

TITLE V
BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.01 Licensing of Dance Halls**
- 5.04 Licensing of Dancing and Entertainment in Taverns (Repealed)**
- 5.08 Outdoor Public Assemblies**
- 5.12 Regulation of Minor Forest Products**
- 5.16 Door-to-Door Peddling or From a County Road**
- 5.20 Licensing of Pawnbrokers and Secondhand Dealers**

Chapter 5.01

Licensing of Dance Halls¹

Sections:

- 5.01.010 Permits where Liquor Sold**
- 5.01.020 Payment Date**
- 5.01.030 Approval of License Fee Application**
- 5.01.040 Jurisdiction**
- 5.01.050 Permits for Non-Liquor Establishments**
- 5.01.060 Violation**
- 5.01.070 Repeal of Conflicting Ordinances**

5.01.010 Permit Where Liquor Sold

No person, firm, or corporation shall hereafter operate, permit, or allow dancing of any nature within a building or structure wherein intoxicating liquor, including beer or wine, is sold, without first having secured a permit therefor in the manner hereinafter provided, and having paid an annual license fee of seventy-five dollars (\$75.00) per year.

(Ord., March 1, 1965, vol. 12, p. 332)

5.01.020 Payment Date

Said annual license fee shall be paid to the Island County Treasurer on or before the 10th day of January of each year.

(Ord., March 1, 1965, vol. 12, p. 332)

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¹ For statutory provisions regarding dance hall licensing, see RCW 67.12.

5.01.030 Approval of License Fee Application

Before commencing said dancing, any person, firm, or corporation desiring to do so shall make application for a license at the office of the Island County Sheriff and said license may be granted only upon approval of the Board of County Commissioners of Island County. The county commissioners will grant said license only if they shall find that the applicant therefor is of good moral character, has never been convicted of a felony, and that the granting of said license will not impose any undue burden upon the office of the Island County Sheriff and will not result in any undue harm to the health and welfare of the residents of Island County, Washington.

(Ord., March 1, 1965, vol. 12, p. 332)

5.01.040 Jurisdiction

This chapter shall only apply to establishments located outside the corporate limits of an incorporated town in Island County, Washington.

(Ord., March 1, 1965, vol. 12, p. 332)

5.01.050 Permits for Non-Liquor Establishments

No person, firm, or corporation shall hereafter operate any establishment or permit dancing wherein the general public is allowed to dance without first having secured a permit therefor from the Island County Sheriff's Department, and without first having obtained and provided for police supervision of said dancing approved by a person or persons of the Island County Sheriff's Department. The said permit shall be secured from the Island County Sheriff's Office and no said permit shall be granted without the licensee first having paid an annual fee of twenty-five dollars (\$25.00) per year. This provision will apply to any organization which holds two (2) or more dances within a yearly period, commencing the 1st of January of each year, and to no others.

(Ord., March 1, 1965, vol. 12, p. 332)

5.01.060 Violation

Any person violating any portion of this chapter shall be guilty of a misdemeanor and may be punished by imprisonment in the Island County Jail for not more than thirty (30) days, or by a fine of not more than two-hundred-fifty dollars (\$250.00), or both.

(Ord., March 1, 1965, vol. 12, p. 332)

5.01.070 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.

(Ord., March 1, 1965, vol. 12, p. 332)

Chapter 5.04

Licensing of Dancing and Entertainment in Taverns

(Chapter 5.04, Licensing of Dancing and Entertainment in Taverns, and the resolution passed August 2, 1937 covering said subject, repealed by Ord. C-102-99, September 13, 1999, vol. 43, p. 460)

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**Chapter 5.08
Outdoor Public Assemblies²**

Sections:

- 5.08.010 Entertainment Unlawful Without Permit**
- 5.08.020 License Fees and Requirements**
- 5.08.030 Application for License**
- 5.08.040 Submission of Plans--Approval**
- 5.08.050 Penal Bond and Bond of Indemnity**
- 5.08.060 Conditions**
- 5.08.070 Investigation of Applicant and Compliance with Rules and Regulations**
- 5.08.080 Enforcement--Inspection**
- 5.08.090 Penalties**
- 5.08.100 Severability**

