderately slow. However, there is a substantial interest by both national and local retail, food services and hospitality groups. Commercial activity is strengthening both for industrial and manufacturing. Lakewood Industrial Park will add a new 268,300 square foot building this year.

The average new single family residence being built today is just over \$360,000, up from a year ago. There is considerable interest in senior living opportunities, and developers are looking at new mixed residential projects in town.

Attachment:

PowerPoint Presentation

City of Lakewood Economic Development Update April 27, 2015





Business Retention, and Expansion

Business Retention and Expansion (BRE) Visits, January through March 2015

Industry	# Companies	# Jobs
Construction	0	0
Manufacturing		
Durable Goods	1	18
Nondurable Goods	2	3
Trade, Transportation, and Utilities		
Wholesale Trade	1	4
Retail Trade	1	111
Transportation, Warehousing and Utilities	2	409
Services		
Finance and Insurance	2	14
Real Estate, Rental and Leasing	1	6
Professional, Scientific and Technical Services	4	32
Leisure and Hospitality		
Accommodation and Food Services	1	12
Arts, Recreation and Entertainment	2	13
Other Services	1	8
TOTALS	18	630



Business Recruitment, and Attraction

New Businesses Opened January - March 2015 (14 store front)

Company	Industry/Description	Location	Jobs
Washington Contemporary Ballet	Ballet Company	2510 84th Street South	6
Access Windows and Glass	Building Materials/Glass	3423 Chapel Street S	6
Confier Revenue Cycle	Healthcare Management Support	11315 Bridgeport Way SW	5
Veloce Pasta To Go/Espresso	Restaurant	7406 Custer Road	5
WOW Sushi	Full Service Restaurant	15206 Union Ave SW	4
Security National Mortgage	Loan Brokers	10524 Bridgeport Way SW	3
ARBA Auto Body	Auto Body/Paint	12424 Pacific Highway SW	3
Free Me Glass	Glass Glazing Contractors	7509 Lakewood Drive W	3
Trichology	Lessors of Residential Buildings	10209 Bridgeport Way SW	2
As Soon As Painted	Shoe Store	11708 Bridgeport Way SW	2
Clean Concepts	Janitorial Services	5228 Chicago Ave SW	2
Oh Que Rico	Korean Fruit and Vegetable Market	6101 100th Street SW, #10	2
Better Properties Unlimited	Real Estate Broker	3625 Perkins Lane SW	1
Hyper Sonic Games & Toys	New and Used Games	6101 100th Street SW, #7	1
			45
Total Business Licenses (excluding flea market and second hand stores): 107			
47 Contractor (outside Lakewood)			
18 change of ownership			
28 Home based			
6 contractors closed their business licenses; Tuesday Mornings closed in January and Ah Badabing Pizza moved to Tacoma.			



Business Recruitment, and Attraction

Active Pierce County Recruitment January through March 2015

Description	Jobs	Requirements
Manufacturer, need dry room infrastructure	50-70	20,000 to 50,000 SF; battery production; Minimum 2,400 Amps @480 Volt/3 phase. Decision to be made Q2 2015.
Construction/Developer	100+	Industrial pad ready land needed for warehousing and distribution 30-150 acres.
Auto Dealer	80+	2.5+ acres; New Car, Truck and RV Sales. Decision to be made Q2-Q3 2015.
Parts Manufacturing, wholesale and retail	50-60	2+ acres; easy access to I-5; existing building preferred – 20,000 SF+. Will move when ideal location is found.
Medical Facility	200+	Class A office, prefer existing. 3+ acres; 70,000 SF.
Indoor Recreational Facility	40-60	24+ foot ceiling; 25,000 SF; Prefer visibility to I-5 , purchase or lease.
Restaurants (4)	40-150	2,500 to 8,000 SF (various) – lease.
Distribution/Warehousing (2)	35-80	20 Acres, natural gas, pad ready, build-to-suit; up to 100 acres pad ready, build-to-suit. – purchase.
Food Manufacturer	85	Existing facility or build-to-suit on 4+ acres; 50,000 SF – purchase.

The City of Lakewood works with the EDB Tacoma/Pierce County, and local brokers on recruitment leads.



Attraction and Investment

<https://destination.cityoflakewood.us>

Welcome to the City of Lakewood, the gateway to Chambers Bay Golf Course, host of the 2015 U.S. Open.

Whether you're going with family, friends or co-workers, our community will play an integral role in your championship experience. Not only is Lakewood located less than a mile from the golf course, but it offers everything you might need before, during and after a long day of watching world-class golf. We're here to help you find places to eat, shop and explore in Lakewood during the biggest golf event of the year.

Restaurants/Dining



Attractions



All Things Golf



Map



Invest in Lakewood



During the event



Did you Know?



American Lake





Project Updates – Businesses

Commercial Permits Issued with Valuation \geq \$100,000 January - March 2015

Organization	Description	Valuation
Clover Park Technical College	Auxiliary Services	\$340,368
Centerforce	Reconfigure Workshop - TI	\$205,652
Northwest Building LLC	Lakewood Ind. Park Bldg 17 Demo	\$197,000
Northwest Building LLC	Lakewood Ind. Park Bldg 18 Demo	\$197,000
Target	Remodel for new Starbucks	\$188,900
Clover Park Technical College	Bldg 17 Remodel	\$188,900
Golden Lion	26 Room Remodel	\$186,800
AT&T Mobility	New Cell Tower	\$175,000
BMC West	New Comm Canopy Bldg	\$167,424
Clover Park Technical College	Aux Service Center 2-2400 SF Storage	\$167,424
Clover Park Technical College	Building 2 Reroof	\$125,000
Woodbrook Stables	New Comm Bldg - 12,096 SF Pole Arena	\$123,138
Northwest Building LLC	Peoples Furniture TI	\$120,000
	TOTAL	\$2,382,606

Total Value, Commercial Permits Issued: \$3,489,807.13

Total Value, Commercial Permits Pending: \$30,077,092.91 (LIP #28, Wingstop, Welcher's Gun Shop /Range, Hope Academy)



Project Updates – Housing

New Residential Construction January through March 2015

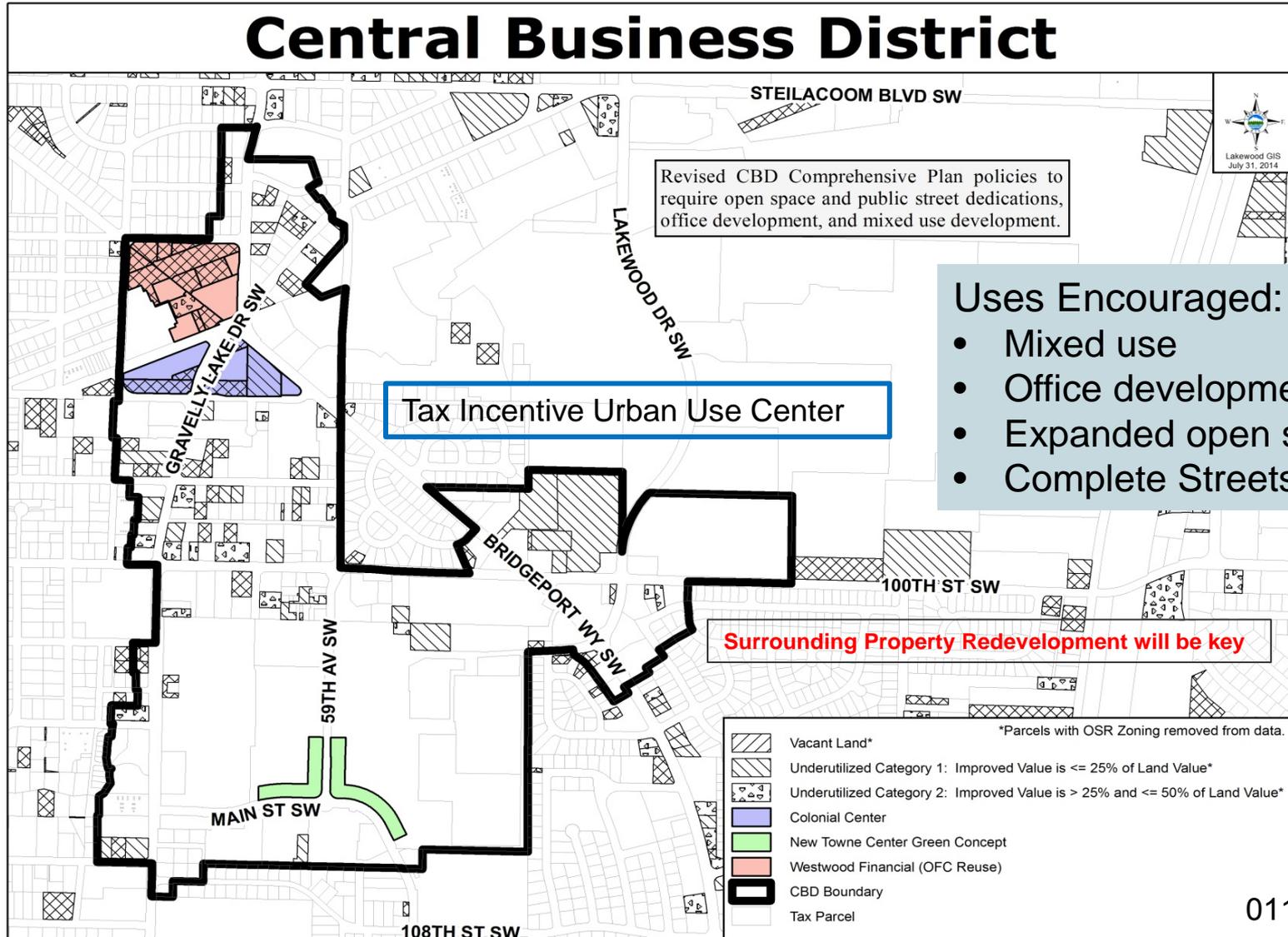
<i>Single Family</i>	<i># Units</i>	<i>Total Valuation</i>	<i>Average Valuation</i>
New Single Family	7	\$2,246,882	\$320,983
SFR Additions/Remodels	23	\$519,723	\$22,597
SFR Reroof/Windows	21	\$216,496	\$10,309
SFR Demolition	18	\$85,997	\$4,778
<i>New Multifamily</i>	<i># Units</i>	<i>Total Valuation</i>	<i>Average Valuation</i>
Rybachuk - New Duplex	2	\$491,379	\$245,690

Total Value, Single Family Residential Permits Pending: \$4,367,692.76 (12 units w/Av Val. \$363,974.40)

Total Value, MultiFamily Residential Permits Pending: \$8,656,214.75 (64 units Ruby Drive; 2 Duplexes)



Geographic Strategy - CBD



Potential Linear Park Concept



City of Lakewood
TOWNE CENTER LINEAR PARK
CONCEPT PLAN
January 27, 2015

LEGEND

- POTENTIAL LINEAR PARK
- OPTIONAL ROUTE

- POTENTIAL SIDEWALK ACCESS
- EXISTING SIDEWALK ACCESS



INTERIOR OPTIONAL PARK ROUTES

Tax Parcel
Map Date: October 23, 2014













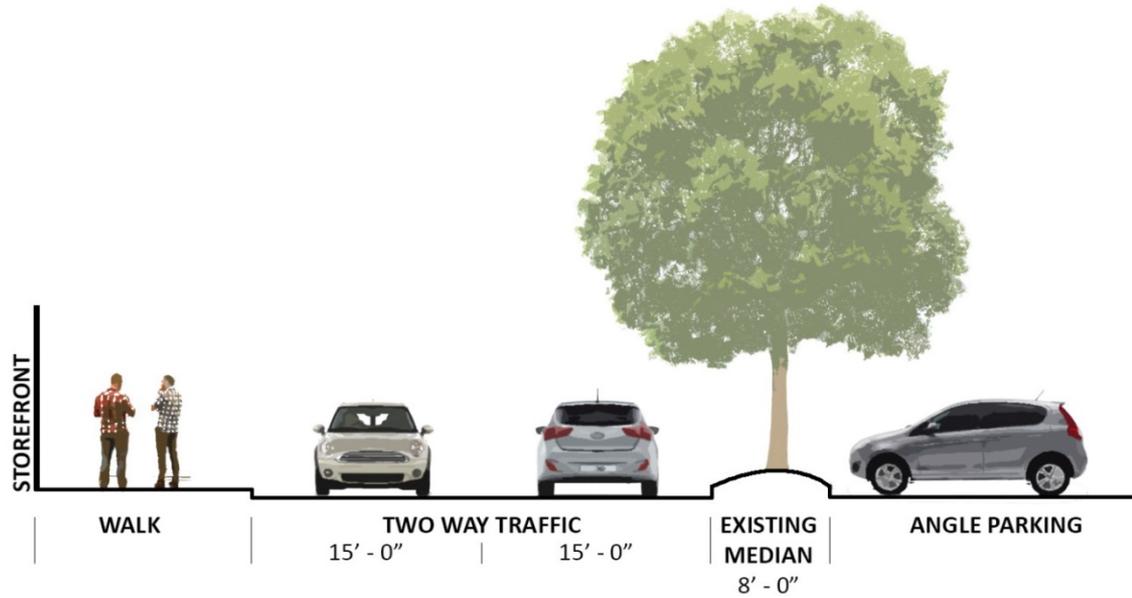




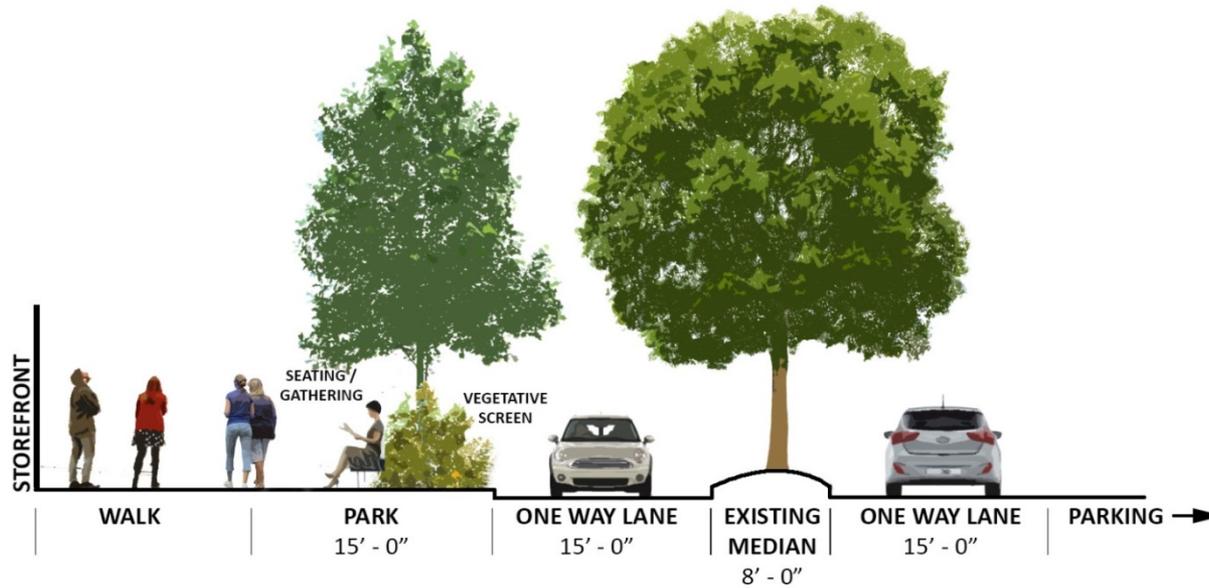




EXISTING

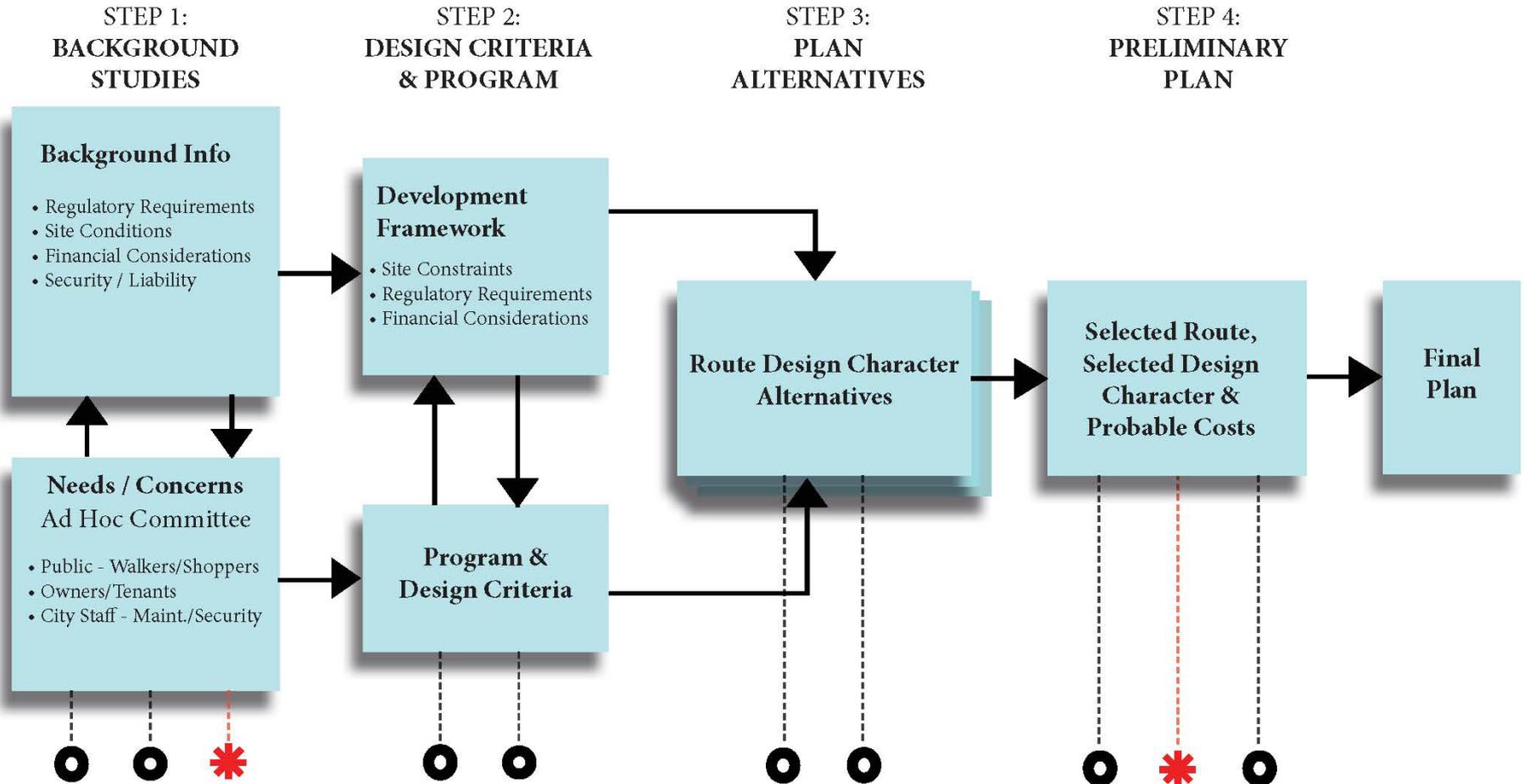


PROPOSED



Lakewood Towne Center Linear Park

Project Process Diagram



MEETING LEGEND

● Ad Hoc Committee Meeting

* Public Meeting

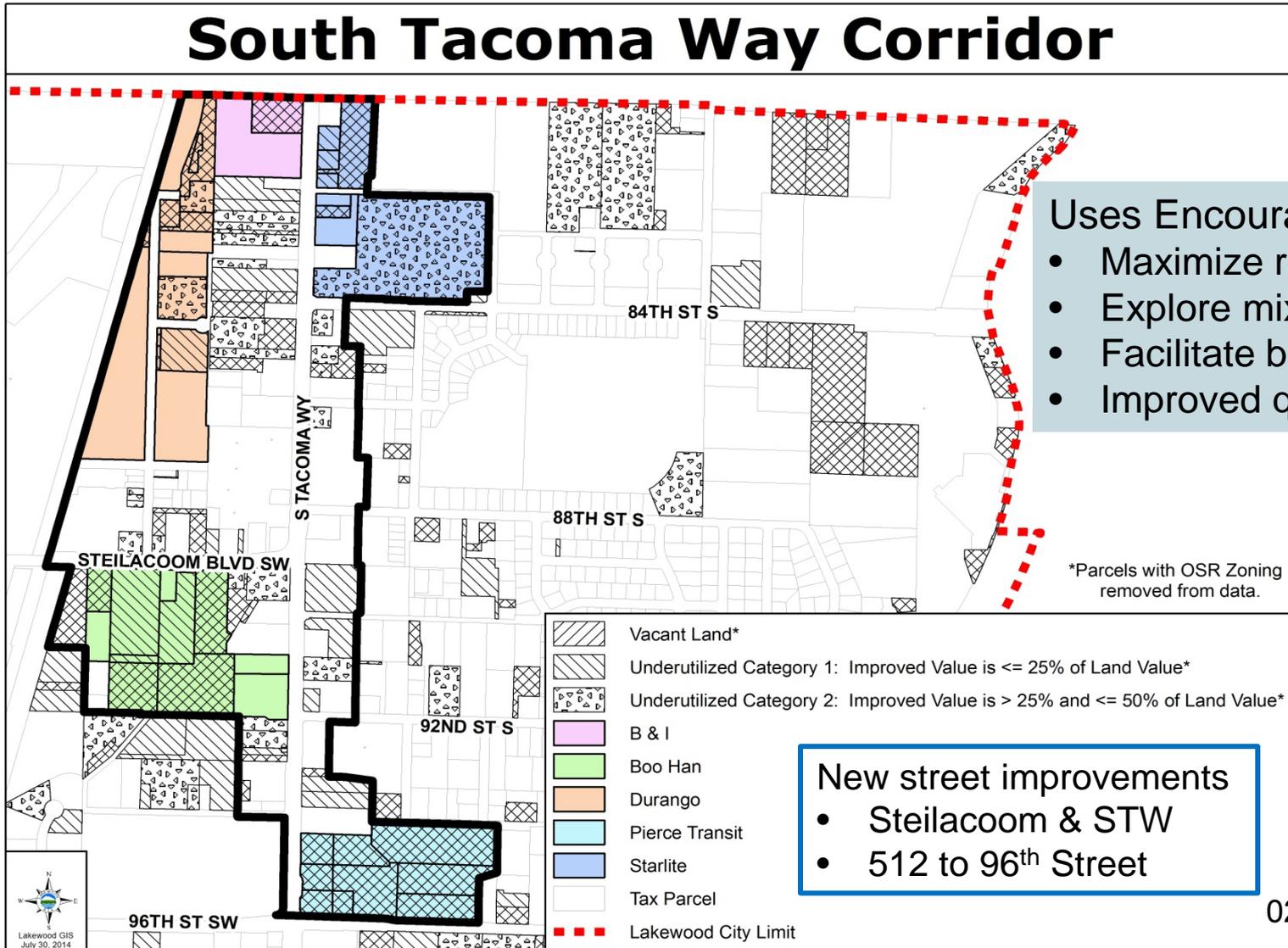
Lakewood Towne Center Linear Park – Next Steps

