

ORDINANCE NO. 300

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Title 5 of the Lakewood Municipal Code, Sections 5.00.000, 5.02.050, 5.02.090, 5.02.110, 5.02.180, 5.02.190, 5.02.210, 5.12.000, 5.12.010, 5.12.020, 5.12.025, 5.12.050, 5.12.210, 5.28.050, 5.35.130, 5.35.240, 5.37.220, 5.40.020, 5.40.200, 5.48.050, 5.52.020, 5.52.030, 5.52.040, 5.52.060, 5.52.070, 5.52.100, 5.52.105, 5.52.110, 5.52.130, 5.52.140, 5.52.150, relating to business licenses.

WHEREAS, the City of Lakewood does regulate the licensing and operation of businesses within its jurisdiction, and has adopted regulations for that purpose; and,

WHEREAS, in January of 2002, responsibility for overseeing business licensing within the City was assumed by the Community Development Department, having taken this responsibility from the City's Finance Department in order to increase internal departmental efficiencies and enhance customer service by providing one location for all business licensing and land use permitting processes; and,

WHEREAS, after one year of performing these functions, staff within the Community Development Department has noticed the need to update and make minor amendments to the Code in order to effectuate said changes and customer service goals.

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

Section 1. That section 5.00.000 of the Lakewood Municipal Code is hereby amended to read as follows:

Chapters:

- 5.02 General Business Licenses
- 5.04 Business License Waivers
- 5.12 Pawnshops, Secondhand, Antique, Junk and/or Salvage Dealers, Transient Traders in Secondhand Property, ~~Garage~~Private Sales and Flea Markets
- 5.16 Adult Caberets

- 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- 5.36 Massage Parlors and Bathhouses (~~Repealed by Ord. 80 § 3 (part), 1996; Ord. 53 § 7 (part), 1996.~~)
- 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

Section 2. That section 5.02.050 of the Lakewood Municipal Code is hereby amended to read as follows:

05.02.050 - Exemptions

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:

- A. Casual or isolated sales ~~or services~~ made by persons who are not engaged in the on-going business of selling the type of property ~~or providing the type of service~~ involved, providing that not more than four (4) such sales events are made during any tax year.
- B. Sales, delivery, or peddling of any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by any farmer, gardener, or other person; provided, that this exemption shall not apply to any person selling, delivering, or peddling any dairy product, meat, poultry, eel, fish, mollusk, or shellfish.
- C. 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.
- D. Minors engaged in baby-sitting or delivery of newspapers.
- E. Organizations exempt from taxation under 26 USC 501(C)(3) and (4). Such organizations must be able to show satisfactory proof of such status to the City. (Ord. 79 §1, 1996; Ord. 24 § 5, 1995.)

Section 3. That section 5.02.090 of the Lakewood Municipal Code is hereby amended to read as follows:

05.02.090 - Investigations and Inspection

~~All applications~~ Applications for licenses ~~shall~~ may be investigated by the City Manager, or designee, and business premises may likewise be inspected. Investigations and inspections may also be conducted by designated officials of Pierce County pursuant to Interlocal Agreement. (Ord. 24 § 9, 1995.)

Section 4. That section 5.02.110 of the Lakewood Municipal Code is hereby amended to read as follows:

05.02.110 - Posting of License

It shall be unlawful for any person to engage in business at any location within the City without posting and displaying, prominently and in clear ~~public -view,~~ the valid business license authorizing such business at such location. (Ord. 24 § 11, 1995.)

Section 5. That section 5.02.180 of the Lakewood Municipal Code is hereby amended to read as follows:

