

Ordinance No. 21 - 2009

**AN ORDINANCE REQUIRING A USE PERMIT FOR VENDORS  
ON PUBLIC WAYS AND ESTABLISHING REGULATIONS FOR ALL VENDORS**

**BACKGROUND**

A. The County Council finds the need to implement reasonable regulation of vendors using public places in the County in order to protect the public health, safety and welfare of the people of San Juan County, and the interests of the County in providing for the orderly use of County-owned property for its intended purpose; and

B. The County conducted a duly advertised public hearing and has received public testimony.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, state of Washington, as follows:

Section 1. Purpose. The purpose of this ordinance is to require vendors using public places in the County to obtain a use permit from the County in order to prevent the creation of a nuisance and to establish rules for the operation of vending on public property.

Section 2. Definitions. In construing the provisions of this chapter, the following definitions shall apply:

"Public place" shall include any County-owned property including public parks, streets, sidewalks and rights-of-way.

"Vendor" shall include any person engaged in selling or offering for sale any goods or wares from any public place.

Section 3. Geographic applicability. This ordinance shall apply to those areas of the County located within the exterior boundaries of the unincorporated urban growth areas of Eastsound and Lopez Village and within the exterior boundaries of the activity centers of Olga, Deer Harbor, and Orcas.

Section 4. Use Permit Required. It shall be unlawful for any vendor to sell or offer to sell any items or products while located on any County-owned public property without first having obtained and prominently posted a Public Place Use Permit from the County Administrator, or a designee in accordance with this chapter.

Section 5. Exemptions from Use Permit. Vendors shall be exempt from the license required under this chapter when engaged in the following activities:

A. Sales of newspapers;

B. Transient vendors who do not remain in the same place for more than five minutes, such as peddlers and ice cream trucks where goods and wares are carried from place to place;

C. Sales and activities of charitable, religious or fraternal, nonprofit organizations, corporations which have received tax exempt status under 26 USC Section 501(c)(3). or other

similar civic, charitable or nonprofit organizations (such as Girl Scouts, Lions, Kiwanis, youth groups, school groups, child lemonade stands, etc.);

D. Farmers, gardeners and other persons who produce and offer for sale their own fruits, vegetables, berries, eggs or any farm produce and which edibles are raised, harvested, produced or manufactured by such persons, and resale and consignment is not exempt, and;

E. Sales by persons approved in connection with County-authorized events such as farmer's markets, fairs, art fairs, parades.

Section 6. Application for Public Place Use Permit. The applicant for a Public Place Use Permit shall provide the County Administrator or his designee with the following:

- A. The applicant's name, home address, business address, state business license, and contact information;
- B. A site plan showing the proposed location which shall not exceed 50 square feet;
- C. A list of the goods or wares to be offered for sale;
- D. The dates for which the applicant seeks permission to use the public place for sales, which period shall not exceed 6 months;
- E. Written consent of all business owners within 25 feet of the application site; and
- F. Payment of a fee of \$ 50.00 per day.

Section 7. Approval, Revocation or Denial. The County Administrator shall have the authority to grant, revoke or deny any public place use permit. Upon receipt of a complete application, a decision to grant or deny the permit must be made within 14 business days. The County shall notify the applicant or vendor in writing of the approval or denial of an application or the revocation of an existing use permit and the reasons therefor. Any Public Place Use Permit issued under this chapter may be revoked after notice and opportunity for a hearing based on one or more of the following grounds:

- A. The vendor has violated or failed to meet any provision of this chapter;
- B. The public place use permit was procured by misrepresentation or fraud; or
- C. The location or operation interferes with foot or street traffic.

Section 8. Restrictions applicable to all vendors. All vendors, including persons exempt from the use permit shall:

- A. Assure that the location of the vending space shall not reduce or obstruct pedestrian passage on the sidewalk to less than four (4) feet to the nearest street, trees, utility poles, traffic control signs and devices, fire hydrants, buildings, etc.;
- B. Not occupy parking spaces on county property and improved county rights-of-way reserved for vehicular traffic;
- C. Not solicit or conduct business with persons in motor vehicles;
- D. Not leave unattended any portion of the vending unit on a sidewalk, nor remain on the public property between midnight and 6 a.m.;
- E. Comply with applicable health regulations; and
- F. Display prominently any permit required by the ordinance.

Section 9. Violation. Any violation of this ordinance is a civil infraction and shall be punished by a fine of not more than \$250.00. Each hour upon which a violation occurs shall constitute a separate offense.

Section 10. Severability. The provisions of this ordinance are severable. If any provision is held invalid, such invalidity shall not affect the remaining provisions of this ordinance.

Section 11. Effective Date.

This ordinance is effective on the 10<sup>th</sup> working day after adoption.

Section 12. Codification.

Sections 2 through 9 shall be codified in Title 5 of the San Juan County Code.

ADOPTED this 14<sup>th</sup> day of July 2009.

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: [Signature]  
LISA BROWN, Deputy, Clerk  
Date: 7/14/09

[Signature]  
Lovel Pratt, Member  
District 1, San Juan South

[Signature]  
Rich Peterson, Chair  
District 2, San Juan North

REVIEWED BY COUNTY  
ADMINISTRATOR

[Signature]  
Pete Rose Date: 7-14-09

[Signature]  
Howard Rosenfeld, Member  
District 3, Friday Harbor

APPROVED AS TO FORM ONLY  
RANDALL K. GAYLORD

By: [Signature]  
Date: 7/14/09

[Signature]  
Richard Fralick, Vice Chair  
District 4, Orcas West/Waldron

[Signature]  
Gene Knapp, Member  
District 5, Orcas East

[Signature]  
Bob Myhr, Member  
District 6, Lopez/Shaw