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## **Title 19 BUSINESS LICENSES AND REGULATIONS**

Chapters:

### ***Chapter 19.10 PEDDLERS' LICENSES***

Sections:

#### **19.10.010 "PEDDLER" DEFINED.**

The term "peddler" for the purpose of this Chapter includes all person, both principals and agents, who go from place to place or house to house, carrying for sale and offering for sale or exposal for sale, goods, wares, merchandise, or other things of value, EXCEPT agricultural, horticultural, or farm products, which they may grow or raise, AND EXCEPT vendors of books, periodicals, or newspapers: PROVIDED, that nothing in this Chapter shall apply to peddlers doing business solely within the limits of any city or town which by ordinance regulates the sale of goods, wares, merchandise, or other things of value by peddlers, PROVIDED FURTHER, that nothing in this Chapter shall apply to wholesalers selling only to retail businesses and not offering their products for sale to the general public.

#### **19.10.020 BASIC CLAUSE—LICENSE REQUIRED.**

It shall be unlawful for any peddler to sell, offer for sale, or expose for sale-either publicly or privately-any goods, wares, merchandise, or other things of value within Wahkiakum County and outside the limits of incorporated cities and towns: UNLESS a valid and current county peddlers' license has been obtained in accordance with the provisions of this Chapter.

#### **19.10.030 LICENSE APPLICATION—PROCEDURE.**

Every peddler, before commencing business in Wahkiakum County, shall apply for and obtain a County peddlers' license. Written application for a county peddlers' license shall be made in writing to the Wahkiakum County Auditor. The application must state the names and residences of the owner or parties in whose interest the business is to be conducted, together with the address of their principal place of business. Applicant at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares, merchandise, and other things of value that is in Wahkiakum County for sale or to be kept or exposed for sale in Wahkiakum County. There shall also be filed with said application the appropriate fee as set forth in RCWC 19.10.040 together with written evidence that the deposit required by RCWC 19.10.060 has been paid. Approval or denial of the license by the Auditor shall be made at the time of submission of the application and no application shall be denied provided that the rules and regulations of this Chapter are met by the applicant. Every county peddlers' license shall contain a copy of the application therefor and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his own proper person. Any county peddlers' license issued pursuant to the provisions of this Chapter shall authorize the licensee to do business in Wahkiakum County for the term of one (1) year from the date of issuance of said license.

#### **19.10.040 LICENSE FEE.**

- (a) The fee of Twenty-five Dollars (\$25.00) shall accompany the county peddlers' license application made pursuant to RCWC 19.10.030.

- (b) License fees shall be paid to the Wahkiakum County Auditor and remitted to the Treasurer and shall be nonrefundable.

#### **19.10.050 RECORD OF APPLICATIONS.**

The Wahkiakum County Auditor shall keep on file all applications for peddlers' licenses that are issued. All files and records of the Auditor shall be in convenient form and open to public inspection.

#### **19.10.060 DEPOSIT REQUIRED.**

There shall be required of each applicant for a county peddlers' license a special deposit of Five Hundred Dollars (\$500.00) for non-residents of Wahkiakum County. Wahkiakum County residents are exempt the deposit. No peddlers' license shall be granted to non-residents until said deposit is made with the Wahkiakum County Treasurer. In the event of any reduction of said special deposit through attachment or court order, the Treasurer shall suspend the license of the licensee whose deposit has been so reduced until such time as the deposit is restored to the full amount required by this section. Written notice of any suspension authorized hereunder shall be directed by certified mail, return receipt requested, to the licensee at his last known principal place of business.

#### **19.10.070 LIABILITY OF DEPOSIT—LIEN ON.**

Each deposit made with the Wahkiakum County Treasurer pursuant to RCWC 19.10.060 shall be subject to all taxes legally chargeable thereto, to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his license, and the Treasurer may be held to answer as trustee in any civil action in contract or tort brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. Such deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of this Chapter, which shall be a lien upon the deposit and shall be collected in the manner provided by law.

#### **19.10.080 REFUND OF DEPOSIT.**

Upon the expiration and return of a county peddler's license, the Wahkiakum County Treasurer shall cancel it, indorse thereon the cancellation and place it on file. After holding the special deposit of the licensee for a period of ninety days from the date of cancellation, he shall return the deposit or such portion as may remain in his hands after satisfying the claims made against it.

