

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE O-12-493

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING CHAPTER 5.05, SPECIAL LICENSES, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR CORRECTIONS.

WHEREAS, periodically the City updates its code to correct errors and omissions; and

WHEREAS, the Planning Commission deliberated on proposed changes to Chapter 5.05 and Title 18 of the municipal code during several public meetings in 2011; and

WHEREAS, the City fulfilled its obligation for notice to the Washington State Department of Commerce under RCW 36.70A.106, and completed “expedited review” on August 23, 2011 after having received no comments on the draft proposed regulations; and

WHEREAS, a State Environmental Policy Act (SEPA) non-project review and Determination of Nonsignificance (DNS), was issued on August 16, 2011; and

WHEREAS, the Planning Commission held a public hearing on October 5, 2011 to receive public testimony on draft proposed code amendments and recommended adoption of the proposed changes to Council; and

WHEREAS, staff introduced the proposed amendment to the City Council on January 17, 2012; and

WHEREAS, the City Council held a public hearing on the proposed amendment on February 27, 2010;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 5.05.010 of the Maple Valley Municipal Code is hereby amended as follows:

5.05.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. “Amusement device” means any coin-operated or remote-controlled machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand-propelled, designed to be used in whole or in part as an instrument or instrumentally for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose.

B. "Amusement device place" means any place offering amusement devices for play or entertainment.

C. "Amusement place" means an amusement, diversion, entertainment, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, direct or indirect. By way of illustration and not limitation, "public places of amusement" include live entertainment, music (other than mechanical), boxing or wrestling, exhibition skating, bowling alleys, amusement parks and carnivals.

D. "Billiard table" is a raised oblong felt-covered table with raised cushioned edges, or any substantially similar device on which is played the game known as billiards or pool involving the use of a long tapering stick called a cue to propel pool or billiard balls.

E. A "billiard or pool table place" means any establishment engaged primarily in the business of offering the use of pool or billiard tables for a commercial purpose.

F. "Charitable" means and includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported; provided, such term shall not include "religious" and "religion," which terms shall be given their commonly accepted definitions.

G. "Contributions" means and includes alms, food, clothing, money, credit, subscription, property, financial assistance or other thing of value and including any donations under the guise of a loan of money or property.

H. "Direct gift" means and includes an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

I. "Endorsement" shall mean the licensing approval given to one activity.

J. "Limited special uses" shall mean events of short duration (less than one week) which will occur, either wholly or partially, on City properties and/or rights-of-way. By way of illustration and not limitation, these events include parades, street fairs, races/runs, marches, block parties, processions, demonstrations, exhibitions and organized rallies.

K. "Massage" means the treatment of a human body by another by the external manipulation or pressure of soft tissue. Massage includes the rubbing, kneading, touching, stroking, or tapping by manual means as they relate to massage with or without the aids of superficial heat, cold, water, lubricants, or salts.

L. "Massage business" means the operation of a business where massages are given.

M. "Massage practitioner" means a person engaged in the practice of massage.

N. "Outdoor musical entertainment" means an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment or other entertainment which the person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract 250 or more persons and where a charge or contribution is required for admission.

O. "Pawnbroker" means and includes every person who takes or receives by way of pledge, pawn, or exchange goods, wares, or merchandise or any kind of personal property whatsoever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or who makes a public display of any sign indicating that he has money to loan on personal property on deposit or pledge.

P. "Pawnshop" means every place at which the business of a pawnbroker is being carried on.

Q. "Peddler" or "transient business" shall be governed by Chapter 5.25 MVMC.

R. "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

S. A "pool table" is a billiard table with a pocket in each corner and at the middle of both sides, used for playing pool, the game wherein numbered balls are propelled into the pockets by persons using a cue.

T. "Promoter" means any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation, but shall not include either a bona fide full-time salaried officer or employee of a charitable organization whose salary or other compensation is not computed on funds raised or to be raised, or a temporary employee who is employed to contact volunteer workers by telephone but who may not himself solicit contributors directly.

U. "Public dance" means any dance which is open to the public and which is held and conducted for a profit, direct or indirect.

V. "Public dance place" means any place where a public dance is conducted, operated or maintained and any and all areas attached to or adjacent to such premises including, but not limited to, all parking areas, hallways, bathrooms and all adjoining areas on the premises accessible to the public during the dance.

W. "Public youth dance" means any public dance that is readily accessible to the public and which permits the entry of any persons under the age of 18 years. For the purposes of this chapter, the term "public dance" shall be construed so as to include all public youth dances except where specifically indicated otherwise.

X. "Sale and benefit affair" means and includes, but is not limited to, an athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment, exhibition, exposition, party,

performance, picnic, sale, social gathering, theater, or variety show, which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith.

Y. "Secondhand dealer" means any person who as a business engages in the purchase, sale, trade, barter, auction, sale on consignment, or otherwise exchanges secondhand goods, or who keeps a store, shop, room or other place where secondhand goods of any kind or description are bought, sold, traded, bartered, pledged, pawned, auctioned, sold on consignment, or otherwise exchanged, including persons conducting garage sales at their residence more than six days per year.

Z. "Secondhand goods" means and includes any and all used, remanufactured, or secondhand goods purchased or kept for sale by a dealer in secondhand goods. Such term shall not be construed to include secondhand motor vehicles or boats.

AA. "Solicit" and "solicitation" mean the request within the City directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose, and include:

1. Any oral or written request;
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication;
3. The making of any announcement to the press, by radio or television, by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;
4. The sale of, offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, subscription, ticket, admission, article or other thing in connection with which any appeal is made for any charitable or religious purpose, or where the name of any charitable or religious organization, association or person is used or referred to in any such appeal or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable or religious purpose.

A "solicitation" shall be deemed completed when made, whether or not the person making the same received any contribution or makes any sale referred to in this chapter.

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this resolution, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON
ON THIS 12th DAY OF MARCH, 2012.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Christy A. Todd, City Attorney

Date of Publication: March 20, 2012

Effective Date: March 26, 2012