5.08.010 Entertainment Unlawful Without Permit

It shall be unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit, or cause to be advertised an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment which said person, persons, corporation, organization, landowner, or lessor believes or has reason to believe will attract one-hundred (100) or more persons unless a valid county permit has been obtained for the operation of said outdoor public amusement, entertainment, or assembly. One (1) such permit shall be required for each outdoor public entertainment, amusement, or assembly wherein live or recorded music is presented. Criminal or civil liability for failure to comply with the provisions of this chapter shall rest in all persons, corporation, organization, landowners, or lessors who are responsible for obtaining permits under this section.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298)

² For statutory provisions regarding outdoor assemblies, see RCW 70.108.

5.08.020 License Fees and Requirements

- A. No public amusement, entertainment, or assembly may be held in Island County outside the limits of incorporated cities and towns unless the person or persons sponsoring said rock music, band, and/or youth festival shall first obtain a permit as hereinafter provided, 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 five-hundred dollars (\$500.00) for each event.
- B. No permit shall be available for an event of more than one (1) day’s duration. No permit shall be issued for consecutive days to the same sponsors for the same event on the same premises. However, if the event will be held on government owned property, a permit may be issued for more than one (1) day. No outdoor assembly shall be conducted during the hours of 12:01 a.m. and 9:00 a.m.
- C. The applicant for a permit shall be in attendance during the period three (3) hours before the advertised hour that the event is to take place and during said event. Failure to be present during such time shall constitute a violation of this ordinance and subject the offender to the penalties set forth in 5.08.090.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298; amended by Ord. C-85-01, July 2, 2001, vol. 45, p. 377)

5.08.030 Application for License

Written application for amusement, entertainment, or assembly permits shall be made to the Island County Board of County Commissioners and said application must be submitted ninety (90) or more days prior to the first day upon which said amusement, entertainment, or assembly is to be or may be held. Upon request, the Board may waive the ninety (90) day application requirement when the Board is able to more promptly process the permit. Approval of permits as herein provided for shall be made within sixty (60) days after application therefor unless such permit shall be denied. Permits shall not be denied provided the following conditions (5.08.060, conditions 1-6) are met by the applicant. Denial of the 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 fifteen (15) days of the denial.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298; amended by Ord. C-85-01, July 2, 2001, vol. 45, p. 377)

5.08.040 Submission of Plans--Approval

Whenever approval by a county government agency other than the Island County Board of County Commissioners is required hereunder, application for such approval shall be made in the same manner at the times provided in 5.08.030 above when applying for a permit for the outdoor

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live music entertainment, amusement, or assembly permit. 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 and shall be subject to inspection by the approving agencies or departments at their convenience. 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.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298)

5.08.050 Penal Bond and Bond of Indemnity

No permit shall be issued hereunder until the applicant has on deposit with the Island County Treasurer the sum of twenty-five-thousand dollars (\$25,000) cash or bond as an indemnity to save and protect the streets, pavements, bridges, road signs, and other property of the county from any and all damage that may be caused by vehicles, employees, or participants in such amusement, entertainment, or assembly and to be used, if necessary, to restore the ground where such amusement, entertainment, or assembly is held to a sanitary condition and pay all charges and losses to the county for damages to the streets, pavements, bridges, and other property; **provided** that should the licensed event 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 when the Island County Sheriff certifies to the treasurer that no damage has been done and that the county did not incur additional expenses due to said licensed event or that the costs of the above have been paid by the licensee. The \$25,000 cash or indemnity bond shall not be required when the event will be held on government owned property. The sponsors shall be required to furnish evidence of a liability insurance policy providing for a minimum of one-hundred-thousand dollars (\$100,000) bodily injury coverage per person; three-hundred-thousand dollars (\$300,000) bodily injury coverage per occurrence; and one-hundred-thousand dollars (\$100,000) property damage coverage, naming Island County as an additional insured.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298; amended by Ord. C-85-01, July 2, 2001, vol. 45, p. 377)

