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Title 5 - BUSINESS TAXES, LICENSES AND REGULATIONS

Chapter 5.01 – BUSINESS LICENSES GENERALLY

5.02.010 – Definitions

As used in this chapter:

- A. “Business”, “occupation”, or “pursuit” means and includes all wholesalers, retailers, service providers, towing operators, peddlers, canvassers, solicitors, for-hire vehicles, limousine services, pawnbrokers, secondhand dealers, and junk dealers engaged in business with the object of economic gain, benefit or advantage to the person, firm, or corporation, or to another person, class, directly or indirectly, whether part-time or full-time, whether resident or nonresident except those businesses or activities for which licenses of franchises are required by any other chapter or section of the Camas Municipal Code as now or hereafter enacted or amended.
- B. “Canvasser”, “peddler”, or “solicitor” is defined as solicitor.
- C. “City” means the city of Camas.
- D. “Corporation” see “person”.
- E. “Director” means the finance director of the city of Camas.
- F. “Driver” and “Operator” mean the person physically engaged in driving for-hire vehicle, whether or not the person is the owner of or has any financial interest in the vehicle.
- G. “Engage in business” means commence, conduct, or continue in business, and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public to conducting such business.
- H. “Firm” see “Person”.
- I. “For-hire vehicle” includes all vehicles used for the transportation of passengers for compensation, except chartered and scheduled buses, vehicles not for hire by the general public such as vans operated by hotels, employers, churches, schools, and retirement facilities and ride share vehicles. The term primarily includes taxicabs, ride-share, and limousines.
- J. “Limousine” means a chauffeur-driven, unmetered luxury motor vehicle prearranged for transportation meeting the definition in RCW 46.04.274. Limousines differ from “taxis” in that they are exclusive use of the person(s) paying the prearranged fare, are unmetered, unmarked, and are not available for spontaneous hire.
- K. “Occupational permit” is an additional requirement for certain businesses performing occupations, that by their nature present a heightened public safety risk, including: for-hire vehicle driver or solicitor.

- L. "Operator" see "Driver".
- M. "Peddler" see "Solicitor".
- N. "Person" means any natural person of any gender, firms, corporations, partnerships or associations either acting by themselves or by servant, agent or employee. The singular shall include the plural.
- O. "Person", "firm" or "corporation" used interchangeably in this chapter means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, canvasser, peddler, solicitor, society, or any group of individuals acting as a unit whether mutual cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof for whom a valid business license may be required therefrom under the provisions of this chapter.
- P. "Pursuit" see "Business".
- Q. "Solicitor" within the meaning of this chapter is any person who, either as a principal or agent, goes door to door or from place to place and enters upon any private property within the city and thereon engages in any of the following activities:
 - 1. Sells, takes orders for, or offers to sell or take orders for any goods, wares or merchandise whether or not collecting in advance for such goods, wares or merchandise; and/or
 - 2. Sells, takes orders for, or offers to sell or take orders for services, whether or not collecting in advance for performance of such services; and/or
 - 3. Sells, takes orders for, or offers to sell or take orders for the making, manufacturing, or repairing of any article or thing whatsoever, whether or not collecting in advance for the performance of such services; and/or
 - 4. Seeks contribution or donations.
- R. "Towing operator" is anyone engaged in business of offering towing service by use of a vehicle wrecker or by a vehicle adapted for that purpose, whereby motor vehicles are towed or are otherwise removed from the place where they are disabled.

5.02.020 – Business License required – Posting

It is unlawful for any person, firm or corporation to engage in any business, occupation or pursuit, as defined by CMC 5.02.010 in the city without first having obtained a business license therefore as provided in this chapter. The business license provided for in this chapter shall be posted in a conspicuous location at the place of business. Such business license is nontransferable.

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5.02.030 – Occupational permit

Enacted to regulate the practice of certain occupations that, by their nature, present a heightened public safety risk to the public.

- A. For-Hire Vehicle Driver/Operator. No person shall drive a for-hire vehicle including a limousine, within the city without a permit from the city. Owners, sole proprietors will also be required to obtain a city of Camas business license. Employees hired as drivers must obtain a permit.
- B. Solicitor. It is unlawful for any person to act as a solicitor, within the meaning and application of this chapter, without first obtaining an occupational permit in the manner provided by this chapter.

5.02.035 – Home occupation permit

Home occupations are regulated under Title 18 of the Camas Municipal Code and the requirements therein are in addition to the business license provided for in this chapter.

5.02.040 – Application and renewal

Application for a business license shall be made through the Business Licensing Service of the Washington State Department of Revenue.

Application for an occupational permit shall be made directly with the city of Camas giving such information as deemed necessary to enable the enforcement of this chapter. The occupational permit is in addition to the business license provided for in this chapter.

5.02.050 – License term or expiration

Licenses are issued on an annual basis but will be set to expire on a date established by the Business Licensing Service and must be renewed on or before that expiration date to continue in business in the city.

The license term and respective fee amount may be prorated to synchronize the license expiration date with the expiration date established by the Business Licensing Service.

5.02.060 - Fee

The business licensing fee for any business or activity required to be licensed is \$10.00. The business licensing renewal fee for any business or activity required to be licensed shall be \$10.00 annually.

In addition to the city licensing fees, applications submitted through the Business Licensing Service must include the total fees due for all other licenses requested, as well as the application-handling fee authorized by RCW 19.02.075.

In addition, to the city license fees, renewals submitted through the Business Licensing Service must include the total fees due for all other licenses being renewed, as well as the renewal-handling fee

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authorized by RCW 19.02-075. Renewals submitted through the Business Licensing Service after the license expiration date will be assessed a late renewal penalty authorized by RCW 19.02.085 in addition to all other fees due.

5.02.070 – Exception – Applicability of provisions

Some or all the requirements of this chapter shall not be applicable as described below:

- A. Nonprofit organizations as recognized by the federal government (i.e. Internal Code Section 501(c)) are exempted from the city business license fee but are required to register as a business to the director or designee.
- B. For purposes of the license required by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city, shall submit a business license registration to the director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

5.02.080 – Violation – Penalty

Any person as defined in this chapter and the officers, directors, managing agents, or partners of any organization or business violating or failing to comply with any provisions of Chapter 5.02 shall be subject to a civil infraction punishable by a maximum fine of five hundred dollars.

REPEAL Chapter 5.04 – AMBULANCES

~~5.04.010 – Definitions.~~

~~As used in this chapter:~~

- ~~A. "Ambulance" means and includes any motor vehicle acting as a common carrier for hire for the transportation or conveyance of the sick or injured and providing basic life support and/or advanced life support.~~
- ~~B. "Ambulance license" means a license issued by the city of Camas authorizing any person, firm or corporation to engage in the business of carrying or transporting any sick or injured person, for hire, by the use of any automobile or vehicle designed or adapted for such purpose.~~
- ~~C. "Operating an ambulance" shall apply to the operation of any ambulance which:
 - ~~1. Is stationed within the city of Camas; or~~
 - ~~2. Is dispatched from within or without the corporate limits of Camas and regularly makes trips for hire within the city to pick up injured or sick fares; or~~
 - ~~3. Makes any trips into Camas for that purpose after advertising, within Camas, of such service. The provisions of the ordinance codified in this chapter shall not apply to any ambulance which shall pass through the city of Camas in the delivery of fares picked up at points beyond the limits of the city of Camas.~~~~

~~(Ord. 1590 § 1, 1986)~~

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~~5.04.020 License—Requirements.~~

~~No person, firm or corporation shall operate any ambulance in the city of Camas without first securing from the city clerk, with the approval of the city council, a license for ambulance service. An applicant for a city operating license must possess a state license as required by WAC 248-17-030.~~

~~(Ord. 1590 § 2 (part), 1986)~~

~~5.04.030 License—Application.~~

~~Application for an ambulance licensee permit and ambulance license shall be made upon such form as the clerk shall prescribe which application shall be accompanied with the annual license fee and with a certificate of the chief of police that the ambulance or ambulances for the licensing of which application is made is equipped and maintained in compliance with the minimum standards required by the ordinance codified in this chapter and the state law as to ambulance equipment and accessories and by the state law relating to vehicle lighting and other mechanical equipment.~~

~~(Ord. 1590 § 9, 1986)~~

~~5.04.040 License—Application—Information required.~~

~~In addition to such other information as the clerk shall require, the applicant for an ambulance license shall provide:~~

~~A.—By sworn statement the following information:~~

- ~~1.— Name and address of person, firm or corporation desiring such ambulance permit or license;~~
- ~~2.— The number and description of ambulances owned by and operated by the applicant and the location of each;~~
- ~~3.— The distinguishing color scheme, design or dress, including any monogram or insignia to be used on such ambulance;~~

~~B.—The following documents:~~

- ~~1.— A certificate from the chief of police that the applicant has the minimum ambulance equipment and that the ambulance complies in other regards with this chapter and the state law;~~
- ~~2.— A policy of insurance as required by this chapter, which policy shall contain an endorsement providing that ten days' notice to the city will be given by the insurance company in the event of any material change or cancellation.~~

~~(Ord. 1590 § 10, 1986)~~

~~5.04.050 License—Renewal—Fee.~~

~~Such ambulance license shall expire on the last day of December next following the issuance thereof and may be renewed from year to year by the city clerk upon such evidence as shall be required by him that:~~

- ~~A.—The holder thereof is complying with the minimum requirements of this chapter as to equipment and accessories;~~

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~~B. The operator or crews of the ambulance have not during the past year violated provisions of this chapter or other ordinances of this city in the operation of such ambulance so as to unreasonably endanger the lives or property of passengers or other members of the public;~~

~~C. The annual license fee shall be as per the fee schedule established by the city council per resolution.~~

~~(Ord. 1590 § 11, 1986)~~

~~([Ord. No. 2714](#), § I, 12-1-2014)~~

~~5.04.060 License—Number limitation.~~

~~The number of persons, firms or corporations licensed shall be limited to not more than one person, firm or corporation for each seven thousand population within the limits of the city or as to service needs as determined by the city council.~~

~~(Ord. 1590 § 2 (part), 1986)~~

~~5.04.070 Existing licenses—Renewal preference.~~

~~In issuing licenses, under this chapter, the clerk shall give preference to existing licensees, unless the chief of police shall recommend against the reissuance of same. Any person, firm or corporation who shall believe they have been discriminated against by the actions of the city clerk shall have the right to appeal such decision to the mayor and council.~~

~~(Ord. 1590 § 14, 1986)~~

~~5.04.080 Insurance required.~~

~~No license shall be issued under this chapter for any ambulance until the same is covered with public liability insurance in the amounts of five hundred thousand dollars for personal injuries to one person and one million dollars for more than one person arising out of each accident or occurrence and property damage insurance in the amount of fifty thousand dollars for each accident or occurrence.~~

~~(Ord. 1590 § 7, 1986)~~

~~5.04.090 License—Exhibition required.~~

~~Each licensee shall cause the city's ambulance license to be prominently displayed in the interior of the ambulance in a position where the same may be seen and read by any person.~~

~~(Ord. 1590 § 3, 1986)~~

~~5.04.100 License—Transferability.~~

~~Licenses issued for any vehicle may be transferred to another vehicle belonging to the same licensee upon filing with the city clerk an application therefor, duly verified and showing that the vehicle previously licensed has become obsolete or has been destroyed and that such vehicle is no longer to be used for the purpose contemplated in this chapter. The vehicle to which the license is transferred shall conform with all the requirements of this chapter as upon original licensing. If satisfied that the transfer is~~

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~~in good faith and not for the purpose of evasion, the city clerk shall require a surrender of the former certificate and issue a new one, charging therefor a transfer fee of twenty-five dollars.~~

~~(Ord. 1590 § 12, 1986)~~

~~5.04.110 Personnel requirements.~~

~~A. No person, firm or corporation shall operate any ambulance in the city without the same being attended by a crew with skill levels as stated in RCW 18.73.150 and of whom shall be the age of twenty-one years.~~

~~B. Ambulance personnel shall meet those requirements as stated in WAC 248-17-190.~~

~~(Ord. 1590 § 4, 1986)~~

~~5.04.120 Equipment and conditions required.~~

~~Ambulance vehicle and equipment will meet the requirements as stated in WAC 248-17-070.~~

~~(Ord. 1590 § 5, 1986)~~

~~5.04.130 Inspection.~~

~~The chief of police shall inspect all ambulances prior to issuance of any license as provided in this chapter to insure compliance with the provisions of this chapter, and at least once per year thereafter or at any time as he shall deem necessary and proper.~~

~~(Ord. 1590 § 6, 1986)~~

~~5.04.140 Service required.~~

~~An ambulance licensee shall maintain and provide twenty-four-hour service.~~

~~(Ord. 1590 § 8, 1986)~~

~~5.04.150 License—Revocation.~~

~~Any such license shall be subject to revocation by the mayor, subject to approval by the city council upon conviction of the operator for failure to comply with the provisions of this chapter.~~

~~(Ord. 1590 § 13, 1986)~~

~~5.04.160 Violation—Penalty.~~

~~It shall be a misdemeanor for any person to violate or fail to comply with any of the provisions of this chapter and every person convicted for the violation or failure to comply with the provisions of this chapter shall be punished by a fine not exceeding five hundred dollars.~~

~~(Ord. 1590 § 15, 1986)~~

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REPEAL Chapter 5.08 — BUILDING TRADES

~~5.08.010 — Enforcement.~~

~~So long as RCW Chapter 18.27 remains in full force and effect, the provisions of this chapter shall not be enforced by the officials of the city.~~

~~(Ord. 1586 § 1, 1986; prior code § 9.13.010)~~

~~5.08.020 — State license.~~

~~A person firm or corporation, complying with RCW Chapter 18.27 who shall present his or its state license to the city's building inspector, shall be determined to have complied with all regulatory provisions of Chapters 15.04 and 15.08 of this code.~~

~~(Prior code § 9.13.020)~~

~~5.08.030 — Business tax.~~

~~Any person, firm or corporation desiring to engage in any of the vocations or occupations specified in Chapters 15.04 and 15.08 of this code within the city and who are not licensed thereunder, shall first pay to the city treasurer an annual business tax in the sum of twenty five dollars per year or for any portion of a year.~~

~~(Prior code § 9.13.030)~~

~~5.08.040 — Violation — Penalty.~~

~~Any person, firm or corporation failing to pay the business tax prior to engaging in an occupation covered by this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed three hundred dollars or imprisoned in the city jail for a period of ninety days or be both fined and imprisoned.~~

~~(Prior code § 9.13.040)~~

Chapter 5.12 - CARDS AND BILLIARDS

5.12.010 - License — Required.

