

CHAPTER 5.58 - TRANSIENT MERCHANTS

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5.58.010 - Purpose.

This chapter is an exercise of the police power of the City and is necessary for the protection of the public health, safety and welfare of the citizens of Port Angeles, through the reporting mechanism of a business license for transient merchants.

(Ord. 2339 § 1, 5/8/1985.)

5.58.020 - Definitions.

As used in this chapter, the term "transient merchants" shall mean all persons, partnerships, corporations and any legal entity of whatsoever nature or kind, and their principals and agents, who engage or conduct in the City of Port Angeles, either in one locality or in traveling from place to place, a temporary or transient business for the purpose of selling, renting, or soliciting orders for the sale of services, goods, wares, merchandise or products of whatsoever nature or kind, with the intention of continuing in said business in the City of Port Angeles for a period of not more than one year, and who, for the purpose of carrying on such business, hire, rent, lease, use or occupy, in whole or in part, any room, including but not limited to rooms or halls in motels, hotels or other lodging houses, buildings, public auditoriums, civic centers, any lot or parcel of land, any motor vehicle or non-motorized vehicle or cart, including but not limited to automobiles, trucks or boats, or who use or occupy any street, alley, road, park or public facilities or public space of whatsoever nature or kind, for the purpose of exhibition and sale or rental of such services, goods, wares and merchandise.

(Ord. 2339 § 1, 5/8/1985.)

5.58.030 - Applicability—Exemptions.

A. The provisions of this chapter shall not apply to the following:

1. Sales or service representatives selling or renting services, goods, wares or merchandise to local businesses;
2. Bona fide sales or rentals of services, goods, wares or merchandise for future delivery in interstate commerce, where either no measurements or design specifications are made or prepared in the City, or where no payment or deposit is collected in the City as a condition for the placement of orders, or where no license may be collected under the provisions of the Constitution or laws of the United States;
3. Any sales or rentals of services, goods, wares or merchandise as defined herein, or

exhibition thereof on the Clallam County Fair Grounds during the continuance of the annual County Fair;

4. Any sales or rentals by any non-profit organization or society acting for charities, religious or other public purposes, where such charitable organization has registered pursuant to Chapter 19.09 RCW, as now enacted or hereafter amended.

B. The promoter, sponsor or other person, firm, corporation or legal entity of whatsoever nature or kind organizing a convention, show or sale, which convention, show or sale includes ten or more transient or temporary dealers, merchants or exhibitors, shall obtain a license under this chapter to cover all dealers involved in said convention, show or sale.

C. Conventions of religious, civic, charitable or benevolent groups, non-profit trade associations, concerts and cultural events shall be exempt from this chapter.

D. Transient dealers, vendors or merchants participating in a convention, show or sale licensed hereunder shall not be required to have separate transient merchants' licenses.

E. Peddlers and hawkers, as defined in and governed by Chapter 5.56 PAMC, and secondhand dealers, as defined in and governed by Chapter 5.44 PAMC, shall not be considered as transient merchants under this chapter.

(Ord. 2339 § 1, 5/8/1985.)

5.58.040 - Area restrictions.

All transient merchants licensed under this chapter shall locate their businesses in compliance with the Zoning Code of the City of Port Angeles.

(Ord. 2339 § 1, 5/8/1985.)

5.58.050 - License required.

No transient merchant shall engage in such business within the City of Port Angeles without first obtaining a business license from the City Clerk, as governed by and provided for in Chapter 5.04 PAMC.

(Ord. 2339 § 1, 5/8/1985.)

5.58.060 - License application.

Applicants for a license under this chapter shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

A. The name and address of the applicant and also the name of the true owner if the applicant is not such true owner of the services, goods, wares or merchandise to be sold or exhibited for sale or rent.

B. The name and address of the employer of the applicant or the persons with whom the applicant is associated and the length of such employment or association.

C. The place of residence and nature of employment of the applicant during the preceding 12 months and place of business of same during said period.