5.08.060 Conditions

Condition No. 1. No permit for an entertainment, amusement, or assembly shall be granted unless the application is accompanied by the written approval of the Island County Health Department indicating that the applicants for said permit have complied with the health requirements of said department for like or similar facilities. Said approval shall indicate the type and adequacy of water supply to be provided, the type and adequacy of toilet, waste collection, and washing facilities to be provided, if there is to be food served on the premises the type and adequacy of food preparation and food service facilities to be provided, and the specific noise level standards of chapter 173-60 WAC to be complied with.

Condition No. 2. Fire Protection: No permit shall be granted hereunder unless the applicant has shown that the Island County Building Official 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.

Condition No. 3. Traffic Control--Police Protection: No permit shall be granted hereunder unless it shall be in an application to the Island County Sheriff that adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant. Traffic control and crowd control personnel shall be licensed merchant patrolmen or named persons meeting the requirements of this code for becoming merchant patrolmen. There shall be provided one (1) traffic control person for each one-hundred (100) persons expected or reasonably to be expected to be in attendance at any time during the event. It shall be the duty of such policing personnel to report any violation of the laws to the Island County Sheriff or his deputies.

Condition No. 4. Parking: Application for a permit under this chapter shall be accompanied by scale drawing showing adequate parking facilities having been made available adjacent to the location for which the permit is requested. Such parking facility shall provide parking space for one (1) 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; **provided** that should buses be used to transport persons to the entertainment, amusement, or assembly, it shall be shown that public parking or parking as described above is available at any site from which buses are scheduled to transport persons to an event regulated by this chapter.

Condition No. 5. Inspection: No permit shall be granted hereunder unless the applicant shall in writing upon the application for such a permit consent to allow the law enforcement and public health and fire control officers of the county 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.

Condition No. 6. Location: No amusement, entertainment, or assembly shall be operated in a location which is closer than one-thousand (1,000) feet from any schoolhouse, church, house, residence, or other human habitation.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298; amended by Ord. C-85-01, July 2, 2001, vol. 45, p. 377)

5.08.070 Investigation of Applicant and Compliance with Rules and Regulations

No application for an entertainment, amusement, or assembly permit shall be issued until the Island County Board of County Commissioners shall have had an investigation and report by the Island County Sheriff, as to the character and reputation of the applicant or applicants, and his or their fitness to conduct such business; and whether the location or place to be used as a site for an entertainment, amusement, or assembly conforms to all rules and regulations of this chapter and the state law, particularly in regard to fire, health, ventilation, lighting, sanitary conditions, and toilet conveniences. Every application shall be accompanied by the fingerprints, a 3" x 5" photograph, and a sworn statement or statements setting forth the complete personal history, including the last preceding ten (10) years from the date of application of each and every person having any proprietary interest in said licensed activity. The Island County Sheriff shall be empowered to obtain adequate photographs of all persons having any proprietary interest.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298)

5.08.080 Enforcement--Inspection

The sheriff or any peace officer is hereby authorized and directed to see that all provisions of the state law and these rules and regulations are enforced, and that all grounds and any building, room, or other structure wherein any permittee hereunder conducts his business shall at all times be open to inspection by the sheriff, his deputies, or any peace officer. Furthermore, no application shall be granted hereunder unless the applicant shall in writing upon the application for such permit consent to allow the law enforcement and public health and fire control officers of Island County 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.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298)

5.08.090 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 gross misdemeanor and shall, upon conviction thereof, be fined in the sum of not more than one-thousand dollars (\$1,000) or imprisoned in the county jail for not more than one (1) year, or both. Such violation if committed by the permittee or those persons working in his behalf shall work an automatic forfeiture of not less than one-thousand dollars (\$1,000) of the bond provided for in 5.08.050 of this chapter. Compliance 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.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298)