05.02.180 - Notice and Order

A. The City Manager, or designee, shall issue a notice and order, directed to the licensee whom ~~the Director it~~ has determined ~~to be~~ is in violation of any of the terms and provisions of any business license or regulation ordinance. The notice and order shall contain:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred or is occurring;
2. A statement that the City Manager, or designee, has found the application submitted by or the conduct of the licensee to be in violation of any business license or regulation ordinance, with a brief and concise description of the facts or conditions found to render such licensee in violation of such business license or regulation ordinance;
3. A statement of any action required to be taken as determined by the City Manager, or designee. If the City Manager, or designee, has determined to assess a civil penalty, the order shall require that the penalty shall be paid within ten (10) days from the date of receipt of the notice and order. If the Director determines to suspend or revoke the license, the order shall require surrender of the licenses to the Director within ten (10) days from the date of receipt of the notice and order.
4. A statement advising that the licensee may appeal from the notice and order or from any action of the City Manager, or designee, to the City Hearing Examiner, provided the appeal is made in writing as provided in this Ordinance and filed with the City Clerk within ten (10) days from the date of receipt of the notice and order, and that failure to appeal shall constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the licensee either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to such licensee at the address which appears on the business license.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made, or by affidavit of mailing to which shall be attached the postal return receipt or original mailing if returned unclaimed. (Ord. 24 § 18, 1995.)

Section 6. That section 5.02.190 of the Lakewood Municipal Code is hereby amended to read as follows:

05.02.190 - Appeal From Denial or From Notice or Order

A. The City Hearing Examiner is designated to hear appeals by applicants or licensees aggrieved by actions of the City Manager, or designee, pertaining to any denial, civil penalty suspension, or revocation of business licenses. The Hearing

Examiner may adopt reasonable rules and regulations for conducting such appeals. Copies of all rules and regulations so adopted shall be filed with the Director of Finance and with the City clerk, who shall make them freely accessible to the public.

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 containing the following:

1. A heading with the words: "Before the Hearing Examiner of the City of Lakewood",
2. A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of

the appellants in the business involved in the denial or notice and order;

4. A brief statement, in concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant or appellants;

5. A brief statement, in concise language, of the relief sought, and the reasons why it is claimed the protested action or notice and order should be reversed, modified, or otherwise set aside;

6. The signatures of all persons named as appellants, and their official mailing addresses;

7. The verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the 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 thereof, postage prepaid, by certified mail with return receipt requested, 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 be followed.

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 Manager, or designee, and may further impose terms and conditions to 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.

H. The decision of the Hearing Examiner is final and appeals from this decision are to be before the Superior Court.

I. Enforcement of any suspension or revocation of any business license, or other order of by the City Manager, or designee, shall be stayed during the pendency of an

appeal therefrom which is properly and timely filed.
(Ord. 276 § 2, 2002; Ord. 108 § 1, (part) 1996; Ord. 24 § 19, 1995.)

Section 7. That section 5.02.210 of the Lakewood Municipal Code is hereby amended to read as follows:

05.02.210 - Continuation of License Upon Death of Licensee

In event of the death of any licensee, his or her duly appointed executor or administrator may continue to conduct business under the license issued to the decedent for the unexpired term thereof, upon filing proof of such appointment with the ~~Director of Finance~~ City Manager or designee. (Ord. 24 § 21, 1995.)

Section 8. That section 5.12.000 of the Lakewood Municipal Code is hereby amended to read as follows:

05.12.000 - Pawnshops, Secondhand, Antique, Junk and/or Salvage Dealers, Transient Traders in Secondhand Property, ~~Garage~~Private Sales and Flea Markets

Chapter 5.12
Pawnshops, Second-Hand, Antique, Junk
and/or Salvage Dealers, Transient Traders
in Second-Hand Property, ~~Garage~~Private
Sales and Flea Markets

Sections:

- 5.12.010 Definitions.
- 5.12.020 License Required.
- 5.12.030 License Fee.
- 5.12.040 Investigation by City.
- 5.12.050 Applications for Pawnshop.
- 5.12.060 Limitation on Number of Pawnshops.
- 5.12.065 Limitation of Preexisting Pawnshop Licenses.
- 5.12.070 Awarding of Pawnshop Licenses.
- 5.12.075 Additional Requirements for Pawnshop Licenses.
- 5.12.076 Requirements for employment as a pawnbroker in pawnshops.
- 5.12.080 ~~Garage~~Private Sales Licenses.
- 5.12.090 Customer Identification.
- 5.12.100 Record of Transactions.
- 5.12.110 Daily Reports to Law Enforcement.
- 5.12.120 Issuance of Loan Contracts.
- 5.12.130 Retention of Property.
- 5.12.140 Prohibited Transactions.
- 5.12.150 Termination of Business.
- 5.12.160 Purchasing of Property.
- 5.12.170 Altered Serial Numbers.
- 5.12.180 Flea Market Reports.
- 5.12.190 Holds.
- 5.12.200 Disposal of Goods.
- 5.12.210 Penalties.
- 5.12.220 Intent.