#### **19.10.090 REVOCATION—TRANSFER—GROUNDS.**

- (a) Any peddlers' license granted hereunder may, on the grounds set forth in RCWC 19.10.090, be revoked by the Board of County Commissioners of Wahkiakum County after a hearing held upon not less than ten days written notice to the licensee directed by certified mail, return receipt requested, to said licensee at his last known principal place of business. The action of said Board in revoking any such license shall be final and conclusive. Every licensee accepting a license hereunder shall be deemed to have consented to the provisions of this section with respect to the cancellation of licenses. No license granted hereunder shall be transferable except by a formal order of the Board of County Commissioners of Wahkiakum County.
- (b) A written finding of fact by the Board that a licensee has engaged in any of the following acts shall be deemed sufficient grounds for the revocation of a county peddlers' license:
- (1) Any act constituting a violation of the Washington State Unfair Business Practices Act. (Chapter 19.90 RCW);

- (2) Any act constituting a violation of the Washington State Consumer Protection Act (Chapter 19.86 RCW);
- (3) Any act constituting a violation of the Washington State usury statutes (Chapter 19.52 RCW);
- (4) Any act constituting fraud or harassment;
- (5) Any act constituting an unethical business practice.

### **19.10.100 FAILURE TO RESPOND TO REVOCATION—FORFEITURE OF DEPOSIT.**

In addition to the lien and attachment provisions of RCWC 19.10.070, in the event of any revocation of a county peddlers' license as provided in RCW 19.10.090, the Board of Wahkiakum County Commissioners is hereby authorized to order a forfeiture of the licensee's special deposit required hereunder, or so much thereof as the Board shall deem necessary to hold Wahkiakum County and its citizens harmless from any damages whatsoever incurred by said County or its citizens as a result of business activities conducted by any peddler licensed under this Ordinance. Claims upon such deposit shall be made upon the Treasurer within 90 days of the order of revocation. All claims shall be verified and ordered paid on a pro-rata basis. Any balance remaining after payment of claims shall be deposited to the current expense fund of the County.

### **19.10.110 PENALTY.**

Any person who shall violate or fail to comply with any provision of this Chapter or who shall counsel, aid or abet such a violation or failure to comply shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in the sum of not less than \$50.00 nor more than \$500.00 and/or be imprisoned in the Wahkiakum County Jail for not more than ninety (90) days, or both, no part of which fines shall be suspended or deferred.

### **19.10.120 REPEALER OF CONFLICTING ORDINANCES.**

All ordinances or orders and parts of ordinances or orders conflicting with the provisions of this Chapter are hereby repealed insofar as the same affect this Chapter.

### **19.10.130 SEVERABILITY.**

If any provision or provisions of this Chapter, or its application to any person or circumstances is held invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 85-1974; j. Ref. L-341; 11-18-74)

## ***Chapter 19.25 OUT-OF-DOORS ASSEMBLIES***

Sections:

### **19.25.010 PREAMBLE.**

The Board of Wahkiakum County Commissioners find and declare that it appears necessary for the protection, health and welfare of the general public in regard to out of doors public assembly and assemblies and amusements catering to the general public, that certain rules and regulations be established, and further that there is a danger to the people attending or taking part in the assembly if proper sanitary, police and other health

and safety measures are not adequately provided, and further that it is necessary to pass under the police power of this County, an Ordinance to regulate and license the holding of such out-of-doors assemblies.

#### **19.25.020 BASIC CLAUSE.**

It shall be unlawful for any person, persons, corporation, organization, landowner, lessee, tenant or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised, an entertainment, amusement, or assembly of persons for any purpose which said person, persons, corporation, organization, landowner, lessee, tenant, or lessor has reason to believe or may reasonably expect, will attract one thousand (1,000) or more persons for twelve (12) or more continuous hours, or five hundred (500) or more persons for eight (8) or more continuous hours, or who prepares or sells tickets numbering one thousand (1,000) or more for an event of twelve (12) or more continuous hours in one day, or five hundred (500) or more for an event of eight (8) or more continuous hours at one or more particular locations within Wahkiakum County or any part thereof, and outside the limits of incorporated cities and towns: UNLESS a valid and current permit has been obtained for the operating of said amusement, entertainment or assembly. Said permits shall be required for all such entertainments, amusements, and assemblies to be held sixty (60) or more days after the date of passage of this Ordinance. One permit shall be required for each entertainment, amusement or assembly. Criminal or civil liability for failure to comply with the provisions of this Ordinance shall rest in all persons, corporations, organizations, landowners, lessees, tenants, or lessors who are responsible for obtaining permits under this provision.