5.08.100 Severability

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

(Ord. 70-1, May 4, 1970, vol. 13, p. 298)

Chapter 5.12**Regulation of Minor Forest Products****Sections:**

- 5.12.010 Definitions**
- 5.12.020 Consent to Remove**
- 5.12.030 Consent to Transport**
- 5.12.040 Transport of Christmas Trees**
- 5.12.050 Requirements for Transport**
- 5.12.060 Transport of Cedar Products**
- 5.12.070 Prevention of Violation**
- 5.12.080 Powers of Inspection**
- 5.12.090 Exceptions to Regulation**
- 5.12.100 Violation--Penalties**
- 5.12.110 Requirements for Purchase**
- 5.12.120 Required Records**
- 5.12.130 Penalties**
- 5.12.140 Severability**

5.12.010 Definitions

For the purpose of this chapter the following definitions shall apply:

- A. **Christmas trees** shall mean any evergreen trees commonly known as Christmas trees, including fir, hemlock, spruce, pine, and cedar trees, but excepting logs, poles, pilings, or other forest products from which substantially all the limbs and branches have been removed.

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- B. **Minor forest product** shall mean evergreen foliage, cascara bark, huckleberry brush, salal, sword ferns, rhododendron greens, and huckleberries.
- C. **Cedar products** shall mean shakes, shake boards, shingle bolts, fence posts, hop poles, pickets, or any other cedar products not normally transported as logs, poles, or pilings.
- D. **Cutter** or **picker** shall mean any person, firm, or corporation, or agent thereof who cuts, digs, breaks, or removes Christmas trees, minor forest products or cedar products.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.020 Consent to Remove

It shall be unlawful for any cutter or picker in Island County to cut, dig, break, pick, or remove from any private lands any Christmas trees, minor forest products without the consent, express or implied, of the owner or lessee thereof.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.030 Consent to Transport

It shall be unlawful for any person, firm, or corporation, or the agent thereof, to transport over the highways of this county any Christmas trees, minor forest products, or cedar products which he or his agent or principal has taken without the consent, express or implied, of the landowner or his authorized lessee or agent.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.040 Transport of Christmas Trees

It shall be unlawful for any cutter or picker of Christmas trees, or his agent, to transport over the highways of this county more than five (5) Christmas trees without having in his possession a dated bill of sale, certificate of ownership, or bill of lading showing the number of trees, by species, sold or transferred by any such document and showing his title thereto.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.050 Requirements for Transport

It shall be unlawful for any person, firm, or corporation, or his or their agent or employee to transport minor forest products over the highways of this county in a quantity of more than five (5) evergreen trees and/or five (5) pounds of other minor forest products without having in his or their possession a load ticket signed by the driver on which will set forth the following information:

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- A. The name and address of the owner or lessee of the lands where the minor forest products were cut, broke, picked, dug or removed, or in the alternative, the legal description of the lands from where the said minor forest products were taken and removed, or in the further alternative the name and address of the person, firm, or corporation from whom the said minor forest products were received;
- B. The destination of the said minor forest products; and,
- C. The date the said minor forest products were taken and removed from the said land, or delivered to the person transporting the said minor forest products.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.060 Transport of Cedar Products

It shall be unlawful for any person, firm, or corporation or his or their agent or employees to transport cedar products over the highways of this county without having in his or their possession a load ticket signed by the driver on which will set forth the following information:

- A. The name and address of the owner or lessee of the lands where the cedar products were cut or removed, or in the alternative, the legal description of the lands from where the said cedar products were cut and removed, or in the further alternative the name of the person, firm, or corporation from whom the said cedar products were received;
- B. The destination of the said cedar products; and
- C. The date the said cedar products were cut and removed from the said land, or delivered to the person transporting the said cedar products.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.070 Prevention of Violation