Cross-reference: Chapter 19.60 RCW

Section 9. That section 5.12.010 of the Lakewood Municipal Code is hereby amended to read as follows:

05.12.010 - Definitions

A. "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. "~~Garage~~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.
(Ord. 217 § 1 (part), 1999; Ord. 53 § 2 (part), 1996.)

Section 10. That section 5.12.020 of the Lakewood Municipal Code is hereby amended to read as follows:

05.12.020 - License Required

A. 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 garageprivate 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.
(Ord. 217 § 1 (part), 1999; Ord. 53 § 2 (part), 1996.)

Section 11. That section 5.12.025 of the Lakewood Municipal Code is hereby added and reads as follows:

05.12.025 - Private Sales Licenses

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.
(Ord. 217 § 1 (part), 1999; Ord. 185 § 1, 1998; Ord. 53 § 2 (part), 1996.)

Section 12. That section 5.12.050 of the Lakewood Municipal Code is hereby amended to read as follows:

05.12.050 - Applications for Pawnshop

- A. Applications for operation of a pawnshop in the City shall be on forms prepared by the ~~Finance Department- City Manager or designee, and shall be submitted to the City Manager.~~
- 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.
(Ord. 217 § 1 (part) 1999; Ord. 53 § 2 (part), 1996.)

Section 13. That section 5.12.210 of the Lakewood Municipal Code is hereby amended to read as follows:

05.12.210 - Penalties

- A. 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.

B. Every person conducting a garageprivate sale without a license shall be guilty of a misdemeanor, Provided that the City's law enforcement officers shall be authorized to issue a garageprivate sale license to the operator of a garageprivate sale at anytime on the day of the garageprivate sale so long as no more than four garageprivate sales have been held at that location or by that operator in a year.

C. 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.
2. 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. (Ord. 217 § 1 (part), 1999; Ord. 53 § 2 (part), 1996.)

Section 14. That section 5.28.050 of the Lakewood Municipal Code is hereby amended to read as follows:

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:

A. 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.

B. 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.

C. 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 ~~more~~-less than 300 feet.

D. 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.

E. 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.

F. All motor vehicle wreckers shall comply with all applicable off-street parking requirements of the City resolutions. (Ord. 53 § 5 (part), 1996.)

Section 15. That section 5.35.130 of the Lakewood Municipal Code is hereby amended to read as follows:

05.35.130 - Transfer of Licenses and Change of Location

A. *Massage business.* No massage business 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 massage 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.

B. *Massage practitioner.* The massage practitioner license, when issued, shall be valid only for the massage establishments listed on the license; provided, however, if the practitioner provides massage solely in the client's residence, the license will so note and will be valid for such purpose. Before commencing work as a massage practitioner for a new employer, a massage practitioner shall submit a letter, dated no more than 30 days prior to the date of submittal, from the new employer indicating intent to employ the applicant including the effective date of such employment and must have his or her license amended by the City Manager or

designee for a fee as set forth in the City of Lakewood Fee Resolution. (Ord. 80 § 1 (part), 1996.)

Section 16. That section 5.35.240 of the Lakewood Municipal Code is hereby amended to read as follows:

05.35.240 - Standards of Safety and Sanitation

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

A. Each room or enclosure where massage services are performed on patrons shall be provided with adequate lighting in accordance with the building code, and in addition, at least one artificial light of not less than 40 watts shall be provided in each room or enclosure where services are performed and shall be in operation when such services are performed.

B. 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.

C. Hot and cold running water shall be provided at all times.

D. Each massage 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.

E. All massage tables, 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.

F. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean containers or cabinets.