- Cost Estimate: New trails typically cost \$1 - \$1.5 Million
- Fleshed out Concept
- List of key partner agencies
- Benefits to all partners, in several languages
- Potential funding sources
- Identify key agencies and leaders
- Other considerations such as maintenance



Geographic Strategy- STW

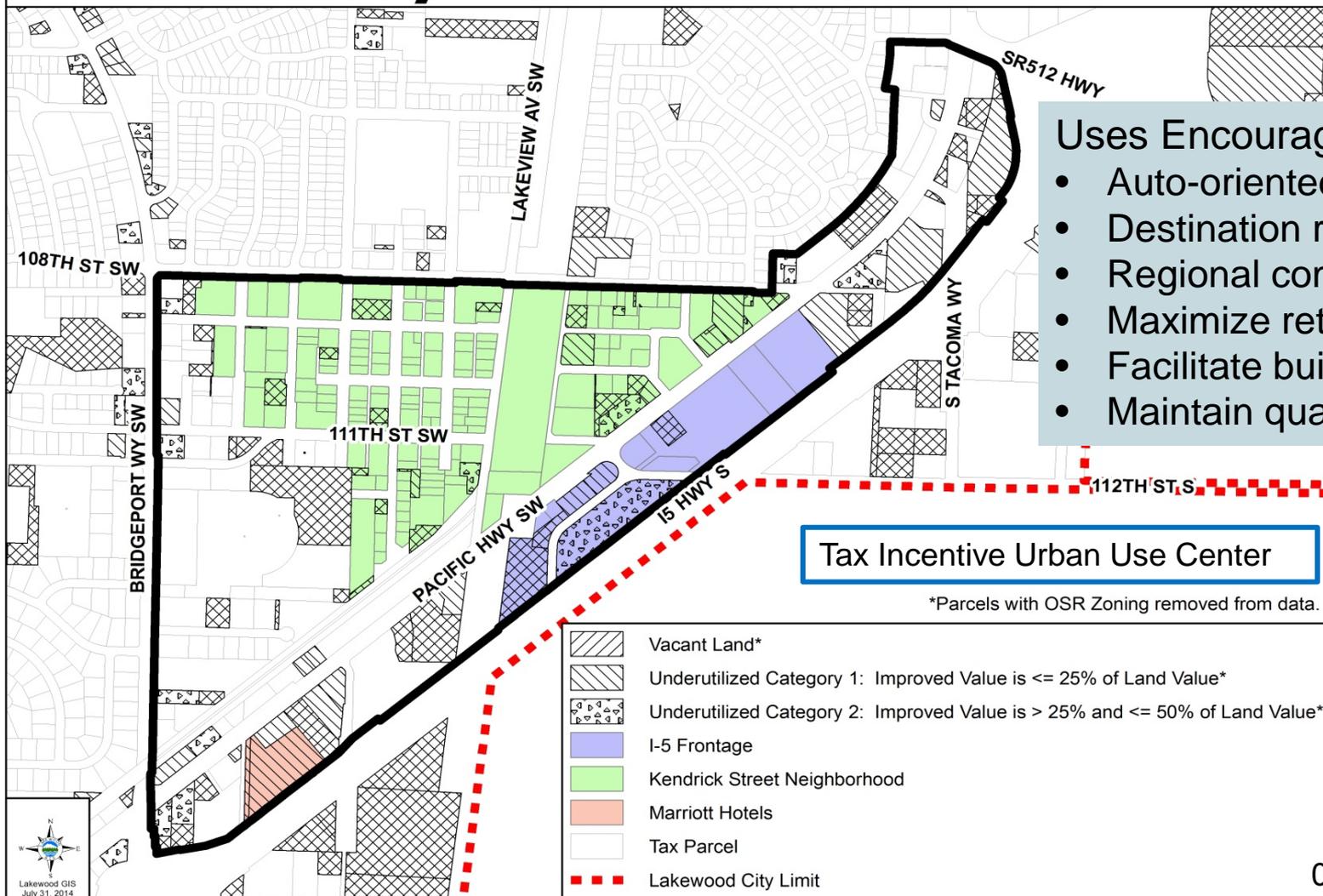
South Tacoma Way Corridor





Geographic Strategy – Pac Hwy/Lkwd Station

Pacific Hwy Corridor & Lkwd Station



Uses Encouraged:

- Auto-oriented retail
- Destination retail
- Regional commercial
- Maximize retail
- Facilitate build-out
- Maintain quality

Tax Incentive Urban Use Center

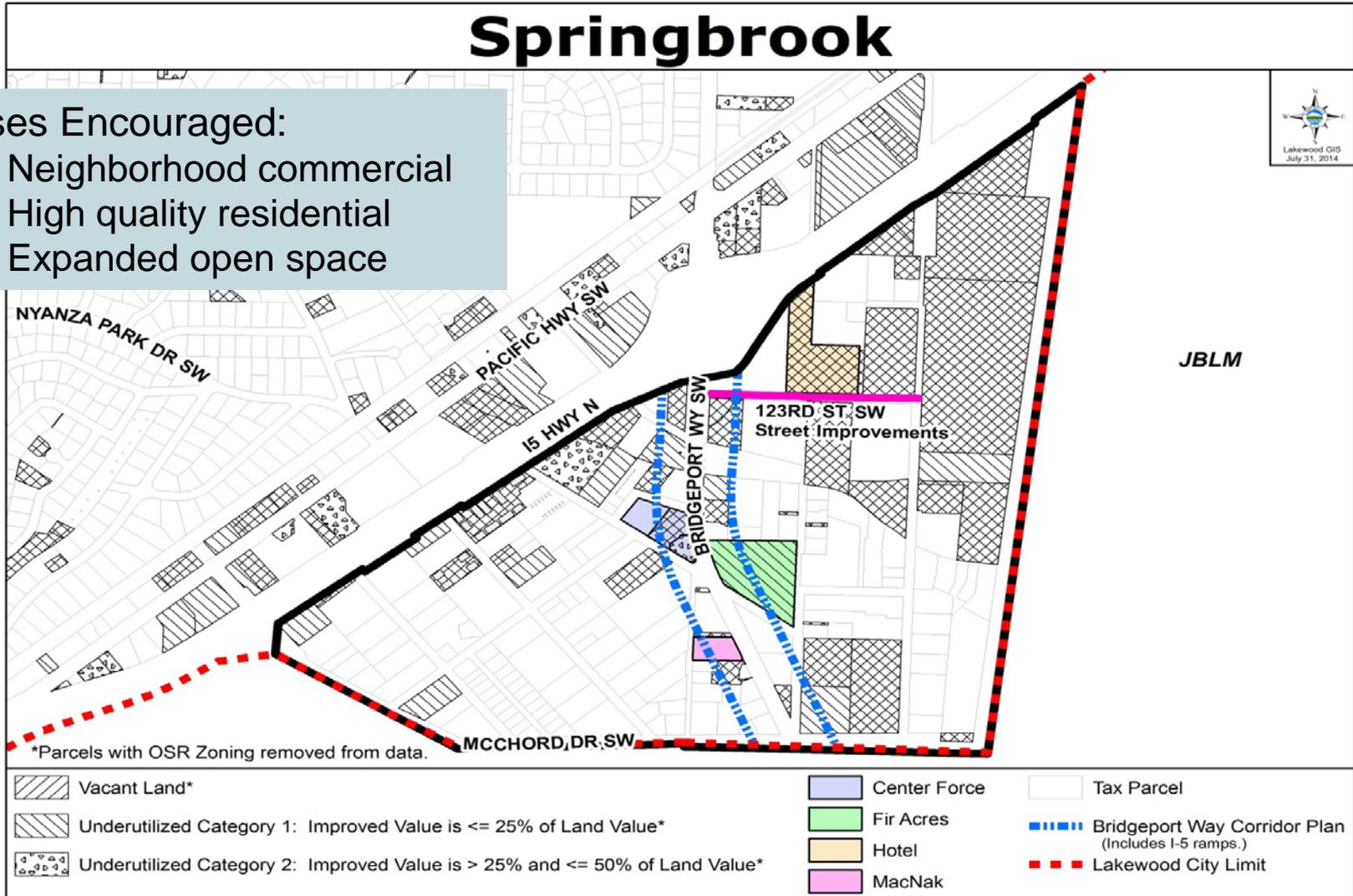
*Parcels with OSR Zoning removed from data.



Geographic Strategy - Springbrook

Uses Encouraged:

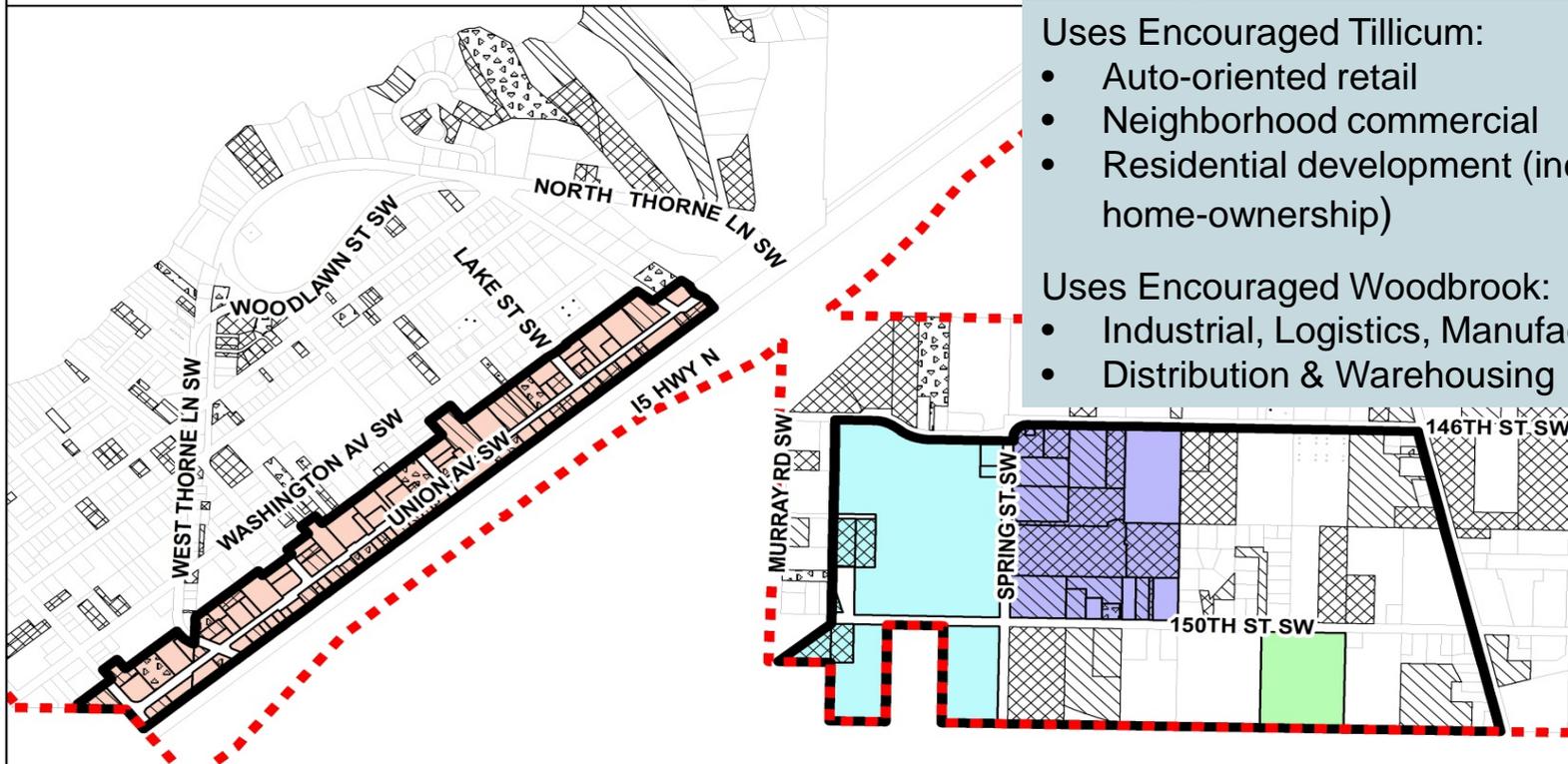
- Neighborhood commercial
- High quality residential
- Expanded open space





Geographic Strategy – Tillicum/Woodbrook

Tillicum/Woodbrook



Uses Encouraged Tillicum:

- Auto-oriented retail
- Neighborhood commercial
- Residential development (increased home-ownership)

Uses Encouraged Woodbrook:

- Industrial, Logistics, Manufacturing
- Distribution & Warehousing

- | | |
|---|---|
|  | Vacant Land* |
|  | Underutilized Category 1: Improved Value is $\leq 25\%$ of Land Value* |
|  | Underutilized Category 2: Improved Value is $> 25\%$ and $\leq 50\%$ of Land Value* |

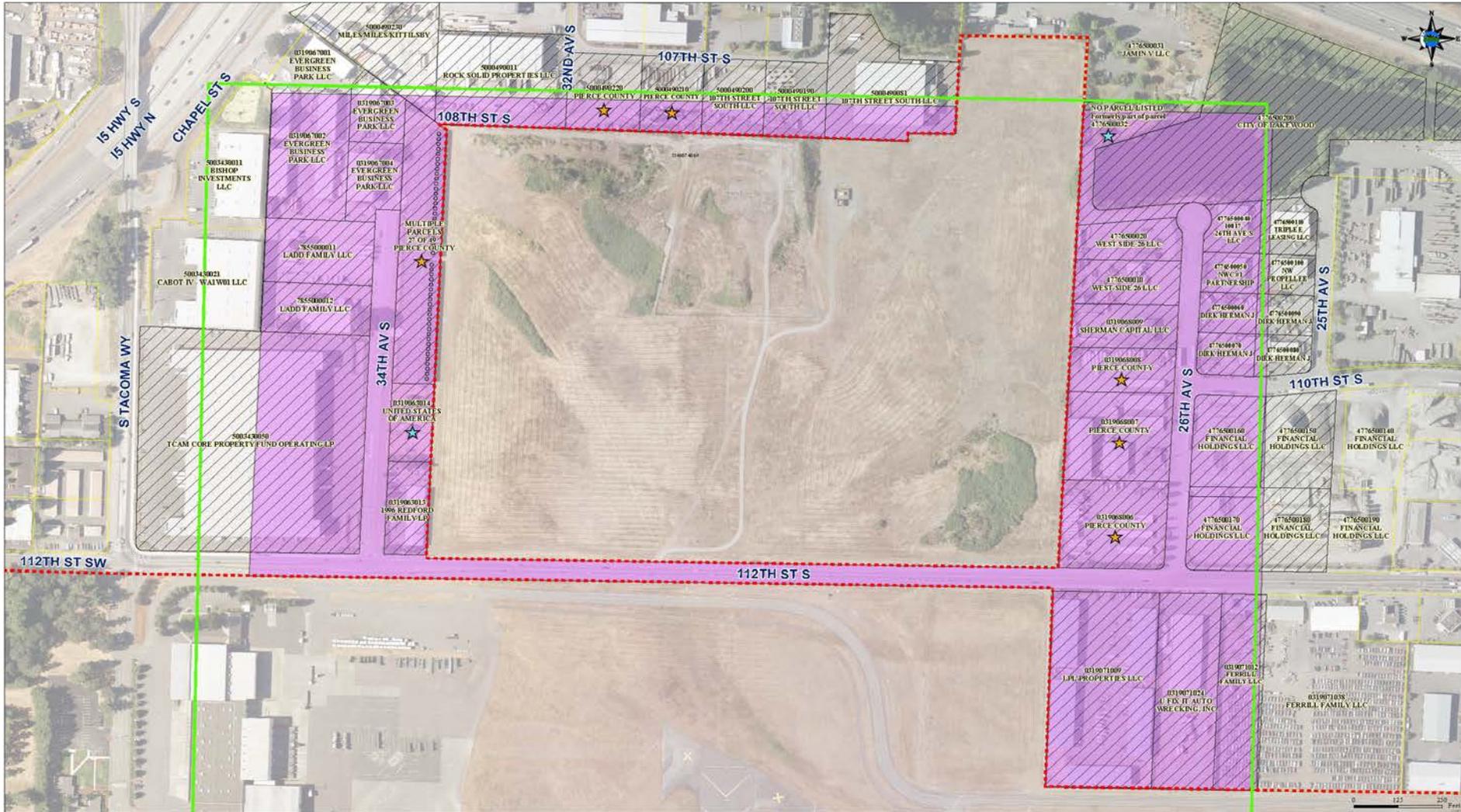
- | | |
|---|------------------------------|
|  | I-5 Commerce Center |
|  | Industrial Reserve |
|  | Olympic Moving & Storage |
|  | Union Ave Urban Renewal Area |
|  | Tax Parcel |
|  | Lakewood City Limit |

*Parcels with OSR Zoning removed from data.





Protect JBLM



- Purchased (Pierce County)
- Purchased (USA)
- Clear Zone North (JBLM Data)
- Clear Zone (Lakewood Zoning Designation)
- Clear Zone Tax Parcel
- Lakewood City Limit

City of Lakewood Clear Zone

This product was prepared by City of Lakewood GIS. City of Lakewood expressly disclaims liability for any inaccuracies which may yet be present. This is not a survey. Data were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-588-2459 for further information.

029

©2008 Ortho Photography
Map Date: November 04, 2014
Project\EconDev\Analysis\C2-4.mxd



Increase Housing Stock, Quality and Choices

- Developers Forum (June 11 2015)
- Identify Prime Properties for re-use
- Types of Development
- Redevelopment Strategy



Next Steps (3-6 Months)

- Permitting Cost Recovery Modeling
- Identify Single Family to Re-Zone (R1/R2)
- Conduct Developers Forum
- Clear Zone/Air Corridor Research
- Market Analysis, Pacific Highway Retail Development
- Produce Newsletter, Indicators, and Videos
- Continue BRE, Recruitment, and Attraction



To: Mayor and City Councilmembers

From: Mary Dodsworth, Director

Through: John J. Caulfield, City Manager

A handwritten signature in black ink that reads "John J. Caulfield".

Date: April 20, 2015

Subject: USGA Open Update

Attachment: PowerPoint presentation

Summary: The US Open, a United States Golf Association (USGA) Championship, is coming to the Chambers Bay Golf Course in University Place, WA, June 15 – 21, 2015. City staff is working with USGA staff and regional representatives to communicate with local businesses and citizens, coordinate use of Fort Steilacoom Park for parking and mitigate traffic and neighborhood impacts. City staff will attend the study session to provide an overview of this work and answer questions.

Here is a link to the US Open Spectator Guide [2015 US Open SpectatorGuide.pdf](#)



June 15-21, 2015

What's Happening?

- The United States Open Golf Championship
- 156 Professionals and Amateurs
- June 15 – 17 (practice rounds)
- June 18 – 21 (championship rounds)
- Chambers Bay Gates Open at 6:00 a.m.



Communication

- CityofLakewood.us
- Connections Newsletter
- Social media

2015 U.S. Open

• The 115th U.S. Open takes place June 15-21, 2015. For many, the road to Chambers Bay Golf Course will run right through Lakewood.

In April, the USGA announced its transportation plan for the event, part of which calls for attendees to park at Fort Steilacoom Park and take a shuttle to University Place. The route some ticketholders are being told to use when driving to the park is, from Interstate 5, taking the Bridgeport Way exit, then following the route onto Steilacoom Boulevard to the park.

Multiple law enforcement agencies will work with the City to provide traffic control at several intersections along the route.

The good news for park users is the championship isn't expected to alter their routines and plans, according to the USGA. Here are some helpful details:

- The park will remain open throughout the championship. Popular amenities such as the dog park, playground and trail around Waughop Lake will be open to the public.
- Park guests will access the park from different areas based on parking capacity. Look for signs and traffic monitors who showing visitors where to park.
- U.S. Open attendees are expected to spend the majority of each day at Chambers Bay. We anticipate two peak traffic time the U.S. Open week: the first from about 8 a.m. to 10 a.m., and the second between 4 p.m. and 6 p.m., shortly after the last have completed their rounds for the day.
- The practice rounds are June 15-17. Championship play begins Thursday with the final round on Father's Day, Sunday. This means the majority of traffic coinciding with commuters will be Thursday and Friday.



2015 U.S. Open Routes Through Lakewood

Legend: Main Route, Alternate Route

Communication

- Great golf in Lakewood
- Destination.cityoflakewood.us

Golfing in Lakewood

Lakewood is home to a number of golf courses that cater to golfers of all skills and income levels.

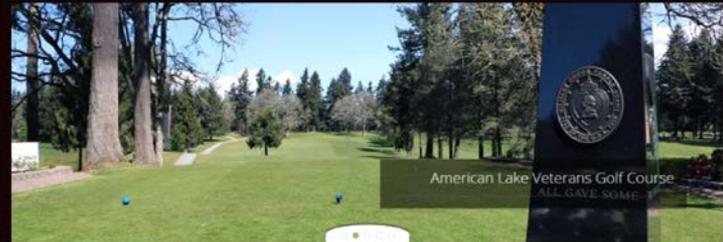
It even has golf courses designed for past and present members of the military.

Here are a few of the golfing options in Lakewood:

- **RMG Club at Oakbrook**, 8102 Zircon Dr. SW; Lakewood, WA. Phone: (253) 584-8770. Owned and managed by Pro Ryan Moore and his family's company. It's open to the public. This 18-hole, 6,700-plus-yard championship course is accessible for players of all skill levels. Famous for having the best greens around, it is sure to be a treat for anyone who appreciates firm, smooth, and fast greens.



Home U.S. Open at Chambers Bay Golfing around Lakewood Amenities and attractions Invest in Lakewood



Welcome to the City of Lakewood, the gateway to Chambers Bay Golf Course, host of the 2015 U.S. Open.

Whether you're going with family, friends or co-workers, our community will play an integral role in your championship experience. Not only is Lakewood located less than a mile from the golf course, but it offers everything you might need before, during and after a long day of watching world-class golf. We're here to help you find places to eat, shop and explore in Lakewood during the biggest golf event of the year.

