

Title 5

BUSINESS LICENSES AND REGULATIONS*

Chapters:

5.04 Auctioneers, Pedlers, Hawkers and Barterers

5.08 Outdoor Amusements or Assemblies

5.16 Public Dancehalls

5.20 Sale of Malt Liquor

* Prior history: Prior code §§ 6.04.010, 6.04.020 and 6.12.010 as amended by Ords. 25089, 32510 and 33702, Res. 32263.

Chapter 5.04

AUCTIONEERS, PEDLERS, HAWKERS AND BARTERERS*

Sections:

5.04.010 License issuance and fee.

5.04.020 Violation--Penalty.

5.04.030 Exemption.

* For statutory provisions on county auctioneers, hawkers and barterers licenses, see RCW 36.71.070 and 36.71.090.

5.04.010 License issuance and fee.

A. The county auditor, at the time of issuing a license to any person wishing to perform and/or conduct business as an auctioneer, peddler, hawker or barterer as defined by RCW 36.71.070, shall collect an annual license fee from said person in the sum of twenty-five dollars.

B. The county shall not license auctioneers that are licensed by the state under RCW 18.11. (Ord. 66916 (part), 2007).

5.04.020 Violation--Penalty.

A. If any person sells any goods, wares, or merchandise in the unincorporated areas within Whitman County, at auction or public outcry, peddles or barter goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket or other package carried on foot without first having obtained a license from the board of county commissioners, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars, and shall stand committed to the county jail until such fine and cost of prosecution are paid, or discharged by due course of law: provided, that this section shall not be construed as to apply to any seagoing craft or to administrators or executors selling property of deceased persons, or to private individuals selling their household property, furniture, farming tools, implements, livestock or any produce grown or raised by them, either at a public auction or private sale. (Ord. 66916 (part), 2007).

5.04.030 Exemption.

The Palouse Empire Fair and Fairgrounds is exempt from this chapter.
(Ord. 66916 (part), 2007).

Chapter 5.08

OUTDOOR AMUSEMENTS OR ASSEMBLIES*

Sections:

5.08.010 Permit required.

5.08.020 Application--Review by board.

5.08.030 Permit fee--Duration of permit.

5.08.040 Submission of plans for approval.

5.08.050 Approved locations.

5.08.060 Sanitary facilities.

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5.08.080 Penal bond and indemnification.

5.08.090 Public safety.

5.08.100 Parking facilities.

5.08.110 Licensing requirements--Who may not be licensed.

5.08.120 Hours of operation.

5.08.130 Violation--Penalty.

5.08.140 Noncompliance as nuisance.

5.08.150 Exemption.

* For statutory provisions on outdoor music festivals, see RCW 70.108.

5.08.010 Permit required.

It is unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement or assembly of persons in the unincorporated areas of Whitman County, wherein the primary purpose will be the presentation of outdoor musical entertainments or other outdoor amusements or assemblies, which said person, persons or corporation, organization, landowner or lessor believes or has reason to believe will attract two hundred fifty or more persons and where a charge or contribution is required for admission unless a valid county permit has been obtained for the operation of said assembly. One permit shall be required for each such entertainment, amusement or assembly. Criminal or civil liability for failure to comply with the provisions of this chapter shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for obtaining permits under this provision.

(Ord. 66916 (part), 2007).

5.08.020 Application--Review by board.

Written application for outdoor musical amusements, entertainments or assembly permits shall be made to the county board of county commissioners thirty or more days prior to the first day upon which such assembly is scheduled to be held. Written notice of approval or disapproval of said application shall be given to the applicant no later than fifteen days after the application has been filed. Permits shall not be denied providing the conditions enumerated in Sections 5.08.050 through 5.08.110 are met by the applicant.

(Ord. 66916 (part), 2007).

5.08.030 Permit fee--Duration of permit.

A. A permit fee shall be filed with the application subject to the following scale:

Persons	Amount
250 to 500	\$ 125.00
500 to 1,000	250.00
1,000 to 2,000	500.00
2,000 to 3,000	1,000.00
3,000 to 4,000	1,500.00
4,000 to 5,000	2,000.00
5,000 to 10,000	2,500.00
10,000 to 20,000	5,000.00
20,000 to 50,000	10,000.00
and the fee shall be raised in increments of \$10,000.00 for each fifty thousand additional persons or portion thereof.	