D. An estimate of the length of time and a statement of the exact location or parts of the City in which the applicant will pursue the activities in question. The exact address and owner of the property in question shall be designated and furnished.

E. The names and addresses of at least three persons who have known the applicant for at least one year and from whom the applicant is willing that inquiry may be made to verify the facts stated by the applicant.

F. Washington State Retail Sales Tax Number.

G. A description of the services, goods, wares or merchandise, which the applicant intends to offer for sale or rent.

H. Such other information as the City Clerk may prescribe.

(Ord. 2339 § 1, 5/8/1985.)

5.58.070 - False statements.

The City Clerk or his/her duly authorized agent or representative shall attempt to verify the statements contained in the application for the license by the applicant. In the event that there are any false statements contained in said application, then the license required hereunder may be denied.

(Ord. 2339 § 1, 5/8/1985.)

5.58.080 - Regulations.

A. It is unlawful for any transient merchant to make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, renting, delivering or exhibiting goods or merchandise without a street or sidewalk obstruction permit as provided for in Chapter 11.12 PAMC.

B. It is unlawful for any transient merchant to operate in a congested area where such operation may impede or inconvenience the public use of such street, alley, sidewalk or right-of-way. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.

C. It is unlawful for any transient merchant to occupy any property or structure for the purpose of selling, renting, or delivery of goods, wares or merchandise within the City without prior approval of said structure or property by the City. It is the responsibility of the licensee to assure that approval of each specific structure or property is clearly listed on any license issued under this chapter.

(Ord. 2339 § 1, 5/8/1985.)

5.58.090 - Re-registration.

Whenever a licensed transient merchant ceases business in Port Angeles for a period of 30 days or more, upon resumption of business, said transient merchant shall re-register by notifying the City Clerk in writing; provided that any such re-registration shall not be valid beyond the one-year license term provided for in PAMC 5.04.090.

(Ord. 2339 § 1, 5/8/1985.)

References: Include names of at least three person who have known applicant for at least one year and whom the City may contact to verify information given:

Name: _____

Street Address: _____
City State Zip

Phone: _____

Name: _____

Street Address: _____
City State Zip

Phone: _____

Name: _____

Street Address: _____
City State Zip

Phone: _____

For any business involved in the sale, transfer or handling of food products, attach copy of Clallam County Environmental Health Department Food Service Operating Permit.

Is the company required to be registered with the Secretary of State? _____ *If so, please attach a copy of the registration.*

Washington State Tax I.D. # _____ *(Please attach a copy of registration with Washington State Department of Revenue)*

State Returns Filed Monthly/Quarterly/Annually? *(Please Circle One)*

NOTE: The total retail sales tax collected in the City of Port Angeles is 8.4%. The local tax portion will be rebated to the City of Port Angeles according to the information you report on your tax return under City of Port Angeles Tax Code 0502 for sales tax collected in Port Angeles.

In the event there are any false statements contained in this application, the license may be denied.

Signature of Applicant: _____

Date: _____

Please submit the license fee, the completed application and any attachments to:

Kari Martinez-Bailey, City Clerk
 City of Port Angeles
 321 East Fifth Street
 Port Angeles, WA 98362
 Phone: 360-417-4634

cityclerk@cityofpa.us
www.cityofpa.us

Full Year License Charge:	Partial Year License Charge:	Temporary License Charge:		
\$25 (July 1 – June 30)	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> July 1-31: \$23 August 1-31: \$21 September 1-30: \$19 October 1-31: \$17 </td> <td style="width: 50%; border: none;"> November 1-30: \$15 December 1-31: \$13 January 1-31: \$11 February 1 - June30: \$10 </td> </tr> </table>	July 1-31: \$23 August 1-31: \$21 September 1-30: \$19 October 1-31: \$17	November 1-30: \$15 December 1-31: \$13 January 1-31: \$11 February 1 - June30: \$10	\$10 per month
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