



**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
Business License Administrative Policy**

TO: Business License Administrative Policy Handbook

FROM: M. David Bugher, Assistant City Manager/Community Development & Economic Director 

DATE: November 2, 2015

REVISED: April 7, 2016

SUBJECT: Temporary Business Licensing - Swap Meet

Background:

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. The status of the chapter was reported to the City Council in April 2015. On May 4, 2015, the City Council updated Title 5 via Ordinance No. 610. The ordinance accomplished many things including a process for processing temporary licenses. The effective date of the ordinance was/is June 4, 2015. The City Council also adopted a new fee for temporary business license in the amount of \$60. The fee was set through Resolution No. 2015-14.

Duration/Re-Application of a Temporary License:

Since adoption of the ordinance several questions have arisen concerning the duration and the ability of vendors to re-apply for a temporary business after the first license has been approved and is soon to expire. Relevant code citations are found below:

LMC 05.02.010 Definition

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.

LMC 05.02.100 Term of license/General and Temporary

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 to 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.

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.

The inherent problem within the code is that in one section it states that the length of a temporary license is seven days, and in another section of the code, it appears open-ended, so long as the license does not exceed a period of one year. This issue has become problematic for businesses located in a flea market or swap meet. The purpose of this administrative policy is to provide clarification.

Policy BL-01-2015

This policy further defines temporary businesses located in a flea market/swap meet. This definition expands upon the definition contained in Title 5. Outdoor businesses are considered temporary, except food trucks. Temporary businesses located in a flea market/swap meet possess the following elements:

- 1) Not located in a brick and mortar building;
- 2) Location of business may change at flea market/swap meet owner's discretion; and/or
- 3) Lack of postal address for mail delivery in a designated space as assigned by flea market/swap meet owner

Policy BL-02-2015

Duration of a temporary business license is as follows:

- 1) A temporary business license is valid for three months;
- 2) A temporary business license may be renewed no more than seven (7) days before the expiration of the existing license.
- 3) A licensee may renew the temporary business license for another 3 month period for a total of six months.
- 4) The licensee is required to obtain a new license and pay \$60.
- 5) After six months, the City will not issue a licensee another temporary permit for a period of three months.

Policy BL-03-2015

An existing flea market/swap meet owner allows both indoor and outdoor sales. The indoor sales are found in an existing building. These businesses operate throughout the year and may possess a general business license. These same businesses, from time-to-time, desire to engage in outdoor sales. Are these businesses required to obtain a temporary business license?

The answer is YES, however, the temporary license application fee is waived provided the licensee:

- 1) Possesses a valid general business license;
- 2) Provides proof that licensee has an agreement for rent space within the building; and
- 3) Has approval of the flea market/swap meet owner to operate outdoors.

The existing flea market/swap meet owner must have all of the materials required for temporary license applications in order to be approved for a temporary license in addition to their existing general business license. The duration for the temporary business license must adhere to Policy BL-02-2015.

Appeals:

Persons who object to these policies may file a written appeal with the assistant city manager for development services. The assistant city manager will prepare written findings either denying the administrative appeal, or approving the appeal with or without conditions. If the appellant is thereafter dissatisfied, he/she may appeal to the City's Hearing Examiner. An appeal to the Hearing Examiner is outlined in the municipal code.