036

Traffic Signs and Control

Follow the signs to
Fort Steilacoom
Park



Safety and Security

- Player and Guest Safety – HIGH Priority
- Traffic Control Along the Way
- Multi Jurisdictional Support
- Everyone Screened Prior to Entering Grounds



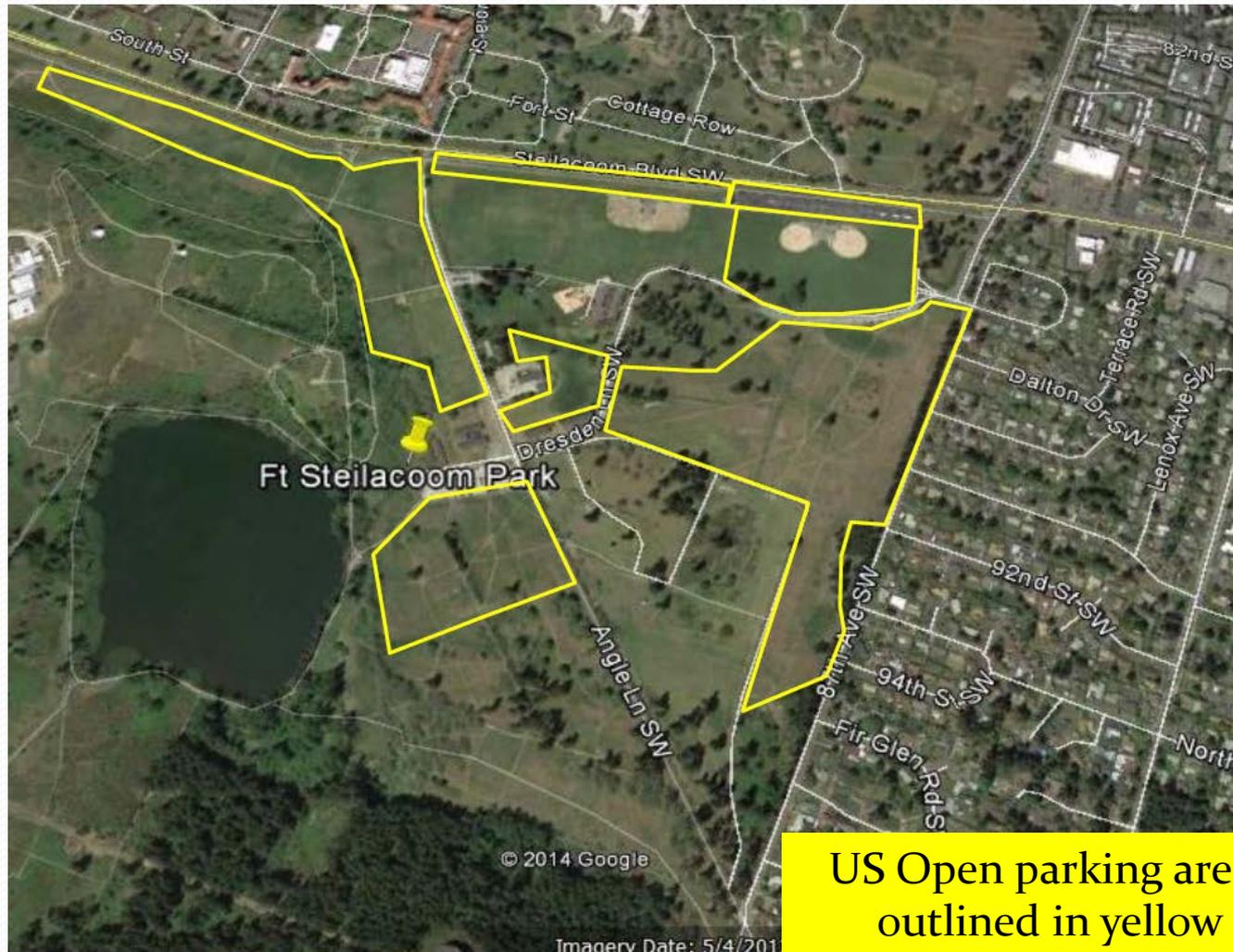
Business Relationships

- Gateway Hospitality
- Business Outreach
- Partnerships
- Websites

The Countdown: 51 Days



Fort Steilacoom Park



US Open parking areas
outlined in yellow

Park Access – Visitors



New Park Access
Points for Visitors

Park Access – Buses



- Screening Tent (80' x 20')
- Buses
- Bus Routes
- Modifications to curbing
- Pedestrian Walking Routes
- Spectator Vehicles
- Temporary Fencing
- Temporary Entrance/Road
- Traffic Posts

Questions?





To: Mayor and City Councilmembers
From: Michael Zaro, Interim Chief of Police
Through: John J. Caulfield, City Manager
Meeting Date: April 27, 2015
Subject: National Night Out 2015

Summary: The Lakewood Police Department will be participating, once again, in National Night Out on August 4, 2015. Every year we have between 50-60 events, throughout the City, which Police and City staff, as well as City Councilmembers, are committed to attending, and the number of events continues to grow.

This year our goal is to explore new ways to unify some of the smaller block parties into larger, district wide events in an effort to include the maximum number of citizens possible. We want to ensure that each neighborhood feels valued and truly connected to their fellow citizens and we believe that combining events and efforts will be the best way to ensure this happens.

Background: In 1984, the year National Night Out (NNO) began, there were 2.5 million Americans across 400 communities in 23 states who participated. Today, NNO involves over 37.8 million people, and 16,124 communities from all 50 states, U.S. Territories, Canadian cities and military bases worldwide.

These numbers are only growing and community involvement on a scale such as this is a loud and clear testament to criminals that our citizens will not allow themselves to be victims. We want to applaud and encourage the time and effort our citizens are making to meet their neighbors and stand strong with each other against those who seek to bring crime into our neighborhoods, as well as celebrate their willingness to work with law enforcement and City staff every day.



To: Mayor and City Councilmembers
From: Heidi Ann Wachter, City Attorney
Through: John J. Caulfield, City Manager *John J. Caulfield*
Date: April 27, 2015
Subject: Temporary Business License Codes Revisions

Title 5 of the Municipal Code for the City of Lakewood is comprised of approximately eighteen chapters adopted between 1995 and 1999 with little, if any, review or revision since. This memorandum addresses the outcome of the recent comprehensive review of Title 5 and suggests legislation to streamline and update the regulatory scheme for business licensing in the City of Lakewood.

BACKGROUND

In order to review Title 5 from a variety of perspectives, multiple departments participated in the process, including Community and Economic Development, Executive, Legal and Police. The process was announced at the Executive Leadership Team and two presentations were made to the Economic Development work group. Codes from several cities were considered for comparison.¹ The themes emerging from the process include the following:

- There has been little, if any, update to Title 5 in the last two decades;
- There is duplication between some sections of City Code;
- Some sections of City Code duplicate applicable state law;
- One chapter is entirely preempted by state law;
- Some use types do not squarely fit under any particular regulation (a special event not held in a park might be permitted as a temporary use but might also be licensed in some other way);

¹ The cities of Bremerton, DesMoines, Federal Way and Tacoma were used for comparison.

- Employees charged with administration and/or enforcement under Title 5 are not always fully aware of options available through City Code;
- Parts of the Code are out of alignment with current state law; and
- Changes must be approached with respect for the history behind existing language and the potential for unintended consequences.

As the identified themes emerged it became increasingly apparent that complete revision of Title 5 along with an effective plan for implementation is in order.

Review began with the Chapters. Approximately sixteen appear to be specifically tailored to a particular use². Of these, six are not so specifically addressed in other cities used for comparison.³ Two are in each of the other cities used for comparison.⁴ The remaining code sections were specifically identified by some cities but not others.

Recommendations

1. Repeal chapters of Title 5 which address specific uses that can be as effectively addressed through general licensing.

The following Code chapters were adopted in 1996, have not been revisited since and essentially define terms and require a license. Effective regulation of these business types can be achieved through general licensing regulation, which includes conditions where appropriate.

<u>Current:</u>	<u>Proposed:</u>
05.24 - Carnivals and Circuses	Repeal – address regulation through issuance of a temporary business license with conditions as appropriate
05.28 - Wrecking Yards	Repeal – specifically regulated by state law ⁵
05.37 - Bathhouses	Repeal – address regulation through issuance of a general business license with conditions as appropriate

² LMC Chapters 5.12-Pawnshops, Secondhand, Antique, Junk and/or Salvage Dealers, Transient Traders in Secondhand Property, Private Sales and Flea Markets; 5.14-Adult Entertainment Industry Licensing and Regulation; 5.16-Adult Cabarets; 5.20-Panoramas, Previews, Picture Arcades and Peep Shows; 5.24-Carnivals and Circuses; 5.28-Wrecking Yards; 5.32-Public Dances, Cabarets, Dance Halls and Teenager Dances; 5.35-Massage Businesses; 5.36-Massage Parlors and Bathhouses; 5.37-Bathhouses; 5.40 -Outdoor Public Music Festivals; 5.44-Bondsmen; 5.48-Theaters; 5.52-Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Grooming Parlor, or Pet Shop; 5.56-Solicitors and Peddlers; 5.60-Rental-Housing Complex License Crime-Free Strategies were each adopted to address very specific business types.

³ LMC Chapters 5.24-Carnivals and Circuses; 5.28-Wrecking Yards; 5.40-Outdoor Public Music Festivals; 5.44-Bondsmen; 5.48-Theaters; 5.52-Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Grooming Parlor

⁴ All cities used for comparison have specific code language regarding Adult Businesses and Public Dances.

⁵ RCW 46.80

05.40 - Outdoor Public Music Festivals	Repeal - address regulation through issuance of a temporary business license with conditions as appropriate
05.44 - Bondsmen	Repeal – preempted by state law ⁶
05.48 - Theaters	Repeal - address regulation through issuance of a general business license with conditions as appropriate

2. Address particular costs to the City of the administration and enforcement of business regulation in the fee schedule.

Part of the reason so many chapters within Title 5 evolved may have to do with the amount of resources needed to ensure public safety and regulatory compliance for some of the specifically identified uses. This justifies application of a fee calculated to prevent subsidizing business uses with taxpayer dollars but may not require adding a chapter to City Code, particularly when the chapter duplicates other regulation in the Code itself or in applicable state law.

As with some other city functions, the cost of administration and regulation should be calculated for categories of use and businesses should be charged accordingly to avoid the subsidization of business types by taxpayers and other businesses. The process of determining these costs is underway and once appropriate fees are calculated recommendations will be presented to the City Council for inclusion in the City’s fee schedule.

3. Address routine additional regulation in conditions placed upon the license.

Conditions on a general or temporary business license can be used to address concerns with public safety, insurance, disruptions to neighborhoods and other impacts provided the nexus between the condition and the impact can be made and related to a legitimate public interest. This is already done with some business licenses. The recommendation is to use this process when possible instead of creating separate chapters to address what can be added to a general or temporary business license as routine conditions.

4. Amend Code sections as necessary to achieve the goal of an effective business licensing regulatory scheme.

The following chapters justify individual chapters in the Code but amendments will improve administration and regulation:

⁶ RCW 18.185

<u>Current:</u>	<u>Proposed:</u>
05.35 - Massage Businesses	Amend - to align more closely with state law
05.52 - Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Private Kennel, Grooming Parlor, or Pet Shop	Repeal – adopt language regulating animals into Title 6 – Animals
05.60 - Rental-Housing Complex License Crime Free Strategies	Retain for now – scheduled for separate study

The penalty structure for Massage Businesses under state law contemplates a progression from misdemeanor to felony penalties. Operating massage businesses without proper certification is a crime and the level is determined by number of violations. Amendments are proposed to achieve alignment with state law.

The chapter addressing pet shops is designed to ensure effective limits on animals for both businesses and private citizens. Because private citizens can come within the scope of the City’s business licensing system by virtue of the number of pets which they maintain within their residence, there can be unnecessary confusion as to whether this is a business licensing provision, pet licensing issue, or something else. The proposed amendments move the regulation of animals to that section of the Code and regulate the businesses as any other.⁷

Rental-housing regulation may ultimately be amended but justifies independent study due to the litigation which has evolved in this area.⁸ The City Council was briefed on potential regulation in this area at the retreat in February and updates are expected in late summer or early fall of this year with amendatory language to follow in 2016.

5. Retain existing Code where it is warranted to do so.

The following chapters should remain in their existing state:

- 5.16 Adult cabarets
- 5.20 Panorams, Previews, Picture Arcades and Peep Shows
- 5.32 Public Dances, Cabarets, Dance Halls and Teenager Dances
- 5.56 Solicitors and Peddlers

While there may be some amount of fine-tuning that would benefit these chapters, there are good reasons to leave them undisturbed. Adult businesses were heavily litigated by the City and changes to existing regulation could attract more conflict for the City without discernable benefit. The Panoram business has similar potential and this business has

⁷ See Title 6- Animals and Title 5-Business Licenses and Regulations, respectively.

⁸ *City of Seattle v. McCreedy*, 124 Wn. 2d 300, 877 P.2d 686 (1994). *City of Pasco v. Shaw*, 161 Wn. 2d 450, 166 P.3d 1157 (2007). See also Council materials submitted for City of Lakewood Council Retreat held February 21, 2015-Proposed Rental Housing Inspection Code Revisions.

steadily declined since incorporation with few remaining. It should also be noted that there is nothing about the regulation of these businesses which prevents the City from legitimate enforcement and regulation of criminal activity.

With regard to public dances, this is specifically identified in each of the other cities used for comparison. The need for a separate chapter is due to the potential for a mixed audience of juveniles and adults along with liquor service as well as issues related to crowds of people gathering indoors. The chapter is designed to ensure that each event of this nature is properly regulated to protect public safety.

6. Redraft existing Code chapter titled ‘Pawnshops, Secondhand, Antique, Junk and/or Salvage Dealers, Transient Traders in Secondhand Property, Private Sales and Flea Markets.

The chapter of Title 5 with the most duplication of state law is the chapter related to Pawnshops and secondhand sales.⁹ Regulation of this business type will be clarified by repealing sections which merely echo state law and adopting state law by reference.

In addition to state law, language is recommended based on current technology. The Police Department uses an on-line service called LeadsOnline¹⁰. LeadsOnline provides a free subscription service for second-hand merchants to register all transactions and allows the uploading of other relevant information, such as photographs of the items sold, copies of transaction documents and the identification used in the transaction. The City pays to access this data. The draft Code also allows the City to place additional reporting or frequent reporting requirements upon businesses when there is an identifiable need to do so. Businesses who fail to report can be subject to the immediate license revocation processes within the existing code.

This chapter also contains sections specific to Lakewood and these are not recommended for amendment. These relate to limitations on Pawnshop businesses in general.

There will not be significant change from these amendments in terms of what tools are available to curtail sales of stolen property. The primary change is clarifying that the City relies primarily on state law for this effort and mandating the use of LeadsOnline.

7. Develop an implementation plan to ensure that existing enforcement on sales of stolen goods continues and that enforcement is expanded to address the full scope of illegal sales.

Because the City has dedicated resources to impacting sales of stolen goods in the City and this chapter of City Code has been used for this purpose, an implementation plan is recommended to continue enforcement efforts with Pawnshops, which is working well, and expand enforcement to other venues of the illegal sale of stolen goods. This would include a

⁹ LMC 5.12

¹⁰ <http://www.leadsonline.com>

review of what the City is already empowered to do under state law and required use of technology for all secondhand dealers.

8. Amend the Code relative to General Business Licenses to bring all businesses under one general regulatory scheme.

Amendments recommended for General Business Licenses provide an overall Purpose, Application and Interpretation as a foundation for the regulatory philosophy behind the Title. The definition section enables the City to identify particular businesses when necessary for condition or fee purposes. Businesses will fall into either the General or Temporary category for licensing purposes.

Attached is draft legislation for review by the Lakewood City Council relative to LMC Title 5. Salient parts of the proposed legislation relative to general licensing are summarized as follows:

Creation of two basic types of business license. There are currently a variety of applicable regulations which may apply to any particular business. Essentially, each business in the City of Lakewood is either temporary or ongoing. In recognition of the fact that temporary businesses are unique and do not entirely fall within existing business regulations, structurally, the proposed legislation provides a license type for temporary businesses, ongoing businesses and a section providing for conditions on licenses as appropriate.

As it relates to chapter 5.02 LMC, the following changes are proposed:

Temporary Business Defined. The proposed language defines a temporary business simply as “all business of a short term or transitory nature.” In addition, certain businesses activities are per se temporary. Those include any business which occupies a site or operates within the city for no more than seven days per occurrence twice within any 365-day period; roving mobile vendors; and vendors at a flea market.

Duration of License. A temporary business license shall specify the dates of validity. In the absence of any such dates, it is valid for a seven day period from date of issuance. It may be renewed upon payment of a supplemental fee.

Application Requirements. Because of the challenges associated with maintaining commercial equity and protecting public safety for temporary businesses given their transitional nature, the licensing requirements are more demanding than is required of a regular business. Among the more noteworthy requirements, include photo identification, the identification of the retail space used by the business and other information to verify compliance with health and safety regulations. Additionally, for those entities hosting a business required to be licensed, the applicant must obtain a notarized statement from the host acknowledging the required reporting requirements.

Reporting Requirements for Hosts of Temporary Businesses. Any entity hosting ten or more licensees must report weekly to the City the following information: name, address, telephone

number and stall number (or other descriptor of the physical location) of each entity performing such business.

Revocation of Licenses. The grounds for revocation of a temporary license are the same as those for any other license. The summary revocation procedures already contained within the Code are explicitly preserved. The authority of the Hearing Examiner to hear appeals regarding licensing conditions is expressly maintained.

Stay of Licensing Revocation Modification. Under the current code, a license revocation may be stayed pending administrative or judicial review. Due to the length of these proceedings, the Code now expressly clarifies that the duration of any stay does not exceed the term of the original license.

Removal of Casual Sales Exemption. The exemption set forth in LMC 5.02.050(A) is removed. Existing language confuses regulation of temporary businesses.

Exemptions from Licensing. Additional exemptions from any City license are added. These include drink/lemonade stands, vendors at the City-sponsored farmers market, and residential garage sales.

Business License Violation Penalty Structure Changed. The fine structure for business code violations is now changed. Under the current Code, any licensing violation is a \$500 fine. Under the proposed Code, the first violation is \$500; a second violation carries a \$1000 fine; and a third or subsequent violation carries a \$2000 fine.

SUMMARY OF PROPOSED LEGISLATION

<u>Current:</u>	<u>Proposed:</u>
05.2 - General Business Licenses	Amend – provide an overall purpose, application and interpretation
05.4 - Business License Waivers	Repeal and recodify
05.12 - Pawnshops, Secondhand, Antique, Junk and/or Salvage Dealers, Transient Traders in Secondhand Property, Private Sales and Flea Markets	Redraft existing Code chapter to incorporate state regulation
05.14 - Adult Entertainment Industry Licensing and Regulation	Repealed in 1998
05.16 - Adult Cabarets	Retain existing Code
05.20 - Panorams, Previews, Picture Arcades	Retain existing Code

and Peep Shows	
05.24 - Carnivals and Circuses	Repeal- address regulation through temporary business license with conditions as appropriate
05.28 - Wrecking Yards	Repeal– specifically regulated by state law ¹¹
05.32 - Public Dances, Cabarets, Dance Halls and Teenager Dances	Retain existing Code
05.35 - Massage Businesses	Amend - to align more closely with state law
05.36 - Massage Parlors and Bathhouses - Repealed	Repealed in 1996
05.37 - Bathhouses	Repeal – address regulation through general business license with conditions as appropriate
05.40 - Outdoor Public Music Festivals	Repeal - address regulation through temporary business license with conditions
05.44 - Bondsmen	Repeal - preempted by state law ¹²
05.48 - Theaters	Repeal – address regulation through general business license with conditions as appropriate
05.52 - Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Private Kennel, Grooming Parlor, or Pet Shop	Repeal – adopt language regulating animals into Title 6- Animals
05.56 - Solicitors and Peddlers	Retain existing Code
05.60 - Rental-Housing Complex License Crime Free Strategies	Retain for now – scheduled for separate study

¹¹ RCW 46.80

¹² RCW 18.185

ORDINANCE NO. XXX

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Title 5; relative to business licenses and regulations.

WHEREAS, much of Title 5 of the Lakewood Municipal Code has not been thoroughly reviewed or revised since incorporation; and

WHEREAS, the City has more experience working with local businesses than at the time most of the business license code was adopted; and

WHEREAS, an effective business licensing regulatory scheme impacts both the commercial life of the City and public safety; and

WHEREAS, City Code must align with State law; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1: Section 05.02.000 LMC entitled "General Business Licenses" is retitled "Business License Required for all Businesses."

Section 2: Section 05.02.010 LMC entitled "Definitions" is amended to read as follows:

For purposes of this Title, the following definitions shall apply:

- A. "Business" includes all lawful activities engaged in with the object of gain, benefit, or advantage, directly or indirectly, whether part-time, full-time or seasonal.
- B. "Carnival" as used in this Section shall mean any entertainment which includes side shows, games, amusement devices, riding devices, and/or refreshments.
- C. "Circus" as used in this Section shall mean any entertainment which includes wild animals, acrobats, and/or clowns.
- D. "Conviction" means an adjudication or conviction of guilt and occurs at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceeding including but not limited to sentencing or disposition, post-trial or post-fact finding motions and appeals and also means a bail forfeiture and includes all instances in which a plea of nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended.
- E. "Flea market" means and includes, but is not limited to, arrangements whereby a person or persons sell, lease, rent, offer or donate to one or more persons a place or area where

such persons may offer or display second-hand or junk items. "Flea market" includes, but is not limited to, bazaars, rummage sales and swap meets.

F. B. "Person" means any individual, corporation, company, firm, joint stock company, partnership, limited liability entity, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise, receiver, administrator, executor, assignee, trustee in bankruptcy, or any other group or entity formed for the purpose of engaging in business.

G. "Public bathhouse" means any place where baths or facilities for baths of any kind whatever are given or furnished, including without limitation Finnish baths; Russian baths; sauna baths; Swedish baths; Turkish baths; hot tubs; baths by hot air, steam, vapor, water or electric cabinet or a combination of any of the foregoing; provided, that such term shall not include ordinary tub or shower baths, or any of the above-named baths where an attendant is not required.

H. "Temporary Business" means all business of a short term or transitory nature. In addition to those activities meeting this definition of a "temporary business," the following business activities shall require a license issued under this chapter:

1. Any business which occupies a site or operates within the City for no more than seven days per occurrence twice within any 365-day period;

2. Roving mobile vendors involved in business such as door-to-door sales, sales from ice-cream trucks, or other businesses that do not have a fixed location.