All peace officers shall note and investigate the transportation of Christmas trees, minor forest products and/or cedar products for the purpose of preventing violations of the provisions of this chapter.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.080 Powers of Inspection

Any peace officer, which term shall include state forest wardens and game protectors, shall have the power to stop, inspect, and search without a warrant any person or vehicle observed transporting five (5) or more Christmas trees, five (5) or more pounds of minor forest products, and/or cedar products for the purpose of ascertaining whether or not the same are being transported in violation of the provisions of this chapter. Any hindrance or interference with any such officer so engaged shall be prima facie evidence that the person interfering with, or hindering such officer, is guilty of a violation of this chapter.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.090 Exceptions to Regulation

The provisions of sections 5.12.070 -.080 hereof shall not apply to the transportation of trees in course of transplantation with their roots intact or the transportation of cedar products from a person's own property for his own personal use.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.100 Violation--Penalties

Whenever any person, firm, or corporation or agent violates the provisions of sections 5.12.020, -.030, -.040, -.050, or -.060 of this chapter, a peace officer may either arrest the person without a warrant and take him before any court having jurisdiction of the offense, or he may issue a summons or citation for the accused person to appear at the court named and answer a complaint to be filed therewith; **provided**, that at the time of making the arrest, the peace officer may seize the trees, minor forest products, or cedar products and may also seize and impound the vehicle used in transporting same, subject to the order of the court before which the arrested person is ordered to appear; **provided**, that if the owner of the trees, minor forest products, or cedar products appears before the court and presents satisfactory evidence of ownership, the court shall order the officer to deliver the trees, minor forest products or cedar products to the owner. However, if the owner does not appear and proves his ownership thereof within five (5) days, the court shall direct the officer to sell the trees, minor forest products, and/or cedar products and pay the proceeds thereof to the treasurer of the county, who shall deposit same in the general fund.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.110 Requirements for Purchase

It shall be unlawful for any person, firm, or corporation to receive, take, or purchase any trees, minor forest products or cedar products from any person or persons who shall refuse to make known his or her or their name or names, place or places of residence, and legal description of property of which said trees, minor forest products, or cedar products were cut or removed, or to knowingly make any false entry of any matter or thing required to be made under this chapter.

(Ord., March 14, 1960, vol. 11, p. 511)

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5.12.120 Required Records

Any person, firm, or corporation purchasing trees, minor forest products, or cedar products shall keep a book in which he shall at the time of purchase of said trees, minor forest products or cedar products, enter in the English language, written in ink, a full and accurate description of said trees, minor forest products, or cedar products so bought together with the name, signature, and residence of the vendor, and also the amount paid and the date and hour of purchase, together with a complete legal description of the property from which such trees, minor forest products or cedar products were removed, and said book shall at all reasonable time be open to inspection of any peace officer.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.130 Penalties

Any person, firm, or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not exceeding two-hundred-fifty dollars (\$250.00), or by imprisonment in the county jail for a period of not exceeding ninety (90) days. For purposes of enforcement of this chapter, Justice Courts and Superior Courts shall have concurrent jurisdiction.

(Ord., March 14, 1960, vol. 11, p. 511)

5.12.140 Severability

If any section, provision, or part thereof of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

(Ord., March 14, 1960, vol. 11, p. 511)

Chapter 5.16

Door-to-Door Peddling or From a County Road

Sections:

5.16.010 Prohibition--Vending from County Roads

5.16.020 Permit--Fee

5.16.030 Requirements for Permit

5.16.040 Penalties

5.16.050 Exceptions

5.16.060 Repeal of Conflicting Ordinances

5.16.070 Effective Date

5.16.010 Prohibition--Vending from County Roads

No person, firm, or corporation shall hereafter use as a site for vending or selling any items of personal property on any of the county road rights-of-way in Island County, Washington.