#### **19.25.030 DEFINITIONS.**

- A. General Public - Citizens and members of the community except in groups made up entirely of related kin.
- B. Entertainment - Any act or event causing amusement, diversion or the agreeable passing of time.
- C. Amusement - Any act or event causing or inducing relaxation and gaiety.
- D. Assembly - The concourse of meeting together of a considerable number of persons at the same place or at several places for related amusements or entertainments.

#### **19.25.040 APPLICATIONS—APPROVAL OR DENIAL—APPEAL.**

Written application for amusement, entertainment or assembly permits shall be made to the County Auditor and ex-officio clerk of the Wahkiakum County Board of County Commissioners. Said application must be submitted sixty (60) days or more, prior to the first day upon which such amusement, entertainment or assembly is to be, or may be held. Approval or denial of permits as herein provided for shall be made within twenty (20) days after application therefor. Failure to act within said period shall constitute an approval by the Board of said application. Permits shall not be denied provided compliance of all requirements and provisions of this ordinance are met by the applicant. Denial of the application or permit by the Board of County Commissioners shall be in writing with reasons for the denial and shall be subject to appeal to the Superior Court by action filed within ten (10) days of the denial.

#### **19.25.050 SUBMISSION OF PLANS FOR APPROVAL—APPROVING AGENCIES.**

Whenever approval by a county or state government agency other than the Board of County Commissioners is required hereunder, application for such approval shall be made twenty (20) or more days prior to making final application for the entertainment, amusement or assembly permit. Approval or denial by said county agencies shall be made within twenty (20) days of the date of application and state agencies according to their regulations. Failure to act within said period shall constitute an approval. 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 five (5) or more days before the event for which

an application is submitted shall begin and shall be subject to inspection by the approval or disapproval granted on or before the fourth day preceding the event. Failure to act within said period shall constitute an approval. 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. No inspection fee or approval fee shall be charged other than the general permit fee required hereunder unless otherwise required by law. This Chapter shall not alter the requirements of Wahkiakum County for the licensing or prohibition of other activities which might occur during such entertainment, amusement or assembly.

### **19.25.060 SANITARY FACILITIES—FOOD PREPARATION—APPROVAL.**

No permit for an entertainment, amusement, or assembly shall be granted unless the application is accompanied by the written approval of the Cowlitz-Wahkiakum Health District of the following minimum facilities.

1. Water Supply.
  - (a) Every location for which a permit must be obtained hereunder shall have a supply of water adequate to serve the number of persons expected to attend such entertainment, amusement or assembly, which is of a sanitary quality meeting the standards as prescribed by the Washington State Health Department.
  - (b) Adequate drinking fountains or drinking facilities shall be provided to meet the standards of the State of Washington, Department of Health.
2. Toilets and Washing Facilities.
  - (a) Every location for which a permit must be obtained hereunder shall be provided with adequate toilets, urinals and hand washing facilities conveniently located.
    - (1) Separate toilet facilities shall be provided for each sex and shall be so marked.
    - (2) Toilets must be water-flushed or fly tight sanitary privies approved by the Washington State Health Officer.
3. Food Preparation and Food Service Facilities. Should the applicant for a permit hereunder provide or have reason to believe that there will be provided any type of public food services for the event for which the permit is required, then the applicant shall submit with his application full information concerning the same and the approval of the Cowlitz-Wahkiakum County Health Officer for the facilities to be so provided. Such facilities shall meet the specifications provided in the Rules and Regulations of the State of Washington, Department of Health, and all of the ordinances of Wahkiakum County that are applicable.
4. Refuse and Waste Disposal. Every location for which a permit must be obtained hereunder shall have sufficient refuse and waste containers in numbers and locations to be approved by the Health Officer. Collection services and disposal of refuse must be provided in compliance with State Health Department rules and regulations.
5. Health Station—Nurse—Physician. Every location for which a permit must be obtained hereunder shall have a health station upon the site, with a qualified nurse in attendance, and immediate availability of a licensed physician. The Health Officer shall have authority to require of the permittee, additional nurses or physicians, as the health officer shall deem necessary for the protection of the public based upon the size and location of the assembly.
6. Overnight Sleeping—Camping. In the event that any camping or overnight sleeping on the premises for which the permit is issued or on other premises, is permitted or arranged by the promoters, such