3. Serving as a vendor at a flea market.

4. Operating a carnival or circus within the City.

Section 3: Section 05.02.015 LMC entitled "Applicability" is created to read as follows:

The provisions of Title 5 shall apply to each and every business in the City as well as individuals conducting business in the City, whether stationary or mobile, ongoing or sporadic, permanent or temporary in nature. The requirements of this Title are in addition to any licensing requirements imposed by other jurisdictions.

Section 4: Section 05.02.020 LMC "Business license required" is amended to read as follows:

~~No person shall conduct, maintain, operate, or engage in any business within the City, without a current and valid City business license prescribed herein.~~

It is unlawful for any person to conduct, operate, engage in, or practice any business in the city that is conducted, operated, engaged in, or practiced in whole or in part from real

property located within the city, without first obtaining the appropriate general or temporary business license along with any applicable additional license required by this Title or other applicable local, state or federal law.

Section 5: Section 05.02.21 LMC entitled “Purpose” is created to read as follows:

The purpose of this Title is to:

- (1) Maintain the aesthetic attractiveness of the City;
- (2) Promote public safety and orderly movement of pedestrians and traffic within the City;
- (3) Protect the city’s business community by eliminating the inequity faced by stationary and permanent businesses that compete with itinerant and temporary businesses who may be operating without city business licenses and outside the regulatory authority of the city, which unfair competition threatens to erode city tax revenues and undermine the strength of its commercial life;
- (4) Reduce the potential for urban blight by encouraging development of permanent structures from which businesses can operate in the city;
- (5) Establish better recordkeeping and data collection practices which can assist police in improving safety and reducing crime throughout the city; and
- (6) Promote compliance with relevant building, fire, health and safety codes by those who wish to conduct business in the City of Lakewood.

Section 6: Section 5.02.025 LMC entitled “Interpretation of Chapter” is created to read as follows:

This Title shall be interpreted liberally in order to accomplish the overall purpose of the Title and work in concert with other sections of the Code including the use of the nuisance and abatement processes where applicable. Where this Title and other Code sections are in conflict this Title shall prevail. Provisions of this Title are subject to local, state and federal regulations.

Section 7: Section 05.02.040 LMC entitled “Change in business” is retitled “Change in business/License non-transferable” and amended to read as follows:

A. Each business license shall authorize a particular business at the designated location. Any change in the ownership or nature of the business shall require a new business license application and license fee.

B. Changes in name or location shall be reported to the City, in writing, no less than ten (10) days before such change. If in compliance with all applicable codes and regulations, the City shall amend the existing business license to the new name or location.

C. No license issued under this Title shall be transferable from one person or entity to another person or entity. Sale or transfer of an interest greater than 50 percent in any business requiring a license under this Title renders the existing license null and void. A new application shall be made by the new owner who shall comply with requests for information required to process the new application. Such request may include a release of interest statement from the previous licensee and a signed rental agreement for the establishment.

Section 8: Section 5.02.050 LMC entitled “Exemptions” is retitled “Exemptions and Waivers” and amended to read as follows:

A. Notwithstanding the requirement of Section 5.02.020 of this Chapter, the following shall be exempt from the requirement to apply for and obtain a business license. Permits, however, may be required if otherwise required by law.

~~i. Casual or isolated sales or services made by persons who are not engaged in the ongoing business of selling the type of property or providing the type of service involved, providing that not more than four such sales events are made during any twelve-month period.~~

~~ii.~~ Sales, delivery, or peddling of any fruits, vegetables, berries, eggs, or any farm produce or edibles by the farmer, gardener, or other person who raised, gathered, produced, or manufactured them; provided, that this exemption shall not apply to any person selling, delivering, or peddling any dairy product, meat, poultry, eel, fish, mollusk, or shellfish.

~~iii.~~ ~~ii.~~ Any individual in possession of a valid direct retail endorsement, as established in RCW 77.65.510 as currently enacted or as hereafter amended or recodified from time to time, who sells, delivers, or peddles any legally harvested retail-eligible species, as that term is defined in RCW 77.08.010 as currently enacted or as hereafter amended or recodified from time to time, that is caught, harvested, or collected under rule of the department of fish and wildlife by such a person at a temporary food service establishment, as that term is defined in RCW 69.06.045 as currently enacted or as hereafter amended or recodified from time to time; provided that such establishment shall not be exempt from inspection to verify that the person is in compliance with state board of health and local rules for food service operations.

~~iv.~~ ~~Persons engaged in any business within the City which is licensed and regulated by Pierce County pursuant to Interlocal Agreement which specifically provides for an exemption from the licensing requirements of this Ordinance.~~

iii. Minors engaged in baby-sitting, ~~or~~ delivery of newspapers, or sales in the nature of a residential-based “lemonade stand,” or similar stand.

iv. Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located.

v. Vendors at City-sponsored Farmers Markets.

vi. Residential sales such as garage or yard sales of a typical size and duration as well as want-ad, online marketplace or similar sales of an isolated and infrequent nature.

B. Any activity, business or function otherwise requiring a license under this Title may receive a waiver of any such requirement where the City Manager determines that the activity, business or function otherwise subject to such license is civic rather than commercial in nature, as with civic, community or school events.

Section 9: Section 05.2.080 LMC entitled “General qualifications of licensees; Grounds for suspension; Revocation; or Denial” is retitled “General Qualifications of Licenses” and amended to read as follows:

Any of the grounds below provide a basis for license ~~suspension, revocation or denial~~ denial, revocation or suspension; provided that no business license issued pursuant to this Code shall be ~~suspended~~ denied, revoked, or ~~denied-suspended~~ without cause.

A. Any application to conduct, in whole or in part, activity that is illegal under local, state or federal law.

B. Any applicant, licensee or employee of applicant or licensee who has been convicted of a crime relevant to the business within ten years for a felony conviction, five years for a gross misdemeanor conviction and three years a misdemeanor conviction.

C. Within the last five years, any applicant, licensee or employee of applicant or licensee who has suffered any of the following which is relevant to the business: a civil judgment, or any other judgment, cease and desist order, notice and order, consent decree, or administrative action, including prior licensing actions.

D. Any applicant, licensee or employee of applicant, licensee or employee of applicant or licensee who has failed to comply with any of the provisions of this Code.

E. Any applicant, licensee or employee of applicant or licensee, if any reasonable grounds exist to believe that such person is dishonest in a manner that is relevant to the business, or that the license was procured by fraud or misrepresentation of fact, or desires to obtain a business license so as to practice some illegal act, some act injurious to the public health, safety or welfare or engaged in unlawful activity

F. Any applicant, licensee or employee of applicant or licensee who has caused, maintained, permitted, allowed or is likely to cause, maintain, permit, or allow a public nuisance to exist. “Public nuisance,” in addition to its common meaning, includes but is not limited to a business generating a need for significant police and/or other government services.

G. Any applicant, licensee, or employee of applicant or licensee or their agents have or will engage in, maintain, permit, allow or fail to prevent unlawful activity on the business premises.

H. The applicant, licensee or employee of applicant or licensee failed to pay a civil penalty or to comply with any notice and order of the City.

I. If reasonable grounds exist to believe that any applicant, licensee or employee of applicant or licensee is likely to present an adverse impact to the public health, safety, or welfare for any other reason, including but not limited to conduct related to past operations of business.

J. Violation of any rules, regulations or conditions which have been set forth in a Conditional License issued under LMC 5.02.150.

K. The failure to submit a complete license application or the failure to cooperate in an investigation under LMC 5.02.090.

Section 10: Section 05.02.100 LMC entitled “Term of license” is retitled “Term of license/General and Temporary” and amended to read as follows:

B.A. Each Annual Business License shall expire one year from the date of issuance by the City, unless renewed. Upon renewal, each license shall be valid for an additional year from the date of expiration, unless suspended, revoked, closed, or invalidated by a change in business as defined in LMC 5.02.040. Any additional Rules and Regulations and Conditional Licenses imposed or stipulated pursuant to LMC 05.2.150 shall remain in full force and effect notwithstanding any licensing renewals unless expressly terminated in writing by the City.

B. A Temporary Business License may specify dates for which a license is valid. In no event shall a license issued under this chapter be valid for more than one year after issuance.

If no dates are specified on the face of the temporary business license, a temporary business may operate within the City for no than seven days after the date of issuance. Upon supplemental application, and payment of any fee, the City may authorize up to one seven-day extension.

Section 11: Section 05.02.135 LMC entitled “Temporary Business Reports” is created to read as follows:

A. Every owner of real property upon which Temporary Businesses licensed under this Chapter perform business shall furnish weekly reports for the duration of use of the property as the

location of any temporary business. Such reports shall be made to the City Manager or designee, on such forms as the City may require therefor, a record which shall include:

1. The name, address, telephone number and stall number (or other descriptor of the physical location) of each entity performing such business; and

2. Such other information as is deemed necessary by the City to protect the public health, safety and welfare.

B. Violation of this Section shall constitute grounds for revocation of any licenses issued under this Title.

Section 12: Section 05.02.171 LMC entitled “Stay of Suspension or Revocation-- Summary Suspension,” is amended to read as follows:

A. Except as otherwise provided in this Section, enforcement of any suspension or revocation of any business license, or other order issued under this Chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. Nothing in this chapter shall be construed to allow the stay of a license revocation in excess of the original term of the license.

B. Where conditions exist that are deemed hazardous to life or property, or where the licensee or his or her employee or agent has knowingly permitted unlawful conduct, the City is authorized to immediately stop such conditions ~~that are in violation of this Code~~, up to and including closing the business operation and summary suspension of the business license. Such order and demand may be oral or written.

C. At the time the licensee is notified of any summary suspension, the City Clerk shall also schedule a hearing to be held within 3 business days from the date of the notice of summary suspension and the licensee will be notified by mail, facsimile, email, personal service or hand delivery of the date, time and location of such hearing. Such notices shall state the time and place of the hearing. Such hearing shall be before the City Manager or designee.

D. The decision of the City Manager or designee shall be final. The licensee may, within 10 days from the date of the decision, appeal such suspension or revocation in accordance with LMC 5.2.190. Any summary suspension affirmed by the City Manager or designee shall remain valid and in effect pending the outcome of the appeal, unless stayed pending the outcome of the hearing by the City Manager or the designee who issued the decision or Hearing Examiner.

Section 13: Section 05.02.190 LMC entitled “Appeal from Denial or From Notice and Order,” is amended to read as follows

A. The City Hearing Examiner is designated to hear appeals by applicants or licensees aggrieved by actions of the City pertaining to any denial, or revocation of business licenses, or imposition of any conditions upon a licensee, pursuant to chapter 1.36 LMC.

B. Any applicant or licensee may, within ten (10) days after receipt of a notice of denial of application or of a notice and order, file with the City Clerk a written notice of appeal.

C. As soon as practicable after receiving the written appeal, the City Clerk 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 Clerk, by mailing a copy addressed to each appellant at his or her address shown on the notice of appeal.

D. At the hearing, the appellant or appellants 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 denial or to the notice and order. The technical rules of evidence need not apply.

E. Only those matters or issues specifically raised by the appellant or appellants in the written notice of appeal shall be considered in the hearing of the appeal.

F. Within ten (10) business days following conclusion of the hearing, the Hearing Examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or overrule the denial or order of the City, and may further impose terms and conditions to the issuance or continuation of a business license.

G. Failure of any applicant or licensee 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 denial or of the notice and order.

Section 14: Section 05.02.250 LMC entitled “Violations – Penalty -- Remedies,” is amended to read as follows:

A. Unless a different penalty is set forth, Any violation of this Chapter Title shall constitute a misdemeanor. Each day a violation of this Chapter Title is allowed to exist shall constitute a separate violation.

B. In addition to or as an alternative to any other penalty provided in this Chapter Title or by law, any violation of this Chapter Title is a civil infraction, pursuant to chapter 7.80 RCW, punishable by a fine in the amount of \$500 per violation. For a first violation of an offense under this Title, the fine shall be \$500. For a second violation of an offense under this Title, the fine shall be \$1,000. For a third violation and subsequent violations of this Title, the fine shall be \$2,000. Each day a violation of this Chapter Title is allowed to exist shall constitute a separate violation.

C.B. All violations of this chapter Title that are detrimental to the public health, safety and welfare and are public nuisances. All conditions that are determined after review by the City to be in violation of this chapter Title are subject to abatement.

Section 15: Chapter 05.04 LMC entitled “Business License Waivers” is repealed in its entirety.

~~05.4.010 – License Waivers for Community Events~~

~~In connection with any activity, business or function for which a business license would be required as provided in this Title, if the City Manager or a majority of the City Council determines that the activity, business or function subject of the license exclusively constitutes or is a part of a civic, community or school event, the license fee may be waived by and in the discretion of the City Manager or a majority of the City Council, after considering the benefits of the event to the community and its impacts on the City.~~

Section 16: A new Section 05.12.011 LMC entitled, “Scope of Chapter,” is created to read as follows:

A. Every entity doing business within the City as a pawnbroker, secondhand dealer or secondhand precious metal dealer, as those terms are defined by RCW 19.60.010 shall be subject to the regulations set forth in this Chapter and shall be required to obtain a City of Lakewood Business License, as set forth in chapter 5.02 Lakewood Municipal Code.

B. The provisions of this chapter shall be supplemental to those requirements set forth in chapter 19.60 RCW and chapter 5.02 LMC.

Section 17: A new Section 05.12.013 LMC entitled, “Additional Reporting Requirements,” is created to read as follows:

A. In addition to the reporting requirements contained in RCW 19.60.025 and RCW 19.290.020, every entity subject to this Chapter shall be required to report electronically with Leads Online or such other entity or upon such forms as may be designated by the Chief of Police.

B. Each entity subject to this chapter shall operate and maintain a computer system with Internet access and photographic or video capability sufficient for the electronic reporting requirements of this chapter. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the reporting requirements of chapters 19.60 and 19.290 RCW and this section.

C. In addition to the information required to be reported by chapters 19.60 and 19.290 RCW, each entity subject to regulation under this chapter shall obtain a photographic image of identification of both the pawner/seller, sufficiently clear to allow the information on the identification to be read and the item which is the subject of the transaction. The identification must be current, issued from a governmental entity of the United States and must include the pawner/seller’s first and last name, current address, date of birth and physical descriptors.

D. On a daily basis, every entity subject to this Chapter shall furnish reports to the City as required by RCW 19.60.040 and 19.290.050. Each report shall cover the transactions covered within the time period proscribed by those statutes.

E. The following transactions shall be exempt from the reporting requirements of this Chapter:

1. Clothing with a current resale value of less than seventy-five dollars, except for items made partially or wholly from fur or leather;

F. The failure to file a report as required by this section or chapters 19.60 or 19.290 RCW shall constitute unlawful conduct justifying summary revocation of a license to do business within the City of Lakewood and shall be governed by the processes set forth in LMC 5.02.190.

G. Nothing contained within this chapter or the provisions of chapters 19.60 or 19.290 RCW should be construed as a limitation upon the authority of the City to require, as an express condition of a license issued under this Title, differing reporting requirements upon a business.

Section 18: Section 05.12.140 LMC entitled, “Prohibited Transactions,” is amended to read as follows:

~~No pawnbroker, second hand and antique dealer, or transient trader shall purchase or receive any property from any person under the age of eighteen years, nor from any person under the influence of intoxicating liquor and/or drugs, nor from any habitual criminal, nor from any known thief, nor from a receiver of stolen property whether such person is acting in his or her own behalf or as the agent or another.~~ No pawnbroking transaction, or any other part of such transaction, shall be carried on or conducted on any day before eight a.m. or after nine p.m.; nor on New Year’s Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; provided, however, that such establishment may remain open for carrying on the business of retail merchandising at any time upon any day of the week unless otherwise prohibited by law.

Section 19: Section 05.12.160 LMC entitled, “Purchasing of Property,” is amended to read as follows:

Every ~~pawnshop, second hand and antique dealer or transient trader licensed under~~ entity subject to this Chapter shall have the authority and the power to purchase used property, wares, merchandise, except motor vehicles, in their ordinary course of business as pawnshops, second-hand and antique dealers and transient traders; provided, that every purchase by a pawnshop, second-hand and antique dealer and transient trader shall be pursuant to the regulations set forth in this Chapter; and provided further, that no Pawnshop shall purchase outright any metal or nonmetal junk as either is defined elsewhere in this code.

Section 20: Section 05.12.170 LMC entitled, “Altered Serial Numbers,” is amended to read as follows:

When any vehicle, equipment, device, or parts thereto is being inspected and a record thereof made as required ~~in Section 5.12.100 by this chapter or chapters 19.60 or 19.290 RCW,~~ if it

appears that any of the numbers required to be recorded by said Section are intentionally defaced, changed or altered, in any manner, the person so recording shall immediately notify the law enforcement department/agency of the City of such fact.

Section 21: A new Section 05.12.021 LMC entitled, “RCW 19.60 Provisions adopted by reference,” is created to read as follows:

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full, excepting that any references to the following sections where the text or context references “State,” or “State of Washington,” shall also be construed to reference the City of Lakewood:

- 19.60.010 Definitions.
- 19.60.014 Fixed place of business required.
- 19.60.020 Duty to record information.
- 19.60.025 Duty to record information -- Precious metal property.
- 19.60.040 Report to chief law enforcement officer.
- 19.60.042 Report to chief law enforcement officer -- Precious metal dealers.
- 19.60.045 Duties upon notification that property is reported stolen.
- 19.60.050 Retention of property by pawnbrokers -- Inspection.
- 19.60.055 Retention of property by secondhand dealers -- Inspection.
- 19.60.057 Retention of precious metal property -- Inspection.
- 19.60.060 Rates of interest and other fees -- Sale of pledged property.
- 19.60.061 Pawnbrokers -- Sale of pledged property limited -- Written document required for transactions.
- 19.60.066 Prohibited acts -- Penalty.
- 19.60.067 Secondhand precious metal dealers -- Prohibited acts -- Penalty.
- 19.60.068 Resale agreement to avoid interest and fee restrictions prohibited.
- 19.60.085 Exemptions.
- 19.60.095 Precious metal sales -- Hosted home parties

Section 22: A new Section 05.12.023 LMC entitled, “RCW 19.290 Provisions adopted by reference,” is created to read as follows:

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full, excepting that any references to the following sections where the text or context references “State,” or “State of Washington,” shall also be construed to reference the City of Lakewood:

- 19.290.010 Definitions.
- 19.290.020 Private metal property or nonferrous metal property -- Records required.
- 19.290.030 Metal property and metallic wire -- Requirements for transactions.
- 19.290.040 Scrap metal businesses -- Record of commercial accounts.

19.290.050 Reports to law enforcement--Records exempt from public disclosure -- Private civil liability.
19.290.060 Stolen metal property -- Preserving evidence.
19.290.070 Violations -- Penalty.
19.290.080 Civil penalties.
19.290.090 Exemptions from chapter.
19.290.240 Chapter to be liberally construed.
19.290.250 No-buy list database program -- Scrap metal business to determine if customer is listed.

Section 23: Section 05.12.010 LMC entitled “Definitions” is repealed in its entirety.

~~“Antique dealer” means any person engaged, in whole or in part, in the business of selling antiques.~~

~~B. “Antiques” means and includes works of art, pieces of furniture or decorative objects made at an earlier period.~~

~~C. “Flea market” means and includes, but is not limited to, arrangements whereby a person or persons sell, lease, rent, offer or donate to one or more persons a place or area where such persons may offer or display second hand or junk items. “Flea market” includes, but is not limited to, swap meets.~~

~~D. “City” means the City of Lakewood, Washington, and also means, where consistent with the context, the City Manager or designee or other appropriate representative of the City, including the law enforcement department/agency of the City or representative(s) thereof.~~

~~E. “Private sale” means and includes all sales entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “estate sale,” “yard sale” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.~~

~~F. “Junk and/or salvage dealers” means and includes, but is not limited to, old rope, iron, brass, copper, tin, lead, rags, empty bottles, paper, bagging, parts of machinery, scrap metal of all kinds, and such other worn out or discarded material and odds and ends as can be turned to some use but which cannot be used again for the purpose for which they were originally intended.~~

~~G. “Melted metals” means and includes all metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots produced from ore that has not previously been processed.~~

~~H. “Metal junk” means and includes any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.~~

~~I. “Pawnshop” means every business where the operators and/or employees of the business are engaged, in whole or in part, in the business of loaning money on the security of pledges,~~

~~deposits, or conditional sales of personal property, or of making a public display at or near the place of business of any sign or symbol generally used by pawnbrokers or of any sign indicating that the business has money to loan on personal property on deposit or pledge.~~

~~J. "Precious metal" means gold, silver and platinum.~~

~~K. "Second hand dealer" means every person engaged, in whole or in part, in the business of buying, selling at retail, trading, or otherwise transferring for value, second hand or used personal property, metal junk, melted metals, or precious metals and consigned or auctioned goods.~~

~~L. "Second hand property" means and includes, but is not limited to, any and all used or second hand goods or items of personal property which can be used again for the purpose for which they were originally intended. For the purposes of this Chapter, "second hand goods" also includes valuable coins (coins with a value greater than their face value), precious metals, precious stones and jewelry, but shall not include bullion in the form of fabricated hallmarked bars.~~

~~M. "Transient trader in second hand and antique property" means any person being a natural person, corporation or any other form of entity or organization for the conduct of business, not maintaining a regular place of business for the conduct of trading in second hand or antique property or pawnbroking within the City who advertises that they buy, trade or otherwise seek to acquire in any fashion, precious metals or second hand property generally.~~

~~N. "Pawnbroker" means every person who owns a pawnshop or has an ownership interest of any kind in a pawnshop, or any person who is employed by a pawnshop for the primary purpose, in whole or in part, of loaning money on the security of pledges. This does not include a person who is employed for the purpose of stock, maintenance or other activities that do not involve the transacting of any business with members of the general public.~~

~~O. "Transaction" means in whole or in part, the business of or act of lending on, the pledge of buying of, the selling of or otherwise transferring for value, second hand or used personal property, metal, junk, melted metals, or precious metals and consigned or auctioned goods as those terms are referenced and/or defined in this chapter or generally understood to mean.~~

Section 24: ~~Section 05.12.020 LMC entitled "License Required" is repealed in its entirety.~~

~~It shall be unlawful for any person, in the City, without first obtaining a City license to:~~

- ~~1. Engage in the business of operating a pawnshop ;or~~
- ~~2. Deal in second hand or antique property; or~~
- ~~3. Act as a transient trader in second hand property; or~~
- ~~4. Engage in the business of buying or selling at retail salvage or junk; or~~

~~5. Conduct a private sale; or~~

~~6. Conduct a flea market.~~

~~B. The provisions of this Section shall not apply to or affect the following persons or sales:~~

~~1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction; or~~

~~2. Persons acting in accordance with their powers and duties as public officials; or~~

~~3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number; or~~

~~4. Religious, charitable and nonprofit organizations; or~~

~~5. Automobile dealers regulated under the Motor Vehicle laws of the State of Washington.~~

~~C. All the provisions of Chapter 5.02 of the City Code shall govern the issuance, denial, suspension and revocation of permits; provided, in the discretion of the city Manager or designee.~~

~~D. The Pawnshop license is not transferable except as provided herein.~~

Section 25: Section 05.12.025 LMC entitled "Private Sales Licenses" is repealed in its entirety.