(Ord., September 16, 1963, vol. 12, p. 220)

5.16.020 Permit--Fee

Any person, firm, or corporation desiring to sell or solicit the purchase of personal property, goods, services, or property of any nature or kind by solicitation of householders or others, door-to-door or upon the premises of others, shall first secure a permit from the Island County Sheriff's Department. The Island County Sheriff's Department shall collect as a fee for said permit the sum of ten dollars (\$10.00) for each salesman or saleslady who shall be selling under said permits. The said permit shall be good for a period of one (1) year from the date of issuance.

(Ord., September 16, 1963, vol. 12, p. 220)

5.16.030 Requirements for Permit

Each applicant for a door-to-door vending permit shall sign an application therefor, which shall contain his name and address, the name and address of the firm or firms for which he is employed, the name and address of each of the salesmen who shall be selling under said permit, a statement as to whether any such salesman has been convicted of a crime, and if so, the nature of said crime and the place where committed. In addition thereto, each salesman shall submit to fingerprinting when requested by the Island County Sheriff. The said vending permit shall be carried upon the person of each salesman while engaged in the process of door-to-door vending or selling in Island County, Washington.

(Ord., September 16, 1963, vol. 12, p. 220)

5.16.040 Penalties

Any person violating any portion of this chapter shall be guilty of a misdemeanor and each sale, or solicitation for sale made in violation of this chapter shall constitute a separate offense, and may be punishable by imprisonment in the county jail for a period of not more than thirty (30) days, or by a fine of not more than one-hundred dollars (\$100.00), or by both.

(Ord., September 16, 1963, vol. 12, p. 220)

5.16.050 Exceptions

The provisions of this chapter shall not apply to solicitations and sales by religious, fraternal, or other nonprofit organizations, including those engaged in school projects, provided the funds received therefrom are to be used solely for nonprofit purposes.

(Ord., September 16, 1963, vol. 12, p. 220)

5.16.060

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5.16.060 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.
(Ord., September 16, 1963, vol. 12, p. 220)

5.16.070 Effective Date

This chapter shall be in full force and effect as of September 16, 1963.
(Ord., September 16, 1963, vol. 12, p. 220)

Chapter 5.20

Licensing of Pawnbrokers and Secondhand Dealers³

Sections:

- 5.20.010 Definitions**
- 5.20.020 License Required**
- 5.20.030 License Fees and Running Period**
- 5.20.040 Term--Revocation**
- 5.20.050 License Applications--Issuance--Fee--Revocation**
- 5.20.060 Register**
- 5.20.070 Business Records--False Entries or Destruction of Records**
- 5.20.080 Weekly Report**
- 5.20.090 Failure to Make Report and Falsification of Report Unlawful**
- 5.20.100 Period of Holding Prior to Resale**
- 5.20.110 Prohibited Transactions**
- 5.20.120 Prima Facie Evidence of Violation**
- 5.20.130 Records and Merchandise to be Open to Inspection**
- 5.20.140 Rate of Interest--Penalty for Violation**
- 5.20.150 Personal Property Tax**
- 5.20.160 Termination of Business**
- 5.20.170 Violation--Penalties**
- 5.20.180 Severability**

³ For statutory provisions regarding pawnbrokers, see RCW 19.60.

5.20.010 Definitions

For the purpose of this chapter the term “pawnbrokers and secondhand dealers” shall mean and include every person who takes or receives by way of pledge or pawn, goods, wares, or merchandise, or any kind of personal property thereon, or to loan money on deposit of personal property, or anyone who shall as a business, engage in the purchase or sale of secondhand goods, or who shall keep any store, shop, room, or place where secondhand goods of any kind or description are bought, sold, bartered, pledged, or pawned.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.020 License Required

It shall be unlawful for any person to engage in the business of pawnbroker or secondhand dealer without first having obtained a license to do so, to be known as “pawnbroker’s and secondhand dealer’s license.”

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.030 License Fees and Running Period

Initial fee for pawnbrokers’ and secondhand dealers’ licenses shall be twenty-five dollars (\$25.00) for the first year or portion thereof, and the license fee for each year thereafter shall be the sum of five dollars (\$5.00). Said license shall commence January 1 and end December 31 of each calendar year with the license fee to be payable in advance to the Island County Auditor.