It is unlawful for any person, firm or corporation to operate or maintain an establishment for the playing of cards, pool or billiards without first procuring a license as hereinafter provided in this chapter. [This license is in addition to a business license that may be required under Chapter 5.02 CMC.](#)

(Prior code § 9.26.010)

5.12.020 - License — Application — Issuance determination — Assignment.

Persons desiring a license to maintain or operate any of the amusement facilities named in Section 5.12.010 shall first make written application therefor to the city council, accompanying same with a certified check or cash deposit for the amount of the license fee due and owing. Such written application shall be delivered to the [director](#) ~~city clerk~~. The city council, or a representative thereof, shall then

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examine the proposed licensed premises and the qualifications of the applicant and in its discretion grant or refuse such license. A license once issued, or a renewal thereof, may not be assigned.

(Prior code § 9.26.030)

5.12.030 - Reserved.

Editor's note— [Ord. No. 2714](#), § II, adopted Dec. 1, 2014, repealed § 5.12.030, which pertained to license—fee and derived from prior code § 9.26.020.

5.12.040 - License—Revocation.

The city council may revoke any license issued under the provisions of this chapter upon conviction of the licensee of violation of any of the ordinances of the city relating to gambling, conducting a nuisance, or admission of minors to such licensed premises.

(Ord. 1587 § 1, 1986: prior code § 9.26.040)

5.12.050 - License—Hearing—Determination.

Upon notice to the holder of any license issued under this chapter to appear and show cause why the license should not be revoked, the person so notified shall be entitled to a public hearing before the council in the council chambers of the city hall. He shall be entitled to be represented by counsel. After such hearing, if it appears to the council that the licensee has wilfully disregarded the provisions of city ordinances, it shall be the duty of the council to revoke the license, or if the infringement is of a minor nature, the council may suspend the license for a period of time by majority vote of the council.

(Prior code § 9.26.050)

REPEAL Chapter 5.16—~~COIN-OPERATED MUSIC DEVICES~~

~~5.16.010—License—Required.~~

~~It is unlawful for any person, firm or corporation to operate or allow to be operated in his place of business any jukebox, coin-operated phonograph or coin-operated music box without first obtaining a license to operate the same.~~

~~(Prior code § 9.12.010)~~

~~5.16.020—Reserved.~~

Editor's note— [Ord. No. 2714](#), § III, adopted Dec. 1, 2014, repealed § 5.16.020, which pertained to license—fee—issuance and derived from prior code § 9.12.020.

~~5.16.030—Violations—Penalty.~~

~~Any person, firm or corporation violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the city jail for a period of not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court.~~

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~~(Prior code § 9.12.030)~~

Chapter 5.20 - SPECIAL EVENTS*

5.20.010 - Definitions.

As used in this chapter:

"Special events" mean and include any event which is to be conducted out-of-doors on municipal public property or on a public right-of-way; and, also, any event held on private property which would have a direct significant impact on traffic congestion; or traffic flow to and from the event over public streets or rights-of-way; or which would significantly impact public streets or rights-of-way near the event; or which would significantly impact the need for city-provided emergency services such as police, fire or medical aid. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of five hundred or more people are each presumed to be an event that will have a direct significant impact on the public streets, rights-of-way or emergency services. Special events might include, but not be limited to, fun runs, roadway foot races, fundraising walks, auctions, bikeathons, parades, carnivals, shows or exhibitions, filming/movie events, circuses, block parties and fairs.

"Use" means to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public place, any building, structure, sign, equipment or scaffolding, to deface any public right-of-way by painting, spraying, or writing on the surface thereof, or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public place within the city, including any use related to special events.

(Ord. 2418 § 1 (part), 2005)

5.20.020 - Permit required.

Any person desiring to conduct or sponsor a special event shall apply for a special event permit by filing an application with the [Parks and Recreation Office](#) ~~city clerk's office~~ and pay an application fee as per the fee schedule established by the city council per resolution, forty-five days prior to the date on which the event is to occur. No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5 or 11 of the Washington State Constitution. Political or religious activities intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event.

A special event permit is not required for the following:

- A. Funerals and wedding processions;
- B. Other similar events and activities which would not directly affect or use in any manner city services or streets;
- C. School and City events which are routinely scheduled;
- D. Non-commercial and limited use of city park areas for events such as birthdays, anniversaries, and reunions with less than 50 attendees, closed to the public at large, and otherwise not significantly impacting municipal public property or public rights-of-way as described in Section 5.20.010;
- E. Non-commercial use of the Fallen Leaf Park picnic shelter.

(Ord. 2418 § 1 (part), 2005)

(Ord. No. 2641, § I, 3-5-2012; [Ord. No. 2714](#), § IV, 12-1-2014)

5.20.030 - Permit issuance.

- A. The city may issue the special events permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit and compliance with Section 5.20.080 pertaining to indemnification, Section 5.20.090 pertaining to insurance, and Section 5.20.110 of this chapter pertaining to cleanup deposits (when applicable).
- B. Special events planned in city parks must conform with compliance issues established in Camas City Code Section 12.32.180 as a condition of approval.

(Ord. 2418 § 1 (part), 2005)

5.20.040 - Action on permit application.

The city administrator may approve, conditionally approve, or deny an application based on information provided on the application and the recommendations of city departments involved in the review process on the grounds specified in Section 5.20.050 of this chapter. If the application is denied or conditionally approved, the city administrator shall inform the applicant, in writing, of the grounds for denial, or the reason for a change in the date, time, route or location of the event, and the applicant's right of appeal per Section 5.20.070 of this chapter. The applicant shall be notified of any permit conditions at the time the application is approved and of the applicant's right of appeal of the permit conditions.

(Ord. 2418 § 1 (part), 2005)

5.20.050 - Grounds for denial of application.

Issuance of a special event permit may be denied and/or the permit may be revoked if, the city administrator finds that one or more of the following is more likely than not to be true:

- A. The event would endanger public safety or health;
- B. The event would seriously inconvenience the general public's use of public property, services or facilities;
- C. The applicant fails to complete the application form after having been notified of the additional information or documents required in a timely manner;
- D. Information contained in the application, or supplemental information requested from the applicant is found to be false in any material detail;
- E. The applicant refuses or fails to agree, to abide, or comply with all of the conditions and terms of the permit;
- F. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit;
- G. The dates of the event could conflict with other previously permitted events;
- H. The event would create or constitute a public nuisance or the noise could disrupt educational activities of a nearby school;
- I. The event would be likely to cause significant damage to public property or facilities; and
- J. The event would engage in or encourage participants to engage in illegal acts.

(Ord. 2418 § 1 (part), 2005)

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5.20.060 - Permit conditions.

The city may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic.

(Ord. 2418 § 1 (part), 2005)

5.20.070 - Appeal procedure.

The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of cleanup deposits, or a determination by the city that the applicant's certificate of insurance does not comply with the requirements. A written notice of appeal shall be filed three business days after receipt or personal delivery of a notice of denial or permit conditions from the city administrator. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The city council shall hear the appeal on the record provided for from the city administrator and upon public comment given at the scheduled hearing before the council. The hearing shall be scheduled no later than fourteen days after receipt of a timely and proper notice of appeals. The decision of the city council is final.

If there is insufficient time for a timely appeal to be heard by the city council prior to the date on which the event is scheduled, the applicant may, at its own option, request that the city administrator schedule the appeal before the mayor or mayor pro-tem. The mayor/mayor pro-tem shall hold a hearing no later than five business days after the filing of the appeal and will render a decision no later than one business day after hearing the appeal. If the appeal is requested and heard before the mayor/mayor pro-tem, the mayor/mayor pro-tem's decision is final. There is no further appeal to the city council.

(Ord. 2418 § 1 (part), 2005)

5.20.080 - Indemnification agreement.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the city for any costs incurred by it in repairing damages to city property and indemnify and defend the city, its officers, employees, and agents from all causes of action, claims or liabilities occurring in connection with the permitted event except those which occur due to the city's sole negligence.

(Ord. 2418 § 1 (part), 2005)

5.20.090 - Insurance.

The following insurance is required in connection with the issuance of special use permits:

- A. One million dollars commercial general liability insurance per occurrence combined single limits;
- B. Two million dollars aggregate, unless waived by the city administrator.

The ~~city clerk~~ **director** is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written on an occurrence basis, shall name the city as an additional insured, shall be written for a period not less than twenty-four hours prior to the event and extending for a period not less than twenty-four hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon thirty days' written notice to the city.

(Ord. 2418 § 1 (part), 2005)

5.20.100 - Fees for city services.

- A. Upon review of an application for a special event permit, and when the event requires significant city resources that exceed normal staffing for public services, the finance director should provide the applicant with a statement of the estimated cost of providing city personnel and equipment. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment prior to the special event. City services and equipment may include overtime incurred by city personnel, the use of police officers and public works employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating city equipment to provide such services.
- B. If the actual costs for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.
- C. Permit fees and the fees for the use of city services and equipment may be waived in part or in full by the city administrator if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

(Ord. 2418 § 1 (part), 2005)

5.20.110 - Cleanup deposits.

- A. The applicant/sponsor of an event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide a clean-up deposit prior to the issuance of a special event permit.
- B. The clean-up deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.

If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the city for cleanup and restoration. The clean-up deposit shall be applied toward the payment of the bill.

(Ord. 2418 § 1 (part), 2005)

5.20.120 - Revocation of permits.

Any permit issued under this chapter may be summarily revoked by the city administrator, police chief, fire chief or public works director at any time when, by reason of disaster, public calamity, riot or other emergency or exigent circumstances, if it is determined that the safety of the public or property requires such immediate revocation. The city administrator may also summarily revoke any permit issued pursuant to this chapter if the designated city official finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in the application.

(Ord. 2418 § 1 (part), 2005)

5.20.130 - Violation—Penalty.

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- A. It is unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.
- B. The special event permit authorizes the permittee to conduct only such an event as described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.
- C. Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or by both such fine and imprisonment.

(Ord. 2418 § 1 (part), 2005)

5.20.140 - Severability.

If any section, sentence, clause, phrase, part or portion of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 2418 § 1 (part), 2005)

Chapter 5.24 - PEDDLERS, HAWKERS, SOLICITORS AND CANVASSERS

5.24.010 - Definitions.

- A. "Canvasser" or "solicitor" means any individual whether a resident of the city of Camas, or not, traveling either by foot, ~~wagon~~, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for service to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, and/or any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, hotel room, ~~lodginghouse~~, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery, and/or any individual who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any vehicle, building, structure, hotel room, motel room, apartment, shop, or any other place within or without the city for the sole purpose of taking or attempting to take orders by telephone or any other means for sales of goods, wares and merchandise, or personal property of any nature whatsoever for present or future delivery within the city or for services to be furnished or performed in the present or future within the city.
- B. "Hawker" means any individual, whether a resident of the city of Camas, or not, selling or offering for sale, any goods, wares or merchandise, articles, things of personal property of whatever name, nature or description, except newspapers, by peddling the same from house to house, or upon any street, highway or public place, who shall make public outcry, or give any musical or other public entertainment or make any public speech to draw customers or attract notice.
- C. "Peddler" means an individual, whether a resident of the city of Camas, or not, who carries goods, wares or merchandise, articles, things or personal property of whatever name or nature or description, from house to house, place to place, or upon any street, highway or public place within the city of Camas, for sale.

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- D. "Solicitor" or "canvasser" also means and includes any individual, whether a resident of the city of Camas, or not, who supplies a service or applies any article, supply or material to any building or structure for which a solicitor or canvasser as defined in this section has received an order therefor, in the event the solicitor or canvasser who took the order has not complied with the provisions of this chapter.

(Prior code § 9.44.020)

5.24.020 - License—Required.

It is unlawful for any peddler, hawker, solicitor or canvasser as defined in Section 5.24.010 of this chapter to engage in such business within the corporate limits of the city without obtaining a permit and/or license therefor in compliance with the provisions of this chapter. [Such license is in addition to a business license that may be required under Chapter 5.02 CMC.](#)

(Prior code § 9.44.010)

5.24.030 - License—Application—Investigation fee.

Applicants for permit and license under this chapter must file with the [director city-clerk](#) a sworn application in writing (in duplicate) on a form to be furnished by the [director city-clerk](#), which shall give the following information:

- A. Name and description of the applicant;
- B. Permanent home address and full local address of the applicant;
- C. A brief description of the nature of the business and the goods to be sold;
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- E. The length of time for which the right to do business is desired;
- F. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- G. The fingerprints of the applicant and the names of at least two reliable property owners of the state, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- H. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- I. A statement as to the cities and towns applicant has done business within six weeks prior to the date of the application; and
- J. At the time of filing the application, a fee per the fee schedule established by the city council per resolution shall be paid to the [director city-clerk](#).

(Prior code § 9.44.030)

(Ord. No. 2554, § I, 7-20-2009; [Ord. No. 2714](#), § V, 12-1-2014)

5.24.040 - License—Issuance—Renewal.

- A. Upon receipt of such application, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the ~~director~~ ~~city clerk~~, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for, and return said permit, along with the application, to the ~~director~~ ~~city clerk~~, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer, and shall show the name and address of the licensee, the class of license issued, and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The ~~director~~ ~~clerk~~ shall keep a permanent record of all licenses issued.
- D. Any peddler, hawker, solicitor or canvasser who does not renew a license required herein from year to year or a portion of any consecutive year, shall fulfill the provisions of Section 5.24.030 before engaging in such business within the corporate limits of the city.

(Prior code § 9.44.040)

5.24.050 - License—Fee determination.

- A. The license fee which shall be charged for such license shall be per the fee schedule established by the city council per resolution and shall be assessed per a calendar year basis.
- B. None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant to place an undue burden upon such commerce, he may apply to the mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the mayor may deem necessary in order to determine the extent, if any, of such undue burden on such interstate commerce. The mayor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to the applicant's business, and shall fix as the license fee for the applicant, on the amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so affixed. In fixing the fee to be charged, the mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection A of this section. Should the mayor determine gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales and to pay the amount of the fee therefor; provided, that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in subsection A of this section.