~~No more than four private sale licenses shall be issued to any one person or to any one address within a twelve month period and no such license shall be issued for more than four consecutive days. Anyone attempting to conduct more than four private sales at the same address in any one year shall be deemed to be a secondhand dealer, subject to the requirements and limitations contained in this Chapter.~~

Section 26: Section 05.12.030 LMC entitled "License Fee" is repealed in its entirety.

~~The licenses for activities licensed pursuant to this Chapter shall be in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.~~

Section 27: Section 05.12.040 LMC entitled "Investigation by City" is repealed in its entirety.

~~Prior to the issuance of any Pawnshop, second hand or antique dealer or transient trader license:~~

~~A. The person(s) designated by the City Manager shall investigate the applicant(s) and all employees of the pawnshop, as listed on the application or appendix thereto, as specified in Section 5.12.075 and Section 5.12.076 of this Chapter, and as specified in Section 5.02.030 of~~

~~the City Code and submit a written report to the City Manager stating his or her recommendation as to approval or disapproval of the application.~~

~~B. The investigation shall also include an investigation of the premises where the activity is to be conducted to determine compliance with applicable building, fire, health, sanitation, zoning and public safety requirements and submit a written report to the City Manager stating recommendations as to approval or disapproval of the application.~~

~~C. If the reports recommend disapproval, the reports shall specify the reasons for such recommendations.~~

Section 28: Section 05.12.050 LMC entitled “Application for Pawnshop” is repealed in its entirety.

~~A. Applications for operation of a pawnshop in the City shall be on forms prepared by the City Manager or designee.~~

~~B. Applications shall include such specific information regarding the applicant and anyone possessing an ownership interest in the pawnshop and any employees of the pawnshop, and the premises upon which the pawnshop activity is to be conducted as is required by the reviewing departments.~~

Section 29: Section 05.12.080 LMC entitled “Garage Sale Licenses” is repealed in its entirety.

~~No more than four garage sale licenses shall be issued to any one person or to any one address within a twelve month period and no such license shall be issued for more than four consecutive days. Anyone attempting to conduct more than four garage sales at the same address in any one year shall be deemed to be a secondhand dealer, subject to the requirements and limitations contained in this Chapter.~~

Section 30: Section 05.12.090 LMC entitled “Customer Identification” is repealed in its entirety.

~~It shall be the duty of every pawnbroker, second hand and antique dealer, and transient trader in second hand property doing business in the City, to secure the type and identifying number of the identification used by the person with whom the transaction was made, which shall consist of a valid driver's license or identification card issued by a state, or two pieces of the identification issued by a governmental agency, one of which shall be descriptive of the person identified; provided that, under all circumstances not less than one piece of current government issued picture identification will be required.~~

Section 31: Section 05.12.100 LMC entitled “Record of Transactions” is repealed in its entirety.

~~1. It shall be the duty of every pawnbroker, second-hand and antique dealer, and transient trader in second-hand property, doing business in the City to maintain at the location where the business was transacted a record written legibly in the English language, on such forms as the City may require, the following information which shall be maintained on the premises for a minimum of three years:~~

- ~~1. The date of the transaction;~~
- ~~2. The name of the person or employee or the identification number of the person or employee conducting the transaction;~~
- ~~3. The driver's license number of the person with whom the transaction is made; except in the case of pawnbrokers or when a driver's license is not available, the following information is also required: the name, birth date, address, sex, weight, height, hair and eye color, race, social security and/or military ID number, and written signature;~~
- ~~4. A description of the property pledged or bought, including brand names, serial numbers, model, and in the case of jewelry and/or items made of precious metals, a description of all letters and marks inscribed thereon, design details, size and description of type and size of any gemstones set therein, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle or shotgun;~~
- ~~5. The price paid or amount loaned; and~~
- ~~6. The number of any loan contract issued therefor.~~

~~1. Second-hand, antique dealers and transient traders are not required to record purchases of the following items:~~

- ~~1. Clothing with a current resale value of less than seventy-five dollars, except for items made partially or wholly from fur or leather;~~
- ~~2. Nonidentifiable items or collections of items which the purchaser can establish with certainty have both an original retail price and a current value of less than twenty-five (25) dollars and which contain no precious metals or precious or semiprecious stones.~~

Section 32: Section 05.12.110 LMC entitled "Daily Reports to Law Enforcement" is repealed in its entirety.

~~Every pawnshop doing business in the City shall furnish, and every second-hand and antique dealer and transient trader in used property doing business in the City shall, upon request, furnish a full, true, and correct transcript of the record of all transactions conducted on the preceding day. These transactions shall be recorded on such forms as may be provided and in such format as may be required by the Chief of Police or such other person who has the responsibility and authority of being the chief law enforcement official for the City, within a specified period of~~

~~time not less than twenty four (24) hours. The information of this report may be transmitted to the chief law enforcement official for the City electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk, subject to the requirements of and approval by the Chief of Police or such other person who has the responsibility and authority of being the chief law enforcement official for the City, or such person's designee. If such pawnbroker, second hand and antique dealer, or transient trader in used property shall have reasons or cause to believe that any property in his or her possession had been previously lost or stolen, he or she shall forthwith report such fact to the law enforcement department/agency of the City together with the name of the owner, if known, and the date when and the name of the person from whom the same was received by him or her.~~

Section 33: Section 05.12.130 LMC entitled "Retention of Property" is repealed in its entirety.

- ~~1. Property purchased or received in pledge by any pawnshop shall not be removed from that place of business, except when redeemed by or returned to the owner thereof, within thirty (30) days after receipt of the property.~~
- ~~2. Property purchased by any second hand or antique dealer with a permanent place of business in the City except that property exempted from recording in Subsection (B) of Section 5.12.100, shall not be removed from that place of business within thirty (30) days after receipt of the property.~~
- ~~3. Property purchased in the City by any second hand or antique dealer, or transient trader in second hand property without a permanent place of business in the City, shall be held within the City for fifteen days after receipt thereof shall requested herein.~~
- ~~4. No pawnshop shall sell any property held by him or her as security for a loan until the term of a loan as prescribed in RCW 19.60.010(9) has expired.~~
- ~~5. All property held pursuant to Subsections A., B. and C. of this Section shall be available for inspection during regular business hours and/or other reasonable time by any commissioned law enforcement officer of the State or any of its political subdivisions.~~
- ~~1.A. Property purchased from a second hand dealer licensed in the City is exempt from the retention requirements set forth in this Section; provided, the property was previously held for the required minimum time by the second hand dealer selling the property; and further provided, that the purchaser maintain a proper record of the purchase.~~

Section 34: Section 05.12.180 LMC entitled "Flea Market Reports" is repealed in its entirety.

- ~~1. Every proprietor of a flea market shall furnish weekly reports to the law enforcement department/agency of the City, on such forms as the City may require therefor, a record which shall include:~~

- ~~1.—The name, address, telephone number and flea market stall number of each person renting a stall; and~~
- ~~2.—Such other information as is deemed necessary by the City to protect the public health, safety and welfare.~~

~~Violation of this Section shall constitute grounds for revocation of the flea market license.~~

Section 35: Section 05.12.190 LMC entitled “Holds” is repealed in its entirety.

~~Following notification from a law enforcement agency that an item of property has been reported as lost or stolen, the pawnbroker/pawnshop or second hand dealers shall hold that property intact and safe from alteration, damage or commingling. The pawnshop/pawnbroker or second hand dealer shall place an identifying tag or other suitable identification upon the property so held. Property held shall not be released for at least one hundred twenty (120) days from the date of notification to the police unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. In cases where the applicable law enforcement agency has placed a verbal hold on an item, that agency must then give written notice within ten (10) business days. If such a written notice is not received within that time period, then the hold order will cease. The pawnbroker/pawnshop or second hand dealer shall give a twenty (20) day written notice before the expiration of the one hundred twenty (120) day holding period to the applicable law enforcement agency about the lost or stolen property. If notice is not given within twenty (20) days, then the hold on the property shall continue for additional one hundred twenty (120) days. The applicable law enforcement agency may renew the holding period for additional one hundred twenty (120) day periods as necessary. After the receipt of notification from a pawnbroker or second hand dealer, if an additional holding period is required, the applicable law enforcement agency shall give the pawnbroker/pawnshop or second hand dealer written notice, prior to the expiration of the existing hold order. A law enforcement agency shall not place on hold any item of personal property unless that agency reasonably suspects that the item of personal property is a lost or stolen item. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen or lost.~~

Section 36: Section 05.12.210 LMC entitled “Penalties” is repealed in its entirety.

- ~~1.—Every pawnbroker, second hand, antique, junk and/or salvage dealer, flea market operator, or transient trader in second hand property, and every clerk, agent or employee thereof, who intentionally commits any of the following violations shall be guilty of a gross misdemeanor:~~
- ~~1.—Failing to make an entry of any material matter in the record kept as provided in Section 5.12.100; or~~
- ~~2.—Making any false entry therein; or~~

- ~~3. Falsifying, obliterating, destroying or removing from his or her place of business such record; or~~
- ~~4. Refusing to allow a law enforcement officer of the City to inspect the same, or any property in his or her possession, during the ordinary hours of business; or~~
- ~~5. Reporting any material matter falsely to the City; or~~
- ~~6. Failing to report forthwith to the law enforcement department/agency the possession of any property which he or she may have reason to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him or her; or~~
- ~~7. Removing, or allowing to be removed from his or her place of business, except upon redemption by the owner thereof, any property received in violation of the retention times contained in Sections 5.12.130 and 5.12.190; or~~
- ~~8. Removing, altering, or obliterating any manufacturer's make, model or serial or identifying marks engraved or etched upon an item of personal property that was purchased, consigned or received in pledge; or~~
- ~~9. Receiving any property from any person under the age of eighteen years, any habitual user of narcotic drugs, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person is acting in his or her own behalf or as the agent of another.~~
- ~~1. Every person conducting a private sale without a license shall be guilty of a misdemeanor, provided that the City's law enforcement officers shall be authorized to issue a private sale license to the operator of a private sale at anytime on the day of the private sale so long as no more than four private sales have been held at that location or by that operator in a year.~~
- ~~2. In addition to any other remedies provided by law, if the City has probable cause to believe that a pawnshop, second hand or antique dealer or transient trader in used property has violated any requirements of this Section, it may:
 - ~~1. Serve the alleged violator with a written notice of intent to suspend or revoke the license of the alleged violator; which notice shall include language contained in Subsection C.2. of this Section, explaining the right to a hearing.~~~~
- ~~1. Any person who has received a notice of intent by the law enforcement department/agency of the City to suspend or revoke a license shall have the right to a hearing of the suspension or revocation before the City's Hearing Examiner. The request for such hearing shall be initiated by serving on the City Manager a request for hearing~~

~~within thirty days of the receipt of the notice of intent to suspend or revoke. If a request for hearing is not made within thirty days of receipt of the notice of intent, the suspension or revocation set forth in the notice of intent shall automatically become effective~~

Section 37: Chapter 05.24 LMC entitled "Carnivals and Circuses" is repealed in its entirety.

05.24.010 – Definitions

- ~~1. "Carnival" as used in this Section shall mean any entertainment which includes side shows, games, amusement devices, riding devices, and/or refreshments.~~
- ~~2. "Circus" as used in this Section shall mean any entertainment which includes wild animals, acrobats, and/or clowns.~~

05.24.020 – Permit – Fee – Regulations

~~No carnival and/or circus may operate in the City unless said carnival and/or circus shall first obtain a license. All fees required for a circus or carnival license shall be in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk. The term "machine" used in relation to carnival business licenses, includes but is not limited to, the following: riding devices; and coin-operated amusement games, machines and devices.~~

05.24.030 – 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 1 a.m., and shall remain closed until 10 a.m. of the same day unless a special permit is obtained to conduct said carnival and/or circus between the above mentioned hours.~~

05.24.040 – 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. 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.~~

05.24.050 – Intoxicating Liquor Prohibited

~~No person conducting a carnival and/or circus nor any person having charge or control thereof at any time when a carnival and/or circus is being conducted shall permit any person to bring into said carnival and/or circus, or upon the premises thereof, any~~

~~intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon any intoxicating liquor.~~

05.24.060 – Duty of Preserving Order

~~It is the intention of the City Council to put the burden of preserving order upon the operator 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 set forth in the state law, the licensee shall be subject to revocation of his license, and the licensee or other individual responsible subject to such other punishment as the law and this Title provide.~~

05.24.070 – 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 his duty to secure the service of such officer or officers as are necessary to preserve order and enforce the rules and regulations prescribed by this Title and the State law.~~

05.24.080 – 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.~~

05.24.090 – Fire Code

~~All carnivals and circuses must comply with the provisions of the City of Lakewood Fire Code as enacted or thereafter amended.~~

05.24.100 – Location of Site

~~No carnival and/or circus shall be operated in a location which is closer than 1,000 yards from any schoolhouse or church, or 100 yards from any house, residence or other human habitation, except in such instances where the licensing authority determines that a waiver of this Section is warranted, based upon a review of the facts and circumstances pertaining to said carnival and/or circus.~~

05.24.110 – Inspections

~~No license shall be issued until inspections and approval shall have been made by the following:~~

- ~~1. The person designated by the City to serve as the City's Fire Marshal, who shall inspect all carnival and circus premises and equipment for compliance with all applicable Uniform Fire Code requirements, and who shall also inspect for amusement ride safety certification, electrical inspection certification, and daily amusement ride inspection reports. He shall be paid twenty five dollars (\$25.00) as a reasonable inspection fee.~~
- ~~2. The Tacoma Pierce County Health Department, or its equivalent, which shall inspect all carnival and circus premises and all applicable equipment for compliance with all applicable health regulations.~~
- ~~3. The person delegated by the City Manager to serve as Risk Manager for the City, which shall review all carnivals and circuses to ensure that they have adequate liability insurance covering installation and operation of their equipment, including amusement rides.~~
- ~~4. If, after the above inspections, no license is issued, the City will return the license fee to the applicant.~~

~~***05.24.120 – Duty to Comply With All State and Federal Laws and Regulations – License Revocation***~~

~~All persons licensed pursuant to this Chapter must insure that all equipment and devices used in the carnival or circus comply with all State and Federal regulations. Further, all carnivals and circuses must insure that any and all devices used for the purposes of gambling are duly licensed pursuant to State and City laws and regulations. Violation of this Section shall constitute grounds for revocation of license.~~

~~***05.24.130 – Liability Insurance***~~

~~No license shall be issued until inspections and approval shall have been made by the following:~~

- ~~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 \$1,000,000 per occurrence. The Certificate shall name the City of Lakewood as an additional insured and shall be submitted to the City Manager or designee for approval.~~
- ~~2. Each carnival and circus operating amusement rides shall provide to the person designated by the City to serve as its Fire Marshal certification that all rides have been inspected for safety by a recognized safety inspection program approved by the current liability insurance carrier. Safety inspections shall be made annually and each ride which passes the safety inspection shall be stamped for proper documentation.~~

~~***05.24.140 – 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. Any violation of this Section shall be considered a misdemeanor.~~

Section 38: Chapter 05.28 LMC entitled "Wrecking Yards" is repealed in its entirety.

05.28.010 – Definitions

- ~~1. The term "motor vehicle wrecker" whenever used in this Chapter means every person engaged in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of the State of Washington, for the purpose of wrecking, dismantling, disassembling or essentially changing the form of any motor vehicle.~~
- ~~2. The term "established place of business" means a building or enclosure which any motor vehicle wrecker occupies either continuously or at regular periods for the purpose of wrecking vehicles and where his books and records are kept and business is transacted; or any area where vehicles not in operable condition or used parts of motor vehicles are stored.~~
- ~~3. The term "enclosure" whenever used in this Chapter means any fence, wall, living hedge or gate entirely surrounding a premises occupied as an established place of business by a motor vehicle wrecker.~~

05.28.020 – Licenses Required

~~Any motor vehicle wrecker who engages in the business of wrecking motor vehicles or trailers in the City must have a valid City and Washington State License. One is not valid without the other. A separate motor vehicle wrecker's license shall be necessary for each and every place of business of a motor vehicle wrecker within the City.~~

05.28.030 – Zoning Ordinance

~~In addition to the provisions of Title 5 of the Lakewood Municipal Code, all applicants must submit written order of approval of the proposed wrecking yard from the City Manager or designee with their application. No motor vehicle wrecker's license shall be issued under the provisions of this Chapter when a petition to zone or rezone an area pursuant to the City Zoning Code has been filed, and where the contemplated use of the property as a motor vehicle wrecking yard would be nonconforming to the proposed zoning uses.~~

05.28.040 – License Fees

~~Each license required herein shall expire one year from the date of issuance by the City, unless renewed. Upon renewal, each license shall be valid for an additional year from the date of expiration, unless suspended, revoked, or closed. Any additional Rules and~~

Regulations and Conditional Licenses imposed or stipulated to pursuant to LMC 05.2.150 shall remain in full force and effect unless expressly terminated in writing. The motor vehicle wrecker license fee shall be in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.

05.28.050 – Requirements for Conducting Business

In addition to the requirements of Title 5 of the Lakewood Municipal Code, every person issued a license under the provisions of this Chapter shall conduct such business in accordance with the following requirements:

- B. All wrecking, dismantling, disassembling or work substantially changing the form of any motor vehicle or trailer including the burning thereof and all storage of vehicles or parts of vehicles wrecked or to be wrecked shall be conducted behind an enclosure at least eight feet in height which obscures the nature of the business carried on therein where and to the extent reasonably permitted by the topography of the land.
- C. All fences and walls shall be constructed from standard building materials and painted or stained in a neutral shade to blend with the surrounding premises. Such fences and walls shall be maintained in good repair and in a neat, substantial and safe condition, and dead and dying portions of hedges shall be promptly replaced.
- D. Openings in such enclosures for access shall not be more than 20 feet wide and shall be equipped with a view-obscuring gate of the same height as the enclosure. Such enclosure shall have not more than one opening for access to each public way upon which such premise abuts; PROVIDED, additional access openings to such public way may be provided at intervals of not less than 300 feet.
- E. All gasoline or other highly flammable liquids must be stored in compliance with the Uniform Fire Code and appropriate regulations formulated by the person delegated to serve as the City's Fire Marshal in accordance with the protection of the safety and welfare of the community.
- F. All vehicles, chassis, parts and accessories acquired, stored, or displayed by any motor vehicle wrecker shall be confined within such enclosure at such motor vehicle wrecker's place of business. No such vehicles, chassis, parts or accessories acquired, stored, or displayed by any motor vehicle wrecker shall be placed or positioned in such a manner that the height or combined height of such vehicles, chassis, parts and accessories shall exceed the height of the enclosure at such vehicle wrecker's place of business. Violation of this provision shall constitute grounds for revocation of license.
- G. All motor vehicle wreckers shall comply with all applicable off-street parking requirements of the City resolutions.

05.28.060 – Health Department Regulations and Other Regulations

~~The Tacoma Pierce County Health Department and the City Manager or designee may promulgate and adopt reasonable rules and regulations governing the dumping of oil, burning of parts and refuse, and maintenance of wrecking yards in a safe and sanitary condition by motor vehicle wreckers. Such rules and regulations shall relate solely to fire protection, health and safety.~~

~~05.28.070 – Investigation by Law Enforcement Department/Agency~~

~~No license shall be issued pursuant to this Chapter until the law enforcement department/agency of the City has investigated and made his recommendations as to approval or disapproval of the applicant.~~

Section 39: Section 05.35.020 entitled “Business Registration” is amended as follows:

Unless otherwise specified, the general business registration provisions contained in Chapter 5.02 of the Lakewood City Code, including those procedures and processes governing the denial or revocation of any license issued under this chapter and any appeals therefrom, shall apply to this chapter, in addition to the provisions hereof of this chapter.

Section 40: Section 05.35.030 entitled “Penalties” is amended to read as follows:

~~D.A.~~ Criminal Penalty. Any person violating any of the terms of this article shall be guilty of a misdemeanor and upon conviction thereof, be punished by a jail sentence of up to 90 days, or a fine of up to \$1,000, or both such jail sentence and fine, except as indicated in section (C).

E.B. Civil Penalty. In addition to any other penalty provided in this section or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed \$250.00 per violation to be directly assessed by the City Manager or designee. All civil penalties will be enforced and collected with the procedure specified under this article.

C. Violation of LMC 05.35.050 and/or LMC 05.35.060. Any person who violates LMC 05.35.050 and/or 060 shall be guilty of a gross misdemeanor and, upon conviction thereof, be punished by a jail sentence of up to 364 days, or a fine of up to \$5,000, or both. It is the City of Lakewood’s intention that a conviction under this section shall be a predicate offense for subsequent prosecution in accord with RCW 18.130.190(7)(a) and (b).

Section 41: Section 05.35.110 LMC entitled “Standards for Denial of Application for License” is repealed in its entirety.

~~A. Massage business license. The City Manager or designee may deny any massage business request if he or she determines that the applicant has:~~

- ~~1. Made any material misstatement in the application for a license;~~
- ~~2. Proposed a place of business or operates a business which fails to comply with all applicable requirements of this Code including without limitation the zoning, building, health and fire codes and all other applicable local, state, or federal laws, rules or regulations;~~
- ~~3. Had any convictions which have a direct connection with the licensed activity including, but not limited to, theft, prostitution, promoting or permitting prostitution, sexual offenses, consumer fraud, massage practitioner or massage manager violation, or obscenity within five years prior to the date of such application; or~~
- ~~4. Had a massage business license denied, revoked or suspended by the city, or any other jurisdiction within five years prior to the date of such application.~~

~~B. *Massage manager license.* The City Manager or designee may deny any massage manager license applied for under the provisions of this chapter if the City Manager or designee determines that the applicant has:~~

- ~~1. Made any material misstatement in the application for a license; or~~
- ~~2. Had any convictions which have a direct connection with the licensed activity including, but not limited to theft, prostitution, sexual offense, consumer fraud, massage practitioner or manager violation, or obscenity, within five years prior to the date of application;~~
- ~~3. Had a massage practitioner or massage manager license denied, revoked or suspended by the city or any other jurisdiction within five years prior to the date of such application.~~
- ~~4. Had a Washington State massage practitioner's license suspended or revoked which had been issued pursuant to Chapter 18.108 RCW, as now existing or hereafter amended or had any professional license revoked which had been issued pursuant to Title 18 RCW, as now existing or hereafter amended, which license authorized performing massage treatments.~~

~~C. *Effect of license denial.* If any applicant has a license denied based upon a conviction classified as a felony, or any other non-felony convictions, pursuant to this section, a license shall not be granted within five years from the date of such denial. If any applicant has a license denied for any other reason, a license shall not be granted within three years from the date of such denial.~~

Section 42: Section 05.35.120 LMC entitled "Standards for Suspension or Revocation of License" is repealed in its entirety.