camping or sleeping shall be segregated from vehicular traffic and such sleeping or camping area shall be subject to all of the provisions and requirements of this Chapter.

7. Inspection—Health Order Enforcement—Clean-up. The provisions of this Chapter relating to law enforcement shall be applicable to the Health Officer and his employees, who shall inspect the premises during and after the event for which the permit shall be issued. The Health Officer shall issue orders to correct sanitation violations of this ordinance, state laws, and health rules and regulations which are applicable. Failure of the permittee or of any person to comply with the orders of the Health Officer shall be grounds for the revocation of the permit provided by this Chapter.

#### **19.25.070 FIRE PROTECTION—STANDARDS—APPROVAL.**

No permit shall be granted hereunder unless the applicant has shown by written evidence that the Washington State Fire Marshall, or the Fire District in which said entertainment, amusement or assembly is to be held, or the Department of Natural Resources, has approved fire protection devices and equipment available at, in or near any building, tent, stadium or enclosure wherein or whereupon more than ten (10) persons may be expected to congregate at any time during the course of such entertainment, amusement or assembly for which a permit is hereunder required. Fire prevention standards shall be as set out in the laws of the State of Washington and all Regulations issued thereunder.

#### **19.25.080 TRAFFIC CONTROL—CROWD POLICING—VIOLATION OF LAWS.**

No permit shall be granted hereunder unless the applicant has shown by written evidence that the Wahkiakum County Sheriff has approved adequate traffic control and crowd protection policing which have been contracted for or otherwise provided by the applicant. Traffic control-crowd control personnel shall be licensed merchant patrolmen or named persons submitting affidavits that they have not been convicted of a felony within the previous ten (10) years. There shall be provided one (1) traffic control crowd control person for each one hundred (100) persons expected or reasonably to be expected to be in attendance at any time during this event, PROVIDED, that a minimum of five (5) such personnel shall be provided for any event coming within the provisions of the Chapter. Sufficient personnel shall be provided so that the above requirement will be met throughout the event without any personnel working more than twelve (12) consecutive hours without at least an eight (8) hour rest period before his next hours on duty. It shall be the duty of such policing personnel to report any violation of the laws to the Wahkiakum County Sheriff or his deputies. The applicant shall further demonstrate by written evidence to the Sheriff of Wahkiakum County that the Washington State Liquor Control Board has been notified and the applicant has fully complied with the applicable regulations of the Washington State Liquor Control Board.

#### **19.25.090 PARKING FACILITIES—SCALE DRAWING—EMERGENCY LANES—APPROVAL.**

Application for a permit under this Chapter shall be accompanied by a scale drawing of not less than 200 feet to one inch, showing adequate off-road parking facilities adjacent to the location for which the permit is requested. Such off-road parking facility shall provide parking space for one vehicle per every four (4) persons expected or reasonably to be expected to attend the amusement, entertainment or assembly. 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, together with emergency lanes for fire, ambulance, police and other emergency vehicles as defined by the Laws of the State of Washington. Written evidence of approval of the land owner, lessee, tenant or other person having title, possession, use or control of the land to be used for parking facilities shall be attached to and made a part of the sketch required by this Section.