Updated 4/25/2019

(Prior code § 9.44.050)

([Ord. No. 2714](#), § VII, 12-1-2014)

5.24.060 - License—Religious organization exemption.

Clark County residents representing local religious organizations selling Bibles, religious books or religious literature, are exempt from the payment of any fees under the terms of this chapter; but all such persons are included in, and subject to, the other provisions of this chapter.

(Prior code § 9.44.120)

5.24.070 - License—Display.

Peddlers, hawkers, solicitors and canvassers are required to exhibit their licenses at the request of any citizen.

(Prior code § 9.44.060)

5.24.080 - Enforcement.

It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this chapter against any person found to be violating the same.

(Prior code § 9.44.070)

5.24.090 - Violations—Recordkeeping.

The chief of police shall report to the ~~director~~ ~~city clerk~~ all convictions for violation of this chapter and the ~~director~~ ~~city clerk~~ shall maintain a record for each license issued and record the reports of violation therein.

(Prior code § 9.44.080)

5.24.100 - License—Revocation.

- A. Permits and licenses issued under the provisions of this chapter may be revoked by the action of the city council of the city, after notice and hearing, for any of the following causes:
1. Fraud, misrepresentation or false statement contained in the application for license;
 2. Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler, hawker, solicitor or canvasser;
 3. Any violation of this chapter;
 4. Conviction of any crime or misdemeanor involving moral turpitude; or
 5. Conducting the business of peddling, hawking, soliciting or canvassing, in an unlawful manner or in such a manner as so to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

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- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

(Prior code § 9.44.090)

5.24.110 - Appeals.

Any person aggrieved by the action of the chief of police or the ~~director city clerk~~ in the denial of a permit or license as provided in Section 5.24.040, or the action of the mayor in the assessing of the fee as provided in Section 5.24.050(A) shall have the right of appeal to the council of the city. Such appeal shall be taken by filing with the council, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 5.24.100 for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

(Prior code § 9.44.100)

5.24.120 - Applicability of provisions.

This chapter shall not be construed as applicable to insurance men, advertising salesmen or salesmen calling on the retail or wholesale trade and/or any farmer, gardener, or other person who shall peddle any poultry or eggs, meats or any farm produce or edibles raised, caught, produced, manufactured by such person in any place in this state; and, to encourage the dissemination of news and information, it shall not be construed as applicable to daily or weekly newspaper salesmen, whether subscriptions are taken, or not. All persons peddling edibles for human consumption shall comply with all the health regulations of the state and county before doing business in this city.

(Prior code § 9.44.110)

5.24.130 - Severability.

The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

(Prior code § 9.44.140)

5.24.140 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars, or by imprisonment in the city jail not to exceed sixty days, or by both such fine and imprisonment.

(Prior code § 9.44.130)

~~REPEAL Chapter 5.28—PUBLIC DANCES~~

~~5.28.010 Definitions.~~

~~As used in this chapter:~~

- ~~A. "Dancehall" means any room, hall, pavilion, boat, float building or other structure kept for the purpose of conducting therein public dances or dancing.~~
- ~~B. "Public dance" means any dance or hall to which the public generally may gain admission where dancing is conducted and allowed, and whether such activity is designated as a dance, party or celebration by the sponsor thereof; provided, however, the following sponsored dances shall not be included in this definition:~~
- ~~1. Nonprofit corporations, fraternal orders or other organizations who limit attendance to dances to their members and guests;~~
 - ~~2. Dances conducted by the park board of the city of Camas;~~
 - ~~3. Dances conducted by the Camas School District No. 117; and~~
 - ~~4. Dances where the age of those attending is limited to seventeen years and younger.~~

~~(Prior code § 9.16.010)~~

~~5.28.020 License—Required.~~

~~No person or persons, firm, corporation or other organization shall hold any public dance or conduct or maintain any dancehall within the limits of the city without first having obtained from the city clerk a license therefor. Licenses for dancehalls shall be issued by the year or by the quarter as requested by the applicant. A license for a single dance shall entitle the holder thereof to conduct such dance only on the day and at the place specified in the license. No license shall be granted to any firm, corporation, or other organization, but if any dance is to be conducted by a corporation, firm or other organization the license shall issue to the manager or other directing head thereof.~~

~~(Prior code § 9.16.020)~~

~~5.28.030 License—Application—Issuance.~~

~~Applications for a license hereunder shall be filed with the city clerk two weeks prior to the scheduled date of any dance or for the commencement of an annual license. Applications shall be accompanied by the required license fee. The city clerk shall cause the application to be delivered to the chief of police, who shall investigate same to determine if the applicant qualifies for a license. The chief of police shall return the application to the city clerk within five days after receipt, marked with his approval or disapproval. If the application is approved, the city clerk shall issue a license to the applicant. In the event the application is not approved, any applicant may appeal the decision to the city council, who shall hold a hearing to determine if such denial was for just cause. The decision of the city council shall be final. Such application shall state the name of the sponsor and applicant's relationship thereto, date, place and hours of the dance to be conducted, name of group or individual furnishing music, plans for supervising activity to prevent violation of any provision of the city of any dance ordinance, and such other information as may be requested by the chief of police. The chief of police shall have authority to deny the application in the event he shall determine from his investigation such dance would disturb the peace and tranquility of the city and/or create an economic burden for the city in the enforcement of the ordinances of the city.~~

~~(Prior code § 9.16.040)~~

~~5.28.040 Reserved.~~

Updated 4/25/2019

Editor's note — ~~Ord. No. 2714~~, § VIII, adopted Dec. 1, 2014, repealed § 5.28.040, which pertained to license fees and derived from prior code § 9.16.030.

~~5.28.050 License—Transferability—Revocation.~~

~~A violation of any regulation herein contained or any violation of any police regulation of the city of Camas on the part of the licensee shall be sufficient grounds for the revocation or suspension of such license, and any license granted hereunder may be revoked and forfeited, or the unexpired term thereof shortened by the city council for any reason which to it may seem sufficient, and the action of the city council revoking any such license shall be final and conclusive. Every licensee accepting a license hereunder shall be deemed to have conceded to the provisions of this section with respect to the cancellation of licenses. No license granted hereunder shall be transferable except by a formal order of the city council, nor shall any dancehall or public dance be conducted in any place other than as specified in the license therefor.~~

~~(Prior code § 9.16.060)~~

~~5.28.060 Rules and regulations.~~

~~Dances shall only be conducted in buildings, halls, rooms, pavilions or other places which are in compliance with the building code and fire code of the city. No immoral, indecent, suggestive or obscene dance shall be given or carried on in any dancehall or at any dance licensed by the city. Dancing shall be allowed at all hours in the city during which the serving of alcoholic beverages is permitted. Any police officer of the city shall have free access to all public halls at all times for the purpose of inspection and to enforce in compliance with the provisions of this chapter.~~

~~(Prior code § 9.16.050)~~

~~5.28.070 Conduct prohibited.~~

~~No person or persons maintaining or conducting or carrying on any public dance or dancehall or having charge or control thereof or any person employed in and about the same shall allow or permit any person to consume intoxicating liquor and/or use drugs on the premises or allow or permit any person under the influence of intoxicating liquor or drugs or allow any boisterous or disorderly person to enter or remain in or to dance in such public dancehall; provided, however, the consumption of intoxicating liquor shall not be prohibited in class H license premises.~~

~~(Prior code § 9.16.070)~~

~~5.28.080 Age requirements.~~

~~No person under the age of eighteen years shall be permitted to attend any public dance without the escort of his or her parent or guardian. Any person under the age of eighteen years who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any public dance shall be guilty of a misdemeanor.~~

~~(Prior code § 9.16.080)~~

~~5.28.090 Violation—Penalty.~~

~~Every person who shall violate any provision of this chapter shall upon conviction thereof be punished by a fine in an amount not exceeding the sum of five hundred dollars.~~

Updated 4/25/2019

~~(Prior code § 9.16.090)~~

Chapter 5.32 - TAXIS

5.32.010 - Definitions.

The following words and phrases when used in this chapter have the meanings as set out in this section:

- A. "Certificate" means a certificate of public convenience and necessity issued by the city council, authorizing the holder thereof to conduct a taxicab business in the city.
- B. "Cruising" means the driving of a taxicab on the streets, alleys or public places of the city in search of or soliciting prospective passengers for hire.
- C. "Chauffeur's license" means the permission granted by the ~~city clerk~~ director to a person to drive a taxicab upon the streets of the city pursuant to the provisions of this chapter.
- D. "Holder" means a person to whom a certificate of public convenience and necessity has been issued.
- E. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.
- F. "Rate card" means a card for display in each taxicab which contains the rates of fare then in force.
- G. "Taxi stand" means a public place alongside the curb of a street which has been designated by the city as reserved exclusively for the use of taxicabs.
- H. "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini. Ride-sharing vehicles as defined by RCW 46.74.010 shall not be considered taxicabs.
- I. "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.
- J. "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act of fault of a passenger or passengers.

(Ord. 1927 § 1, 1993)

5.32.020 - Certificate of public convenience and necessity required.

Except as provided in this section, no person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire within the corporate limits of the city without first having obtained a certificate of public convenience and necessity. Taxi companies and taxicabs licensed in the jurisdiction in which their principal office is located are not required to obtain a certificate of public convenience and necessity in order to pick up and discharge fares within the city.

(Ord. 1927 § 2, 1993)

5.32.030 - Application for certificate.

Updated 4/25/2019

An application for a certificate shall be filed with the ~~director city clerk~~ upon forms provided by the city, and the application shall furnish the following information:

- A. The name and address of the applicant.
- B. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- C. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- D. The experience of the applicant in the transportation of passengers.
- E. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots or terminals.
- F. The passenger-carrying capacity of each vehicle.
- G. The color scheme, markings, and insignia to be used to designate the vehicle or vehicles of the applicant.
- H. Such further information as the city may require.

(Ord. 1927 § 3, 1993)

5.32.040 - Public hearing.

Upon the filing of an application, the city council shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by posting a notice of such hearing on the bulletin board at the front entrance to the municipal building. Any interested person may file with the city council a memorandum in support of or opposition to the issuance of a certificate.

(Ord. 1927 § 4, 1993)

5.32.050 - Issuance of certificate.

- A. If the city council finds that further taxicab service in the city will serve the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this chapter, then the ~~director city clerk~~ shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
- B. In making the above findings, the city council may take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

(Ord. 1927 § 5, 1993)

5.32.060 - Liability insurance required.

- A. Every application for a certificate of convenience and necessity shall be accompanied by evidence satisfactory to the ~~director city clerk~~ that the applicant has in full force and effect a policy or policies of public liability insurance under the same conditions and in the same amounts as required by the state of Washington covering each and every taxicab owned or leased and used in the conduct of the operator's business.

Updated 4/25/2019

- B. The evidence of insurance shall contain a provision that such policy or policies cannot be reduced in coverage or canceled nor refused for renewal unless and until thirty days' written notice has been given by the insurer to the [director city clerk](#). If any such notice is given by an insurer, the [director city clerk](#) shall advise the licensee that unless proper evidence is received within twenty days that adequate insurance has been obtained, a recommendation will be made to the city council for revocation of the certificate of convenience and necessity.
- C. The recommendation shall be made at the next scheduled council meeting after the end of the twenty day period if proof of adequate insurance has not been filed. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a holder as defined in this chapter.

(Ord. 1927 § 6, 1993)

5.32.070 - License fees.

- A. No certificate shall be issued or continued in operation unless the holder thereof has paid an annual license fee for the right to engage in the taxicab business and an additional fee each year as per the fee schedule established by the city council per resolution for each vehicle operated under a certificate of public convenience and necessity. [Such license fee is in addition to a business license that may be required under Chapter 5.02 CMC.](#)
- B. In the case of licenses issued on or after July 1st of each year, one-half of the above fees shall be paid. License fees shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or any vehicle under his operation and control. All licenses shall expire at 11:59 p.m. on December 31st of each year and may be renewed by the [director city clerk](#) upon the holder's request, proof of adequate insurance, and payment of fees.

(Ord. 1927 § 7, 1993)

([Ord. No. 2714](#), § IX, 12-1-2014)

5.32.080 - Transfer of license.

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the city council.

(Ord. 1927 § 8, 1993)

5.32.090 - Suspension and revocation of certificates.

A certificate issued under the provisions of this chapter may be suspended by the [director city clerk](#) for a period not to exceed twenty days, or revoked by the city council, if the holder has (1) violated any provisions of this chapter, (2) discontinued operations for more than five days, or (3) has violated any ordinances of the city, or the laws of the state of Washington or the United States, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation. The holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard prior to suspension or revocation.

(Ord. 1927 § 9, 1993)

5.32.100 - Taxicabs—Equipment and maintenance.

Updated 4/25/2019

- A. Prior to the issuance of a license for a taxicab, the vehicle shall be inspected by the police department to determine if it is in safe operating condition and in compliance with the requirements of this chapter and the laws of the state of Washington. When the police department finds that a taxicab has met the standards required by the city, and the required license fee has been paid, the ~~director~~ ~~city clerk~~ will issue a card to the owner on which the license shall be printed and the authorized seating capacity of the vehicle listed, which license shall be affixed in a conspicuous place in the taxicab.
- B. Every taxicab operating under the provisions of this chapter shall be periodically inspected by the police department to insure continued maintenance of safe operating conditions. Maintenance records for each vehicle licensed shall be available for inspection when requested.
- C. Every taxicab operating under the provisions of this chapter shall be kept in a clean and sanitary condition.

(Ord. 1927 § 10, 1993)

5.32.110 - Designation of taxicabs.

