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Amend RMC 5.28
Carnival and Circus
Licenses

ORDINANCE NO. 1706

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING SECTIONS 5.28.010(B),
5.28.030, 5.28.040, AND 5.28.050(A) EXCLUDING
SPONSORS FROM APPLICATIONS FOR CARNIVAL,
CIRCUS AND AMUSEMENT LICENSES.

WHEREAS, the City staff has recently observed several community based religious and nonprofit organizations and service clubs acting as sponsors for and thus being held responsible for applications for carnival and circus licenses, and

WHEREAS, carnival and circus companies have taken advantage of an exemption that exists in the City code exempting these religious and nonprofit organizations from fees for carnival, circus and amusement licenses, by specifically soliciting such organizations to act as sponsors, and thus escaping payment of any license fee, and

WHEREAS, based upon staff recommendation, the Council feels the best way to alleviate this problem is to take away this loophole, by specifically excluding sponsors from any application process and making the companies, carnivals, or circuses themselves responsible for licensing, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Definitions - Applicant. Section 5.28.010(B) of the Redmond Municipal Code is hereby amended to read as follows:

- B. "Applicant" means any person or organization seeking a license from the city to conduct an event governed by this chapter. The applicant, including the person seeking a permit on behalf of an organization, must be 18 years of age or older. The applicant shall be the company or person actually conducting the event. Sponsors of events shall not be considered the applicant.

Section 2. Business License Required. Section 5.28.030

of the Redmond Municipal Code is hereby amended to read as follows:

5.28.030 Business License Required. In addition to any licenses and fees required under chapter 5.28 of the Redmond Municipal Code, every applicant shall also obtain a business license pursuant to section 5.04.070 of this code. The applicant shall be required to obtain the license. The sponsor is unable to do so for the applicant.

Section 3. Additional Food Permit Required. Section

5.28.040 of the Redmond Municipal Code is hereby amended to read as follows:

5.28.040 Additional Food Permit Required. Every applicant for a carnival, circus and amusement license who makes food or beverages available to patrons must also obtain a permit from the Seattle King County Health Department. The applicant must obtain the permit. The sponsor is unable to do so for the applicant.

Section 4. License Fees. Section 5.28.050(A) of the

Redmond Municipal Code is hereby amended to read as follows:

- A. Every applicant, as defined in RMC section 5.28.010 (B) must submit an advance payment of license fees for the carnival, circus or amusement license application. Both such payment and the application must be filed at least thirty (30) days prior to the commencement of the activity, unless otherwise authorized

by the city. It is the applicant who must file and submit the application, not the sponsor. Any application filed by a sponsor, will be deemed void. The fee for each day the business shall operate shall be set by Council resolution. Provided that nontransient, community based applicants (not sponsors) such as schools, churches, religious organizations or local fraternities shall be exempt from this fee upon submittal of proof that such school, church, religious organization or local fraternity operates as a nonprofit entity in the State of Washington. This exemption shall not apply to organizations that are regularly engaged in for profit intrastate or interstate commerce and are therefore transient in nature.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Doris A. Schauble
CITY CLERK, DORIS SCHAIBLE

**APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:**

By: *George J. ...*

FILED WITH THE CITY CLERK:	November 24, 1992
PASSED BY THE CITY COUNCIL:	December 1, 1992
SIGNED BY THE MAYOR:PRO TEM:	December 1, 1992
PUBLISHED:	December 6, 1992
EFFECTIVE DATE:	December 11, 1992
ORDINANCE NO. <u>1706</u>	