**19.25.100 CONSENT—SEARCH, SEIZURE OR ARREST—WARRANT.**

No permit shall be granted hereunder unless the applicant shall in writing endorse upon the application for such a permit, consent to allow law enforcement, public health, and fire control officers 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 and for the purpose of arrest or search and seizure of evidence relating to violations of county ordinances or state laws violated on said premises. No permit shall be granted unless the applicant demonstrates by written evidence that the Federal Narcotics Bureau, Department of Justice of the United States of America has been notified and that the applicant has complied with all applicable regulations of said Department. For the purpose of this Section, consent shall be defined as permission to enter upon said premises without a search warrant or other written evidences displayed by such law enforcement, public health or fire control officers.

**19.25.110 PENAL BOND—BOND OF INDEMNITY.**

No permit shall be issued hereunder until the applicant has on deposit with the Wahkiakum County Treasurer the sum of \$5,000.00 per thousand persons for which the permit is issued, in cash or bond with sufficient sureties approved by the Prosecuting Attorney, as an indemnity conditioned to save and protect the streets, pavements, bridges, road signs and other property of the County from all damage that may be caused by vehicles, employees or participants in such entertainment, amusement or assembly, and to be used, if necessary to restore the ground where such entertainment, amusement or assembly is held to a sanitary condition and pay all charges and losses to the County for damages to the pavements, streets, bridges and other property of the County. PROVIDED FURTHER, that should the licensed event be deemed by the County Sheriff to necessitate the deployment of additional County personnel, such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance shall be returned to the person depositing the same when the Wahkiakum County Auditor certifies to the County Treasurer that no damage has been done, no additional expenses have been incurred by the County due to said licensed event, or that the costs of the above have been paid by the licensee. PROVIDED HOWEVER, that in no event shall such deposit or balance be returned to the person depositing the same prior to the passage of thirty (30) days from the date of cessation of such entertainment, amusement or assembly.

This Section shall not be construed as an undertaking by the County to protect the landowner, lessor, lessee, tenant or person having the care, custody or control of the premises upon which such entertainment, amusement or assembly is held from damages arising from such activity.

**19.25.120 PERMIT REQUIRED—FEE—APPLICATION—LIMITATIONS.**

Application for a permit under the provisions of this Chapter shall state the number of tickets printed and sold. A permit fee shall be paid with filing of the application. The fee charged the applicant shall be established upon the basis of the number of persons to attend, or reasonably expected to attend, such amusement, entertainment or assembly, as follows:

500 to 1,000 persons \$250.00

Per additional 1,000 persons \$100.00

Such application shall not be accepted unless the bond provided in RCWC 19.25.110 is filed with such application.

No license or permit shall be issued for an event of more than any one twenty-four (24) hour period. No license or permit shall be issued for two or more consecutive days to the same sponsors for the same event on the same premises, PROVIDED, that this restriction shall not apply to a single event not exceeding twenty-four (24)

hours duration, AND PROVIDED FURTHER, that this restriction shall not preclude such sponsor or sponsors from acquiring an additional permit or permits pursuant to this Chapter.

#### **19.25.130 NOTICE OF REGULATIONS—POSTING.**

The following Sections (RCWC 19.25.140-.260) shall be in full force and effect at all times during such entertainment, amusement or assembly, and shall at times be kept conspicuously posted at each place of entry or exit to or from such event, and shall at all times be kept conspicuously posted at not less than four (4) places within such event where activities are being conducted.

#### **19.25.140 STATEMENT OF RIGHT TO REVOKE ON PERMIT.**

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 Board of Wahkiakum Commissioners to revoke such permit without notice or formal hearing, is a consideration of its issuance.

#### **19.25.150 GROUNDS FOR REVOCATION.**

Any permit granted hereunder to conduct an entertainment, amusement or assembly may be revoked without notice or formal hearing by the Board of Wahkiakum County Commissioners upon their finding that any police, sanitary or fire regulation provided for in this Chapter, the Ordinances of Wahkiakum County, or the laws of the State of Washington, have been violated by the permittee, and the action of said Board in revoking any such permit shall be final and conclusive.

#### **19.25.160 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 by the laws of the State of Washington.

#### **19.25.170 CLOSING HOURS—RESTRICTION OF ADMITTANCE—REMOVAL FROM PREMISES.**

All entertainments, amusements or assemblies shall not be open to the general public between the hours of 2:30 o'clock A.M. and 8:00 o'clock A.M. except as hereinafter provided. In the event that the application for a permit shall state that it is reasonably foreseeable, planned or advertised that an assembly of persons coming within the provisions of this Chapter shall remain upon the premises described in the application for a permit during said hours, the applicant, in submitting the application, shall provide written evidence of compliance with the State of Washington, Department of Health, rules and regulations for sanitation of tourist and resort camps.