- A. Every taxicab licensed under the provisions of this chapter shall have the name of the company plainly displayed in letters at least two inches in height in a conspicuous place on each side of the vehicle, and, in addition, may bear an identifying design approved by the city. No vehicle shall be licensed whose color scheme, identifying design, or displayed name shall conflict with or imitate those used on a vehicle or vehicles already operating under this chapter, if in the opinion of the ~~director~~ ~~City Clerk~~, such use could be misleading or tend to deceive or defraud the public.
- B. If the color scheme, identifying design or displayed name of a currently licensed taxicab or taxicabs is changed so as to be in conflict with or imitate that used by another person, owner, or operator, if in the opinion of the ~~director~~ ~~city clerk~~, such use could be misleading or tend to deceive the public, the license or certificate covering such taxicab or taxicabs shall be suspended or revoked.
- C. Any person aggrieved by the decision of the ~~director~~ ~~city clerk~~ may appeal such decision to the city council by filing a written notice of appeal within ten days of the date the ~~director~~ ~~city clerk~~ renders his decision. Any suspension or revocation by the ~~director~~ ~~city clerk~~ shall be stayed pending review by the city council. In considering such appeal, the city council shall base its decision on the criteria set forth in this section.

(Ord. 1927 § 11, 1993)

5.32.120 - Calculation of charges.

- A. All taxicabs operating under the authority of this chapter shall calculate charges either by means of a taximeter or by odometer readings.
- B. Those taxicabs utilizing a taximeter for calculation of charges shall be equipped with a taximeter fastened in front of the passengers, visible to them at all times day and night, and, after sundown, the face of the taximeter shall be illuminated and readily discernable by the passenger. The taximeter shall be operated mechanically by a mechanism of standard design and construction. The case and all points and connections which, if manipulated, would affect its correct reading and recording are to be sealed. It shall be the duty of the driver to display a signal indicating that the vehicle is employed and the taximeter recording at the beginning of each trip and to move it to the nonrecording position at the end of each trip. It shall be the duty of the driver to call the attention of the passengers to the amount registered and the taximeter shall not be changed until after the fare is paid. No driver shall display a signal that the taxicab is not employed when carrying passengers or under employment. The taximeter shall be subject to inspection by the police department either on complaint of any person or without such complaint. If any inaccuracy is discovered in the taximeter,

the person operating the taxicab will immediately cease operation of the taxicab and it shall not be operated until the taximeter is repaired and in the required working condition.

- C. Those taxicabs utilizing odometer readings for the calculation of charges shall maintain a written log documenting the charges. It shall be the duty of the driver to enter the mileage on the odometer at the time the taxicab is employed, and to announce verbally to the passenger the mileage entered in the log. When the passenger is discharged, the driver shall verbally inform the passenger and enter into the log the mileage recording from the odometer and the charge assessed. The odometer shall be subject to inspection by the police department either on complaint of any person or without such complaint. If any inaccuracy is discovered in the odometer, the person operating the taxicab shall immediately cease operation of the taxicab, and it shall not be operated until the odometer is repaired and accurately recording mileage.

(Ord. 1927 § 12, 1993)

5.32.130 - Rates of fare—Rate card required.

- A. Each taxicab licensee shall have on file with the ~~city clerk~~ director a properly completed rate schedule signed by the licensee and showing charges to be made for taxicab service. It is unlawful for any licensee to charge any greater or lesser sum for use of a taxicab than is shown on the schedule provided, taxicab licensees may enter into agreements to and may carry persons of social security age bearing senior citizen patient cards at one-half normal fares to hospitals and to doctor and dentist offices for personal medical or dental treatment and may carry attendants along with such persons when necessary, also at one-half the normal fare.

Rates may be altered in the following manner:

1. A holder shall file with the ~~city clerk~~ director schedules of proposed rates submitted as just and reasonable. The holder will also de-posit with the ~~city clerk~~ director an amount deemed by the ~~city clerk~~ director sufficient to pay the costs of one publication of the proposed schedule of rates in a newspaper of general circulation in the city of Camas, which publication the ~~city clerk~~ director shall cause to be made within ten days after the filing of the proposed schedule of rates. The ~~city clerk~~ director shall refund any amount above the actual publication cost to the holder. The ~~city clerk~~ director shall bring the proposed schedule of rates to the attention of the city council at a regularly scheduled council meeting within three weeks after such filing.
 2. The city council may schedule a public hearing upon the proposed schedule of rates, and if a hearing is scheduled, notice shall be published in a newspaper of general circulation in the city and the costs of publication will be borne by the holder who filed the proposed schedule of rates. The proposed schedule of rates shall automatically go into effect as the established rates forty-five days from the date of filing; provided, the council may by ordinance or resolution set maximum rates if it finds from such public hearing or from other investigation that rates ought not be increased for reasons connected to the public health, safety and welfare.
- B. Every taxicab operated under this chapter shall conspicuously display within the passenger compartment a rate card setting forth the authorized rates of fare and the operator shall make clear to the passenger the rates at the time of hiring.

(Ord. 1927 § 13, 1993)

5.32.140 - Receipts.

The driver of any taxicab shall upon demand by the passenger give the passenger a receipt for the amount charged. The receipt shall have on it the name of the owner or company, charges, driver's name and license number, and date of transaction.

Updated 4/25/2019

(Ord. 1927 § 14, 1993)

5.32.150 - Refusal of passenger to pay fare.

It is unlawful for any persons to refuse to pay the legal fare of any vehicle mentioned in this chapter after having hired the same, and it is unlawful for any person to hire a vehicle defined in this chapter with the intent to defraud the person from whom it is hired of the value of such service.

(Ord. 1927 § 15, 1993)

5.32.160 - Solicitation, acceptance and discharge of passengers.

- A. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment or standing immediately adjacent to the curbside thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to the vehicle at all times when the vehicle is upon a public street, except that, when necessary a driver may be absent from his taxicab for not more than ten consecutive minutes, and provided further that nothing contained in this section shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of the taxicab. The provision to remain in or adjacent to the taxicab shall not apply when the taxicab is parked in an authorized parking space in front of or adjacent to a plainly marked office of the taxicab company and the driver is available for immediate service in the office. The provisions of this subsection shall not be deemed to preclude taxicabs from written forms of advertisement.
- B. No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.
- C. No driver shall cruise in search of passengers in a manner which would congest traffic or be dangerous to pedestrians or other vehicles.
- D. No driver, owner, or operator shall verbally solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.
- E. No driver shall permit any other person to occupy or ride in the taxicab unless the person or persons who first employed the taxicab consent. Unless specifically authorized by the effective schedule of rates on file, no charge shall be made for any additional passenger unless the additional passenger rides beyond the previous passenger's destination and then only for the additional distance travelled.
- F. No driver shall permit more passengers to be carried in a taxicab than the rated capacity stated on the taxicab license.
- G. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or forbidden by the provisions of this chapter to do so.
- H. Any driver of a taxicab employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.
- I. It is a violation of this chapter for any driver to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall a driver engage in selling intoxicating liquors or use the taxicab for any purpose other than the transportation of passengers.

(Ord. 1927 § 16, 1993)

5.32.170 - Taxi stands.

- A. The public works department of the city is authorized and empowered to establish taxi stands in such place or places upon the streets of the city as it deems necessary for the use of taxicabs

operated in the city. Taxi stands shall not be created without taking into consideration the need for such stands by the companies and the convenience of the general public. The determination of whether a taxi stand will be located in front of a taxicab office will be made by the public works department, based upon review of adequate public parking, traffic safety and compliance with traffic regulations. Traffic stands shall not be created in front of any place of business where the abutting property owners object or where such stand would tend to create a traffic hazard. The public works department shall prescribe the maximum number of taxicabs that may occupy the stand.

- B. Taxi stands, other than those established in front of a taxicab company office, shall be used on a first come, first served basis by drivers. Except at taxi stands established in front of company offices, drivers shall remain within five feet of their taxicabs. They shall not solicit passengers or engage in loud or boisterous talk while at a taxi stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the cab of his choice that is parked at a taxi stand.

(Ord. 1927 § 17, 1993)

5.32.180 - Use by private vehicles prohibited.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as a taxi stand.

(Ord. 1927 § 18, 1993)

5.32.190 - Manifests.

- A. Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. All completed manifests shall be returned to the owner at the completion of the driver's tour of duty. The form for the manifest shall be furnished to the driver by the owner.
- B. Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next succeeding the current calendar year, and they shall be available to the chief of police, ~~city clerk~~ director and city council.

(Ord. 1927 § 19, 1993)

5.32.200 - Holder's records and reports.

Every holder shall keep accurate records of receipts from operations, operating, and other expenses, capital expenditures, and such other information as may be required by the ~~city clerk~~ director. Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the ~~city clerk~~ director or the director's designated agent.

- B. Every holder shall submit a summary report of receipts, expenses and statistics of operation to the city council for each calendar year, in accordance with a uniform system approved by the ~~city clerk~~ director. The reports shall reach the ~~city clerk~~ director on or before the thirty-first day of March, of the year following the calendar year for which such reports are prepared.

(Ord. 1927 § 20, 1993)

5.32.210 - Taxicab driver's license required.

With the exception of any person properly licensed as a taxicab driver in the jurisdiction in which their principal office is located, no person shall operate a taxicab for hire upon the streets of the city, and no

person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of the taxicab has obtained and has then in force a taxicab driver's license issued under the provisions of this chapter. Every applicant for a taxicab driver's license shall:

- A. Be of the age of twenty-one years or over;
- B. Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render the applicant unfit for the safe operation of a taxicab; and
- C. Be able to speak, read and write the English language.

(Ord. 2300 § 1, 2001: Ord. 1927 § 21, 1993)

5.32.220 - Application, fee, and issuance of taxicab driver's license.

- A. Every applicant shall fill out a form to be provided by the ~~director~~ ~~city clerk~~, which shall include the applicant's full name, residence, age, height, color of eyes, color of hair, date of birth, place of birth, state driver's license number, whether the applicant has been previously licensed as a driver or chauffeur, and if so when, where, whether the license has ever been revoked and for what cause, which statement shall be signed and sworn to be the applicant and filed with the ~~director~~ ~~city clerk~~ as a permanent record.
- B. Every applicant for a taxicab driver's license shall submit to fingerprinting by the police department and submit two recent photographs of the applicant of a size designated by the ~~director~~ ~~city clerk~~ and which may be easily attached to a license, one of which shall be attached when issued, the other filed with the application.
- C. The application shall be presented to the ~~director~~ ~~city clerk~~ accompanied by a fee of five dollars and the photographs described in subsection B of this section and referred by the ~~director~~ ~~city clerk~~ to the police department for fingerprinting and investigation. The chief of police, or designee, shall indicate on the application whether the applicant is approved or disapproved after investigation and return the application to the ~~director~~ ~~city clerk~~ within twenty days of receipt by the police department.
- D. If approved, the ~~director~~ ~~city clerk~~ shall issue a taxicab driver's license to the applicant. The license shall have affixed to it a photograph of the applicant and shall show the date of issue, date of expiration, name, age and address of the applicant, and the applicant's written signature. If disapproved, the ~~director~~ ~~city clerk~~ shall so advise the applicant by mail. Disapproval may include errors and/or omissions on the application as well as negative information found during the investigation regarding the applicant's character and record.
- E. Negative information justifying a denial shall include but not be limited to conviction or forfeit of bail for driving under the influence of liquor or drugs, or reckless driving, or the conviction or forfeiture of bail for any three lesser traffic offenses in any one calendar year, or conviction of or forfeiture of bail for any violation of state law or city ordinance involving or indicating moral turpitude.
- F. Any person whose license application is disapproved by the chief of police shall have the right to appeal to the city council by written notice to the ~~director~~ ~~city clerk~~ within five days of being notified of the disapproval. The council shall hear such appeal within three weeks of notice of appeal. During pendency of such appeal the licensee shall have no right to operate any taxicab in Camas.

(Ord. 1927 § 22, 1993)

5.32.230 - Display of taxicab driver's license.

Updated 4/25/2019

Every driver licensed under the provisions of this chapter shall have his taxicab driver's license in his possession at any time he is operating a taxicab and shall upon demand by any police officer, passenger, or license inspector exhibit his license and photograph for inspection.

(Ord. 1927 § 23, 1993)

5.32.240 - Renewal of taxicab driver's license.

Every license shall expire at 11:59 p.m. on December 31st of each year. Renewal applications for taxicab operations should be submitted to the finance department prior to December 15th for consideration for the succeeding calendar year. The license may be renewed from year to year by appropriate endorsement thereon by the **director** ~~city clerk~~ upon filing a request on an application to be furnished by the **director** ~~city clerk~~ and the payment of the annual taxicab driver's license fee of five dollars. A taxicab driver's license shall not be transferable.

(Ord. 1927 § 24, 1993)

5.32.250 - Right of revocation— Appeal.

- A. The chief of police, or designee, shall have the right to revoke and take up any taxicab driver's license if the holder thereof is convicted of or forfeits bail for driving under the influence of liquor or drugs, or reckless driving, or if he is convicted of or forfeits bail for any three lesser traffic offenses in any one calendar year, or if he is found guilty of or forfeits bail for any violation of state law or city ordinance involving or indicating moral turpitude.
- B. The chief of police, or his designee, shall further have the right to revoke a taxicab license if the holder thereof, or his agent, uses the taxi service or vehicles to facilitate any crime involving the illegal use of alcohol or violation of the Uniform Controlled Substances Act. Upon revocation of any license under this section, it is unlawful for the licensee to drive a taxicab or other for-hire vehicle upon the streets of Camas.
- C. Any person whose taxicab driver's license is revoked under this section shall have the right to appeal to the city council by giving written notice to the **director** ~~city clerk~~ within five days of the revocation, and the council shall hear such appeal within three weeks of notice of appeal. During pendency of the appeal, the licensee shall have no right to operate any taxicab or other for-hire vehicle upon the streets of Camas.

(Ord. 1927 § 25, 1993)

5.32.260 - Failure to comply.

Every driver licensed under the provisions of this chapter shall comply with all city, state and federal laws. Failure to do so will justify the city council suspending or revoking a license.

(Ord. 1927 § 26, 1993)

5.32.270 - Taxicab driver's license records to be kept by **director** ~~city clerk~~.

There shall be kept by the **director** ~~city clerk~~ a complete record of each license issued to a driver, and of all renewals, suspensions, and revocations thereof, which record shall be kept on file with the original application for a license.

(Ord. 1927 § 27, 1993)

Updated 4/25/2019

5.32.280 - Enforcement responsibility.

The police department of the city is given authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall take appropriate action, and report the violation to the [director](#) ~~city clerk~~.

(Ord. 1927 § 28, 1993)

5.32.290 - Penalties for violation.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

(Ord. 1927 § 29, 1993)

Chapter 5.36 - SEXUALLY ORIENTED BUSINESSES⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 2584, § I, adopted May 3, 2010, amended Ch. 5.36, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 5.36 pertained to adult entertainment businesses. See also the Code Comparative Table and Disposition List.

