

4-12-85

Doris A. Ward  
Treas. Clerk  
Town Of Coupeville

ORDINANCE NO. 387

An Ordinance licensing and regulating mobile vendors; and providing penalties for violations.

BE IT ORDAINED by the Town Council of the Town of Coupeville, Washington, as follows:

SECTION 1 - DEFINITIONS:

A) "Concessionaire" means a person, firm or corporation operating or maintaining a concession stand for the sale of food, in the public parks in the Town, or on other public property, in accordance with an agreement or franchise therefor.

B) "Food" shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not by way of limitation, candy, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks and dairy products.

C) "Mobile Vendor" means a vendor or seller of merchandise or food from a vehicle or other conveyance upon the public streets, alleys or public ways of the Town.

SECTION 2 - MOBILE VENDOR--LICENSE REQUIRED: No person, firm or corporation shall engage in the business of a mobile vendor without having first obtained a license therefor from the Town Clerk.

SECTION 3 - MOBILE VENDOR--DISPLAY OF LICENSE: All licenses for mobile vendors shall be prominently displayed upon all vehicles from which a mobile vendor conducts business.

SECTION 4 - GEOGRAPHICAL RESTRICTIONS: No mobile vendor license shall include the privilege to conduct the business of a mobile vendor unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the Town as now in effect or as hereafter amended. It shall be a violation of this ordinance for any person selling or offering for sale any article to obstruct or cause to be obstructed the passage of any sidewalk, street or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale.

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1 No merchandise will be offered, displayed, or sold, and no customers served,  
2 on the street side of the mobile unit when the mobile unit is on or abutting a  
3 public street. No mobile vendor shall sell or vend any wares from his vehicle  
4 or conveyance:

5 A) Within 400 feet of any public or private school ground during the  
6 hours of regular school session, classes, or school related events in said  
7 public or private school, except when authorized by said school; or

8 B) Within 100 feet of the entrance to any business establishment offering  
9 as a main featured item or items similar goods for sale which is open for  
10 business; or

11 C) Within 100 feet of any restaurant, cafe or eating establishment which  
12 is open for business.

13 SECTION 5 - COMPLIANCE: All mobile vendors engaged in the sale of food  
14 shall comply with all Coupeville Ordinances and Regulations and shall:

15 A) Provide adequate trash receptacles and police area adjacent to the  
16 place of business to insure cleanliness;

17 B) Remove the vehicle from the public street at close of operating hours  
18 daily;

19 C) Provide chocks or other means of holding vehicle in place; and

20 D) Comply with State Fire and Electrical Codes.

21 SECTION 6 - LICENSE APPLICATION--CONTENTS:

22 A) Any person, firm or corporation desiring to secure a license as a  
23 mobile vendor shall make application to the Town Clerk, upon forms to be provided  
24 by the Town Clerk.

25 B) The application for mobile vendor license shall state the name and  
26 address of the applicant; the vehicle license numbers of all vehicles from which  
27 the applicant proposes to conduct business; a description of the general type  
28 of merchandise or food proposed to be sold by the applicant; and the place or  
29 places where the applicant proposes to engage in business as a mobile vendor.  
30 A valid certificate of public liability, in the amount of \$300,000.00, must be  
31 produced at time of license application and said insurance must be kept in

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1 force during period of operation.

2 C) Such application shall be accompanied with the license fee as provided  
3 for in this ordinance.

4 SECTION 7 - LICENSE FEE: The license fee for a mobile vendor license shall  
5 be \$25.00 for each calendar year, or portion thereof, per vehicle, for which  
6 license is sought.

7 SECTION 8 - REVOCATION OF LICENSE: The license of a mobile vendor shall,  
8 after notice in writing and an opportunity to be heard by the Town Council at  
9 its next regular meeting, be revoked, and such mobile vendor shall not be  
10 entitled to a subsequent license to engage in business as a mobile vendor for  
11 one (1) year after such revocation, for any of the following reasons:

12 A) Fraud or misrepresentation contained in the application for the license  
13 B) Fraud or misrepresentation, or false or misleading statements, made  
14 in the course of conducting the licensed business;

15 C) The conduct of business in areas prohibited by this ordinance; or  
16 D) Any other violation of this ordinance.

17 The decision of the Town Council shall be final subject only to the right  
18 of the license holder to appeal said decision by Writ of Certiorari to the  
19 Island County Superior Court within fifteen (15) days of the decision rendered  
20 by the Town Council.

21 SECTION 9 - HEALTH REGULATIONS: All mobile vendors engaged in the sale of  
22 food shall comply with all laws, rules and regulations regarding food handling,  
23 and all vehicles used for the sale of food by mobile vendors shall comply with  
24 all the laws, rules and regulations respecting such vehicles as established by  
25 the Island County Health Department.

26 SECTION 10 - INFRACTION--PENALTY: In addition to establishing grounds for  
27 revocation of a license, the failure to perform any act required by this  
28 ordinance, or the performance of any act prohibited by this ordinance, is hereby  
29 designated as a criminal misdemeanor and may not be classified as a criminal  
30 offense. A person found to have committed a criminal misdemeanor under this  
31 ordinance shall be assessed a monetary penalty. No penalty assessed for

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1 criminal misdemeanor under this ordinance may exceed ninety days (90) and/or  
2 Two Hundred Fifty Dollars (\$250.00) for each separate criminal misdemeanor.

3 SECTION 11 - SEVERABILITY: If any section, subsection, sentence, clause,  
4 phrase or portion of this ordinance is for any reason declared or held to be  
5 invalid or unconstitutional by any court of competent jurisdiction, such portion  
6 shall be deemed a separate and distinct and independent provision and such  
7 holding shall not affect the validity of the remaining portions thereof.

8 SECTION 12 - EFFECTIVE DATE: This ordinance shall be in full force and  
9 effect upon its passage and proper posting as required by law.

10 PASSED by the Town of Coupeville and APPROVED by its Mayor this 8th day  
11 of April, 1985.

12 THE TOWN OF COUPEVILLE

13 By:

14 Steve Gladky  
15 MAYOR

16 ATTEST:

17 Daniel A. Ward  
18 TREASURER-CLERK

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