Chapter 5.96
TEMPORARY VENDORS

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5.96.010 Definitions.
(1) "Master event" means an event involving 10 or more vendors engaged in public property vending in a common location under a common theme. Events that are scheduled for more than one day in a common location under a common theme are considered one event.
(2) "Master event license" means a public property vending license issued to a master event license sponsor for a master event.
(3) "Master event license sponsor" means the person, business or organization requesting a master event license.
(4) "Nonprofit organization" means an organization which has been granted nonprofit status by the Secretary of State for the Internal Revenue Service.
(5) "Public property" means any sidewalk that immediately abuts a street, alley, or roadway where the general public has unrestricted access.
(6) "Public property vending" means the act of selling merchandise, edible or not edible, from a vending device on public property for the purpose of gain, benefit or advantage, direct or indirect, to the vendor.
(7) "Vending device" means a stand, booth, cart, basket, tray, table or other device from which the selling of merchandise, edible or not edible, occurs.
(8) "Vending site" means the physical location where the vendor's vending device will be located while engaged in public property vending.
(9) "Vendor" means any person, business or organization engaged in public property vending. (Ord. 017-09 § 1; Ord. 1868 § 1, 2002; Ord. 1567 § 1, 1992).

5.96.020 Vendor license.
(1) No vendor shall engage in public property vending unless such vendor has complied with all applicable provisions of this chapter.
(2) All vendors engaged in public property vending must display a valid public property vending license in a prominent and visible place on the vendor's vending device.
(3) (a) Sponsors of events classified as a master event shall obtain a master event license. Individual master event vendors shall be exempt from public property vendor license fees. The sponsor of the master event shall provide a list of participating vendors, their business names, their addresses and their State Tax Revenue Identification Numbers to the city clerk within three working days after the first day of the operation of the master event. The sponsor of an ongoing master event shall submit an updated vendor list as additional vendors participate in the event. The updated list shall be submitted within three working days of each day of operation in which the event has new participants. No updated list is required if no new vendors participate. Nothing in this section shall be construed to exempt participants in a master event from any requirements of this chapter other than individual license fees unless specifically stated within this chapter.
(b) Nonprofit status shall be granted to a master event permit application only upon proof that all participating vendors have obtained nonprofit status. (Ord. 1567 § 2, 1992).

5.96.030 Exemptions.
This chapter shall not apply to:
(1) Businesses possessing a valid business license conducting a sidewalk sale abutting their place of business;
(2) Charitable or nonprofit organizations, provided that their vending activities are limited to:
   (a) Prepackaged food items or nonedible merchandise, and
   (b) Vending activities conducted not more than twice per calendar year and for a period not exceeding a cumulative total of 30 days;
(3) Persons selling products exempted by RCW 36.71.090; farmers, gardeners or other persons selling or delivering fruits, vegetables, berries, eggs or any farm produce or edibles raised, gathered, produced or manufactured by such person;
(4) Vendors of books, periodicals, newspapers or others exempted by state or federal law. (Ord. 1567 § 3, 1992).