5.36.010 - Purpose.

This chapter is intended to protect the general public health, safety, and welfare through the regulation of the operations of sexually oriented businesses. The regulations set forth in this chapter are intended to prevent health and safety problems in and around public places of sexually oriented businesses, and to prevent dangerous and unlawful conduct in and around public places of sexually oriented businesses through effective land use planning and reasonable regulation in light of the findings set forth in Section 5.36.020, and to regulate the display of adult materials by other commercial establishments.

(Ord. No. 2584, § I, 5-3-2010)

5.36.020 - Findings.

The uses and activities defined and regulated in this chapter are detrimental to the public health, safety, and welfare of the citizens of Camas, and to the reasonable and orderly growth and development of the city, and must be reasonably regulated for the following reasons:

- A. Numerous communities have experienced negative secondary impacts from sexually oriented businesses.
- B. The city may rely on the experience of other communities in assessing the present and future need for regulation of sexually oriented businesses and the type of regulation appropriate for such uses.

- C. The City of Camas Comprehensive Plan strongly supports a policy that adjacent land uses be compatible.
- D. Sexually oriented business land uses are incompatible with certain sensitive land uses such as residences, churches, parks, day care facilities, and schools.
- E. Adjacency of residential uses to sexually oriented businesses reduces the desirability and value of residential property.
- F. Sexually oriented businesses are perceived to negatively impact the character and value of established neighborhoods.
- G. Experience elsewhere has shown that concentration of sexually oriented businesses degrades the quality of the areas in which they are concentrated and causes a decline in desirability and value of surrounding properties.
- H. Even in dispersal models, sexually oriented businesses may be expected to have adverse secondary impacts on adjacent commercial and business uses unless subject to reasonable regulation relating to exterior decor and signage.
- I. Increased levels of criminal activity occur in and around sexually oriented businesses which impact health and safety resources.
- J. On-premises criminal activity may be expected to occur in sexually oriented businesses unless such premises are subject to reasonable regulations to licensure, interior design, and on-premises conduct of licensees and patrons.
- K. Utilization of one thousand feet as the requisite spacing between each sexually oriented business and other sexually oriented businesses, and between sexually oriented businesses and churches, parks, day care facilities, schools, and existing residential zones, will provide adequate separation while providing adequate locations for prospective sexually oriented businesses.
- L. Implementation of a modified dispersal approach to the regulation of sexually oriented businesses, together with reasonable regulation of licensure of such uses, is the least restrictive alternative means available to accomplish the substantial governmental interest in protecting and preserving the quality of the city's neighborhoods while still preserving adequate site opportunities for sexually oriented business enterprises and those who which to patronize such businesses.
- M. The public welfare is served by screening adult materials from view of minors.

(Ord. No. 2584, § I, 5-3-2010)

5.36.030 - Definitions.

Unless otherwise specifically defined, the terms used in this chapter shall have the following meanings:

- A. "Applicant" means the individual or entity seeking a sexually oriented business license in the City of Camas.
- B. "Applicant control persons" means all partners, corporate officers, and directors and any other individuals in the applicant's business organization who hold a significant interest in the sexually oriented business, based on responsibility for management of the business.
- C. "Director ~~Clerk~~" means such city employees or agents as the city administrator shall designate to administer this chapter, or any designee thereof.
- D. "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any sexually oriented business.

- E. "Entertainer" means any person who provides sexually oriented entertainment within a live sexually oriented business as described in this section, whether or not a fee is charged or accepted for entertainment.
- F. "Liquor" means all beverages defined in RCW 66.04.200.
- G. "Live sexually oriented business" means any commercial premises to which any member of the public is invited or admitted, and where an entertainer provides sexually oriented entertainment to any member of the public.
- H. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving sexually oriented entertainment occurring at the live sexually oriented business, and includes assistant manager working with or under the direction of a manager to carry out such purposes.
- I. "Member of the public" means a customer, patron, club member, or person, other than an employee, who is invited or admitted to a sexually oriented business establishment.
- J. "Nude or seminude" means a state of complete or partial undress in such costume, attire, or clothing so as to expose any portion of the female breast below the top of the areola or any portion of the public region, anus, buttocks, vulva, or genitals, or human genitals in a discernibly turgid state, even if completely and opaquely covered.
- K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- L. "Sexual conduct" means acts of:
 - 1. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
 - 2. Any penetration of the vagina or anus, however slight, by any object; or
 - 3. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
 - 4. Masturbation, manual or instructional, of oneself or of one person by another; or
 - 5. Touching of the sex organs or anus, whether clothed or unclothed, of oneself, or of one person by another.
- M. "Sexually oriented business (enterprise)" means an establishment to which customers are invited or permitted access, and which, for consideration of any kind, sexually oriented materials are displayed, viewed, or purchased, to include the following enterprises:
 - 1. Adult Bookstore. "Adult bookstore" means a sexually oriented business, or segment thereof, which offers print and/or electronic media including, but not limited to books, magazines, periodicals, records or audio tapes, CD's, DVD's, or other printed or pictorial matter, and other forms of access to sexually oriented materials constituting or containing sexually oriented material which is offered to customers;
 - 2. Arcade. "Arcade" means sexually oriented business, or segment thereof, which provides rooms, booths, or devices, whether referred to as arcades, panoramas, peep shows, preview rooms, reading rooms, or viewing booths, and regardless of the method of activation or operation, in which or upon which are produced graphic displays or other pictorial or visual images of sexually oriented material for the on-premises display to five or fewer customers at any one time;
 - 3. Encounter Center. "Encounter center" means a sexually oriented business, or segment thereof, whether referred to as lotion studio, massage parlor, sexy reading room, spa, steam bath, or sauna, wherein either employees or customers, or both, display and have direct physical contact with specified anatomical areas (as listed in 4b, below) of one another, or engage in specified sexual activity with or in the presence of one another;

4. Live Entertainment. "Live entertainment" means:
 - a. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is nude or seminude; or
 - b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation, or relation to the following specified sexual activity:
 - i. Human genitals in a state of sexual stimulation or arousal;
 - ii. Acts of human masturbation, sexual intercourse, or sodomy; or
 - iii. Fondling or other erotic touching of human genitals, public region, buttocks, or female breast; or
 - iv. Any exhibition, performance, or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with, or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance, and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.
5. Lounge. "Lounge" means a sexually oriented business, or segment thereof, including any bar, cabaret, lounge, tavern, theater, concert hall, auditorium, or similar structure, regardless of whether such enterprise dispenses alcohol or is regulated by or under the authority of the State of Washington, wherein the live on-premises display of sexually oriented material either by employees or customers, or both, is provided or permitted;
6. Motels. "Motels" means a commercial establishment, including hotel, motel, or similar public accommodation which:
 - a. Offers sleeping rooms for rent at a reduced rate for a period of time that is less than ten (10) hours, or
 - b. Provides to its customers facilities for on-premise viewing of sexually oriented material not transmitted over the airways.
 - c. Evidence that such establishment has, on more than three (3) occasions in any period of ten (10) consecutive days, engaged in conduct described in (6)(a) of this section shall constitute prima facie evidence that such establishment is a sexually oriented motel;
7. Movie Theater. "Movie theater" means a sexually oriented business, or segment thereof, wherein motion picture films, video cassettes, DVD's, cable television, or any other such visual media in which sexually oriented materials constitute a predominant theme are regularly displayed on-premises to more than five (5) customers at any one time;
8. Studio. "Studio" means a sexually oriented business, or segment thereof, wherein models are provided who engage in or display sexually oriented material while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by customers;
9. Video Store. "Video store" means a sexually oriented enterprise, or segment thereof, which offers still photographs, motion picture film, recorded images or pictorial representations, audio or video tapes, CD's, DVD's, or other printed or pictorial matter, and other forms of materials constituting or containing sexually oriented materials for off-premise display.
- N. "Sexually Oriented Material" means any material, conveyed or communicated by live performance, still photograph, print and/or electronic media including, but not limited to books,

magazines, audio and video tapes, CD's, DVD's, printed or pictorial matter, motion picture film, slide, video cassette, recorded graphic or visual imagery, human conduct, or any other forms of access or medium which material is intended to provide sexual stimulation or sexual gratification, and which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as listed in 4b, above). "Sexually oriented material" also includes any instrument, device, or paraphernalia designed for use in connection with specified sexual activities.

(Ord. No. 2584, § I, 5-3-2010)

5.36.040 - Licenses required.

- A. It is unlawful for any person to conduct, manage, or operate a sexually oriented business unless such person is the holder of a valid and current license from the city obtained in the manner provided in this chapter. [Such license is in addition to a business license that may be required under Chapter 5.02 CMC.](#)
- B. It is unlawful for any entertainer, employee, or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed sexually oriented business.
- C. It is unlawful for any entertainer to perform in a sexually oriented business unless such a person is the holder of a valid and current license from the city.
- D. It is unlawful for any manager to work in a sexually oriented business unless such person is the holder of a valid and current license from the city.
- E. Licenses issued under this chapter shall not be assignable.

(Ord. No. 2584, § I, 5-3-2010)

5.36.050 - Licenses prohibited.

Licenses shall not be issued to:

- A. A person who has not attained the age of twenty-one, except that a license may be issued to person who has attained the age of eighteen years in a sexually oriented business where no intoxicating liquors are served or provided.
- B. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee, or in the case of a manager of a sexually oriented business, the manager has obtained a manager's license.
- C. A partnership, unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager thereof.
- D. A corporation, unless all the officer and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the corporation.
- E. A limited liability company, unless all members and managers thereof are qualified to obtain a license as provided herein. Such license shall be issued in the name of the limited liability company.
- F. Any business which is not registered with the Washington State Department of Revenue.
- G. A person who has been convicted of a crime involving moral turpitude in the last five years.
- H. A person or entity who misrepresents or conceals any material fact made in an application for a license or in support thereof.

- I. A person convicted of the felony possession and/or distribution or sale of illegal narcotics.
- J. A person convicted of prostitution, soliciting a prostitute, or allowing prostitution.
- K. A person with any felony conviction within the last five years.
- L. A person without U.S. Citizenship, work visa, green card or other documentation sufficient to demonstrate the ability to lawfully work in the United States.

(Ord. No. 2584, § I, 5-3-2010)

5.36.060 - Licenses—Business.

All applications for a sexually oriented business license shall be submitted in the name of the person or entity proposing to conduct such activity on the business premises, and shall be signed by such person or his agent, and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the ~~city clerk~~ director or designee together with the following information necessary to complete the application:

- A. For the applicant and for each applicant control person, provide: names; any aliases or previous names; driver's license number, if any; social security number; business, mailing, and residential addresses; and business telephone number.
- B. If a partnership, whether general or limited, and if a corporation, the date and place of incorporation, evidence that it is in good standing under the laws of the State of Washington, and the name and address of any registered agent for service of process.
- C. Whether the applicant or any party, corporate officer, or director of the applicant holds any other licenses under this chapter, or any license for a similar sexually oriented business, including motion picture theaters and panorams, from the city or any other city, county, or state, and if so, the names and addresses of each of the other licensed businesses.
- D. A summary of the business history of the applicant and applicant control persons in owning or operating an adult entertainment or other sexually oriented businesses, providing names, addresses, and date of operation for such other licensed businesses, and whether any business license, sexually oriented business license, or adult entertainment license has been revoked or suspended, and the reason therefore.
- E. The business license applicant shall provide the business account number assigned by the Washington State Department of Revenue. Said account shall be in good standing and without delinquencies.
- F. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name, and location of the court, and disposition.
- G. For the applicant and all applicant control persons, a description of business, occupation, or employment history for the three years immediately preceding the date of the application.
- H. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application.
- I. The location and doing-business-as (DBA) name of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
- J. Two two-inch by two-inch (2" × 2") color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only full face.
- K. A complete set of fingerprints for the applicant and each applicant control person, taken by Camas police department employees.

Updated 4/25/2019

- L. A scale drawing or diagram showing the configuration of the premises for the proposed sexually oriented business, including a statement of the total floor area occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms, and service areas shall be clearly marked on the drawing. An application for a license for a sexually oriented business shall include building plans which demonstrate conformance with CMC Section 5.36.120(D).
- M. A non-refundable application fee as set forth by city council resolution.

(Ord. No. 2584, § I, 5-3-2010)

5.36.070 - Licenses—Managers and entertainers.

- A. No person shall work as a manager, assistant manager, or entertainer at a sexually oriented business without a managers or entertainers license from the city. Each applicant for a managers or entertainers license shall complete an application on forms provided by the city containing the information identified below, together with a non-refundable application fee. The managers or entertainers license applications shall require the following information:
 - 1. The applicant's name, any previous names, home address, telephone number, date and place of birth, social security number, fingerprints taken by Camas police department employees, and any stage names or aliases used in entertaining.
 - 2. The name and address of each business where the applicant intends to work.
 - 3. Documentation that the applicant has attained the age of eighteen years. Any two of the following shall be accepted as documentation of age:
 - a. A motor vehicle operators license issued by any state bearing the applicant's photograph and date of birth;
 - b. A state-issued identification card bearing the applicant's photo and date of birth;
 - c. An official passport issued by the United States of America;
 - d. An immigration card issued by the United States of America; or
 - e. Any other identification that the city determines to be acceptable.
 - 4. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this City or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor infraction.
 - 5. A description of the applicant's principal activities or services to be rendered.
 - 6. Two two-inch by two-inch (2" × 2") color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only full face.
 - 7. Authorization for the city, its agents and employees to investigate and confirm any statements set forth in the application.
- B. Every entertainer shall provide his or her license to the live sexually oriented business manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the entertainer readily available for inspection by the city at any time during business hours of the sexually oriented business.

(Ord. No. 2584, § I, 5-3-2010)

5.36.080 - Licenses—Fees, terms, renewals.