Any person other than the permittee or his employees, remaining upon said premises between the hours of 2:30 o'clock A.M. and 8:00 o'clock A.M. or any person gaining admittance to such entertainment, amusement or assembly in violation of RCWC 19.25.180 shall be subject to ejection from said premises by the law enforcement personnel.

#### **19.25.180 RESTRICTION OF ADMITTANCE.**

It shall be the duty of the applicant to record the number of persons admitted to and exited from any event coming within the provisions of this Chapter in such a manner that the number of persons present can be reasonably known at any time. Failure to provide a reasonably accurate record of the number of persons present shall give public law enforcement personnel the right to reasonably estimate the number present. Should the

number of persons present at any time exceed by twenty percent (20%) or more the number for which the permit was granted, it shall be the duty of the public law enforcement agencies to prohibit further access to the event until such time as the number in attendance complies with the attendance for which the permit was issued.

#### **19.25.190 SALE, USE OF INTOXICATING LIQUOR PROHIBITED.**

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

#### **19.25.200 DUTY OF PRESERVING ORDER PLACED ON PERMITTEE.**

It is the intention of this Chapter to put the burden of preserving order upon the permittee of the entertainment, amusement or assembly, and if any entertainment, amusement or assembly within the scope of this Chapter is conducted in Wahkiakum County it shall be conducted 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 provides.

#### **19.25.210 DISTANCE FROM HABITATION.**

No entertainment, amusement, or assembly shall be operated in a location which is closer than 500 feet from any school, church, house, residence or other place of permanent human habitation, PROVIDED, that this Section shall not apply to any school, house, church or place of habitation situate upon the premises covered by the permit.

#### **19.25.220 POSTING PERMIT—PERMIT NON-TRANSFERABLE.**

Any permit issued as herein provided shall be kept posted in a conspicuous place and no such permit shall be transferable or assignable without the consent of the Board of Wahkiakum County Commissioners, and no rebate or refund of money paid for a permit shall be made.

#### **19.25.230 ENFORCEMENT—INSPECTION.**

The Sheriff of Wahkiakum County or any peace officer is hereby authorized and directed to enforce compliance with all of the provisions of the state law, these rules and regulations, and county ordinances. All grounds and any building, room, or other structure wherein any permittee conducts his business shall at all times be open to inspection by the Sheriff, his deputies, or any peace officer.

#### **19.25.240 PENALTIES.**

Any person who shall violate or fail to comply with any provision of this Chapter or who shall counsel, aid or abet such a violation or failure to comply shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in the sum of not less than \$50.00 nor more than \$500.00 and/or be imprisoned in the Wahkiakum County jail for not more than ninety (90) 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 \$500 of the Bond provided for in RCWC 19.25.110.

### **19.25.250 COMPLIANCE.**

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

### **19.25.260 SEVERABILITY.**

If any provision or provisions of this Ordinance, or its application to any person or circumstances is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 79-1970; j. Ref. K-593; 5-4-70)

## ***Chapter 19.30 DANCES***

### Sections:

### **19.30.010 BASIC CLAUSE—LICENSE REQUIRED.**

It shall be unlawful for any person, persons, corporation, organization, or combination thereof, to conduct a public dance or operate a dance hall within Wahkiakum County and outside the limits of incorporated towns and cities unless a valid and current license has been obtained therefor in accordance with the provisions of this Chapter. Criminal or civil liability for failure to comply with the provisions of this ordinance shall rest on all persons, corporations, organizations or combinations thereof, who are responsible for obtaining licenses under this ordinance.