5.96.040 Vendor license — Requirements, duration, fees and renewal.
(1) The granting of a public property vending license is conditioned in part upon the submission and approval of the following to the office of the city clerk:
   (a) A public property vendor license application and appropriate fee as established by this section;
   (b) A copy of a current city business license or a copy of the business license application;
   (c) A permit or other written document from the local county health department granting approval of the vending device which will be used by the vendor if food or beverage items will be sold;
   (d) A copy of a food handler’s permit, issued by the local county health department for each person who will be dispensing food or beverage products from the vending device;
   (e) A certificate of insurance as provided for in POMC 5.96.060.
(2) The following requirements apply to all vendors engaged in public property vending and a public property vending license may be revoked for violation of any of these requirements:
   (a) Vending devices must be removed from vending sites daily between the hours of 10:00 p.m. and 6:00 a.m.;
   (b) Vending devices and vending sites must be clean and orderly at all times. The vendor must furnish a suitable refuse container and is responsible for the daily disposal of refuse deposited therein. Refuse containers must be removed each day along with vending devices;
   (c) Vendors may engage in public property vending only in the location specified in the public property license. The location shall be deemed the vending site;
   (d) Utility service connections are not permitted, except electrical when provided with written permission from the adjacent property owner. Electrical lines are not allowed overhead or lying in the pedestrian portion of the sidewalk;
   (e) No mechanical audio or noisemaking devices are allowed and no hawking is allowed;
   (f) A vinyl or canvas umbrella may be added to the vending device, but its open diameter may not exceed eight and one-half feet. Any part of the umbrella must have a minimum of seven feet of vertical clearance to the area on which the vending device stands;
   (g) Individual vendor advertising signs may be placed only upon the vending device. Temporary master event advertising signs may be placed as approved by the city
engineer;
(h) No conduct shall be permitted which violates any other section of the Port
Orchard Municipal Code;
(i) Any vendor engaged in public property vending shall, upon demand being
made by a police officer, produce a valid public property vending license for inspection;
(j) The vending site must be compatible with the public interest in the use of the
street, sidewalk or public place as a public right-of-way or public park. Vendors shall not
block public access through the public right-of-way. There shall be a minimum of four feet
clearance for pedestrian access at all times;
(k) A vendor shall not engage in public property vending nor shall a vending site
be granted for a location within 10 feet of intersecting sidewalks.
(3)(a) The fee for a public property vendor license shall be either $15.00 per day for
each vending device or $200.00 per month for each vending device payable at the time
application for such license is made. No public property vendor license shall exceed 90
calendar days. A vendor may apply for a renewal of a current public property vendor
license by submitting a renewal application and applicable fees to the city clerk prior to
the expiration of the existing public property vendor license. A renewal application shall
be treated as a new application.
(b) The fee for a master event license shall be $15.00 per event day. (Ord. 017-09
§ 2; Ord. 1868 § 2, 2002; Ord. 1567 § 4, 1992).

5.96.050 License – Revocation.
(1) A public property vendor license and/or a master event license is wholly of a
temporary nature and vests no permanent rights. It may be revoked at any time by the
city clerk without notice, renewal denied, or application for license denied for any of the
following reasons:
(a) The use or occupation of the vending site location becomes dangerous or
unsafe;
(b) The local county health department withdraws approval or cancels the
necessary permits;
(c) The vendor, vendor representative or master event sponsor violates any
provision of the Port Orchard Municipal Code;
(d) The public property vendor/master event license applicant knowingly
misrepresents facts in the license application;
(e) The vendor’s/master event insurance in the amounts required by POMC
5.96.060 is not current or in full force;
(f) The master event sponsor fails to submit vendor participants list as required by
POMC 5.96.020(3).
(2) In the event that the city clerk determines that a license should be revoked in
accordance with this section, the notice and appeal procedures set forth in POMC
5.12.120(2) through (6) shall apply. (Ord. 017-09 § 3; Ord. 1567 § 5, 1992).

5.96.060 Insurance.
(1) Prior to issuance of the license, the licensee shall, at its own expense, obtain such
liability insurance as will protect licensee, adjacent property owners and the city from any
and all claims for damage to property or death or injury to persons which may arise or
result from operations or activities under the license, the issuance of the license, or
otherwise provide coverage of not less than $500,000 per occurrence for property
damage or injury to persons and shall name as additional insured the city of Port
Orchard, its officers and employees and shall further provide that the policy shall not
terminate or be canceled prior to the expiration of the license and any renewals thereof
without at least 30 days’ written notice to the city clerk. Licensee shall provide a
certificate of such insurance to the city clerk prior to the issuance of a license.
(2) A master event applicant shall provide insurance for the master event as required
by this section. (Ord. 1567 § 6, 1992).
5.96.070 Violation — Penalty.
Violation of any provision of this chapter shall constitute a Class 1 infraction and shall
upon conviction be punished by a fine not to exceed $250.00. (Ord. 1567 § 7, 1992).