- A. Any application for a license under this chapter, shall be accompanied by payment of fees as established by city council resolution, and will be for original applications, transfer applications, or renewal application.
- B. Issuance of a license under this chapter shall be subject to a licensing fee as established by city council resolution.
- C. There shall be no prorating of license fees set out in this section, and such licenses shall expire on the thirty-first day of December of each year, except that in the event that the original application is made subsequent to June 30th, then one-half of the annual fees may be accepted for the remainder of said year.
- D. Renewal of licenses.
 - 1. Applications for renewal of sexually oriented business licenses shall be made to the ~~director clerk~~ no later than thirty days prior to the expiration the license, and. The renewal license for the sexually operated business shall be issued in the same manner as set forth in section 5.36.060, above, and fees as set forth by city council resolution. [Such license is in addition to a business license that may be required under Chapter 5.02 CMC.](#)
 - 2. Applications for renewal of a managers or entertainers license shall be made no later than fourteen days prior to the expiration of the license, and shall be accompanied by a two two-inch by two-inch (2" x 2") color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only full face. The renewal license for a manager or entertainer shall be issued in the same manner as set forth in section 5.36.070, above, and fees as set forth by city council resolution. [Such license is in addition to a business license renewal that may be required under Chapter 5.02 CMC.](#)
 - 3. Applications that are not made on or before the stated dates shall be assessed an additional charge, computed as a percentage of the license fee, as follows:
 - a. Seven to thirty days past due: twenty-five percent of the fee;
 - b. Thirty-one to sixty days past due: fifty percent of the fee;
 - c. Sixty-one or more days over due: seventy-five percent of the fee.
 - 4. The ~~director clerk~~ shall renew a license upon application unless the city is aware of facts that would disqualify the applicant from being issued the license for which he or she seeks renewal, and further provided that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended.

(Ord. No. 2584, § I, 5-3-2010)

5.36.090 - Issuance of licenses.

- A. Submittal:
 - 1. Each applicant shall verify, under the penalty of perjury, that the information contained in the application is true.
 - 2. A nonrefundable application fee must be paid at the time of filing an application in order to defray the costs of processing the application.
 - 3. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete.
 - 4. The ~~director clerk~~ or designee may request information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.

5. Upon the request of the applicant the ~~director clerk~~ may grant an extension of time in which to provide all information required for a complete license application.

B. Review:

1. Upon receipt of the complete application and application fee, the ~~director clerk~~ shall provide copies to the police, fire, and community development departments for their investigation and review to determine compliance of the proposed sexually oriented business with the laws and regulations which each department administers.
2. Each department shall, within thirty days of the date of such application, inspect the application and premises, and shall make a written report back to the ~~director clerk~~ whether such application and premises comply with the laws administered by each department.
3. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to the premises compliance on their review of drawing submitted in the application. Any sexually oriented business license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application.
4. After investigation by the police department the ~~director clerk~~ shall issue the applicable license or licenses authorized by this chapter if the ~~director clerk~~ finds:
 - a. that the applicant complies with all of the requirements of this chapter;
 - b. that the applicant, his or her employee, agent, partner, director, office, stockholder, or manager has not made any false, misleading, or fraudulent statement of fact in the application for a license, or in any report or record required to be filed with the ~~director clerk~~; and
 - c. that the sexually oriented business is to be conducted on premises properly zoned for such use.

- C. Decision: A decision on a sexually oriented business license shall be issued by the ~~director clerk~~ within thirty days of the date of the filing of a complete license application, unless the city determines that the applicant has failed to meet one or more of the requirements of this chapter, or provide any information required under this subsection, or that the applicant has made a false, misleading, or fraudulent statement of material fact on the application for a license. If the ~~director clerk~~ fails to approve or deny the license within thirty days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable laws, to operate the business for which the license was sought until notification by the ~~director clerk~~ that the license has been denied, but in no event may the ~~director clerk~~ extend the review time for more than an additional twenty days.

1. A decision on a sexually oriented business manager's or entertainer's license shall be issued by the ~~director clerk~~ within fourteen days from the date the complete application and application fee are received, unless the ~~director clerk~~ determines that the applicant has failed to provide any information required by this chapter, has made any false, misleading, or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. No decision approving a license shall be valid until a licensing fee is paid and the license issued.
2. If the ~~director clerk~~ has failed to approve or deny an application under this section within fourteen days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as a manager or entertainer in a duly license sexually oriented business until notified by the ~~director clerk~~ that the license has been denied, but in no event may the ~~director clerk~~ extend the application review time more than an additional twenty days.

3. A department shall recommend denial of a license under this subsection if it finds that the proposal is not in compliance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite specific reasons therefore, including applicable law.
 4. If the ~~director clerk~~ determines that the applicant has failed to qualify for the license applied for, the ~~director clerk~~ shall deny the application in writing and shall cite the specific reasons therefore, including applicable law.
 5. If the city finds that the applicant has failed to meet any of the requirements for issuance of a sexually oriented business license, the ~~director clerk~~ shall deny the application in writing, and shall cite the specific reasons therefore, including applicable law.
 6. If an application is denied there shall be no reapplication for one year following the date of the previous application.
- D. The sexually oriented business license, if granted, shall state on its face the name of the person or person to whom it is issued, the expiration date, the DBA name, and the address of the licensed sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the business so that it can be easily read at any time the business is open.
- E. If any person or entity acquires, subsequent to the issuance of a sexually oriented business license, a significant interest based on the responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the city ~~director clerk~~ no later than twenty-one days following such acquisition. The notice required shall include the information required for the original sexually oriented business license application.
- F. No person granted a sexually oriented business license pursuant to this chapter shall operate such establishment under a name not specified on the license, nor shall any person operate an establishment under any designation, or at any location not specified on the license.

(Ord. No. 2584, § I, 5-3-2010)

5.36.100 - License suspension or revocation.

- A. Grounds. The ~~director city clerk~~ may suspend or revoke any license issued pursuant to this chapter for a period of time not to exceed one year where one or more of the following conditions exist:
1. The license was procured by fraud or false representation of fact in the application, or in any report or record required to be filed with the ~~director clerk~~;
 2. The building, structure, equipment, operation, or location of the sexually oriented business for which the license was issued does not comply with the requirements of this chapter, or fails to meet the requirements of the zoning code relating to the siting of sexually oriented businesses;
 3. The licensee, his or her employee, agent, partner, director, officer, manager, or entertainer has violated or permitted violation of any of the provisions of this chapter, or is convicted of committing a crime on the premises of the sexually oriented business.
 4. At any time during the license period a person becomes ineligible.
- B. Notice. Upon determining that grounds for revocation or suspension exist, the ~~director city clerk~~ shall send the licensee a notice of intent to revoke or suspend the license. Such notice shall set forth the grounds for suspension and/or revocation. The licensee shall be permitted to respond to the allegations in the notice of revocation or suspension for a period of ten days following issuance of the notice of intent to revoke or suspend the license. Thereafter the ~~director city clerk~~ shall determine whether to suspend or revoke the license.

(Ord. No. 2584, § I, 5-3-2010)

5.36.110 - Appeals.

Any person aggrieved by the action of the city in refusing to issue or renew any license issued under this chapter may seek review of the city's decision by filing a request for review before the city council. The council shall conduct a hearing at which the aggrieved party may appear, be heard, and submit evidence on his or her behalf for consideration by the council. Any such request for review shall be heard by the city council no later than the second regularly scheduled council meeting following filing of the notice of appeal.

Any person aggrieved by any decision of the city council denying a license shall be reviewable for unlawful, arbitrary, capricious, or corrupt action or non-action may appeal to the superior court by a writ of review before the Superior Court of Clark County.

(Ord. No. 2584, § I, 5-3-2010)

5.36.120 - Standards of conduct and operation—Sexually oriented business.

- A. The following standards of conduct must be adhered to by managers, employees, and entertainers of any sexually oriented business:
1. No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose any portion of the female breast below the top of the areola, or any portion of the public hair, anus, buttocks, vulva, or genitals, except upon a stage at least eighteen inches from the immediate floor level and removed at least eight feet from the nearest member of the public.
 2. No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast of a female below the top of the areola, vulva or genitals, anus and/or buttocks, or any portion of the pubic hair except upon a stage at least eighteen inches above the immediate floor level and removed at least eight feet from the nearest member of the public.
 3. No employee or entertainer shall fondle, touch, or caress any patron for the purpose of arousing or exciting the patron's sexual desires, or sit on a patrons lap, or separate a patron's legs.
 4. No employee or entertainer shall allow a patron to touch an employee or entertainer on the breast, in the public area, buttocks, or anal area. No employee or entertainer shall encourage or permit any member of the public to touch, fondle, or caress an employee or entertainer for the purpose of arousing or exciting the sexual desires of either party.
 5. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Nuisance Statute.
- B. At any sexually oriented business, the following are required:
1. No person under the age of eighteen shall be shall be employed by a sexually oriented business.
 2. No person under the age of eighteen shall be admitted to a sexually oriented business.
 3. No person under the age of eighteen shall be licensed as a manager or entertainer for a sexually oriented business.
- C. A licensed manager shall be on the premises of a sexually oriented business at all times that the business is open to members of the public. The licensed manager shall not permit any violations of this chapter to occur.
- D. Premises—Specifications.
1. The performance area of any sexually oriented business shall be a stage or platform at least eighteen inches in elevation above the level of the patron seating area, and shall be separated by a distance of at least eight feet from all areas of the premises to which members of the public

have access. A continuous railing affixed to the floor and measuring at least three feet in height, and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas.

2. Sufficient illumination shall be provided in and about the parts of any live sexually oriented business which is open to and used by the public so that all objects are plainly visible at all times. Such illumination shall be not less than ten foot candles at floor level at all times when the premises are open to the public, or when any member of the public is permitted to enter and remain therein.
 3. The stage on which live sexually oriented business is provided shall be visible from the common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.
 4. No live sexually oriented business activities occurring on the premises shall be visible at any time from any public place outside the premises.
- E. All sexually oriented businesses shall be closed between 2:00 a.m. and 10:00 a.m.
- F. It is the duty of all licensees issued licenses under this chapter to keep the information on their license applications current at all times and available for inspection by city officials when the premises are open for business. The purpose of such inspection shall be to determine if the licensed premises are operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to ensure compliance with this chapter.

(Ord. No. 2584, § I, 5-3-2010)

5.36.130 - Location requirements.

- A. **Conflicting Uses.** No sexually oriented business enterprise shall be licensed if the same is hereinafter located within one thousand feet of any residential zone, school, church, day care facility, or park. Measurements, for the purposes of this section, shall be made on a straight line, without regard to structures or objects, from the nearest point of the property line of the sexually oriented business to the nearest point on the property line of such school, church, day care facility, park, or zone boundary line of a residential zone.
- B. **Other sexually oriented businesses.** No sexually oriented business shall be licensed nor conduct any business within one thousand feet of any other sexually oriented business operating under a current and valid sexually oriented business license. Measurements, for the purposes of this section, shall be made on a straight line, without regard to structures or objects, from the nearest point of the property line of the sexually oriented business to the nearest point on the property line of the applicant's sexually oriented business.

(Ord. No. 2584, § I, 5-3-2010)

5.36.140 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed five thousand dollars, or imprisonment in jail not to exceed one year, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of any provision of this chapter occurs or continues shall be deemed a separate and distinct offense.

(Ord. No. 2584, § I, 5-3-2010)

Chapter 5.45 - TELECOMMUNICATIONS

Updated 4/25/2019

Article I. - Definitions

5.45.010 - Definitions.

For the purpose of this chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

"Affiliate" means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

"Applicant" means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this chapter.

"Cable facilities" means equipment and wiring used to transmit audio and video signals to subscribers.

"Cable operator" means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the Cable Act.

"Cable service" for the purpose of this chapter shall have the same meaning provided by the Cable Act.

"Cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers.

"City" means the city of Camas, Washington.

"City property" means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising as provided in this chapter.

"Council" means the city council of the city of Camas, Washington acting in its official capacity.

"Data communication" means (1) the transmission of encoded information or (2) the transmission of data from one point to another.

" Dwelling units" means residential living facilities as distinguished from temporary lodging facilities such as hospitals, hotel and motel rooms and dormitories, and includes single family residential units and individual apartments, condominium units, mobile homes, extended care facilities and other multiple family residential units.

"Emergency" means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars.

"Excess capacity" means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.

"FCC" "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Fiber optics" means the technology of guiding and projecting light for use as a communications medium.

"Franchise" means the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across public ways of the city and to also provide telecommunications service to persons or areas in the city.

"Franchisee" means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this chapter and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this chapter.

"Operator" means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of Article III of this chapter.

"Other ways" means the highways, streets, alleys, utility easements or other rights-of-way within the city, but under the jurisdiction and control of a governmental entity other than the city.

"Overhead facilities" means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

"Person" means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

"Property of franchisee" means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this chapter.

"Proposal" means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city.

"Public street" means any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the city which has been acquired, established, dedicated or devoted to highway purposes.

"Public way" means and includes all public streets and utility easements, as those terms are defined herein, now or hereafter owned by the city, but only to the extent of the city's right, title, interest or authority to grant a license or franchise to occupy and use such streets and easements for telecommunications facilities.

"State" means the state of Washington.

"Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment.

"Telecommunications carrier" means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service.

"Telecommunications facilities" means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

"Telecommunications provider" means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities.

"Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunications System. See "Telecommunications facilities."

"Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

"Universal service" means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act.

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"Usable space" means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations.

"Utility easement" means any easement owned by the city and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the city and used or to be used for the purpose of providing utility or telecommunications services.

(Ord. 2117 § 1 (part), 1997)

Article II. - Business Registration of Telecommunications Carriers and Providers

5.45.015 - Purpose of telecommunications business registration.

The purpose of telecommunications business registration is to:

- A. Provide the city with accurate and current information concerning the cable operators and telecommunications carriers and providers who offer or provide services within the city, or who own or operate facilities within the city;
- B. Assist the city in enforcement of this chapter;
- C. Assist the city in the collection and enforcement of any municipal taxes, fees or charges that may be due the city; and
- D. Assist the city in monitoring compliance with local, state and federal laws.

(Ord. 2117 § 1 (part), 1997)

5.45.020 - Telecommunications business registration required.