### **19.30.020 DEFINITIONS.**

- (a) The term PUBLIC DANCE shall be construed to mean any dance or ball to which the public generally may gain admission with or without payment of an admission fee.
- (b) The term DANCE HALL shall be construed to mean any room, hall, pavilion, boat, float, building, enclosure, fenced-in area, street, field, or other structure or place wholly or partially established or kept for the purpose of conducting therein or thereon public dances or dancing. The term shall include any dining room, restaurant, eating place, bar, or tavern where meals or beverages are served for consumption on the premises and where dancing is permitted.
- (c) The term TEEN AGE DANCE shall be construed to mean any public dance which, in the judgment of the Wahkiakum County Sheriff, will be attended primarily by persons under the age of 21 years.
- (d) The term BONA FIDE CHARITABLE OR NONPROFIT ORGANIZATION shall be construed to mean any organization duly existing under the provisions of chapters 24.12 (church and religious societies), 24.20 (fraternal societies), or 24.28 (granges) RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the Board of County Commissioners of Wahkiakum County to be organized and operating for one or more of the aforesaid purposes only.

### **19.30.030 ISSUING AGENCY—AUDITOR'S AUTHORITY.**

That the Wahkiakum County Auditor be and is hereby declared the issuing agent for licenses authorized under this Chapter. Said issuing agent shall have authority to approve or deny license applications pursuant to the procedures and provisions of this Chapter.

### **19.30.040 APPLICATION—ISSUING AGENCY—LICENSE.**

Written application for a dance license shall be made in writing to the County Auditor and Ex-officio Secretary of the Board of Wahkiakum County Commissioners signed by the person or authorized representative of the person, persons, corporation, organization, or combination thereof sponsoring the dance. The application shall include the time and place of the proposed dance together with a brief description of the nature of said dance. Said application shall be so submitted not less than five (5) days prior to the commencement of the event for which the license is to be issued. There shall be filed with said application the appropriate fee as set forth in Section 6 of this Chapter, together with the written approval of the office of the sheriff as set forth in Section 5 of this Chapter. Approval or denial of the license by the Auditor shall be made at the time of submission of the application by the sponsor of said dance and no application shall be denied provided that the rules and regulations of this Ordinance are met by the applicant.

### **19.30.050 APPROVING AGENCY—SUBMISSION OF PLAN FOR APPROVAL—STANDARDS.**

- (a) Approval by the Office of the Sheriff of Wahkiakum County shall be obtained in writing by the applicant prior to submission of the application for a license to the County Auditor. It shall be the duty of the Sheriff to investigate the application to ascertain that adequate traffic control, law enforcement and safety control will be provided, if necessary; and, to either deny or approve the application in writing within two (2) days from the date of submission of the application to the office of the sheriff. Any approval shall state whether the proposed dance constitutes a "teen-age dance" as that term is defined in Section 2 (c) of this Chapter. Denial of the permit by the Office of the Sheriff shall be in writing with reasons for the denial and shall be subject to appeal to the Board of Wahkiakum County Commissioners by appeal filed with the Ex-officio Clerk of the Board within ten (10) days of the date of the denial.
- (b) The Sheriff shall not withhold his approval provided the following standards are met by the applicant:
  - (1) The location of the proposed dance has a supply of water adequate to serve the number of persons expected to attend such dance.
  - (2) The location of the proposed dance is provided with adequate toilets, urinals, and hand washing facilities conveniently located. Said facilities to be "adequate" must comply fully with the laws of the State of Washington, Department of Health, and regulations of the County Health Officer.
  - (3) The dance hall has approved fire protection devices and equipment available. Fire prevention standards shall be as set out in the laws of the State of Washington and all regulations issued thereunder.
  - (4) There is provided, at the applicant's expense, one county law enforcement officer for each one hundred (100) persons expected or reasonably to be expected to be in attendance at any time during the proposed dance, PROVIDED, however, the holder of an annual dance license issued under Section 6 (a)(1) hereof shall be deemed to have complied with the requirements of this subsection when said licensee provides one specifically named employee to maintain crowd control. The name of this employee, or employees in the event that more than one hundred persons are expected to be in attendance, shall be submitted to the Wahkiakum County Sheriff. It shall be the duty of such crowd control person to report any violation of the laws.

- (5) The applicant demonstrates by written evidence that the Washington State Liquor Control Board has been notified and that the applicant has fully complied with the applicable regulations of the Washington State Liquor Control Board.
- (6) There is provided adequate off-road parking facilities adjacent to or near the location for which the permit is requested. Such off-road parking facility shall provide parking space for one vehicle per every four (4) persons expected or reasonably to be expected to attend such dance.