~~A. *Massage business license.* The City Manager or designee may revoke or suspend a massage business license if he or she determines that the licensee has:~~

- ~~1. Failed to comply with sections 5.35.240 and 5.35.250 or any of the other requirements of this chapter; or~~
- ~~2. Failed to comply with the applicable building, health, fire and/or zoning code provisions or with any other applicable federal, state or local laws, rules or regulations; or~~
- ~~3. With knowledge employed persons who, within a period of the preceding five years have been convicted of prostitution or consumer fraud stemming from activities conducted on the licensed premises, or who have been arrested for such offenses and which lead to such convictions.~~
- ~~4. Had any convictions which have a direct connection with the licensed activity, including but not limited to, consumer fraud, theft, controlled substances, prostitution, permitting or promoting prostitution, sexual offenses, or obscenity; or~~
- ~~5. Failed to comply with or done anything which constitutes a basis for denying a license application.~~

~~B. *Notice of violation.* If the City Manager or designee, the building official, or his or her agent determines during an inspection that the condition of any massage business needs correction, a written notice of violation shall be issued to the supervisor, manager, owner, or person in charge specifying such violations. Those same violations shall be remedied within 48 hours unless a later date is determined by the City Manager or designee. Failure to comply with any written notice of violation to make corrections may result in suspension or revocation of the massage business license.~~

~~C. *Massage practitioners.* The City Manager or designee may suspend or revoke the general business license issue to a massage practitioner if he or she determines that the licensee has:~~

- ~~1. Failed to comply with any of the operating requirements set out in sections 5.35.240 and 5.35.250 or any of the other requirements of this chapter; or~~
- ~~2. Had any convictions which have a direct connection with the licensed activity including, but not limited to, fraud, theft, prostitution, consumer fraud, obscenity, or sexual offenses; or~~
- ~~3. Failed to possess and hold a valid, current Washington State Massage Practitioner's License.~~

~~D. *Massage manager license.* The City Manager or designee may suspend or revoke any massage manager license if he or she determines that the licensee has:~~

~~1. Failed to comply with any of the operating requirements set out in sections 5.35.240 and 5.35.250 or failed to comply with any other requirements of this chapter; or~~

~~2. Had any convictions which have a direct connection with the licensed activity including, but not limited to, theft, prostitution, consumer fraud, obscenity, or sexual offenses; or~~

~~3. Failed to comply with or done anything which constitutes a basis for denying a license.~~

~~E. *Effect of license revocation.* If any applicant under this chapter has his or her license revoked, a license shall not be granted under this chapter for a period of at least five years from the date of such revocation.~~

~~F. *Duration of license suspension.* The City Manager or designee may suspend a license for no more than six months~~

Section 43: Section 05.35.140 LMC entitled “Notification of Suspension, Revocation, Denial or Civil Penalty” is repealed in its entirety.

~~When the city determines that there is cause for denying, suspending or revoking any license issued pursuant to this article or assessing a civil penalty, the City Manager or designee shall notify the person holding such license by personal service or registered or certified mail, return receipt requested, of the decision. The notice shall specify the grounds for the denial, suspension, revocation or penalty assessment. The civil penalty shall be due and the denial, suspension or revocation shall become effective ten days from the date the notice is delivered or deemed received unless the person affected thereby files a written request with the City Manager or designee for a hearing before the hearing examiner within such ten day period.~~

Section 44: Section 05.35.150 LMC entitled “Authority of Hearing Examiner” is repealed in its entirety.

~~The city hearing examiner is designated to hear appeals by parties aggrieved by actions of the City Manager or designee in suspending, revoking or denying a license or assessing a civil penalty pursuant to this chapter.~~

Section 45: Section 05.35.160 LMC entitled “Notice of Appeal” is repealed in its entirety.

~~Any person falling under the provisions of this chapter may appeal from any notice of suspension, denial or revocation or civil penalty assessment to the City’s Hearing Examiner in accordance with chapter 1.36 LMC.~~

Section 46: Section 05.35.170 LMC entitled “Date, Time, Place for Hearing” is repealed in its entirety.

~~As soon as practicable after receiving the written appeal, the hearing examiner shall fix a date, time, and place for the hearing of the appeal. Such date shall be not less than ten days nor more than 60 days from the date the appeal was filed with the City Manager or designee. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the hearing examiner's office either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.~~

Section 47: Section 5.35.180 LMC entitled "Rights of Appellant" is repealed in its entirety.

~~At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the City Manager or designee.~~

Section 48: Section 05.35.190 LMC entitled "Scope of Matters Considered in Appeal" is repealed in its entirety.

~~Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the hearing of the appeal.~~

Section 49: Section 05.35.200 LMC entitled "Waiver of Right to Appeal" is repealed in its entirety.

~~Failure of any person to file an appeal in accordance with the provisions of this division shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order, or any portion thereof.~~

Section 50: Section 05.35.210 LMC entitled "Stay of Enforcement" is repealed in its entirety.

~~Enforcement of any notice and order of the City Manager or designee shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. The stay shall be lifted upon issuance of the final decision of the city council.~~

Section 51: Section 05.35.230 LMC entitled "Appeal From Hearing Examiner" is repealed in its entirety.

~~An appeal from a decision of the hearing examiner shall be to the City of Lakewood City Council and shall be served and filed with the City Manager or designee within 15 days of the decision of the hearing examiner. In the event the applicant or license holder does not follow the procedures within the time periods set forth in this division, the action of the hearing examiner shall be final.~~

Section 52: Chapter 05.37 LMC entitled “Bathhouses” is repealed in its entirety.

05.37.010 – Definitions

For the purposes of this chapter, the following terms, words and phrases shall have the following meanings:

C. — *Bathhouse attendant* means any person who administers or performs services to patrons of a public bathhouse or who supervises the work of such persons. The term does not include a person who performs only custodial or janitorial work.

D. — *City* means the City of Lakewood, Washington.

E. — *City Manager* means the City Manager of the City of Lakewood, Washington.

F. — *Conviction* means an adjudication or conviction of guilt and occurs at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceeding including, but not limited to, sentencing or disposition, post trial or post fact finding motions, and appeals. Conviction also means a bail forfeiture and includes all instances in which a plea of nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended.

G. — *Genitals* means genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of female.

H. — *Manager* means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving public bathhouses occurring at any place offering public baths.

I. — *Public bathhouse* means any place where baths or facilities for baths of any kind whatever are given or furnished, including without limitation Finnish baths; Russian baths; sauna baths; Swedish baths; Turkish baths; hot tubs; baths by hot air, steam, vapor, water or electric cabinet or a combination of any of the foregoing; provided, that such term shall not include ordinary tub or shower baths, or any of the above named baths where an attendant is not required.

05.37.020 – Business Registration

Unless otherwise specified, the general business registration provisions contained in Chapter 5.02 of the Lakewood City Code shall apply to this chapter, in addition to the provisions hereof.

05.37.030 – Penalties

1. ~~— *Criminal penalty.* Any person violating any of the terms of this article shall be guilty of a misdemeanor and upon conviction thereof, be punished by a jail sentence of up to 90 days, or a fine of up to \$1,000, or both such jail sentence and fine.~~

2. ~~— *Civil penalty.* In addition to any other penalty provided in this section or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed \$250.00 per violation to be directly assessed by the City Manager or designee. All civil penalties assessed will be enforced and collected with the procedure specified under this article.~~

~~**05.37.040 – Additional Enforcement**~~

~~Notwithstanding the existence or use of any other remedy, the city may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any provisions of this article.~~

~~**05.37.050 – License for Business Required**~~

~~It is unlawful to conduct, operate or maintain a public bathhouse unless such establishment or premises is licensed as hereinafter provided.~~

~~**05.37.060 – License for Bathhouse Managers**~~

~~It is unlawful for any person to manage a public bathhouse without first applying and receiving a bathhouse manager license.~~

~~**05.37.065 – License for Bathhouse Attendants**~~

~~It is unlawful for any person to be a bathhouse attendant without first applying and receiving from the city a bathhouse attendant license.~~

~~**05.37.070 – License; Expiration; Due Date**~~

~~D. *Expiration.* Each license issued or renewed under the provisions of this chapter shall expire one year from the date of issuance by the City, unless renewed. Upon renewal, each license shall be valid for an additional year from the date of expiration, unless suspended, revoked, or closed. Any additional Rules and Regulations and Conditional Licenses imposed or stipulated to pursuant to LMC 05.2.150 shall remain in full force and effect unless expressly terminated in writing.~~

~~E. *Due date.* All license fees required by section 5.37.080 of this chapter, and pursuant to the City of Lakewood Fee Resolution, are payable to the city at least four weeks prior to the opening of a public bathhouse.~~

~~F. *Failure to renew.* Failure to renew shall invalidate the license and all privileges granted to the licensee.~~

05.37.080 – License Fees

E. — Amount of fee. Applicants granted a license under this chapter shall be subject to all applicable fees listed in accordance with LMC 3.20.010, the fee schedule, and at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.

05.37.090 – License Applications

A. — *Public bathhouse business.* All applications for a public bathhouse business license or license renewal shall be submitted in the name of the person or entity proposing to conduct such public bathhouse on the business premises, shall be signed by such person or his or her legally authorized agent, and notarized or certified as true under penalty or perjury. All applications shall be submitted on a form supplied by the City Manager or designee, which shall require the following information:

A. — The name, residence address, residence telephone number, date and place of birth, driver's license number, and social security number of the applicant if the applicant is an individual or tax identification number if the applicant is a corporation or other entity;

B. — The business name, address and telephone number of the establishment;

C. — The names, addresses, telephone numbers and social security numbers of any partners, corporate officers, or shareholders who own ten percent or more of the business, or other persons who have a substantial interest or management responsibilities in connection with the business, specifying the interest or management responsibility of each. For the purpose of this subsection "substantial interest" shall mean ownership of ten percent or more of the business, or any other kind of contribution to the business of the same or greater size;

D. — The name of the landlord or property owner of the property on which the business is situated.

1. — *Bathhouse manager attendant.* All applications for a manager or attendant's license or license renewal shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the City Manager or designee, which shall require, at a minimum, the following information:

B. — The applicant's name, residence address, residence telephone number, date and place of birth, driver's license number and social security number.

C. — A letter, dated no more than 30 days prior to the submission of the application, from the owner of the business indicating intent to employ the applicant on a specified date;

~~D.——Written proof that the applicant is 18 years of age or older. Written proof shall mean the following:~~

~~1.——A current motor vehicle operator's license by any state bearing the applicant's photograph and date of birth; or~~

~~2.——A valid identification card issued by the State of Washington which bears the applicant's photograph and date of birth; or~~

~~3.——A current passport.~~

~~C.——The mailing address and street address of all places within the City of Lakewood at which the bathhouse manager or attendant will provide services. The bathhouse manager or attendant shall notify the City Manager or designee, in writing, of any changes in, or additions to, the locations of such services within 14 days of any such change or addition.~~

~~D.——*Background checks.* All applications submitted pursuant to this chapter will be submitted to a background check in accordance with the procedures of the City or its law enforcement agency.~~

~~**05.37.100—Standards for Denial of Application for License**~~

~~E.——*Public bathhouse license.* The City Manager or designee may deny any public bathhouse license request if he or she determines that the proposed business does not fully comply with applicable federal, state and/or local laws, ordinances or regulations, including but not limited to building, fire and health codes, and zoning and land use codes. The City Manager or designee may further deny any public bathhouse license request if he or she determines that the applicant has:~~

~~F.——Made any material misstatement in the application for a license;~~

~~G.——Proposed a place of business or operates a business which fails to comply with all applicable requirements of this Code including without limitation the zoning, building, health and fire codes and all other applicable local, state, or federal laws, rules or regulations;~~

~~H.——Had any convictions which have a direct connection with the licensed activity including, but not limited to, theft, prostitution, promoting or permitting prostitution, sexual offenses, consumer fraud, massage practitioner, massage manager and/or public bathhouse manager/attendant violation, or obscenity, within five years prior to the date of application; or~~

~~I.——Had a bathhouse license denied, revoked or suspended by the city, or any other jurisdiction within five years prior to the date of such application.~~

~~A.— *Bathhouse manager/attendant license.* The City Manager or designee may deny any bathhouse attendant license applied for under the provisions of this chapter if the City Manager or designee determines that the applicant has:~~

~~1.— Made any material misstatement in the application for a license; or~~

~~2.— Not complied with the operating requirements set out in sections 5.37.230 and 5.37.240 or any other requirements of this chapter.~~

~~3.— Had any convictions which have a direct connection with the licensed activity including, but not limited to, theft, prostitution, sexual offenses, consumer fraud, massage practitioner, massage manager and/or bathhouse manager/attendant violation, or obscenity, within five years prior to the date of application; or~~

~~4.— Had a bathhouse manager or attendant license denied, revoked or suspended by the city or any other jurisdiction within five years prior to the date of such application.~~

~~A.— *Effect of license denial.* If any applicant has a license denied based upon a conviction classified as a felony, or any other non felony convictions, pursuant to this section, a license shall not be granted within five years from the date of such denial. If any applicant has a license denied for any other reason, a license shall not be granted within three years from the date of such denial.~~

~~05.37.110 – Standards for Suspension or Revocation of License~~

~~A.— *Public bathhouse licenses.* The City Manager or designee may revoke or suspend a public bathhouse license if he or she determines that the licensee has:~~

~~A.— Failed to comply with sections 5.37.230 and 5.37.240 or any of the other requirements of this chapter; or~~

~~B.— Failed to comply with the applicable building, health, fire and/or zoning code provisions or with any other applicable federal, state or local laws, rules or regulations; or~~

~~C.— With knowledge, employed persons who, within a period of the preceding five years, have been convicted of prostitution or consumer fraud stemming from activities conducted on the licensed premises, or who have been arrested for such offenses and which lead to such convictions; or~~

~~D.— Had any convictions which have a direct connection with the licensed activity, including but not limited to, consumer fraud, theft, controlled substances, prostitution, permitting or promoting prostitution, sexual offenses, or obscenity; or~~

~~E.— Failed to comply with or done anything which constitutes a basis for denying a license application.~~

~~A.— *Notice of violation.* If the City Manager or designee, the building official or his or her agent determines during an inspection that the condition of any public bathhouse business needs correction, a written notice of violation shall be issued to the supervisor, manager, owner, or person in charge specifying such violations. Those same violations shall be remedied within 48 hours unless a later date is determined by the City Manager or designee. Failure to comply with any written notice of violation to make corrections may result in suspension or revocation of the public bathhouse license.~~

~~A.— *Bathroom manager/attendant license.* The City Manager or designee may suspend or revoke any bathroom manager or attendant license if he or she determines that the licensee has:~~

~~A.— Failed to comply with any of the operating requirements set forth in sections 5.37.230 and 5.37.240 or failed to comply with any of the other requirements of this chapter; or~~

~~B.— Had any convictions which have a direct connection with the licensed activity including, but not limited to, theft, prostitution, consumer fraud, obscenity, or sexual offenses; or~~

~~C.— Failed to comply with or done anything which constitutes a basis for denying a license.~~

~~A.— *Effect of license revocation.* If any applicant under this chapter has his or her license revoked, a license shall not be granted under this chapter for a period of at least five years from the date of such revocation.~~

~~A.— *Duration of license suspension.* The City Manager or designee may suspend a license for no more than six months.~~

05.37.120 – Transfer of Licenses and Change of Location

~~No public bathroom business, manager or attendant license issued under this chapter shall be transferable from one person or entity to another person or entity. Upon the sale or transfer of an interest greater than 50 percent in a public bathroom business, a license shall become null and void. A new application shall be made by any person desiring to operate or maintain the establishment and shall include a release of interest statement from the previous licensee and a signed lease or rental agreement for the establishment.~~

05.37.130 – Notification of Suspension, Revocation, Denial or Civil Penalty

~~When the city determines that there is cause for denying, suspending or revoking any license issued pursuant to this article or assessing a civil penalty, the City Manager or designee shall notify the person holding such license by personal service or registered or certified mail, return receipt requested, of the decision. The notice shall specify the~~

~~grounds for the denial, suspension, revocation or penalty assessment. The civil penalty shall be due and the denial, suspension or revocation shall become effective ten days from the date the notice is delivered or deemed received unless the person affected thereby files a written request with the City Manager or designee for a hearing before the hearing examiner within such ten-day period.~~

~~05.37.140 – Authority of Hearing Examiner~~

~~The city hearing examiner is designated to hear appeals by parties aggrieved by actions of the City Manager or designee in suspending, revoking or denying a license or assessing a civil penalty pursuant to this chapter.~~

~~05.37.150 – Notice of Appeal~~

~~Any person falling under the provisions of this chapter may appeal from any notice of suspension, denial or revocation or civil penalty assessment to the City's Hearing Examiner in accordance with chapter 1.36 LMC.~~

~~05.37.160 – Date, Time, Place for Hearing~~

~~As soon as practicable after receiving the written appeal, the hearing examiner shall fix a date, time, and place for the hearing of the appeal. Such date shall be not less than ten days nor more than 60 days from the date the appeal was filed with the City Manager or designee. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the hearing examiner's office either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.~~

~~05.37.170 – Rights of Appellant~~

~~At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the City Manager or designee.~~

~~05.37.180 – Scope of Matters Considered in Appeal~~

~~Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the hearing of the appeal.~~

~~05.37.190 – Waiver of Right to Appeal~~

~~Failure of any person to file an appeal in accordance with the provisions of this division shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order, or any portion thereof.~~

05.37.200 – Stay of Enforcement

~~Enforcement of any notice and order of the City Manager or designee shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. The stay shall be lifted upon issuance of the final decision of the city council.~~

05.37.230 – Standards of Safety and Sanitation

~~Every bathhouse attendant, bathhouse manager, bathhouse owner and any employee or agent of such an establishment shall comply at a minimum with the following health and sanitary requirements:~~

~~A. — If massage services are performed on the premises, the premises shall have equipment for disinfecting and cleaning non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be cleaned after each use.~~

~~B. — Hot and cold running water shall be provided at all times.~~

~~C. — Each patron shall be furnished with an individual clean towel. Towels shall not be reused until they have been washed and sanitized. There shall be adequate storage facilities for towel and mat storage.~~

~~D. — All bathtubs, shower stalls, sauna baths, steam or bath areas shall have surfaces which may be readily cleaned. They shall be covered with single-service towels when in use.~~

~~E. — Shower and/or bathtub, dressing, locker and toilet facilities shall be provided upon request for all patrons served at any given time. Upon the request of a patron, the licensee shall provide the patron with facilities to lock or secure personal property. Male and female patrons shall not simultaneously use common shower and/or bathtub, dressing, toilet and massage room facilities.~~

~~F. — All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.~~

~~G. — No person shall consume food or alcoholic beverages in bath areas.~~

~~H. — Animals, except for seeing-eye dogs, shall not be permitted in bathhouse establishments.~~

~~I. — A person suffering from infectious or contagious disease(s) shall not be treated by any public bathhouse.~~

J. — All bathhouse businesses shall continuously comply with all applicable building, fire and health ordinances and regulations.

K. — All plumbing shall be installed according to the city's plumbing code and shall be free of potential cross-connections. All toilet facilities shall be available as required in the city's plumbing code, applicable to places of assembly.

L. — If any facility contains any swirling water pools where more than one person is immersed, such pools shall be maintained under the same restorations as any public or semipublic pool. Bacterial quality shall not be more than 15 percent of any series of samples, nor more than two consecutive samples of any series of samples collected at times when the pool is in use shall allow the presence of coliform bacteria in any of the five ten milliliter portions examined. Chlorine residual of 0.4 parts per million in all parts of the pool, while in use will assure acceptable bacteriological standards. Chlorine and PH test limits shall be used routinely to check the chemical makeup of pool water and results are to be recorded on a daily log sheet and kept current at all times.

M. — All exercise equipment and appliances shall be routinely checked for possible structural weaknesses and shall be maintained in a safe and sanitary manner at all times.

N. — All pools must be provided with recirculation and filtering equipment, which equipment shall include a rate of flow indicator and a loss of head gauge for the backwash filter.

O. — A safety bar or handrail shall be installed in the pool easily accessible to users in every area of the pool. The rooms housing the swirl pool and sauna shall have adequately sized windows for observing users of the facilities.

P. — Any sauna bath or similar facility shall duly post a maximum exposure timetable as suggested by the manufacturer thereof.

Q. — Any facilities using ultraviolet exposure rooms in their establishment shall post maximum exposure time.

05.37.240 – Standards of Conduct/Operation

A. — *Owner/manager requirements.* The following standards of conduct and operation shall be adhered to by the owner, proprietor, manager, attendant, or person in charge of any public bathhouse:

A. — Any person who is employed to be a bath attendant must be at least 18 years of age.

B. — Public bathhouses must have a manager on the premises at all times during the hours open for business, and/or during the presence of patrons.