B. No permit shall be granted for a period of more than one day expiring at midnight of that day, and no permit shall be granted for successive days at the same location by the same applicant. The permit fees shall be retained by the county whether a permit is granted, denied or withdrawn. (Ord. 66916 (part), 2007).

5.08.040 Submission of plans for approval.

Whenever approval by a governmental agency other than the board of county commissioners is required under this chapter, the applicant for such approval shall be required to cooperate fully with such agencies to insure that full review of the proposals may be accomplished by the agencies within the fifteen-day time limit set out in Section 5.08.020. When any type of physical facility is required or subject to approval under this chapter, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five days or more before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments. Should the actual facility or construction fail to meet the standard approved in the proposed plans, such preliminary approval may be withdrawn and any and all permits granted subject to such approval may be withdrawn. (Ord. 66916 (part), 2007).

5.08.050 Approved locations.

No permit for an assembly shall be granted unless said assembly is to be held in those areas of unincorporated Whitman County which have been zoned for parks and recreation; provided, however, that a permit may be granted for other areas if a zoning variance has been granted in advance by the executive department for such location. (Ord. 66916 (part), 2007).

5.08.060 Sanitary facilities.

No permit shall be granted unless the applicants obtain the written approval of the county health department indicating that the applicants for the permit have complied with the health requirements of the

department for like or similar facilities. Said approval shall indicate the type and adequacy of toilet, waste collection and Washington facilities to be provided, and if there is to be food served on the premises the type and adequacy of food preparation and food service facilities to be provided.

(Ord. 66916 (part), 2007).

5.08.070 Fire prevention standards.

No permit shall be granted under this chapter unless the applicant has shown that the fire protection district has approved fire protection devices and equipment available at such assembly.

(Ord. 66916 (part), 2007).

5.08.080 Penal bond and indemnification.

A. No permit shall be issued under this chapter unless the applicant has on deposit with the county treasurer a bond in the amount as set out in this section, in cash or by surety approved by the county commissioners, as an indemnity to save and protect the streets, pavements, bridges, road signs and other property in the county from any and all damage that may be caused by vehicles, employees, participants or spectators in such assembly and to be used, if necessary, to restore the ground where such assembly is held to a sanitary condition and to pay all charges and losses for damages to the streets, pavements, bridges, and other property. The amount of such bond shall be determined as follows:

1. For assemblies of zero to ten thousand persons, five thousand dollars;
2. For assemblies of ten thousand to twenty thousand persons, seven thousand five hundred dollars;
3. For assemblies of twenty thousand to thirty thousand persons, ten thousand dollars;
4. And the bond shall be raised in increments of two thousand five hundred dollars for each additional ten thousand persons, or portions thereof.

B. The bond shall be returned when the county sheriff certifies to the county treasurer that no damage has been done or that the cost of making the abovementioned repairs has been paid by the licensee.

C. The licensee shall be required to furnish evidence of a liability insurance policy providing for a minimum of one hundred thousand dollars bodily injury coverage per person; three hundred thousand dollars bodily injury coverage per occurrence; and one hundred thousand dollars property damage coverage, naming Whitman County as an additional insured.

(Ord. 66916 (part), 2007).

5.08.090 Public safety.

A. No permit shall be granted under this chapter unless the applicant has obtained the written approval of the county sheriff indicating that the following conditions have been complied with by the applicant.

1. That adequate traffic control and crowd protection policing have been contracted for or

otherwise provided by the applicant.

2. Traffic control/crowd control personnel shall be persons that have not been previously convicted of a felony or a crime involving the use of violence, firearms or drugs. Background checks will be performed by a law enforcement agency.
3. There shall be provided one traffic-control person and one crowd-control person for each four hundred persons expected or reasonably expected to be in attendance at any time during the assembly.
4. If at any time during the assembly the size of the crowd exceeds by twenty percent the number of persons represented by the sponsors to be expected to be in attendance, the county sheriff shall have the discretion to require the sponsor to limit further admissions.
5. Sufficient personnel shall be provided so that the requirements of this section will be met throughout the event without working any personnel more than twelve hours without at least an eight-hour rest period before his next hours of duty.
6. Any person with more than a ten percent proprietary interest in the assembly, and any person permitting the use of land controlled by such person for assemblies, shall be required to be in attendance at said assembly and shall be responsible for insuring that no person shall be allowed to remain on the premises if said person is violating state or county laws.
7. Any person having a duty to remove law violators, and who willfully fails to do so, shall be deemed to be an aider or abettor of such violation.