All cable operators, telecommunications carriers, and telecommunications providers who offer or provide any cable service or telecommunications service for a fee directly to the public, either within the city, or outside the corporate limits from cable or telecommunications facilities within the city, shall, on an annual basis, apply for and obtain a telecommunications business registration from the city pursuant to this chapter on forms to be provided by the city, which shall include the following:

- A. The identity and legal status of the applicant, including any affiliates;
- B. The name, address, telephone number, and title of the officer, agent or employee responsible for the accuracy of the application statement;
- C. A description of applicant's existing or proposed facilities within the city;
- D. A description of the service that the applicant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the city, or to those outside the city limits using facilities located within the city;
- E. Information sufficient to determine whether the applicant is subject to the public way permitting and/or franchising requirements imposed by this chapter;
- F. Information sufficient to determine whether the transmission, origination or receipt of the services provided or to be provided by the applicant constitutes an occupation or privilege subject to any municipal telecommunications tax, utility tax or other occupation tax imposed by the city;

- G. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by any federal or state agency to provide telecommunications services or facilities within the city; and
- H. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide services or construct facilities within the city.

(Ord. 2117 § 1 (part), 1997)

5.45.025 - Business registration fee.

Each initial and all subsequent annual applications for a telecommunications business registration shall be accompanied by an application fee to be set by resolution of the city council for the purpose of reimbursing the city for administrative expenses associated with processing the application. [Such fee is in addition to the city business license fee provided for in this chapter.](#)

(Ord. 2117 § 1 (part), 1997)

5.45.030 - General penalties.

A. Civil Penalty.

1. Any person, and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the provisions of this chapter shall be subject to a penalty in an amount not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per day for each violation from the date set for compliance until compliance with the order is achieved.
2. The penalty imposed by this section shall be collected by civil action brought by the city. The mayor or designee shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the mayor or designee, take appropriate action to collect the penalty.
3. The violator may show as full or partial mitigation of liability;
 - a. That the violation giving rise to the action was caused by the wilful act, or neglect, or abuse of another; or
 - b. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by factors or circumstances beyond the control of the reasonable violator.

B. Criminal Penalties.

1. Any person, and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the applicable provisions of this chapter and who has had a judgment entered against him or her pursuant to subsection A of this section or its predecessors within the past five years shall be subject to criminal prosecution and upon conviction of such subsequent violation shall be fined in a sum not exceeding five thousand dollars (\$5,000.00) or be imprisoned for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance with any of the applicable provisions of the chapter shall constitute a separate offense.
2. The above criminal penalty may also be imposed:
 - a. For any other violation of this chapter for which corrective action is not possible;

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- b. For any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter; and
 - c. For any violation of a stop work or other order issued pursuant to this chapter.
- C. Additional Relief. The city may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the applicable provisions of this chapter when civil or criminal penalties are inadequate to effect compliance. Furthermore, violation of the terms of this chapter shall be grounds for revocation of any authorization, approval, franchise, or lease issued or granted pursuant to this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.035 - Other remedies.

Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.

(Ord. 2117 § 1 (part), 1997)

Article III. - General Provisions

5.45.045 - Purpose.

The purpose and intent of this chapter is to:

- A. Establish a local policy concerning telecommunications providers and service;
- B. Establish clear local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;
- C. Promote competition in telecommunications;
- D. Minimize unnecessary local regulation of telecommunications providers and services;
- E. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the city;
- F. Permit and manage reasonable access to the public ways of the city for telecommunications purposes on a competitively neutral basis;
- G. Conserve the limited physical capacity of the public ways held in public trust by the city;
- H. Assure that the city's current and ongoing costs of granting and regulating private access to and use of the public ways are fully paid by the persons seeking such access and causing such costs;
- I. Secure fair and reasonable compensation to the city and the residents of the city for permitting private use of the public ways;
- J. Assure that all telecommunications carriers providing facilities or services within the city comply with the ordinances, rules and regulations of the city;
- K. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare; and
- L. Enable the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

(Ord. 2117 § 1 (part), 1997)

Updated 4/25/2019

5.45.055 - Telecommunications right-of-way use authorization required.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over or across any public way of the city for the sole purpose of providing telecommunications service to persons and areas outside the city shall first obtain a telecommunications right-of-way use authorization granting the use of such public ways from the city pursuant to Article II of this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.060 - Telecommunications franchise required.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in, under, over or across any public way of the city, and to also provide telecommunications service to persons or areas in the city, shall first obtain a telecommunications franchise granting the use of such public ways from the city pursuant to Article III of this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.065 - Cable television franchise required.

Except as otherwise provided herein, any telecommunications carrier or other person who desires to construct, install, operate, maintain or locate cable or telecommunications facilities in any public way in the city for the purpose of providing cable service to persons in the city shall first obtain a cable franchise from the city pursuant to this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.070 - Facilities lease required.

No telecommunications carrier or other entity who desires to locate telecommunications or other equipment on city property shall locate such facilities or equipment on city property unless granted a facilities lease from the city pursuant to Article IV of this chapter. The city council reserves unto itself the sole discretion to lease city property for telecommunications and other facilities, and no vested or other right shall be created by this section or any provision of this chapter applicable to such facilities leases.

(Ord. 2117 § 1 (part), 1997)

5.45.075 - Construction permits required.

Except as otherwise provided herein, the holder of an authorization, franchise, or lease granted pursuant to this chapter, and the holders of cable franchises granted pursuant to this chapter, shall, in addition to said authorization, franchise, or lease, be required to obtain a construction permit from the city pursuant to Article VI of this chapter. No work, construction, development, excavation, or installation of any equipment or facilities shall take place within the public ways or upon city property until such time as the construction permit is issued.

(Ord. 2117 § 1 (part), 1997)

Updated 4/25/2019

5.45.080 - Application to existing franchise ordinances, agreements, leases and permits—Effect of other laws.

- A. This chapter shall have no effect on any existing franchise ordinance, franchise agreement, lease, permit, or other authorization to use or occupy a public way in the city until:
 - 1. The expiration of said franchise ordinance, agreement, lease, permit, or authorization; or
 - 2. The amendment to an unexpired franchise ordinance, franchise agreement, lease, permit, or authorization, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.
- B. Nothing in this chapter shall be deemed to create an obligation upon any person for which the city is forbidden to require pursuant to federal, state, or other law.

(Ord. 2117 § 1 (part), 1997)

5.45.085 - Permits—Effect of other laws.

Reserved.

5.45.090 - Universal service.

Except as otherwise provided herein, all cable operators, telecommunications carriers, and telecommunications providers engaged in the business of transmitting, supplying or furnishing telecommunications service of any kind originating or terminating in the city are subject to the city's right, which is expressly reserved, to require said operator, carrier, or provider to make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service to the extent permitted by state and federal law.

(Ord. 2117 § 1 (part), 1997)

5.45.095 - Fees and compensation not a tax.

The fees, charges and fines provided for in this chapter and any compensation charged and paid for the public ways provided for herein, whether fiduciary or in-kind, are separate from, and additional to, any and all federal, state, local, and city taxes as may be levied, imposed or due from a telecommunications carrier or provider, its customers or subscribers or on account of the lease, sale, delivery or transmission of telecommunications services.

(Ord. 2117 § 1 (part), 1997)

Article IV. - Telecommunications Right-of-Way Use Authorizations

5.45.100 - Telecommunications right-of-way use authorization.

A telecommunications right-of-way use authorization shall be required of any telecommunications carrier or provider who desires to occupy specific public ways of the city for the sole purpose of providing telecommunications services to persons or areas outside the city.

(Ord. 2117 § 1 (part), 1997)

5.45.110 - Telecommunications right-of-way use authorization application.

Any person that desires a telecommunications right-of-way use authorization pursuant to this chapter shall file an application with the city which shall include the following information:

- A. The identity of the applicant, including all affiliates of the applicant;
- B. A description of the telecommunications services that are or will be offered or provided by the applicant over its telecommunications facilities;
- C. A description of the transmission medium that will be used by the applicant to offer or provide such telecommunications services;
- D. Preliminary engineering plans, specifications and a network map of the facilities to be located within the city, all in sufficient detail to identify:
 1. The location and route requested for applicant's proposed telecommunications facilities,
 2. The location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public way along the proposed route,
 3. The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers, and
 4. The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;
- E. If applicant is proposing to install overhead facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route;
- F. If applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:
 1. The excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities,
 2. The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities, and
 3. Evidence of ownership or a right to use such ducts or conduits;
- G. If applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:
 1. The location proposed for the new ducts or conduits, and
 2. The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
- H. A preliminary construction schedule and completion date;
- I. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities, and to offer or provide the telecommunications services, including, but not limited to, evidence that the applicant has registered the Washington Utilities and Transportation Commission;
- J. All deposits or charges required pursuant to this chapter; and
- K. An application fee which shall be set by the city council by resolution.

(Ord. 2117 § 1 (part), 1997)

5.45.115 - Issuance/denial of right-of-way use authorization.

Within one hundred twenty (120) days after receiving a complete application under Section 5.45.110, the public works director or her or his designee shall issue a written determination granting or denying the authorization in whole or in part. If the authorization is denied, the written determination shall include the

reason(s) for denial. The decision to grant or deny an application for a telecommunications right-of-way use authorization shall be based upon the following standards:

- A. Whether the applicant has received all requisite licenses, certificates, and authorizations from the Federal Communications Commission, the Washington Utilities and Transportation Commission, and any other federal or state agency with jurisdiction over the activities proposed by the applicant;
- B. The capacity of the public ways to accommodate the applicant's proposed facilities;
- C. The capacity of the public ways to accommodate additional utility, cable, and telecommunications facilities if the authorization is granted;
- D. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the authorization is granted;
- E. The public interest in minimizing the cost and disruption of construction within the public ways;
- F. The service that applicant will provide to the community and region;
- G. The effect, if any, on public health, safety and welfare if the authorization is granted;
- H. The availability of alternate routes and/or locations for the proposed facilities;
- I. Applicable federal and state telecommunications laws, regulations and policies; and
- J. Such other factors as may demonstrate that the grant to use the public ways will serve the community interest.

(Ord. 2117 § 1 (part), 1997)

5.45.120 - Appeal of director's decision.

Any person aggrieved by the granting or denying of a telecommunications right-of-way authorization or the renewal thereof pursuant to this article shall have the right to appeal to the city council as follows:

- A. All appeals filed pursuant to this section must be filed in writing with the public works director within ten working days of the date of the decision appealed from;
- B. All appeals filed pursuant to this section shall specify the error of law or fact, or new evidence which could not have been reasonably available at the time of the public works director's decision, which shall constitute the basis of the appeal;
- C. Upon receipt of a timely written notice of appeal, the public works director shall advise the city council of the pendency of the appeal and request that a date for considering the appeal be established;
- D. The city council shall have the option of directing that the appeal be heard before the planning commission who shall forward a recommendation to the city council which shall take final action on the appeal. Referral to the planning commission may be made by motion approved by a majority of the council members present at the time of voting;
- E. At the time of notifying the city council of the pendency of the appeal, the public works director shall make his or her recommendation to the city council as to whether the appeal should be heard by the planning commission or the city council. The recommendation shall be based upon relevant considerations including, but not limited to, the time expected to be required to hear the appeal and the need to create a full, formal record;
- F. Regardless of whether the appeal is heard by the city council or planning commission, all relevant evidence shall be received during the hearing on the appeal;
- G. Unless substantial relevant information is presented which was not considered by the public works director, such decision shall be accorded substantial weight, but may be reversed or

modified by the city council if, after considering all of the evidence in light of the applicable goals, policies, and provisions of this chapter, the city council determines that a mistake has been made. Where substantial new relevant information which was not considered in the making of the decision appealed from has been presented, the city council shall make its decision only upon the basis of the facts presented at the hearing of the appeal, or may elect to remand the matter for reconsideration by the public works director in light of the additional information;

- H. For all appeals decided pursuant to this section, the city shall provide for a record that shall consist of written findings and conclusions and a taped or written transcript;
- I. Unless otherwise provided by state statute or other law, all actions seeking review of a final action of the city, whether in the form of an appeal, declaratory judgment action, petition for writ of review, or other extraordinary writ, or in any other form shall be filed with a court having jurisdiction over such action within fourteen working days of the decision, or the expiration of the reconsideration period, whichever is later, and otherwise shall be barred; and
- J. No action to obtain judicial review shall be commenced unless all rights of appeal provided by this section are fully exhausted. The cost of transcription of all records ordered certified by the court for such review shall be borne by the party seeking such review. A copy of each transcript prepared by such party shall be submitted to the city for confirmation of its accuracy.

(Ord. 2117 § 1 (part), 1997)

5.45.125 - Agreement.

No authorization shall be deemed to have been granted hereunder until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the grantee has been granted the right to occupy and use public ways of the city.

(Ord. 2117 § 1 (part), 1997)

5.45.130 - Nonexclusive grant.

No authorization granted under this article shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes.

(Ord. 2117 § 1 (part), 1997)

5.45.135 - Rights granted.

No authorization granted under this article shall convey any right, title or interest in the public ways, but shall be deemed an authorization only to use and occupy the public ways for the limited purposes and term stated in the authorization. Further, no authorization shall be construed as any warranty of title.

(Ord. 2117 § 1 (part), 1997)

5.45.140 - Term of telecommunications right-of-way use authorization.

Unless otherwise specified in an authorization, no authorization granted hereunder shall be in effect for a term exceeding five years, which shall be revocable upon thirty days' notice by the city to the grantee.

Updated 4/25/2019

(Ord. 2117 § 1 (part), 1997)

5.45.145 - Specified route.

A telecommunications right-of-way use authorization granted under this article shall be limited to a grant of specific public ways and defined portions thereof.

(Ord. 2117 § 1 (part), 1997)

5.45.150 - Service to city users.

A grantee shall be permitted to offer or provide telecommunications services to persons or areas within the city upon approval of an application for a telecommunications franchise pursuant to Article III of this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.155 - Compensation to the city.

Each authorization granted pursuant to this article is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the right to occupy and use the public ways of the city granted under such authorization; provided, that nothing in this chapter shall prohibit the city and a grantee from agreeing to the compensation to be paid. Provided further that the compensation required from any telecommunications provider or carrier engaged in the "telephone business," as defined in RCW 82.04.065 shall be consistent with RCW 35.21.860.

(Ord. 2117 § 1 (part), 1997)

5.45.160 - Amendment of authorization.

A new application shall be required of any telecommunications carrier or provider who desires to extend or locate its telecommunications facilities in public ways of the city which are not included in an authorization previously granted under this chapter. If ordered by the city to locate or relocate its telecommunications facilities in public ways not included in a previously granted authorization, the city shall grant an amendment to the authorization without further application.