(Amended by Ord. 70-3, July 6, 1970, vol. 13, p. 320)

5.20.040 Term--Revocation

All licenses issued hereunder shall be issued for a period of not more than one (1) year and shall be subject to revocation by the Board of County Commissioners for any cause deemed sufficient by it, and if said license shall be revoked, the licensee shall close his place of business and cease within thirty (30) days from the date of such revocation.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.050 Licenses--Applications--Issuance--Fee--Revocation

A. Any person, firm, or corporation desiring to obtain a license to engage in the business of pawnbroking or secondhand dealing in Island County shall file an application for a license with the auditor, containing the following information:

1. Name of applicant, business address, and telephone number;
2. Home address and telephone number of applicant;

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BUSINESS LICENSES AND REGULATIONS

3. Business, firm, or corporation name of applicant and, if the applicant has engaged in business as a pawnbroker in a location other than Island County, a declaration by said applicant of the place and dates on which he was so engaged in said business.
- B. The Island County Auditor shall, within five (5) days from the filing of the application for license, forward the same to the office of the Island County Sheriff, who shall, within ten (10) days from receipt thereof, signify his approval or disapproval of said application and return the same to the Island County Auditor who shall issue the license if the sheriff approves the application.
- C. In the event the sheriff disapproves the application, the Island County Auditor shall, within five (5) days after receipt of said application from the sheriff, present the application for said license to the Board of County Commissioners for their approval or disapproval thereof, and shall issue said license only upon the approval of said board.
- D. Every license issued under the provisions of this chapter shall state, in substance, that such license is valid for conduct of business at the location designated as applicant's business address in his application and issued in consideration of the fee of twenty-five dollars (\$25.00) for the initial year and five dollars (\$5.00) per year thereafter paid therefor, and shall declare the right of the county commissioners to revoke said license pursuant to the provisions of this chapter. Upon revocation of a license as provided in 5.20.040, the unused portion of the fee shall be forfeited. Each pawnbroker or secondhand dealer shall be restricted to doing business at the place so designated in his license and he shall not remove any part of his inventory from such place of business except in the regular course of conducting such business; **provided**, that licensee shall not be restricted from buying merchandise for addition to his inventory at locations other than his place of business.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.060 Register

Every pawnbroker or secondhand dealer doing business in Island County shall at all times keep and maintain in his place of business a book or other permanent record in which shall be legibly written in the English language at the time of each loan or purchase of used goods a record thereof containing:

- A. The date of the transaction;
- B. The name of the person or employee conducting the same;
- C. The name, age, street and house number, and a general description of the person from whom the purchase is made; also the person's driver's license number, social security number, or military identification number;
- D. The name, street and house number of the owner of the property bought or received in pledge;

- E. The street and house number of the place from which the property bought, or received in pledge, was last removed;
- F. A description of the property bought, or received in pledge which in the case of watches, clocks, bicycles, motorcycles, automobiles, guns and revolvers, cameras, or any other kind or character of property having a number or numbers, shall contain the name of the maker and the number of both the works, case, engine or motor number, or such other number or numbers as may serve to identify it, together with a description of all letters and marks inscribed thereon whereby the same may be identified; **provided**, that when the article purchased is furniture or the contents of any house or room actually inspected on the premises, a general record of transaction shall be sufficient; and,
- G. The price paid or the amount loaned.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.070 Business Records--False Entries or Destruction of Records

It shall be unlawful for any pawnbroker or secondhand dealer, and every clerk, agent, or employee of such pawnbroker or secondhand dealer to fail, neglect, or refuse to make entry of any material matter in his record, as required by this section, or to make any false entry therein, or to obliterate, destroy, or remove from his place of business such record.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.080 Weekly Report

