

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

RESERVED*

* **Editors Note:** Ord. No. 397, § 1, adopted Jan. 31, 2011, repealed §§ 5.04.010--5.04.050, which pertained to peddlers, hawkers and auctioneers and derived from Ord. 51, §§ I--V, adopted 1971; Ord. 288, § 1, adopted 2001.

Chapter 5.08

MUSIC FESTIVALS

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5.08.010 Findings.

The board of county commissioners for Grays Harbor County finds and declared that it appears necessary for the protection, health and welfare of the general public in regard to outdoor musical entertainments, amusements and assemblies catering to the general public, that certain rules and regulations be established, and further that there is a danger to the people attending or taking part in the gathering if proper sanitary, police and other health and safety measures are not adequately provided for and further, that it is necessary to pass under the police power of this county, an ordinance to regulate and license the holding of such outdoor musical assemblies.

(Ord. 43 § 1, 1970)

5.08.020 Permit required when.

It is unlawful for any person, persons, corporation, organization, or landlord, lessee or lessor, or tenant to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, or assembly or persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment which the person, persons, corporation, organization, or land owner, lessee, lessor, or tenant believes or has reason to believe will attract two hundred fifty (250) or more persons and where a charge or contribution, including but not limited to a charge or contribution for any membership, is required for admission unless a valid county permit has been obtained for the operation of the outdoor public amusement, entertainment or assembly. One 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, corporations, organizations, landowners, or lessors, lessees or tenants who are responsible for obtaining permits under this provision; provided, that if any portion of such amusement, entertainment or assembly is conducted indoors, this fact shall not excuse or exempt anyone from full compliance with this chapter; provided further, that any such amusement, entertainment or assembly shall not be deemed any less public because of admission restrictions on account of age, race, sex, color, creed or nationality or state of origin, or because of restriction to members only.

(Ord. 43 § 2, 1970)

5.08.030 Permit fee.

No public music assemblies may be held in Grays Harbor County outside the limits of incorporated cities and towns unless the person or persons sponsoring the 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.

No license shall be available for an event of more than one day's duration, expiring at midnight of the same day on which such event commences. No license shall be issued for consecutive days to the same sponsors for the same event on the same premises. The permit fee shall be retained by the county whether or not a permit is granted, denied or withdrawn.

(Ord. 43 § 3, 1970)

5.08.040 Application for permit.

Whenever approval by a governmental agency other than the board of county commissioners of Grays Harbor County is required hereunder, application for such approval shall be made ten (10) or more days prior to making final application for the outdoor 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 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 of such approval shall be withdrawn. This section shall not alter the requirements of Grays Harbor County for the licensing or prohibition of other activities which might occur during such a festival.

(Ord. 43 § 4, 1970)

5.08.050 Bond.

No permit shall be issued hereunder until the applicant has on deposit with the Grays Harbor County Treasurer the sum of seven thousand five hundred dollars (\$7,500.00) cash or corporate surety bond as an indemnity to save and protect the roads and 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 to pay all charges and losses to the county for damages to the roads and streets, pavements, bridges and other property; provided, further, 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 Grays Harbor County board of county commissioners certifies to the county treasurer that no damage has been done and that the county will not incur additional expenses due to the licensed event or that the cost of the above have been paid by the licensee.

(Ord. 43 § 5, 1970)

5.08.060 Posting of permit and regulations.

The following sections (Sections 5.08.070 through 5.08.250) shall be in full force and effect and shall at all times be kept posted in conspicuous place where such licensed event is being conducted.

(Ord. 43 § 6, 1970)

5.08.070 Permit issuance--Age restrictions.

No permit shall be issued to any person under twenty-one (21) years of age.

(Ord. 43 § 7, 1970)

5.08.080 Statement of right to revoke permit.

Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a police, sanitary and fire regulations measure and that the right of the board of Grays Harbor County commissioners to revoke such permit without notice or formal hearing is a consideration of its issuance.

(Ord. 43 § 8, 1970)

5.08.090 Permit revocation.

Any permit granted hereunder to conduct a rock, music, band and/or youth festival may be revoked without notice or formal hearing by the board of Grays Harbor County commissioners upon their finding that any police, sanitary, or fire regulation provided for in this chapter or in the state law of Washington has been violated by the permittee or licensee, and the action of the board is revoking any such permit or license shall be final and conclusive.

(Ord. 43 § 9, 1970)

5.08.100 Relocation--Additional penalties allowed.

The revocation of any permit or license granted under the provisions of this chapter shall not preclude the imposition of further penalties as provided for in this chapter and the state law, but shall be considered merely as a part of the penalties imposed for the violations of the rules and regulations provided for herein and in the state law of Washington.