G. 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.

H. 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.

I. Each massage practitioner shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage ~~work areas~~.

J. No person shall consume food or alcoholic beverages in massage work areas.

K. A person suffering from infectious or contagious disease(s) transmittable by touch shall not be treated by any licensed massage business or massage practitioner. A massage practitioner who is suffering from infectious or contagious disease(s) shall not administer massage services.

L. All massage establishments shall continuously comply with all applicable building, fire and health ordinances and regulations.

M. 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.

N. 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.

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

(Ord. 80 § 1 (part), 1996.)

Section 17. That section 5.37.220 of the Lakewood Municipal Code is hereby amended to read as follows:

05.37.220 - Appeal from Hearing Examiner

An appeal from a decision of the hearing examiner shall be to ~~the City of Lakewood City Council~~ Pierce County Superior Court 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.

(Ord. 80 § 2 (part), 1996.)

Section 18. That section 5.40.020 of the Lakewood Municipal Code is hereby amended to read as follows:

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.

~~C. No license shall be available for an event of more than one day's duration. No license shall be issued for consecutive days to the same sponsors for the same event on the same premises.~~ (Ord. 288 § 11; Ord. 53 § 8 (part), 1996.)

Section 19. That section 5.40.200 of the Lakewood Municipal Code is hereby amended to read as follows:

05.40.200 - Permit - Application

Application for outdoor music festival permits herein shall be in writing to the City Manager or designee, ~~and filed with the City's Finance Department.~~ 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:

- A. 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;
- B. The type of business organization of the applicant;
- C. 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;
- D. A current financial statement of the applicant;
- E. The principal place of business of the organization;
- F. A schedule of any programs or performances inclusive of a description of the nature and character thereof;
- G. 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;
- H. The date of the day such outdoor music festival is proposed to be held;
- I. 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;
- J. The signature of the person so authorized to sign on behalf of the named applicant; and
- K. If the applicant is a corporation, then a copy of the corporate resolution authorizing the filing by the applicant;
- L. The verification by such signer of the truth of the matters contained in such application under the pains and penalties of perjury. (Ord. 53 § 8 (part), 1996.)

Section 20. That section 5.48.050 of the Lakewood Municipal Code is hereby amended to read as follows:

05.48.050 - Application for License

All applications for licenses shall be made to the ~~Finance Department~~ City Manager or designee. (Ord. 53 § 10 (part), 1996.)

Section 21. That section 5.52.020 of the Lakewood Municipal Code is hereby amended to read as follows:

05.52.020 - Definitions

- A. "Adult dog" and "Adult cat" means any dog or cat past the age of seven months.
- B. "Animal" means any live vertebrate creature, domestic or wild.
- C. "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.
- D. "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.
- E. "Enforcement Agency" means the law enforcement agency of the City of Lakewood, ~~The Humane Society for Tacoma and Pierce County~~, or such organization

as designated by ordinance of the City of Lakewood.

F. "Enforcement Officer" means any law enforcement officer of the City of Lakewood ~~or deputize employee of The Humane Society for Tacoma and Pierce County~~ designated to enforce the provisions of this title.

G. "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.

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

I. "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.

J. "Humane Officer" is any person designated by the City of Lakewood ~~or The Humane Society for Tacoma and Pierce County~~ as a law enforcement officer, qualified to perform such duties under the laws of this State.

K. "Impounding Authority" means ~~The Humane Society for Tacoma and Pierce County or any organization appointed by the City of Lakewood~~ giving the authority to impound animals and handle and care for impounded animals.

L. "Jurisdictional Licensing Agent" means:-

- ~~1. The Humane Society for Tacoma and the City of Lakewood, or~~
- ~~2. Any agency or organization appointed or empowered by the City of Lakewood to register and license dogs and/or cats~~ any organization appointed by the City of Lakewood.

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

N. "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.

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

P. "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.

Q. "Temporary" as used in this Chapter means less than sixty days.
(Ord. 83 § 1 (part), 1996.)

Section 22. That section 5.52.030 of the Lakewood Municipal Code is hereby amended to read as follows:

5.52.030 - License Requirement

A. 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.

B. 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.

C. 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.

D. Renewal. Upon compliance with Section 5.52.040 and the tender of any fees required by Section 5.52.050, ~~The Humane Society for Tacoma and Pierce County~~ 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 application is not submitted by March 31. Payment of this penalty shall not preclude the imposition of penalties prescribed in Sections 5.52.160 and 5.52.170.