(Ord. 66916 (part), 2007).

5.08.100 Parking facilities.

Application for a permit under this chapter shall be accompanied by a scale drawing showing adequate parking facilities have 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. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time to or from the parking area.

(Ord. 66916 (part), 2007).

5.08.110 Licensing requirements--Who may not be licensed.

No license shall be granted to anyone who has been convicted of a felony or a crime involving moral turpitude or the use of firearms, drugs or violence. Each application shall be accompanied by the fingerprints and a three-inch by five-inch photograph of each and every person having any proprietary interest in said licensed activity.

(Ord. 66916 (part), 2007).

5.08.120 Hours of operation.

No assembly shall be conducted in the unincorporated areas of Whitman County during the hours of 12:01 a.m. and nine a.m. No license shall be issued for more than one twenty-four hour period ending at midnight. The participants and spectators shall be required to have cleared the licensed area and its immediate environs no later than one a.m. of the day following the licensed event.
(Ord. 66916 (part), 2007).

5.08.130 Violation--Penalty.

Any person who violates or fails to comply with any provision of this chapter, or who, having obtained a permit under this chapter, willfully fails to continue to comply with the terms and conditions hereunder, or who counsels, aids or abets such a violation or failure to comply, shall be guilty of a misdemeanor.
(Ord. 66916 (part), 2007).

5.08.140 Noncompliance as nuisance.

Compliance with the terms and conditions of this chapter shall constitute the minimum health, sanitation and safety provisions and failure to comply with the terms and conditions shall constitute a public nuisance and the sponsors of said event shall be subject to all criminal, civil and equitable remedies as such.
(Ord. 66916 (part), 2007).

5.08.150 Exemption.

The Palouse Empire Fair and Fairgrounds is exempt from this chapter.
(Ord. 66916 (part), 2007).

Chapter 5.16

PUBLIC DANCEHALLS*

Sections:

5.16.010 Permit required--Fees.

5.16.020 Exemption.

* For statutory provisions on county licensing of dancehalls, see RCW Ch. 67.12.

5.16.010 Permit required--Fees.

A. There shall be a fee of thirty dollars charged for an annual dancehall license for all dancehalls outside of an incorporated city or town in Whitman County.

B. There shall be charged the sum of ten dollars for a quarterly license for dancehalls outside of an incorporated city or town in Whitman County.

C. There shall be charged a fee of five dollars for a license to run a dancehall for a single dance outside of an incorporated city or town in Whitman County, or five dollars per night when they run three continuous nights.

D. Nothing in this section shall prohibit the board of county commissioners from issuing a permit

without charge for grange, patriotic, fraternal or community dances.
(Ord. 66916 (part), 2007).

5.16.020 Exemption.

The Palouse Empire Fair and Fairgrounds is exempt from this chapter.
(Ord. 66916 (part), 2007).

Chapter 5.20

SALE OF MALT LIQUOR

Sections:

5.20.010 Seller's record requirements.

5.20.020 Penalty.

5.20.010 Seller's record requirements.

Any person who sells or offers for sale kegs or other containers containing seven gallons or more of malt liquor to consumers who are not licensed under RCW Ch. 66.24 shall:

- A. Require the purchaser to sign a receipt for the beverage and provide the following:
 1. Two pieces of identification, one of which is a motor vehicle operator's license number or a Washington State Identification Card,
 2. Location, date and time where the beverage will be consumed,
 3. A sworn statement providing that the purchaser is of legal age to purchase, possess or use malt liquor, that the purchaser will not allow any person under the age of twenty-one to consume the beverage except as provided in RCW 66.44.270, and that the purchaser will not remove or obliterate the numbered label affixed to the container;
- B. Record the identification of the keg or container for the purpose of tracing the items if the contents are consumed in violation of this code in the following manner:
 1. Record the serial number of the keg or container on the receipt,
 2. Identify the keg or container purchased by affixing a numbered label to the keg or container,
 3. Record the identification number on the receipt. The original copy of the receipt shall be retained for a period of one year subject to inspection by the Whitman County sheriff's office. A copy of this receipt shall be provided to the purchaser;
- C. Notify the Whitman County sheriff's office immediately in the event that the purchase exceeds twenty gallons or more of malt liquor.

(Ord. 66916 (part), 2007).

5.20.020 Penalty.

Violation of any provision of this section shall be a misdemeanor punishable by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than five hundred dollars, or by both such imprisonment and fine.

(Ord. 66916 (part), 2007).