(Ord. 43 § 10, 1970)

5.08.110 Hours.

All rock, music, band and/or youth festivals, whether licensed or not, shall not be open before the hour of ten a.m., and shall not remain open after twelve midnight of the same day.

(Ord. 43 § 11, 1970)

5.08.120 Fire protection required.

No permit or license shall be granted hereunder unless the applicant has shown that the commissioners of the fire protection district wherein the premises are situated (or the State Department of Natural Resources if the premises are not within a fire protection district) has approved fire protection devices and equipment available at, in or near a 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 permit is hereunder required.

(Ord. 43 § 12, 1970)

5.08.130 Health requirements.

No permit for an outdoor public music entertainment, amusement, or assembly shall be granted unless the application is accompanied by the written approval of the Grays Harbor-Pacific District health officer indicating that the applicant for the permit has complied with the health requirements of the department for like or similar facilities. The approval shall indicate the type of water supply to be provided, the type of toilet and washing facilities to be provided, and if there is to be food served on the premises the type of food preparation and food service facilities to be provided.

(Ord. 43 § 13, 1970)

5.08.140 Alcohol and drugs not permitted.

No firm, person, society, association or corporation conducting a rock, music, band and/or youth festival, nor any person having charge or control thereof at any time when a rock, music, band and/or youth festival is being conducted shall permit any person to bring into the festival, or upon the premises thereof, any intoxicating liquor, any narcotic or dangerous drug (as such narcotic drug or dangerous drug is defined by the laws of the state of Washington) nor permit intoxicating liquor or such narcotic or dangerous drug to be consumed, used or smoked on the premises, and no person during this time shall take or carry onto the premises or drink or consume or smoke thereon any intoxicating liquor, or narcotic or dangerous drug. Persons who are authorized to possess or use a narcotic drug or dangerous drug by prescription duly issued pursuant to the laws of the state of Washington shall make the necessary arrangements to leave the premises and to take such drug as prescribed off the licensed premises, and then only in strict compliance with the laws of the state of Washington relating thereto.

(Ord. 43 § 14, 1970)

5.08.150 Preservation of order--Licensee responsibility.

It is the intention to put the burden of preserving order upon the operator and licensee of the rock, music, band and/or youth festival, and if any such festival in Grays Harbor County is not being operated in accordance with the rules and regulations prescribed in this chapter and set forth in the state law, the permittee shall be subject to revocation of his or her permit and the permittee or other individual responsible subject to such other punishment as the state law and this chapter provides.

(Ord. 43 § 15, 1970)

5.08.160 Sheriff's approval required--Conditions for approval.

No permit shall be granted hereunder unless the application is accompanied by the written approval of the sheriff of Grays Harbor County indicating that the following conditions have been complied with by the applicant: (1) that adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant; (2) that traffic control and crowd control personnel shall be named persons meeting the Grays Harbor County sheriff's requirement for becoming sheriff's reserve officers. No permit for such assembly or festival shall be granted unless same is to be held in those areas of unincorporated Grays Harbor county which have been zoned for parks and recreations; provided, however, that a permit may be granted for other areas if a zoning variance has been granted in advance by the proper department of the Grays Harbor County planning commission for such location. No permit shall be granted unless the applicant obtains the written approval of the Grays Harbor-Pacific health district officer indicating that the applicant for the permit has complied with the health requirements of the department for like or similar facilities; provided, that if at any time during the event the size of the crowd exceeds by twenty (20) percent the number of persons represented by the sponsors to be expected to be in attendance the Grays Harbor County sheriff shall have the discretion to require the sponsor to limit further admissions. Any person with more than a ten (10) percent proprietary interest in the event shall be required to be in attendance at the activity and shall be responsible for insuring that no person shall be allowed to remain on the premises if the person is violating any state law or Grays Harbor County ordinance. Any such person having a duty to remove law violators who willfully fail to do so shall be deemed to be an aider or abettor of such violation.

(Ord. 43 § 16, 1970)

5.08.170 Parking requirements.

Application for a permit shall be accompanied by a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected to attend the event. 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 the public to the event it shall be shown that public parking or parking as described above is available at any site from which buses as scheduled to pick up persons to transport them to the event; provided further, that such parking facilities shall not be upon the right-of-way of any county road or state highway nor upon any ocean beach or public property.

(Ord. 43 § 17, 1970)

5.08.180 Buildings and structures--Fireproof construction required.

If any portion of the rock, music, band and/or youth festival is held within a permanent building or structure, such must be fireproof construction when over one story in height. All buildings to which the public is admitted must have a sufficient number of exits to permit a safe evacuation of all persons therein. All exit doors in buildings of a permanent nature must be equipped with crash hardware. All canvas used in any tent or as part of any structure must be so treated as to be fire resistant at the time the same is in use. All highly flammable or explosive liquids or materials are to be kept in a well ventilated location and adequate fire-fighting equipment must be maintained in the immediate area.