E. License - Required Information. Every license shall state on its face the name of the owner and operator of the animal facility, the address, the maximum number of animals which can be kept in the facility at any one time, and the expiration date of the license. The number of animals which can be kept in the facility at any one time shall be determined by the Director or agent of The Humane Society for Tacoma and Pierce County who inspected the premises, and may be modified by the Director from time to time if the facility conditions change. The location of any kennel shall not be changed without prior permission of the Director and such permission will be granted only after appropriate inspections have been conducted.

F. Records - Duty to Maintain. Every licensed person shall maintain records for three years (current year and past two years) on dogs and/or cats. Said records shall

contain a list of the names and addresses of persons from whom animals are received and to whom animals are sold, traded, given away, or groomed. All animal transactions shall be made available for inspection by the Community Development Director ~~and/or agent of The Humane Society for Tacoma and Pierce County~~ at all reasonable times for a specific reason.
(Ord. 288 § 14, 2002; Ord. 83 § 1 (part), 1996.)

Section 23. That section 5.52.040 of the Lakewood Municipal Code is hereby amended to read as follows:

05.52.040 - Application

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

B. Application - Required Information. Any person applying for a license as required by this Chapter shall submit to The ~~Humane Society for Tacoma and Pierce County~~ 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 Planning 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.

(Ord. 83 § 1 (part), 1996.)

Section 24. That section 5.52.060 of the Lakewood Municipal Code is hereby amended to read as follows:

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 ~~Humane Society for Tacoma and Pierce County~~ 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.

A. Duty to Comply. The licensee shall comply with all standards, rules and regulations set forth in this Chapter throughout the licensing period.

B. 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.

C. Distribution. The ~~Humane Society for Tacoma and Pierce County~~ City of Lakewood will distribute each license to the following agencies:

1. City of Lakewood Finance Department;
2. City of Lakewood ~~Planning~~ Community Development Department;
3. Pierce County Fire Protection District No. 2;
4. The Humane Society for Tacoma and Pierce County;
5. Tacoma-Pierce County Health Department.

(Ord. 83 § 1 (part), 1996.)

Section 25. That section 5.52.070 of the Lakewood Municipal Code is hereby amended to read as follows:

05.52.070 - Director - Power and Duties

A. The ~~Humane Society for Tacoma and Pierce County~~ 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.

B. 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.

C. 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.

(Ord. 83 § 1 (part), 1996.)

Section 26. That section 5.52.100 of the Lakewood Municipal Code is hereby amended to read as follows:

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 Planning Community Development Department ~~and The Tacoma-Pierce County Health~~

~~Department~~, as required in Sections 5.52.040 B.6. and 8. Will not be required. (Ord. 83 § 1 (part), 1996.)

Section 27. That section 5.52.105 of the Lakewood Municipal Code is hereby amended to read as follows:

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 ~~sd~~ 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 is not required to obtain a general business license. 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. (Ord. 149 § 11, 1997)

Section 28. That section 5.52.110 of the Lakewood Municipal Code is hereby amended to read as follows:

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 ~~Humane Society for Tacoma and Pierce County~~ 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. (Ord. 83 § 1 (part), 1996.)

Section 29. That section 5.52.130 of the Lakewood Municipal Code is hereby amended to read as follows:

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.

~~An~~ 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. (Ord. 83 § 1 (part), 1996.)

Section 30. That section 5.52.140 of the Lakewood Municipal Code is hereby amended to read as follows:

05.52.140 - Impoundment

~~An~~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. (Ord. 83 § 1 (part), 1996.)

Section 31. That section 5.52.150 of the Lakewood Municipal Code is hereby amended to read as follows:

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 ~~or the enforcement agency of~~ Lakewood, for abatement, damages, and/or mandatory or prohibitory relief as provided for by City Ordinance or State law. (Ord. 83 § 1 (part), 1996.)

Section 32. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 33. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 21st day of January, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney