



CO00021999

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED
ORDINANCE NO 94-048

ADDING A NEW CHAPTER 6.21 TO SNOHOMISH COUNTY CODE TITLE 6 RELATING
TO THE LICENSING OF SWAP MEET OPERATORS AND VENDORS

NOW THEREFORE, BE IT ORDAINED:

New Section: Section 1. A new chapter 6.21, Swap Meet Operators and
Vendors, is added to the Snohomish County Code as follows:

CHAPTER 6.21
SWAP MEET OPERATORS AND VENDORS

Sections:

- 6.21.001 General provisions.
- 6.21.005 Definitions.
- 6.21.010 License required.
- 6.21.020 License fees.
- 6.21.030 Records of transactions.
- 6.21.040 Reports to sheriff
- 6.21.050 Receiving goods from certain people unlawful.
- 6.21.060 Penalty for violations.
- 6.21.070 State law applicable in other instances.

6.21.001 General provisions. Unless specified otherwise in this
chapter, the general provisions contained in Chapter 6.01 shall apply
to this license.

6.21.005 Definitions. The following words and phrases used in
this chapter shall have the meanings set forth below unless the
context indicates otherwise:

- (1) "Swap meet" means any event where secondhand personal

property is offered or displayed for sale or exchange and

(a) A fee or commission is charged for the privilege of offering or displaying secondhand personal property for sale or exchange; or

(b) A fee is charged to prospective buyers for admission to the area where secondhand personal property is offered for sale or exchange.

(2) "Swap meet operator" means any person who sponsors, controls, manages, or otherwise conducts a swap meet.

(3) "Swap meet vendor" means any person who sells, exchanges, displays, or offers for sale or exchange, any secondhand personal property at a swap meet four or more times per year.

(4) "Swap meet seller" means any person who sells, exchanges, displays, or offers for sale or exchange, any secondhand personal property at a swap meet less than four times per year.

(5) "Secondhand personal property" means any item of personal property offered for sale which is not new, including metals in any form and furs. Unless a single item is valued at \$75 or more, secondhand personal property does not include postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, and clothing.

6.21.010 License Required.

(1) It is unlawful for any person to engage in business as a swap meet operator or vendor without first having obtained a license pursuant to this chapter. This license shall include a photograph of the licensee.

(2) All swap meet operators will be required to hold their swap meets at a licensed location which is in compliance with the requirements of this section and sections 6.01.040(4) and 6.01.040(7). All swap meet operators will be responsible for insuring that the location is licensed. Once a location has been licensed for swap meet use it shall be deemed to remain licensed for one year unless that license is revoked or suspended. Each separate location at which swap meets are conducted shall require a location license and separate fee.

(3) In addition to the requirements specified in SCC 6.01.040(4) and 6.01.040(7) applicants seeking a license for a swap meet location must submit a plan that:

(a) Describes the location where the swap meets will be conducted;

(b) Specifies whether any existing or proposed structures will be used;

(c) Includes steps for complying with conditions or requirements described in subsections (5) through (10).

Whenever approval by a county department or government agency other than the licensing authority is required, the applicant seeking such approval shall cooperate fully with such departments/agencies to insure full review within the time limits established.

(4) Applicants seeking a license as a swap meet operator or vendor shall be investigated according to the procedures outlined in

SCC 6.01.047.

(5) Sanitary Facility Requirements. No license for a swap meet location shall be granted unless the application is accompanied by the written approval of the Snohomish Health District that the minimum health standards or requirements for the following have been met, but are not limited to:

- (a) Water supply;
- (b) Toilets;
- (c) Food preparation;
- (d) Waste disposal.

(6) Fire Protection Devices, Equipment Required. No license for a swap meet location shall be granted hereunder unless the applicant has shown that the Snohomish County fire marshal has approved that fire protection devices and equipment are available at, in or near any building, tent, stadium or enclosure wherein or whereupon more than ten persons may be expected to congregate at any time during the course of the swap meet for which a license is hereunder required. Fire prevention standards are set out in Title 16 of the Snohomish County Code.

(7) Parking facilities. Application for a swap meet location license hereunder shall be accompanied by a scale drawing showing that adequate parking facilities have been made available within or adjacent to the location for which the license is requested. Such parking facilities shall provide 4 1/2 parking stalls per 1,000 square feet of gross floor area of the location being licensed. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time.

(8) Lighting. In the event that swap meets will be conducted after sundown, the swap meet operator shall provide for the illumination of the grounds and parking area to a minimum light intensity of 0.1 foot-candles.

(9) The sale, possession and consumption of alcoholic beverages at a licensed swap meet location shall be prohibited unless permits from the Washington State Liquor Control Board have been obtained.

(10) Liability insurance required. The applicant for a swap meet location license shall agree that in the event the license is granted, the following indemnity agreement applies to the location. The licensee shall protect, save harmless, indemnify, and defend, at its own expense, Snohomish County, its elected and appointed officials, officers, employees, and agents, from any loss or claim for damages of any nature whatsoever, arising out of or suffered, directly or indirectly, in connection with this license or use of the premises, including claims by licensee's employees or third parties, except for those damages solely caused by the negligence or willful misconduct of Snohomish County, its elected and appointed officials, officers, employees or agents.

Licensee shall obtain and maintain continuously occurrence form commercial general liability insurance and/or other insurance necessary to comply with the hold harmless agreement above with combined limits of liability not less than \$1,000,000.00 each occurrence.