#### **19.30.060 LICENSE FEES.**

- (a) The following fees shall accompany the application made pursuant to Section 4 of this Chapter:
  - (1) For an annual dance license: \$75.00
  - (2) For a quarterly dance license: \$20.00
  - (3) For a single dance: \$5.00
  - (4) For a bona fide charitable or non-profit organization, the fee shall be \$5.00 for an annual dance license, PROVIDED such license shall be non-transferable.
- (b) License fees shall be paid to the Wahkiakum County Auditor and remitted to the Treasurer and shall be nonrefundable.

#### **19.30.070 POSTING OF LICENSE REQUIRED.**

All licenses granted hereunder shall be kept posted in a conspicuous place on the licensed premises, during the hours of said dance.

#### **19.30.080 RESTRICTIONS ON OPERATION OF DANCES AND DANCE HALLS.**

- (a) No immoral, indecent, suggestive or obscene dance shall be given or carried on in any dance hall or at any dance licensed hereunder. All building, halls, rooms, pavilions or other places in which public dances are carried on, as well as in all halls, corridors, entrances, exits, and rooms leading thereto or connected therewith shall at all times while open to the public, be adequately lighted.
- (b) No public dance shall be conducted nor dance hall kept open between the hours of two o'clock a.m. and six o'clock a.m. EXCEPT, however, dances may be conducted until three-thirty o'clock a.m. on New Years Day, PROVIDED, such extended hours are not in violation of the rules and regulations of the Washington State Liquor Control Board, PROVIDED FURTHER, that in no event shall any intoxicating beverage be served or consumed upon the premises of a dance hall licensed under this Ordinance after the hour of three o'clock a.m. on New Year's Day nor after the hour of two o'clock a.m. on any other day.
- (c) No teenage dance shall be conducted between the hours of twelve thirty o'clock a.m. and six o'clock a.m.

#### **19.30.090 ENFORCEMENT—INSPECTION.**

The Sheriff of Wahkiakum County or any peace officer is hereby authorized and directed to enforce compliance with all of the provisions of this Ordinance and of any applicable state laws. The Sheriff of Wahkiakum County and all peace officers of the state of Washington shall have free access to public dances and dance halls for the purpose of inspection and to enforce compliance with the provisions of said Ordinance and Laws.

**19.30.100 REVOCATION—TEMPORARY SUSPENSION—TRANSFER.**

Any license granted hereunder to conduct a dance or dance hall may be revoked by the Board of County Commissioners of Wahkiakum County after a hearing held upon not less than five (5) days written notice to the licensee, and the action of said Board in revoking any such license shall be final and conclusive. The Wahkiakum County Sheriff may, without hearing, suspend the exercise of any such license for a period of not to exceed twelve (12) consecutive hours or for the time necessary to clear the area, whichever period of time shall be the lesser, in order to abate a public nuisance or for failure to comply with any provision of this Ordinance. Every licensee accepting a license hereunder shall be deemed to have consented to the provisions of this Ordinance. Every licensee accepting a license hereunder shall be deemed to have consented to the provisions of this section with respect to the cancellation and suspension of licenses. No license granted hereunder shall be transferable except by a formal order of the Board of County Commissioners of Wahkiakum County, nor shall any dance hall or public dance be conducted at any place other than that specified in the license therefor.

**19.30.110 PENALTY.**

Any person who shall violate or fail to comply with any provision of this Ordinance or who shall counsel, aid or abet such a violation or failure to comply shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in the sum of not less than \$50.00 nor more than \$500.00 and/or be imprisoned in the Wahkiakum County jail for not more than ninety (90) days, or both, no part of which fines shall be suspended or deferred.

**19.30.120 REPEALER OF CONFLICTING ORDINANCES.**

All ordinances or orders conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Chapter.

**19.30.130 SEVERABILITY.**

If any provision or provisions of this Ordinance, or its application to any person or circumstances is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances shall not be affected.

***Chapter 19.35 RIGHT-OF-WAY FRANCHISES FOR UTILITIES***  
***(Reserved)***