~~C.——Any person who is employed by a public bathhouse must be present documentation that he or she has attained the age of 18 years when an inspection pursuant to this chapter is conducted. Proper documentation shall be described in section 5.37.090.~~

~~D.——Provide that all doors in such premises, excluding doors in the office and storage rooms, unless such doors provide access to service areas, are so equipped that they may not be fastened shut so as to prevent reasonable access by such authorities who announce their authority to enter prior to inspection.~~

~~A.——*All licenses.* The following standards of conduct and operation shall be adhered to by all licensees:~~

~~A.——All licensees shall comply with all applicable federal, state and local laws, including all safety and sanitation requirements and the city's building, fire and zoning codes;~~

~~B.——All licensees shall allow any police officer, the City Manager or his or her designee, or a representative from the Tacoma Pierce County Health Department or the Lakewood Fire District entry to the premises during the hours the public bathhouse is open for business, upon presentation of proper identification, for purposes of inspecting the premises;~~

~~C.——Maintain business receipts showing the date of service(s) given, the type of service(s) rendered and the name and city license number of the employee rendering the service(s). These business receipts shall be retained for a period of three (3) years after the date of the service(s), and shall be open to inspection by the City Manager or designee and the law enforcement officers of the City of Lakewood;~~

~~D.——Post in a prominent place a list of all services offered with a brief description of what the service entails along with the costs of such service(s). All business transactions with the customers must be conducted in accordance with said posted list; and~~

~~E.——Not distribute or consume any alcoholic beverages and/or controlled substances on licensed premises.~~

~~1.——*Minors.* It shall be unlawful for the owner, manager, bathhouse attendant or any employee or agent to admit anyone under the age of 18 years of age and permit them to remain in or about such premises, unless such person is accompanied by or presents the written consent of his or her parent or legal guardian.~~

~~B.——*Prostitution.* It shall be unlawful for any owner, manager, bathhouse attendant or any employee or agent to knowingly harbor, admit, receive or permit to be or remain in or about such premises any prostitute or any person under the influence of any narcotic or dangerous drug or to perform or allow to be performed any act, massage or manipulation~~

~~in which contact is made with another's genital areas either by hand, body or by any mechanical device or object, whether it is covered or uncovered; clothed or unclothed, in whole or in part.~~

~~1.——*Clothing required.* It shall be unlawful for any owner, manager, bathhouse attendant or any employee or agent to disrobe or be partially disrobed in the presence of another, other than his or her spouse, while in any facility defined in this chapter.~~

~~A.——*Supervision/Inspection.* The owner or manager shall have the premises supervised at all times when open for business. Rooms and stalls used for the purpose of massage or where an attendant is provided or present shall be constructed in such a manner as to permit inspection.~~

~~05.37.250 – Internal Warning Systems Prohibited~~

~~Any business required to be licensed under this chapter shall not install any device that is designed as an internal warning system.~~

Section 53: Chapter 05.40 LMC entitled “Outdoor Public Music Festivals” is repealed in its entirety.

~~05.40.010 – Permit Required – When~~

~~A.—— It is unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit, cause to be advertised or participate in an outdoor music festival, unless a valid City permit has been obtained from the City Manager or designee for the operation of said outdoor music festival. One such permit is required for each outdoor music festival. Criminal and/or civil liabilities for failure to comply with the provisions of this Chapter shall rest with all persons, corporations, organizations, landowners or lessors who fail to comply with the rules, regulations, or conditions contained herein.~~

~~B.—— Definitions. As used in this Chapter, unless a different meaning is required by the context:~~

~~1.—— "Outdoor music festival" means any outdoor entertainment, amusement and/or assembly, which attracts, or it is reasonably anticipated will attract, one thousand or more persons, in which the presentation of outdoor, live or recorded musical entertainment is or is anticipated to be a major activity; provided, that this definition shall not be applied to any regularly established permanent place of worship, stadium, athletic field, area, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held; provided, further, that this definition shall not apply to government sponsored fairs held on regularly established fairgrounds.~~

2. ——— "Participate" means to knowingly provide or deliver to an outdoor music festival that is operating or proposes to operate without a valid City permit, advertisement, site preparation, supplies, materials, food, beverages, sound equipment, musical instruments, generators, or musical entertainment, and/or to knowingly attend the outdoor music festival; provided that, this definition shall not apply to commissioned peace officers and other law enforcement personnel, public health officers, fire control officers, and officers and members of governmental or quasi-governmental bodies concerned with public health, safety and law enforcement.

05.40.020 – Permit Required – Fee – Regulations

A. ——— No outdoor music festival may be held in the City unless the person, persons, corporation or organization sponsoring said outdoor music festival shall first obtain a permit as provided in this Chapter, and shall comply with all regulations herein provided and that the fee for such permit to meet the cost of administering the same shall be in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.

B. ——— City departments or officials requested by an applicant to give approval as required by this Chapter may, within fifteen (15) days after the applicant has filed his application, apply to the City Manager or designee for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred, the City Manager or designee shall reimburse the local governmental agency or official from the funds of the permit fee. The City Manager or designee shall return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

05.40.030 – Submission of Plans for Approval – Approving Agencies

1. ——— Whenever approval by a City governmental department or agency other than the City Manager or designee is required hereunder, application for such approval shall be made ten or more days prior to making final application for the outdoor music festival permit. When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence fifteen (15) or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments at their convenience. Should the actual facility or construction fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn and any and all permits granted subject to such approval shall be withdrawn. This Chapter shall not alter the requirements of the City Code for licensing or prohibition of other activities which might occur during such a festival.

2. ——— Subsequent to the filing of an application, the City Manager or designee shall, without unreasonable delay, grant or deny the application, and notice of approval or

denial shall be served personally or by certified mail on the applicant. A notice of denial shall state the rules, regulations, conditions and/or laws upon which denial is based, and the specific nature of the noncompliance by the applicant therewith. Within five (5) days, or such other specific number of days as the City Manager or designee may designate, after service of notice, the applicant shall remedy such noncompliance and file with the City Manager or designee proof thereof determined to be satisfactory by the City Manager or designee, and upon failure of the applicant so to do, such denial shall be final and conclusive.

3. Subsequent to the filing of proof of corrections by an applicant, the City Manager or designee shall, without unreasonable delay, grant or deny the application, and notice of approval or denial shall be served personally or by certified mail on the applicant. A notice of denial shall state the rules, regulations, conditions and/or laws upon which denial is based, and the specific nature of the noncompliance by the applicant therewith. Such a denial shall be final and conclusive. No permit shall be issued thereafter to the applicant unless a new application is made, and the applicant otherwise complies with the rules, regulations and conditions of this Chapter.

05.40.040 – Bond, Bond Indemnity and Insurance

B. No permit shall be issued hereunder until the applicant has on deposit with the Finance Department of the City, the sum of \$5,000.00 cash or bond for every 1,000 persons who, it is reasonably anticipated, will attend the outdoor music festival as determined by the City Manager or designee. Said amount of cash or bond shall serve as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the City from any and all damage that may be caused by vehicles, employees or participants in such event and to be used, if necessary, to restore the grounds where such outdoor music festival is held to a sanitary condition and pay all charges and losses to the City for damages to the streets, pavements, bridges, other property; provided, further, that should the licensed event necessitate any City personnel for traffic control, police control, security and sanitary control as determined by the City Manager or designee, then such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance shall be refunded to the licensee when the City Manager or designee certifies to the Director of Finance that no damage has been done or that the City did not incur additional expenses due to said licensed event or that the cost of the above stated contingencies has been paid by the licensee.

C. The applicant at least ten days prior to said event shall furnish evidence of a liability insurance policy providing for a minimum of one hundred thousand dollar bodily injury coverage per person; three hundred thousand dollar bodily injury coverage per occurrence; one hundred thousand dollar property damage coverage; and naming the City of Lakewood as an additional insured; provided, that said insured amounts shall double if it is anticipated that 5,000 to 9,999 persons will attend said event, and shall increase by

~~the same increment for every 5,000 additional persons anticipated to attend such event. The City Manager or designee, in consideration with affected departments, shall provide an estimate of anticipated attendees for establishing said insurance amounts.~~

~~05.40.050 – Posting~~

~~Sections 5.40.060–5.40.240 shall be in full force and effect and shall at all times be kept posted in a conspicuous place where outdoor music festivals are being conducted.~~

~~05.40.060 – Applicant to be Eighteen~~

~~No permit shall be issued to any person under eighteen years of age.~~

~~05.40.070 – Revocation of Permit – Statement of Right~~

~~Every permit issued under the provisions of this Chapter shall state in substance that such permit is issued as a police, sanitary and fire requisition measure, and that the right of the City Manager or designee to revoke such permit is a consideration of its issuance.~~

~~05.40.080 – Grounds for Revocation~~

~~Any permit granted herein to conduct an outdoor music festival shall be summarily revoked by the City Manager or designee when it finds that by reason of disaster, public calamity or other emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation. Any permit granted herein to conduct an outdoor music festival may otherwise be revoked by the City Manager or designee for any violation of this Chapter or the laws of the State of Washington after a hearing held upon not less than three days notice served upon the applicant personally or by certified mail. The action of the City Manager or designee in revoking any permit herein shall be final and conclusive.~~

~~05.40.090 – Revocation Not Exclusive Penalty~~

~~The revocation of any permit granted under the provisions of this Chapter shall not preclude the imposition of further penalties as provided for in this Chapter and the State law, but shall be considered merely as a part of the said penalties imposed for violation of the rules and regulations provided for herein and in the State law of Washington.~~

~~05.40.100 – Closing Hours~~

~~All outdoor music festivals shall not be open to the public before the hour of 10 a.m. and shall not remain open to the public after 12 midnight of the same day.~~

~~05.40.110 – Fire Prevention and Emergency Standards~~

~~No permit shall be granted herein unless the application is accompanied by the written approval of the person designated to serve as the Fire Marshal for the City, indicating that~~

the applicant has complied with the applicable fire prevention requirements of the City Code; further written approval of the designated Fire Marshal is required indicating that reasonable access will be available at all times during the operation of the outdoor music festival for transporting fire and emergency equipment to the outdoor music festival site, and to other persons and properties in the vicinity of the proposed outdoor music festival.

05.40.120 – Sanitary Facilities

No permit for an outdoor music festival shall be granted unless the application is accompanied by the written approval of the Tacoma Pierce County Health Department indicating that the applicants for said permit have complied with the health requirements of said department for like or similar facilities. Said approval shall indicate the type of water supply to be provided, the type of toilet and washing facilities to be provided, provisions made for refuse storage and disposal and if there is to be food served on the premises, the type of food preparation and food service facilities to be provided.

05.40.130 – Intoxicating Liquor Prohibited

No firm, person, society, association or corporation conducting an outdoor music festival, nor any person having charge or control thereof at any time when an outdoor music festival is being conducted shall permit any person to bring into said outdoor music festival, or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon intoxicating liquor.

05.40.140 – Duty of Preserving Order Placed on Operator

It is the intention to put the burden of preserving order upon the operator of the outdoor music festival, and if any outdoor music festival in the City is not being operated in accordance with the rules and regulations prescribed in this Chapter and set forth in the State law, the permittee shall be subject to revocation of his permit, and the permittee or other individual responsible subject to such other punishment as the law and this Chapter provide.

05.40.150 – Public Safety

No permit shall be granted hereunder unless the application is accompanied by the written approval of the law enforcement department/agency of the City indicating that the following conditions have been complied with by the applicant. That adequate traffic control and crowd protection policing have been contracted for by the applicant. Traffic control and crowd control personnel shall be commissioned peace officers, licensed merchant patrolmen or named persons meeting the requirements of the law enforcement department/agency of the City for becoming merchant patrolmen. One such person shall be provided for each two hundred persons reasonably expected to be in attendance at any

time during the event for the purpose of crowd control, and one such person shall be provided for the purpose of traffic control for every four hundred persons reasonably expected to be in attendance; provided, that no less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs; provided further, that any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he is a member for the time he is so employed or for any injuries received during the course of such employment. It shall be the duty of policing personnel other than commissioned police officers or deputy sheriffs to report any violations of the law to the law enforcement department/agency of the City or his deputies.

05.40.160 – Parking Facilities

Application for a permit under this Chapter shall be accompanied by a scale drawing showing adequate parking facilities having been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected to attend said event. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area. No permit shall be granted unless the application is accompanied by written approval of the City Manager or designee indicating compliance with these requirements. Provided, that should buses be used to transport the public to said event, it shall be shown that public parking or parking as described above is available at any site from which buses are scheduled to pick up persons to transport them to said event.

05.40.170 – Construction of Building

If said outdoor music festival is held within a permanent building or structure, such must be of fireproof construction when over one story in height. All buildings to which the public is admitted must have a sufficient number of exits to permit a safe evacuation of all persons therein. All exit doors in buildings of a permanent nature must be equipped with crash hardware. All canvas used in any tent or as a part of any structure must be so treated as to be fire resistant at the time the same is in use. All highly inflammable or explosive liquids or materials are to be kept in a well-ventilated location and adequate fire fighting equipment must be maintained in the immediate area.

05.40.180 – Distance from Habitation

No outdoor music festival shall be operated in a location which is closer than five hundred yards from any schoolhouse, church, house, residence or other place of permanent human habitation.

05.40.190 – Posting Permit – Nontransferable

Any permit issued as provided in this Chapter shall be kept posted in a conspicuous place and no such permit shall be transferable or assignable without the consent of the City Manager or designee.

05.40.200 – Permit – Application

Application for outdoor music festival permits herein shall be in writing to the City Manager or designee. The application shall be filed not less than thirty days prior to the first day upon which such outdoor music festival is to be held and shall be accompanied by a deposit of the fee herein required. The application shall include:

1. — The name of the person, persons, partnership, corporation, association, society, fraternal or social organization on whose behalf the application is made (herein referred to as the "applicant"), and a statement by the applicant that the person filing the application on behalf of the named applicant is authorized so to file;
2. — The type of business organization of the applicant;
3. — The names and addresses of all persons having a ten percent or more proprietary interest in the organization, and the names, addresses and telephone numbers of any and all officers of the organization;
4. — A current financial statement of the applicant;
5. — The principal place of business of the organization;
6. — A schedule of any programs or performances inclusive of a description of the nature and character thereof;
7. — A legal description of the land to be occupied, the address of the owner thereof, and a verified consent by said owner to the issuance of a permit herein if said owner be different than the applicant;
8. — The date of the day such outdoor music festival is proposed to be held;
9. — A statement that the applicant will abide by the provisions of this Chapter and the laws of the State of Washington for the protection of the public peace, health, safety and welfare;
10. — The signature of the person so authorized to sign on behalf of the named applicant; and
11. — If the applicant is a corporation, then a copy of the corporate resolution authorizing the filing by the applicant;
12. — The verification by such signer of the truth of the matters contained in such application under the pains and penalties of perjury.

05.40.210 – Investigation of Applicant and Compliance With Rules and Regulations

A. — No application for an outdoor music festival permit shall be issued until the law enforcement department/agency of the City shall have fingerprinted, investigated and reported to the City Manager or designee as to the character and reputation of the applicant or applicants, and his or their fitness to conduct such business; and whether the location or place to be used as a site for an outdoor music festival conforms to all rules and regulations of this Chapter and the State law, particularly in regard to fire, health, ventilation, lighting, sanitary conditions, and toilet conveniences.

B. — Every application shall be accompanied by the fingerprints and a three inch by five inch photograph of each and every person having any proprietary interest of ten percent or more in said licensed activity. The City Manager or designee shall be empowered to obtain adequate photographs of all persons having any such proprietary interest.

05.40.220 – Enforcement – Inspection

The law enforcement department/agency of the City or any peace officer is hereby authorized and directed to see that all provisions of the State law and these rules and regulations are enforced, and that all grounds and any building, room or other structure wherein any permittee hereunder conducts his business shall at all times be open to inspection by the law enforcement department/agency of the City, or any peace officer. Furthermore, no application shall be granted hereunder unless the applicant shall in writing upon the application for such permit, consent to allow the law enforcement and public health and fire control officers of the City or any other municipal jurisdiction operating within the corporate limits of the City to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions under which the permit is granted.

05.40.230 – Penalties

Any person who violates or fails to comply with any provision of this Chapter or who counsels, aids or abets such a violation or failure to comply is guilty of a misdemeanor and shall upon conviction thereof, be fined in the sum of not less than one hundred dollars nor more than one thousand dollars or imprisoned in Jail for not more than ninety days or both. Such violation if committed by the permittee or those persons working in his behalf shall work an automatic forfeiture of at least five hundred dollars of the bond provided for in Section 5.40.040.

05.40.240 – Compliance

Compliance with the terms and conditions of this Chapter constitutes minimum health, sanitation and safety provisions, and failure to comply with the terms and conditions constitutes a public nuisance and is subject to all criminal, civil and equitable remedies as such.

05.40.250—Appeal

The applicant may appeal any final and conclusive decision of the City Manager or designee to the Superior Court of Pierce County for review.

Section 54: Chapter 05.44 LMC entitled “Bondsmen” is repealed in its entirety.

05.44.010—Definition

The term "engaging in the business of bondsman" shall be construed to mean any person, firm or corporation who shall solicit, procure or furnish, or as surety shall execute appearance or appeal property bonds for persons charged with the violation of any law, ordinance or court order in any District, Municipal or Superior Court of the State of Washington, or who shall post bail for any such person, and for which service a compensation is charged irrespective to whom such compensation is paid.

05.44.020—License Required—Investigation by Law Enforcement Department/Agency

It shall be unlawful to engage in the business of bondsman in the City as a bondsman for any District, Municipal or Superior Court without having first obtained a license pursuant to the provisions of this Chapter.

A.—Each license required herein shall expire one year from the date of issuance by the City, unless renewed. Upon renewal, each license shall be valid for an additional year from the date of expiration, unless suspended, revoked, or closed. Any additional Rules and Regulations and Conditional Licenses imposed or stipulated to pursuant to LMC 05.2.150 shall remain in full force and effect unless expressly terminated in writing.

B.—No license shall be issued until the law enforcement department/agency of the City has conducted an investigation and made a recommendation as to approval or disapproval of the application.

05.44.030—Exclusions From License Requirements

Any person executing an appearance or appeal bond or a person in his immediate family, or in his employment, or for a friend as a personal favor, or by an attorney for a client, without receiving any consideration therefor, shall not be required to be licensed as a bondsman.

05.44.040—Requirements for Issuance of License

In addition to the general requirement of this Chapter, every application for a license provided for in this Section shall contain the following:

A.——A full and complete schedule or inventory describing all real and personal assets or property owned by the applicant, such schedule to clearly indicate the appraised market valuation of each piece of property, the amount and nature of any liens on such property, and receipts showing payment of all taxes due;

B.——A true and correct list of all outstanding bonds, in the courts of this state and their current status, upon which the applicant may be surety, including name of defendant, amount, number and date, together with a list of all judgments, if any, rendered against the applicant in any court prior to the date application is made;

C.——If the application for bondsman is made on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid in capital, the names and addresses of all officers and directors, and the names and addresses of the controlling stockholders (those owning 20% or more of the capital stock), and evidence that all corporation license fees due the State of Washington have been paid.

05.44.050 – Persons Not Qualified for Issuance of License

In addition to the general qualifications of applicants for licenses set forth in this Chapter, no license to engage in the business of bondsman shall be issued to:

A.——A person, firm or corporation who has been the holder of a license as bondsman which has been revoked within a period of two years prior to the date of application;

B.——An employee of any city, county, state or federal governmental agency;

C.——An attorney at law, law enforcement officer, clerk of any court of record, or other officer of such court;

D.——A nonresident of the State of Washington.

05.44.060 – Bond Records and Filing Requirements

It shall be unlawful for any bondsman as herein defined to employ or hire or use any person including any law enforcement personnel to act or serve as a solicitor or runner for the procurement of clients or customers; provided, however, said bondsman may employ persons to assist him in the operation of his business including the posting or executing of the bonds in the name of the bondsman upon the condition that such person shall first obtain the permit and pay a license fee in the amount of one hundred (\$100.00) dollars per year, expiring one year from the date issued.

05.44.070 – Surety Bond Required

1. ~~At the time any application for license to engage in the business of bondsman is made to the City Manager or designee, the applicant for such license shall present therewith a surety bond running to the State of Washington and the City of Lakewood in the sum of twenty five thousand dollars (\$25,000.00), executed by corporate surety qualified to transact business in the State of Washington. Such bond shall be subject to approval as to form by the City Attorney and the City Manager or designee as to sufficiency. Such bond shall be conditioned that the licensee shall pay to the Finance Department all sums due on all forfeitures of any bail bonds written by or obtained or procured by or through or posted by said licensee for violation of City ordinances or State statutes; provided, however, that the aggregate liability of the surety on such bond shall in no event exceed the sum of twenty five thousand dollars (\$25,000.00), and shall not be subject to successive recoveries in excess of the amount hereof.~~

2. ~~In lieu of said surety bond the applicant may at the time he presents his application deposit with the Finance Department cash or negotiable securities approved by the City Manager or designee in the sum of twenty five thousand dollars (\$25,000.00), or deposit in an insured savings account requiring the signature of the City Manager to make any withdrawals of the principal amount with interest paid to depositor, such cash to be deposited in accordance with an agreement between the applicant and the State of Washington and the City in which the deposit shall be conditioned in the same manner as such surety bond, and further providing for the deduction by the Finance Department of any and all amounts found to be due under the terms of such deposit agreement. In the event of the revocation of any bondsman's license, the expiration of such license or the withdrawal and surrender by the licensee of such license, the Finance Department is authorized to withhold any amount which in his discretion is necessary to cover any outstanding contingent liability of such bondsman existing at such time, such amount to be withheld until said contingencies are removed, and after deductions as aforesaid are made the Finance Department is authorized to cancel said deposit agreement and return the balance of the deposit to the licensee.~~

05.44.080 – Fees

~~The license fee for a bonding agency shall be in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.~~

05.44.090 – Requirements for Conducting Business

~~Each person licensed hereunder:~~

~~H. — Shall file an itemized schedule of fees and charges as compensation for services rendered, with copies thereof, with the clerk of any court in which he furnishes bond, and shall post copies in a conspicuous place in the bondsman's or the firm's place of business.~~

I.—~~Shall not personally or otherwise solicit business in, at or near any courtroom or corridor leading thereto, or any jail or any place in, at or near such jail, or any police or sheriff station.~~

J.—~~Shall furnish each person for whom a bond is executed an itemized receipt showing the character of the services rendered and a true itemized amount of the consideration paid or given for each item of service rendered. A copy thereof shall be retained in the file of the bondsman's office for inspection.~~

K.—~~Shall not recommend directly or indirectly any lawyer, including the bondsman's, to any client for whom a bond has been executed.~~

L.—~~Shall not directly or indirectly refer a bond client to any lawyer.~~

M.—~~Shall not directly or indirectly share or split any bond fee or charge, or part thereof, with any person or persons, except partners listed in accordance with Section 5.44.040, or with any other corporation.~~

N.—~~Shall not directly or indirectly pay or give or promise to pay or give to any person any compensation to secure or refer, or for securing or referring bond business or clients to or for said bondsman or any other bondsman.~~

O.—~~Shall not directly or indirectly influence or promise in any way to attempt to influence any court or any public official or any witness in any case.~~

05.44.100 – Bond Records to be Kept and Filed

B.—~~Every bondsman shall keep a full, complete and accurate record of all bonds made, fees charged and received, bonds forfeited and judgments against the licensee, and one copy of such record shall be filed quarterly covering the preceding three-month period with the clerk of any court in which such bondsman conducts his business and one copy with the City Finance Department.~~

C.—~~The books and records of such licensee shall at all times be open to inspections by the judge or clerk of any court in which such bondsman furnishes bonds, and any legal officer, including City or County officials, of any division of the State or Federal Government.~~

05.44.110 – Suspension or Revocation of License

~~The City Council, after a hearing, shall have the right to revoke or suspend any license issued by virtue of this Chapter where the same was produced by fraud, false representation or information, for the failure to comply with any of the provisions of this Chapter, or for the conviction of the person or persons holding such license of a felony or a misdemeanor involving moral turpitude or an intent to defraud~~

DRAFT

Section 55: Chapter 05.48 LMC entitled “Theaters” is repealed in its entirety.