Such insurance shall include Snohomish County, its officers,

elected officials, agents, and employees as an additional insured and shall not be reduced or cancelled without thirty days written prior notice to the County. Licensee shall provide to the County Licensing Division proof of insurance in a form acceptable to the County, such proof to include proof of a valid license to provide insurance in Washington State, as a condition precedent to issuance of a license.

Such insurance, in its provision for additional insured, shall include a "Cross Liability Endorsement", "Severability of Interests" or "Separation of Insureds" provision indicating: "The inclusion of more than one insured under this policy shall not affect the rights of any insured as respects any claim, suit, or judgment made or brought by or for any other insured or by or for any employee of any other insured. The policy shall protect each insured in the same manner as though a separate policy had been issued to each except that nothing herein shall operate to increase the company's liability beyond the amount or amounts for which the insurer would have been liable had only one insured been named."

(11) All swap meet operator or vendor individual licenses shall be valid at multiple locations. Swap meet operators and vendors shall be exempt from the provision of 6.01.050 which requires a separate fee for their individual licenses when conducting business at more than one location.

6.21.020 License fees and term. The fees for these licenses are established by and contained in SCC 6.01.050.

6.21.030 Records of transactions.

Every swap meet vendor shall provide the swap meet operator with a listing of property to be sold prior to selling any item at the swap meet. This listing shall be legibly written in the English language and on a form prescribed by the County Sheriff.

6.21.040 Reports to sheriff.

(1) Every swap meet operator shall transmit to the sheriff's office in a form (~~to be furnished by~~) acceptable to the sheriff's office (~~filled in with~~) a true and correct transcript of the swap meet activity on the preceding day. This transmittal shall take place within a time specified by the sheriff, provided that the time allowed shall not be less than 24 hours. This (~~form~~) transmittal shall include (~~a list of~~) all swap meet vendors who conducted business at the swap meet, their address and phone number, license number, and a copy of the form required in 6.21.030. The operator shall also report (~~the number of times each vendor has conducted business at the swap meet in the current year and~~) the names, addresses, and phone numbers of any sellers who meet the terms of the definition in 6.21.005 (4). The swap meet operator shall confirm the identity of all vendors and sellers by the use of identification which shall consist of a valid driver's license or identification card issued by any state or two

pieces of identification, one of which shall be a current government issued picture identification. This information may be transmitted to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by the sheriff.

(2) Every swap meet operator having reason to believe that any property being sold by any swap meet vendor or seller is lost or stolen, shall report the fact to the sheriff, together with the name of the owner, if known, the date and the name of the person from whom the property was received.

(3) Every swap meet vendor or seller having reason to believe that any property in their possession is lost or stolen, shall report the fact to the sheriff, together with the name of the owner, if known, the date and the name of the person from whom the property was received.

6.21.050 Receiving goods from certain people unlawful.

No swap meet vendor or seller shall purchase any property from any person who is:

(1) Under eighteen years of age, unless each single item of property is valued at less than \$75 and is listed below:

- (a) postage stamps;
- (b) coins that are legal tender;
- (c) bullion in the form of fabricated hallmarked bars;
- (d) used books;
- (e) clothing, except furs; or

(2) Under the influence of alcohol; or

(3) Under the influence of drugs; or

(4) Attempting to sell any property which the swap meet vendor or seller knows or suspects to be stolen

(5) Known to the swap meet vendor or seller as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another. The sheriff shall be authorized to provide a list of convicted felons to swap meet vendors from whom they may not purchase property.

6.21.060 Penalty for violations.

(1) Every swap meet vendor and employee of a vendor shall be guilty of a gross misdemeanor and subject to penalties of RCW 9A.20.021, if the vendor or employee:

(a) Fails to list all items to be sold on the form as provided in SCC 6.21.030; or

(b) Makes a false entry on the form described in SCC 6.21.030; or

(c) Fails to report promptly to the sheriff the possession of any property which he has reason to believe has been lost

or stolen, together with the name of the owner, if known, the date when, the name of the person from whom the property was received by him; or

(d) Knowingly receives any property from any person described in SCC 6.21.050; or

(e) Removes, alters, or obliterates any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased or consigned. In addition, an item shall not be accepted for a secondhand purchase where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property has been removed, altered, or obliterated; or

(f) Knowingly violates any other provision of this chapter.

(2) Every swap meet operator and employee of an operator shall be guilty of a gross misdemeanor and subject to penalties of RCW 9A.20.021 if the operator or employee:

(a) Fails to furnish the sheriff upon request, with a fully true and correct copy of all reports required by SCC 6.21.040, Saturday's business may be reported on Monday; or

(b) Fails to report promptly to the sheriff the possession by any swap meet vendor of any property which he has reason to believe has been lost or stolen, together with the name of the owner, if known, and the name and address of the swap meet vendor.

(c) Knowingly violates any other provision of this chapter.

6.21.070 State law applicable in other instances. The requirements of RCW 19.60 shall govern all matters not governed by SCC 6.19, 6.20, or 6.21.

Section 2. Effective date. This ordinance shall be effective on January 1, (~~1994~~) 1995.

PASSED this 20th day of June, 1994.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Meller
Chairperson

Approved as to Form:

John W. Sibley
Deputy Prosecuting Attorney

ATTEST:

Barbara Sikowski
Clerk of Council, 11357.

- (/) APPROVED
- () VETOED
- () EMERGENCY

DATE: 10/29/94
[Signature]
County Executive

PUBLISHED _____ and _____

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