(Ord. 43 § 18, 1970)

5.08.190 Location.

No rock, music, band and/or youth festival shall be operated in a location which is closer than five hundred (500) feet from any schoolhouse, church, house, residence or other place of permanent human habitation.

(Ord. 43 § 18, 1970)

5.08.200 Permit to be posted--Transfer restricted.

Any permit issued as herein provided shall be kept posted in a conspicuous place and no such permit shall be transferable or assignable without the consent of the board of Grays Harbor County commissioners; and no rebate or refund of any money paid for a permit shall be made.

(Ord. 43 § 20, 1970)

5.08.210 Application for permit.

An application for a permit to conduct a rock, music, band and/or youth festival in Grays Harbor County outside the limits of incorporated cities and towns shall be made in writing to the board of Grays Harbor County commissioners thirty (30) days or more prior to the date of such festival or assembly by filing the same with the Grays Harbor County auditor, as clerk of the board of county commissioners, and shall be accompanied by a deposit of the fee herein required. It shall be signed by the applicant and verified upon oath. If the application is made on behalf of a partnership or corporation the names of the partners or corporate officers, in full, shall be given with their residences and post office addresses for a period of six months immediately prior to the date of the application, together with the location of the principal office or place of business of such partnership or

corporation. The application shall state the location to be occupied; and shall also state the applicant or applicants will abide by all rules and regulations of this chapter and the laws of the state of Washington for the protection of health, morals and safety of the persons employed therein and for the patrons or participants thereof and for the public.

(Ord. 43 § 21, 1970)

5.08.220 Investigation of applicant.

No application for a rock, music, band and/or youth festival permit shall be issued until the Grays Harbor County sheriff shall have fingerprinted, investigated and reported to the board of Grays Harbor County commissioners as to the character and reputation of the applicant or applicants, and his, her or their fitness to conduct such business; and whether the location or place to be used as a site for such festival or assembly conforms to all rules and regulations of this chapter and other ordinances of Grays Harbor County and the state law, particularly in regard to fire, health, ventilation, lighting, sanitary conditions, and toilet conveniences. Every application shall be accompanied by a three-inch by five-inch photograph of each and every person having any proprietary interest in the licensed activity. The sheriff shall be empowered to obtain adequate photographs of all persons, together with their fingerprints, having any proprietary interest in such licensed activity.

(Ord. 43 § 22, 1970)

5.08.230 Enforcement.

The sheriff or any peace officer is 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 or her business shall at all times be open to inspection by the sheriff, his or her 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 Grays Harbor 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. 43 § 23, 1970)

5.08.240 Violation--Penalty.

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 guilty of a misdemeanor and shall, upon conviction thereof, be fined in the sum of not more than two hundred fifty dollars (\$250.00) or imprisoned in the Grays Harbor County jail for not more than ninety (90) days or both. Such violation if committed by the permittee or those persons working in his behalf shall work an automatic forfeiture of at least five hundred dollars (\$500.00) of the bond provided for in Section 5.08.050 in addition to any criminal penalty herein provided.

(Ord. 43 § 24, 1970)

5.08.250 Compliance required.

Compliance with the terms and conditions of this chapter 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. 43 § 25, 1970)

Chapter 5.16

CHRISTMAS TREES AND MINOR FOREST PRODUCTS

Sections:

- 5.16.010 Definitions.**
- 5.16.020 Owner's consent required to cut trees.**
- 5.16.030 Transportation of unlawfully cut trees.**
- 5.16.040 Bill of sale required for transport when.**
- 5.16.050 Load ticket required when--Minor forest products.**
- 5.16.060 Load ticket required when--Cedar products.**
- 5.16.070 Peace officers--Duties and authority.**
- 5.16.080 Exceptions.**
- 5.16.090 Violation--Arrest and seizure.**
- 5.16.100 Refusal to supply correct information--Unlawful to purchase trees.**
- 5.16.110 Records.**
- 5.16.120 Violation--Penalty.**

5.16.010 Definitions.

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

"Cedar products" means shakes, shake boards, shingle bolts, fence posts, hop poles, pickets or any other cedar product not normally transported as logs, poles or piling.

"Christmas trees" means 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.

"Cutter" or "picker" means any person, firm or corporation or agent thereof who cuts, digs, breaks or removes Christmas trees, minor forest products or cedar products.

"Minor forest product" means evergreen foliage, cascara bark, huckleberry brush, salal, sword ferns, rhododendron greens and huckleberries, and seed cones.

(Ord. 23 § 1, 1962)

5.16.020 Owner's consent required to cut trees.

It is unlawful for any cutter or picker in Grays Harbor County to cut, dig, break, pick or remove from any private land any Christmas trees minor forest products or cedar products without the consent, express or implied, of the owner or lessee thereof.