05.48.010 – License Required

It is unlawful for any person to open, operate, conduct, manage, maintain or control any theater which is open to the public and which is located within the City, without a valid and subsisting license to be known as a “theater license.” For the purposes hereof, theaters include outdoor drive-in theaters as well as indoor cinema theaters where movies and film presentations are available for a fee.

05.48.020 – License Fee – Term

The fee for a theater license shall be in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.

05.48.030 – Transferring of License

No license issued under the provisions of this chapter shall be transferable or assignable, unless specifically authorized by the City Manager or designee.

05.48.040 – Renewal of License, Registration or Permit – Late Penalty

The provisions of Sections 5.02.100 and 5.02.130 of the City Code shall apply to license renewals and late penalties under this Chapter.

05.48.050 – Application for License

All applications for licenses shall be made to the City Manager or designee.

Section 56: Chapter 05.52 LMC entitled “Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Grooming Parlor, or Pet Shop” is repealed in its entirety.

05.52.010 – Purpose

This Chapter is necessary to the peace, health, safety, and welfare of the people in the City of Lakewood and has as its purpose to provide for the humane care and treatment of animals; to provide for the control and regulation of facilities and kennels; to prevent nuisances; and to prevent endangerment of the health and safety of the public.

05.52.015 – Exemption

The provisions of this Chapter shall not apply to any facility which is owned, operated, or maintained by any city, county, state, or the federal government for the purpose of maintaining or possession dogs.

05.52.020 – Definitions

1. "Adult dog" and "Adult cat" means any dog or cat past the age of seven months.

2. ~~"Animal" means any live vertebrate creature, domestic or wild.~~
 3. ~~"Animal Shelter" means any facility operated by The Humane Society for Tacoma and Pierce County or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Chapter or of state law.~~
 4. ~~"Commercial Kennel or Cattery" means any premises wherein a person(s) engages in the business of boarding, breeding, letting for hire, selling, bartering, or giving away dogs and/or cats. All dogs and/or cats over the age of seven months shall be included as part of the kennel for payment of fees.~~
 5. ~~"Enforcement Agency" means the law enforcement agency of the City of Lakewood or such organization as designated by ordinance of the City of Lakewood.~~
 6. ~~"Enforcement Officer" means any law enforcement officer of the City of Lakewood designated to enforce the provisions of this title.~~
 7. ~~"Foster Shelter/Kennel/Cattery" means any premises where at least six or more adult dogs and/or cats are kept and a person(s) provides temporary housing and care of owner released dogs/cats for the purpose of placing them into a permanent home.~~
1. ~~Any person keeping more than ten dogs and/or cats must provide kennel facilities.~~
 2. ~~Kennel facilities are kennels, animal runs, enclosures, and/or any other building used for the keeping or housing of such dogs/cats. Kennel facilities shall not be closer than seventy feet to any boundary property line of the premises, nor closer than forty five feet to any building containing a dwelling unit or accessory living quarters on the same premises.~~
 3. ~~Animals kept more than 120 days will be considered owned by the person housing the animal and must be licensed under Section 6.06.020 of the Lakewood Municipal Code.~~
 4. ~~Persons providing temporary housing must comply with Section 5.52.030 F of the Lakewood Municipal Code.~~
1. ~~"Grooming Parlor" means any place or establishment, public or private, where animals are bathed, clipped, or combed for a consideration.~~
 2. ~~"Hobby Kennel or Cattery" means any premise where at least six, but less than twenty adult dogs and/or cats are kept for hunting, breeding, for exhibition, organized events, field working or obedience trials. Any person(s) keeping more than ten dogs and/or cats must provide kennel facilities. Any person(s) or premise which exceeds the numbers or engages in practices beyond the definition herein for a hobby kennel or cattery, as determined by the enforcement agency, shall be subject to penalties and/or be required to purchase the appropriate license. Note: The occasional selling of offspring shall not be~~

~~construed as a commercial venture. All dogs and cats over the age of seven months shall be included as part of the kennel for payment of fees.~~

- ~~3. "Humane Officer" is any person designated by the City of Lakewood as a law enforcement officer, qualified to perform such duties under the laws of this State.~~
- ~~4. "Impounding Authority" means giving the authority to impound animals and handle and care for impounded animals.~~
- ~~5. "Jurisdictional Licensing Agent" means any organization appointed by the City of Lakewood.~~
- ~~6. "Person" means any individual, firm, partnership, corporation, or unincorporated association.~~
- ~~7. "Pet Shop" means any person or establishment that acquires animals (dogs, cats, birds, fish, rodents, reptilians, primates, insects, and any/or all others) bred by others, whether as owner, agent, or on consignment, sells or boards any species of animals and offers to sell such animals to the public.~~
- ~~8. "Premise" includes a private house or dwelling.~~
- ~~9. "Private Kennel/Cattery" means any premise where at least six, but less than twenty, altered adult dogs and/or cats are kept as pets and not used for any other purpose than companionship for their owners. All pets are to be altered.~~
- ~~10. "Temporary" as used in this Chapter means less than sixty days.~~

05.52.030 – License Requirement

~~License Requirements Generally. It shall be unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, or pet shop, within the City of Lakewood without any applicable license as provided for by this Chapter.~~

~~The Humane Society for Tacoma and Pierce County is designated by the City of Lakewood as the animal control authority and is exempt from the licensing requirements of this Chapter.~~

~~A noncommercial kennel with five or fewer dogs or cats must be licensed under Section 6.06.020 of the Lakewood Municipal Code and not under this Chapter.~~

- ~~1. Transfer of License. If there is any change in ownership of any commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop, the new owner may have the current permit transferred to his or her name upon the payment of required fees in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood~~

~~City Clerk. The transfer will be deemed approved if not rejected within thirty days from the date of the application.~~

~~2. Grounds for Denial. A permit or license may be denied for the following causes:~~

~~1. Conviction by the applicant of cruelty of animals.~~

~~2. Withholding or falsifying any information on the application.~~

~~1. Renewal. Upon compliance with Section 5.52.040 and the tender of any fees required by Section 5.52.050, the City of Lakewood Animal Control shall issue a renewal license, and the applicant for such license shall post such license in a conspicuous place upon the premise. A penalty fee of 100 percent of the license fee shall be assessed if the license renewal application and fee are not submitted within thirty days after expiration of the business license. Payment of this penalty shall not preclude the imposition of penalties prescribed in Sections 5.52.160 and 5.52.170.~~

~~05.52.040 – Application~~

~~1. Application – Generally. Application for a permit to establish a new license under the provisions of this Chapter may be made at any time.~~

~~2. Application – Required Information. Any person applying for a license as required by this Chapter shall submit to the City of Lakewood the following information:~~

~~1. The name and address of the person(s) having the facility;~~

~~2. The name and address of the person(s) having the supervision of the facility;~~

~~3. The address or location of the facility;~~

~~4. The maximum number of dogs and/or cats or combination thereof which such facility will contain;~~

~~5. The name and address of the person designated by the applicant as agent for the service of legal process or notice;~~

~~6. A written statement issued by the City of Lakewood Community Development Department that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, or pet shop is in compliance with applicable zoning codes of the City.~~

~~7. A statement by the applicant giving permission for inspection of the facilities at any reasonable time;~~

~~8. A statement or permit from the Tacoma Pierce County Health Department to insure that adequate provisions for sanitary facilities can be provided;~~

- ~~9. If the applicant is a pet store, a list of all species of animals; i.e., dogs, cats, birds, reptiles, primates, insects, fish, rodents, and any/or all others, that are to be sold;~~
- ~~10. The name and address of the licensed veterinarian who cares for the applicant's sick or injured animals.~~

~~05.52.050 – Fees~~

~~The application for a commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop license as required by this Chapter shall be accompanied by a fee in accordance with LMC 3.20.010, the fee schedule, and at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk.~~

~~Any person who has a change in the category under which a permit was issued shall be subject to reclassification and an appropriate adjustment of the permit fee. If the license is denied, no part of the application fee shall be refunded to the applicant.~~

~~05.52.060 – License~~

~~Upon compliance with Section 5.52.040 and the tender of any fees as required by Section 5.52.050, the City of Lakewood shall issue a license for such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop.~~

- ~~1. Duty to Comply. The licensee shall comply with all standards, rules and regulations set forth in this Chapter throughout the licensing period.~~
- ~~2. Duty to post. The licensee shall post such license in a conspicuous place upon the premises where such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop is maintained.~~
- ~~3. Distribution. The City of Lakewood will distribute each license to the following agencies:
 - ~~1. City of Lakewood Finance Department;~~
 - ~~2. City of Lakewood Community Development Department;~~
 - ~~3. West Pierce Fire & Rescue;~~
 - ~~4. The Humane Society for Tacoma and Pierce County;~~
 - ~~5. Tacoma Pierce County Health Department.~~~~

~~05.52.070 – Director – Power and Duties~~

- ~~1. The City of Lakewood shall promulgate such standards, rules, and regulations as are necessary for the operation of this Chapter. These standards, rules, and regulations shall be developed in conjunction with one representative from each group covered under this Chapter and a representative from departments listed in Section 5.52.060 C. These~~

~~standards, rules, and regulations shall be updated at least annually and shall include but are not limited to the following:~~

- ~~1. Sanitation and safety regulations;~~
 - ~~2. Minimum standards for food and water;~~
 - ~~3. Standards for facility construction and maintenance;~~
 - ~~4. Classification and separation of animals;~~
 - ~~5. Requirements for veterinarian care;~~
 - ~~6. Pet license tag requirements.~~
- ~~1. A copy of the standards, rules, and regulations promulgated by the Community Development Director shall be furnished to each applicant for a license or license renewal.~~
 - ~~2. Initial application for any of the licenses covered under this Chapter shall be provisional and will be issued after the applicant compiles with these regulations and any rules and regulations that may subsequently be formulated. The applicant must be in total compliance with the rules and regulations at the end of six months or within a correction time scheduled for compliance with this Chapter.~~

~~05.52.080 – Advertising Limitations~~

~~No hobby kennel or private kennel/cattery shall have signs, displays, or other visual representation advertising animals for sale or breeding.~~

~~05.52.090 – License Expiration~~

~~Each license issued under the authority and provisions of this Chapter shall expire one year from the date of issuance by the City, unless renewed. Upon renewal, each license shall be valid for an additional year from the date of expiration, unless suspended, revoked, or closed. Any additional Rules and Regulations and Conditional Licenses imposed or stipulated pursuant to LMC 05.2.150 shall remain in full force and effect unless expressly terminated in writing.~~

~~05.52.100 – License Renewal~~

~~All license renewals shall be processed in the same manner as the original application except that a written statement from the City of Lakewood Community Development Department as required in Sections 5.52.040 B.6. and 8. Will not be required.~~

~~05.52.105 – Kennel License and Business License – Exemption~~

~~Any person, company, firm or organization required to obtain a license pursuant to the provisions of this Chapter must also obtain and have in full force and effect a general business license issued by the City. At the time that such person, company, firm or organization applies for an initial license under this Chapter or a renewal thereof, the person, company, firm or organization must show satisfactory proof that the person, company, firm or organization has a valid general business license issued by the City. It is provided, however, if an organization that is required to obtain a license under this Chapter is exempt from taxation under 26 USC 501(C)(3) or (4), such organization shall be exempt from the applicable license fee. Such organization must be able to show satisfactory proof of such status to the City at the time of applying for an initial license under this Chapter or a renewal thereof.~~

~~05.52.110 – Disposal Following License Suspension and Revocation~~

~~Any license issued for commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop under the provisions of this Chapter shall be subject to suspension or revocation if the City of Lakewood determines that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop is being operated in violation of this Chapter. The provisions of Chapter 5.02 shall apply to any such suspension or revocation or appeals relative thereto.)~~

~~05.52.120 – License Suspension and Revocation~~

~~Any person whose license or permit is revoked shall, within thirty days thereafter, humanely dispose of all animals owned, kept, or harbored by such person, or be sold, or given away, and not part of the permit or license fee shall be refunded.~~

~~05.52.130 – Inspection~~

~~It shall be a condition of the issuance of any permit or license that the licensing authority be permitted to inspect all animals, and the premises where animals are kept, at reasonable intervals to protect the health and safety of the animals and of the community. If permission for such inspection is refused, the permit or license of the refusing owner may be revoked.~~

~~The designated enforcement officer shall have the authority to enter the premises if a permit or license holder is keeping animals in her/her own residence.~~

~~05.52.140 – Impoundment~~

~~The designated enforcement officer may impound any animal that is disabled or diseased because of neglect, abuse, or improper care, or whose condition constitutes a threat or danger to the public health or safety.~~

~~05.52.150 – Civil Remedy~~

~~Whenever a violation of the provisions of this Chapter constitutes a public nuisance, the City Attorney may bring action on behalf of the City of Lakewood, for abatement, damages, and/or mandatory or prohibitory relief as provided for by City Ordinance or State law.~~

~~**05.52.160 – Criminal Penalty**~~

~~Any person convicted of a violation of this Chapter shall be deemed guilty of a misdemeanor, and in addition to any other remedies or penalties specifically provided for herein, may be punished by a fine of not more than \$1,000, or by imprisonment not to exceed ninety days in the County Jail, or both such fine and imprisonment.~~

~~**05.52.170 – Compliance**~~

~~Compliance with the provisions of this Chapter shall not be deemed compliance with, or eliminate the necessity for compliance with other applicable provisions of the laws of the State of Washington or of the City of Lakewood or any other properly empowered regulatory agency.~~

Section 57: A new section 6.06.023, entitled “Licensing of Six or More Animals,” is created to read as follows:

A. The following definitions shall apply to this section.

1. "Adult dog" and "Adult cat" means any dog or cat past the age of seven months.

2. "Animal" means any live vertebrate creature, domestic or wild.

3. "Animal Shelter" means any facility operated by The Humane Society for Tacoma and Pierce County or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Chapter or of state law.

4. "Commercial Kennel or Cattery" means any premises wherein a person(s) engages in the business of boarding, breeding, letting for hire, selling, bartering, or giving away dogs and/or cats. All dogs and/or cats over the age of seven months shall be included as part of the kennel for payment of fees.

5. "Enforcement Agency" means the law enforcement agency of the City of Lakewood or such organization as designated by ordinance of the City of Lakewood.

6. "Enforcement Officer" means any law enforcement officer of the City of Lakewood designated to enforce the provisions of this title.

7. "Foster Shelter/Kennel/Cattery" means any premises where at least six or more adult dogs and/or cats are kept and a person(s) provides temporary housing and care of owner released dogs/cats for the purpose of placing them into a permanent home.

8. "Grooming Parlor" means any place or establishment, public or private, where animals are bathed, clipped, or combed for a consideration.

9. "Hobby Kennel or Cattery" means any premise where at least six, but less than twenty adult dogs and/or cats are kept for hunting, breeding, for exhibition, organized events, field working or obedience trials. Any person(s) keeping more than ten dogs and/or cats must provide kennel facilities. Any person(s) or premise which exceeds the numbers or engages in practices beyond the definition herein for a hobby kennel or cattery, as determined by the enforcement agency, shall be subject to penalties and/or be required to purchase the appropriate license. Note: The occasional selling of offspring shall not be construed as a commercial venture. All dogs and cats over the age of seven months shall be included as part of the kennel for payment of fees.

10. "Humane Officer" is any person designated by the City of Lakewood as a law enforcement officer, qualified to perform such duties under the laws of this State.

11. "Impounding Authority" means giving the authority to impound animals and handle and care for impounded animals. 12L. "Jurisdictional Licensing Agent" means any organization appointed by the City of Lakewood.

13. "Person" means any individual, firm, partnership, corporation, or unincorporated association.

14. "Pet Shop" means any person or establishment that acquires animals (dogs, cats, birds, fish, rodents, reptiles, primates, insects, and any/or all others) bred by others, whether as owner, agent, or on consignment, sells or boards any species of animals and offers to sell such animals to the public.

15. "Premise" includes a private house or dwelling.

16. "Private Kennel/Cattery" means any premise where at least six, but less than twenty, altered adult dogs and/or cats are kept as pets and not used for any other purpose than companionship for their owners. All pets are to be altered.

17. "Temporary" as used in this Chapter means less than sixty days.

B. License Requirements-Generally. It shall be unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, or pet shop, within the City of Lakewood without any applicable license.

C. Exemptions. The Humane Society for Tacoma and Pierce County is designated by the City of Lakewood as the animal control authority and is exempt from the licensing requirements of this Chapter.

D. Transfer of License. If there is any change in ownership of any commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/ cattery or pet shop, the new owner may have the current permit transferred to his or her name upon the payment of

required fees in accordance with LMC 3.20.010, the fee schedule, at least one copy of which shall be kept on file in the Office of the Lakewood City Clerk. The transfer will be deemed approved if not rejected within thirty days from the date of the application.

E. Grounds for Denial. A permit or license may be denied, suspended, or revoked for any of the grounds set forth in chapter 5.02 LMC.

F. Application - Generally. Application for a permit to establish a new license under the provisions of this Chapter may be made at any time.

G. Application - Required Information. Any person applying for a license as required by this Chapter shall submit to the City of Lakewood the following information:

1. The name and address of the person(s) having the facility;
2. The name and address of the person(s) having the supervision of the facility;
3. The address or location of the facility;
4. The maximum number of dogs and/or cats or combination thereof which such facility will contain;
5. The name and address of the person designated by the applicant as agent for the service of legal process or notice;
6. A written statement issued by the City of Lakewood Community Development Department that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, or pet shop is in compliance with applicable zoning codes of the City.
7. A statement by the applicant giving permission for inspection of the facilities at any reasonable time;
8. A statement or permit from the Tacoma-Pierce County Health Department to insure that adequate provisions for sanitary facilities can be provided;
9. If the applicant is a pet store, a list of all species of animals; i.e., dogs, cats, birds, reptiles, primates, insects, fish, rodents, and any/or all others, that are to be sold;
10. The name and address of the licensed veterinarian who cares for the applicant's sick or injured animals.

|

Section 58: Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 59: Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this ____ day of April, 2015.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney



TO: Mayor and City Council Members

THROUGH: John J. Caulfield, City Manager *John J. Caulfield*

FROM: Courtney Casady, City Management Intern and Adam Lincoln, Assistant to the City Manager

DATE: April, 2015

SUBJECT: Public Art Follow-up

Purpose:

This memorandum is to answer specific questions posed by the City Council on March 23rd. The presentation to City Council focused on methods to fund public art projects within the City of Lakewood. The questions from the City Council are as follows:

- 1) Who takes the lead on funding public art when a nonprofit works with the City?
- 2) Are public art projects required to be cited at or near the project funding source?
- 3) Can 'public art' include other mediums than visual art (e.g. audio, plays, etc...)?
- 4) How do transit organizations fund public art?

Answers to these questions are as follows:

1) Who takes the lead on funding public art when a nonprofit works with the City?

A nonprofit has the ability to work together via an Interlocal Agreement (ILA) to fund and construct public art projects within the City of Lakewood. However, City funds can only be allocated by the City Council. The nonprofit can work as a fundraiser on behalf of the City and then provide the funds to the City for a specific public art project(s).

2) Are public art projects required to be cited at or near the project funding source?

It is not a requirement but is a best practice for the art to be located at or near the capital improvement project. Requirements to place public art vary depending on what the project's funding source is. For example, if the money that generates the project comes from a specific source (voter approved, enterprise funds, or grants) there will be many restrictions on where the art must be placed. If the funds came out of the City's general fund, then there are very few restrictions.

3) Can 'public art' include other mediums than visual art (e.g. audio, plays, etc...)?

Yes, this is up to the City to define.

4) *How do transit organizations fund public art?*

- a. Sound Transit – “STart” has created over 80 permanent works of art for its stations, transit centers, and HOV ramps. Sound Transit uses 1% of their voter approved capital improvement projects to benefit public art¹.
- b. WSDOT – Has no dedicated funding stream. All public art on roadways are funded by communities separate from WSDOT who are required to seek approval from WSDOT to include as part of the project. It is a very tedious process to seek approval.

The following is an example of how Lakewood could work with a community organization to help increase the arts in the Lakewood community.

The City has the option to partner with an organization that is dedicated to public art in Lakewood. This partnership could be similar to the existing relationship between Lakewood’s parks department and the organization “Partners for Parks.” “Partners for Parks” was started by several community members who wanted to dedicate their time and resources to bettering the parks in Lakewood. This organization has found success because of their ability to raise funds, maintain a strong membership that is dedicated to long-term goals, and their relationship with Parks, Recreation, and Community Services Director, Mary Dodsworth. Ms. Dodsworth has provided great insight and has been an advisor and advocate for this organization as they’ve worked to help create both short and long-term organizational goals.

It would be most effective for an entity to focus on arts in Lakewood using a model similar to “Partners for Parks.” Should an organization like this emerge, they would then have the ability to provide funds to the City in order to establish an increased arts presence in the community.

Recommendation:

The recommendation at this time is to monitor and evaluate the Arts Commission’s process for purchasing new public art. The Arts Commission is moving forward with purchasing public art with an existing funding stream. Should this prove to be an effective method, the City should continue to use the process and funding stream in the future. Should the City Council wish, staff can further research local nonprofits that may be suitable partners for the City.

Next Steps:

If there is intent in advancing additional public art opportunities, the City of Lakewood recommends the following:

- Consider the “Partners for Parks” model as a guide for creating a connection with a group.
 - Members of any organization outside of the City would need to be committed to a long-term vision of the arts in the community
 - The organization would need to have a formal structure that would include a board

¹ [RESOLUTION NO. R2010-21](#):

- The policy maintains the existing funding calculation for the STart budget for Sound Move projects as 1% of capital construction costs, excluding the cost of tunneling, and establishes the calculation for the Start budget for ST2 projects as 0.75% of capital construction costs, excluding the cost of tunneling.
- The proposed policy removes the existing policy’s administrative guidelines and procedures. The existing administrative guidelines and procedures will remain in Sound Transit’s Design Criteria and in the internal STart Program Budget and Accounting Administrative Policies and Procedures.
- Sound Transit recognizes a wide range of opportunities for art within the ST2 expansion, including discrete works, temporary art and integrated works that enhance facilities, infrastructure and functional elements of the transit system.

- The City would need to dedicate some staff time to the organization to help with establishing a working relationship with the City and to help with setting the City's expectations.
- The group would need to fundraise and donate funds to the City so that projects can be carried out.
 - If this organization were not a 501(c)3, there are several organization within Lakewood and Tacoma that could act as a fiduciary agent on their behalf. The 3rd party nonprofit could maintain the organization's funds and even help with establishing their grant programs. (e.g. Lakewood Community Foundation)