Every pawnbroker or secondhand dealer doing business in Island County shall before noon of every Monday furnish to the Island County Sheriff, on such forms as said sheriff may provide therefor, a full, true, and correct transcript of the records of all loans or purchases made and transactions of used goods had during the preceding week, and if he has good cause to believe that any of the property in his possession has been previously lost or stolen, he shall forthwith report such fact to the Island County Sheriff, together with the name of the person from whom the same was received from him.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.090 Failure to Make Report and Falsification of Report Unlawful

Every pawnbroker or secondhand dealer and every clerk, agent, or employee of such pawnbroker or secondhand dealer who shall fail, neglect, or refuse to make such report, or shall report any material matter falsely to the sheriff of Island County, shall be guilty of the violation of this chapter.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.100 Period of Holding Prior to Resale

No pawnbroker or secondhand dealer shall sell any personal property prior to four (4) days after reporting the purchase of said property in writing to the Island County Sheriff as required in 5.20.080 of this chapter, unless previously inspected by the Island County Sheriff and released in writing.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.110 Prohibited Transactions

No pawnbroker or secondhand dealer shall knowingly receive any goods or property from any person under legal age, nor from any person under the influence of intoxicating liquor, nor from any habitual criminal, nor from any known thief or any associate of a thief, nor from a receiver of stolen property, nor from any person whom he has reason to suspect or believe to be such, whether such person be acting in his own behalf or as the agent of another.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.120 Prima Facie Evidence of Violation

The fact of loaning money upon or purchasing goods from any of the classes of persons enumerated in 5.20.110 shall be prima facie evidence of an intent on the part of such pawnbroker or secondhand dealer, his agent or employee, to violate this chapter.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.130 Records and Merchandise to be Open to Inspection

All books and other records of any pawnbroker or secondhand dealer relating to purchase, pledge, own, exchange, barter, or receipt of any goods, wares, merchandise, or other articles or things of value, shall at all times be open for inspection by the Island County Prosecuting Attorney, the Island County Sheriff, or any deputy detailed for that purpose, and all articles or things received, purchased, or left in pledge with said pawnbroker or secondhand dealer shall at all times be open to a like inspection.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.140 Rate of Interest--Penalty for Violation

All pawnbrokers and secondhand dealers are authorized to charge and receive interest, not to exceed 3 percent (3%) per month, for money loaned on the security of personal property actually received in pledge, and every person who shall ask or receive a higher rate of interest or discount on any such loan, or on any actual or pretended sale, or redemption of personal property, or who shall sell any property held for redemption within ninety (90) days after the period for redemption shall have expired, shall be deemed guilty of violation of this chapter.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.150 Personal Property Tax

No renewal license will be issued to any pawnbroker or secondhand dealer unless the applicant shall show that he has made a return to the Island County Assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid the tax due. This section shall be effective commencing with the assessment year 1971.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.160 Termination of Business

Whenever any person, firm, or corporation engaged in business as a pawnbroker ceases, terminates, or winds up such business, such intention shall be publicized by an advertisement in a newspaper published in Island County, and such business shall be continued for a period of not less than one-hundred-twenty (120) days from the date of such publication, during which period no additional loans shall be made; **provided**, however, that this section shall not apply where such business is sold in its entirety to a pawnbroker or secondhand dealer duly licensed pursuant to the provisions of this chapter, in which case a written list of all outstanding loans for which redemption periods have not expired shall be furnished to the sheriff of Island County prior to the actual date of sale of such business.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.170 Violation--Penalties

Any person violating any of the terms of this chapter shall, upon conviction thereof, be fined in the sum of not less than fifty dollars (\$50.00), nor more than three-hundred dollars (\$300.00), or imprisoned in the county jail for not more than ninety (90) days, or both. The license of any licensee violating any of the terms of this chapter shall, upon conviction of such licensee, be immediately revokable, at the discretion of the Board of County Commissioners.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

5.20.180 Severability

If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 70-2, May 18, 1970, vol. 13, p. 304)

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