(Ord. 23 § 2, 1962)

5.16.030 Transportation of unlawfully cut trees.

It is 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 she or his or her agent or principal has taken without the consent, express or implied, of the landowner or his or her authorized lessee or agent.

(Ord. 23 § 3, 1962)

5.16.040 Bill of sale required for transport when.

It is unlawful, for any cutter or picker of Christmas trees, or his or her agent, to transport over the highways of this county more than five Christmas trees without having in his or her 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 or her title thereto, and signed by the person selling or authorizing transportation of such Christmas trees.

(Ord. 23 § 4, 1962)

5.16.050 Load ticket required when--Minor forest products.

It is unlawful for any person, firm or corporation or his, her or their agent or employee to transport minor forest products over the highways of this county in a quantity of more than five evergreen trees and/or five pounds of other minor forest products without having in his, her or their possession a load ticket signed by the driver which will set forth the following information: (1) the name and address of the owner or lessee of the lands where the minor forest products were cut, broken, picked, dug or removed, or in the alternative, the legal description of the lands from where the 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; (2) the destination of the said minor forest products; (3) the date the minor forest products were taken and removed from the land, or delivered to the person transporting the minor forest products.

(Ord. 23 § 5, 1962)

5.16.060 Load ticket required when--Cedar products.

It is unlawful for any person, firm or corporation or his, her or their agent or employee to transport cedar products over the highways of this county without having in his, her or their possession a load ticket signed by the driver on which will, set forth the following information: (1) 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 cedar products were cut and removed, or in the further alternative the name of the person, firm or corporation from whom the cedar products were received; (2) the destination of the cedar products; (3) the date the cedar products were cut and removed from the land, or delivered to the person transporting the cedar products.

(Ord. 23 § 6, 1962)

5.16.070 Peace officers--Duties and authority.

A. 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.

B. Any peace officer, which term shall include, but is not limited to, forest wardens and game protectors, shall have the power to stop, inspect and search without a warrant any person or vehicle observed

transporting five or more Christmas trees, five 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. 23 §§ 7,8, 1962)

5.16.080 Exceptions.

The provisions of Sections 5.16.030 and 5.16.070(B) 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 or her own personal use.
(Ord. 23 § 9, 1962)

5.16.090 Violation--Arrest and seizure.

Whenever any person, firm or corporation or agent violates the provisions of Sections 5.16.020 through 5.16.060, a peace officer may either arrest the person without a warrant and take him or her before any court having jurisdiction of the offense, or he or she 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 and shall deliver same to the Grays Harbor County sheriff for use as evidence, and for further disposition pursuant to Chapter 104, 1961 Session Laws of the State of Washington.
(Ord. 23 § 10, 1962)

5.16.100 Refusal to supply correct information--Unlawful to purchase trees.

It is 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 or residence and legal description of property from which the 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. 23 § 11, 1962)

5.16.110 Records.

Any person, firm or corporation purchasing trees, minor forest products or cedar products shall keep a book in which he or she shall at the time of purchase of the trees, minor forest products or cedar products, enter in the English language, written in ink, a full and accurate description of the 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 the book shall at all reasonable time be open to inspection by any peace officer.
(Ord. 23 § 12, 1962)

5.16.120 Violation--Penalty.

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. 23 § 13, 1962)

Chapter 5.20

ADVERTISING RESTRICTIONS ON USE OF 9-1-1 TELEPHONE NUMBER

Sections:

5.20.010 Limitation on use by nonprofit or governmental agencies.

5.20.020 Use in commercial advertisement or publications prohibited.

5.20.030 Violation--Penalty.

5.20.010 Limitation on use by nonprofit or governmental agencies.

Any advertisement, brochure, pamphlet, telephone label, or similar notice which is published by a nonprofit or governmental agency which includes the 9-1-1 emergency telephone number or logo shall not recommend the use of any particular commercial establishment, business or product. In any such notice, the services accessed through 9-1-1 must be clearly defined and distinguished from any other services outlined in the notice and the 9-1-1 emergency telephone number must be highlighted and clearly distinguishable from any other telephone number placed upon the notice.

(Ord. 184 § 1, 1993)

5.20.020 Use in commercial advertisement or publications prohibited.

No business, other than those referenced in the preceding section, shall include the 9-1-1 emergency telephone number or logo in any advertisement, brochure, pamphlet, telephone label or similar notice unless specific permission to do so is granted in writing by the Grays Harbor Communications Center.

(Ord. 184 § 2, 1993)

5.20.030 Violation--Penalty.

Any violation of this chapter is a misdemeanor, and the punishment shall be as provided by the laws of the state of Washington. Each day or portion thereof upon which a violation occurs constitutes a separate and distinct offense.

(Ord. 184 § 3, 1993)