(Ord. 2117 § 1 (part), 1997)

5.45.165 - Renewal of telecommunications right-of-way use authorization.

A grantee that desires to renew its authorization under this article for an additional term shall, not more than one hundred eighty days nor less than ninety days before expiration of the current authorization, file an application with the city for renewal which shall include the following:

- A. The information required pursuant to Section 5.45.110 of this chapter;
- B. Any information required pursuant to the authorization agreement between the city and the grantee;
- C. All deposits or charges required pursuant to this chapter; and
- D. An application fee which shall be set by the city council by resolution.

Updated 4/25/2019

(Ord. 2117 § 1 (part), 1997)

5.45.170 - Standards for renewal of authorization.

Within ninety days after receiving a complete application for renewal, the public works director or her or his designee shall issue a written determination granting or denying the renewal application in whole or in part. If the renewal application is denied, the written determination shall include the reason(s) for denial.

The decision to grant or deny an application for the renewal of a telecommunications right-of-way use authorization shall, in addition to the standards set forth in Section 5.45.115 of this chapter, be based upon the following standards:

- A. The continuing capacity of the public ways to accommodate the applicant's existing facilities; and
- B. The applicant's compliance with the requirements of this chapter and the authorization.

(Ord. 2117 § 1 (part), 1997)

5.45.175 - Obligation to cure as a condition of renewal.

No authorization shall be renewed until any ongoing violations or defaults in the grantee's performance under the authorization, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city.

(Ord. 2117 § 1 (part), 1997)

5.45.180 - Universal service.

Each telecommunications right-of-way use authorization granted under this article is subject to the city's right, which is expressly reserved, to require the telecommunication carrier or provider to make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service to the extent permitted by state and federal law.

(Ord. 2117 § 1 (part), 1997)

5.45.185 - Annual fee for recovery of city costs.

Each authorization granted under this article is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways on behalf of the public and existing or future users.

(Ord. 2117 § 1 (part), 1997)

5.45.190 - Other city costs.

All grantees shall, within thirty days after written demand, reimburse the city for all direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the authorization or any authorization agreement. In addition, all grantees shall, within thirty days after written demand, reimburse the city for any and all costs the city reasonably incurs in response to any emergency involving the grantee's telecommunications facilities. All grantees shall, within thirty

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days after written demand, reimburse the city for the grantee's proportionate share of all actual, identified expenses incurred by the city in planning, constructing, installing, repairing or altering any city facility as a result of the construction or the presence in the right-of-way of the grantee's telecommunications facilities.

(Ord. 2117 § 1 (part), 1997)

Article V. - Telecommunications Franchise

5.45.192 - Telecommunications franchise.

A telecommunications franchise shall be required of any telecommunications provider or carrier or other person who desires to occupy public ways of the city and to provide telecommunications services to any person or area in the city. Provided, however, that a telecommunications right-of-way use authorization may, with the approval of the public works director, be substituted for a telecommunications franchise in the following circumstances:

- A. Privately owned telecommunications networks or systems which are operated solely for purposes other than offering telecommunications services to other persons or the general public. An example of such a network or system includes, but is not limited to, a telecommunications network connecting two business facilities under common ownership or control, when said facilities are not offered to other business entities or persons.
- B. De minimus uses of public ways made in conjunction with a wireless telecommunications facility located entirely upon publicly or privately owned property.

(Ord. 2117 § 1 (part), 1997)

5.45.195 - Franchise application.

Any person who desires a telecommunications franchise pursuant to this chapter shall file an application with the city which, in addition to the information required by Section 5.45.110 of this chapter, shall include the following:

- A. Whether the applicant intends to provide cable service, video dial tone service or other video programming service, and sufficient information to determine whether such service is subject to cable franchising;
- B. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease;
- C. A description of the services or facilities that the applicant will offer or make available to the city and other public, educational and governmental institutions;
- D. A description of applicant's access and line extension policies;
- E. The area or areas of the city the applicant desires to serve and a schedule for build-out to the entire franchise area;
- F. All fees, deposits or charges required pursuant to this chapter;
- G. Such other and further information as may be requested by the city; and
- H. An application fee which shall be set by the city council by resolution.

(Ord. 2117 § 1 (part), 1997)

5.45.200 - Determination by the city.

Within one hundred twenty days after receiving a complete application under Section 5.45.195, the city shall issue a written determination granting or denying the application in whole or in part. Prior to granting or denying a franchise under this article, the city council shall conduct a public hearing and make a decision based upon the standards set forth below. Pursuant to RCW 35A.47.040, the city council shall not approve any franchise hereunder until the next regularly scheduled council meeting following the public hearing. If the application is denied, the written determination shall include the reason for denial.

- A. Whether the applicant has received all requisite licenses, certificates, and authorizations from the Federal Communications Commission, the Washington Utilities and Transportation Commission, and any other federal or state agency with jurisdiction over the activities proposed by the applicant.
- B. The capacity of the public ways to accommodate the applicant's proposed facilities.
- C. The capacity of the public ways to accommodate additional utility and telecommunications facilities if the franchise is granted.
- D. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the franchise is granted.
- E. The public interest in minimizing the cost and disruption of construction within the public ways.
- F. The service that applicant will provide to the community and region.
- G. The effect, if any, on public health, safety and welfare if the franchise requested is granted.
- H. The availability of alternate routes and/or locations for the proposed facilities.
- I. Applicable federal and state telecommunications laws, regulations and policies.
- J. Such other factors as may demonstrate that the grant to use the public ways will serve the community interest.

(Ord. 2117 § 1 (part), 1997)

5.45.205 - Agreement.

No telecommunications franchise shall be deemed to have been granted hereunder until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the franchisee has been granted the right to occupy and use public ways of the city.

(Ord. 2117 § 1 (part), 1997)

5.45.210 - Nonexclusive grant.

No franchise granted under this article shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes.

(Ord. 2117 § 1 (part), 1997)

5.45.215 - Term of franchise grant.

Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be valid for a term of five years.

(Ord. 2117 § 1 (part), 1997)

Updated 4/25/2019

5.45.220 - Rights granted.

No franchise granted under this article shall convey any right, title or interest in the public ways, but shall be deemed a franchise only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no franchise shall be construed as any warranty of title.

(Ord. 2117 § 1 (part), 1997)

5.45.225 - Franchise territory.

Unless otherwise provided in the franchise ordinance, a telecommunications franchise granted under this article shall be limited to the specific geographic area of the city to be served by the franchisee, and the specific public ways necessary to serve such areas.

(Ord. 2117 § 1 (part), 1997)

5.45.230 - Compensation to the city.

Each franchise granted under this article is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the franchise rights granted to the franchisee; provided, that nothing in this chapter shall prohibit the city and a franchisee from agreeing to the compensation to be paid. Provided, further, that the compensation required from any telecommunications provider or carrier engaged in the "telephone business," as defined in RCW 82.04.065 shall be consistent with RCW 35.21.860.

(Ord. 2117 § 1 (part), 1997)

5.45.235 - Nondiscrimination.

A franchisee which purports to serve the general public shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for the franchisee's services; provided, however, that nothing in this chapter shall prohibit a franchisee from making any reasonable classifications among differently situated customers.

(Ord. 2117 § 1 (part), 1997)

5.45.240 - Amendment of franchise grant.

Except as otherwise provided within a franchise ordinance, a new franchise application and grant shall be required of any telecommunications carrier or provider that desires to extend its franchise territory or to locate its telecommunications facilities in public ways of the city which are not included in a franchise previously granted under this article. If ordered by the city to locate or relocate its telecommunications facilities in public ways not included in a previously granted franchise, the city shall grant a franchise amendment without further application.

(Ord. 2117 § 1 (part), 1997)

5.45.245 - Renewal application.

Updated 4/25/2019

A franchisee that desires to renew its franchise under this article for an additional term shall, not more than one hundred eighty days nor less than one hundred twenty days before expiration of the current franchise, file an application with the city for renewal of its franchise which shall include the following:

- A. The information required pursuant to Section 5.45.195 of this chapter;
- B. Any information required pursuant to the franchise agreement between the city and the grantee;
- C. All deposits or charges required pursuant to this chapter; and
- D. An application fee which shall be set by the city council by resolution.

(Ord. 2117 § 1 (part), 1997)

5.45.250 - Renewal determination.

Within one hundred twenty days after receiving a complete application for renewal, the city shall issue a written determination granting or denying the renewal application in whole or in part. Prior to granting or denying renewal of a franchise under this article, the city council shall conduct a public hearing and make a decision based upon the standards set forth below. If the renewal application is denied, the written determination shall include the reasons for nonrenewal.

- A. The continuing capacity of the public ways to accommodate the applicant's existing facilities.
- B. The applicant's compliance with the requirements of this chapter and the franchise agreement.
- C. Applicable federal, state and local telecommunications laws, rules and policies.
- D. Such other factors as may demonstrate that the continued grant to use the public ways will serve the community interest.

(Ord. 2117 § 1 (part), 1997)

5.45.255 - Obligation to cure as a condition of renewal.

No franchise shall be renewed until any ongoing violations or defaults in the franchisee's performance of the franchise agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the franchisee has been approved by the city.

(Ord. 2117 § 1 (part), 1997)

5.45.260 - Universal service.

Each franchise granted under this article is subject to the city's right, which is expressly reserved, to require the franchisee to make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service to the extent permitted by state and federal law.

(Ord. 2117 § 1 (part), 1997)

5.45.265 - Annual fee for recovery of city costs.

Each franchise granted under this article is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways on behalf of the public and existing or future users.

Updated 4/25/2019

(Ord. 2117 § 1 (part), 1997)

5.45.270 - Other city costs.

All franchisees shall, within thirty days after written demand, reimburse the city for all direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement. In addition, all franchisees shall, within thirty days after written demand, reimburse the city for any and all costs the city reasonably incurs in response to any emergency involving the franchisee's telecommunications facilities. Finally, all franchisees shall, within thirty days after written demand, reimburse this city for the franchisee's proportionate share of all actual, identified expenses incurred by the city in planning, constructing, installing, repairing or altering any city facility as a result of the presence in the right-of-way of the franchisee's telecommunications facilities.

(Ord. 2117 § 1 (part), 1997)

Article VI. - Facilities Lease

5.45.272 - Facilities lease.

The city council may, in its sole discretion which is hereby reserved, approve facilities leases for the location of telecommunications facilities and other facilities upon city property, as that term is defined in this chapter. Neither this section, nor any other provision of this chapter shall be construed to create an entitlement or vested right in any person or entity of any type.

(Ord. 2117 § 1 (part), 1997)

5.45.275 - Lease application.

Any person that desires to solicit the city's approval of a facilities lease pursuant to this article shall file a lease proposal with the city which, in addition to the information required by Section 5.45.110, shall include the following:

- A. A description of the telecommunications facilities or other equipment proposed to be located upon city property;
- B. A description of the city property upon which the applicant proposes to locate telecommunications facilities or other equipment;
- C. Preliminary plans and specifications in sufficient detail to identify:
 1. The location(s) of existing telecommunications facilities or other equipment upon the city property, whether publicly or privately owned,
 2. The location and source of electric and other utilities required for the installation and operation of the proposed facilities;
- D. Accurate scale conceptual drawings and diagrams of sufficient specificity to analyze the aesthetic impacts of the proposed telecommunications facilities or other equipment;
- E. Whether the applicant intends to provide cable service, video dial tone service or other video programming service, and sufficient information to determine whether such service is subject to cable franchising;
- F. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease;
- G. A description of the services or facilities that the applicant will offer or make available to the city and other public, educational, and governmental institutions;

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- H. Such other and further information as may be requested by the city; and
- I. An application fee which shall be set by the city council by resolution.

(Ord. 2117 § 1 (part), 1997)

5.45.280 - Determination by the city.

Recognizing that the city is under no obligation to grant a facilities lease for the use of city property, the city shall strive to consider and take action on applications for facilities leases within one hundred twenty days after receiving a complete application for such a lease. When such action is taken, the city shall issue a written determination granting or denying the lease in whole or in part, applying the standards set forth below, or any other such criteria as the city council may choose to apply. If the lease application is denied, the written determination shall include the reason for denial, if any.

- A. The capacity of the city property and public ways to accommodate the applicant's proposed facilities.
- B. The capacity of the city property and public ways to accommodate additional utility and telecommunications facilities if the lease is granted.
- C. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the lease is granted.
- D. The public interest in minimizing the cost and disruption of construction upon city property and within the public ways.
- E. The service that applicant will provide to the community and region.
- F. The effect, if any, on public health, safety, and welfare if the lease requested is approved.
- G. The availability of alternate routes and/or locations for the proposed facilities.
- H. Whether the applicant is in compliance with applicable federal and state telecommunications laws, regulations and policies, including, but not limited to, the registration requirements administered by the Washington Utilities and Transportation Commission.
- I. The potential for radio frequency and other interference with existing public and private telecommunications or other facilities located upon the city property.
- J. The potential for radio frequency and other interference or impacts upon residential, commercial, and other uses located within the vicinity of the city property.
- K. Such other factors as may demonstrate that the lease to use the city property will serve the community interest.

(Ord. 2117 § 1 (part), 1997)

5.45.285 - Agreement.

No facilities lease shall be deemed to have been granted hereunder until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the lessee has been granted the right to occupy and use the city property.

(Ord. 2117 § 1 (part), 1997)

5.45.290 - Nonexclusive lease.

Updated 4/25/2019

No facilities lease granted under this article shall confer any exclusive right, privilege, license, or franchise to occupy or use city property for delivery of telecommunications services or any other purposes.

(Ord. 2117 § 1 (part), 1997)

5.45.295 - Term of facilities lease.

Unless otherwise specified in a lease agreement, a facilities lease granted hereunder shall be valid for a term of one year, subject to annual renewal as provided in this article.

(Ord. 2117 § 1 (part), 1997)

5.45.300 - Rights granted.

No facilities lease granted under this article shall convey any right, title or interest in the city property, but shall be deemed a license only to use and occupy the city property for the limited purposes and term stated in the lease agreement. Further, no facilities lease shall be construed as any warranty of title.

(Ord. 2117 § 1 (part), 1997)

5.45.305 - Interference with other users.

No facilities lease shall be granted under this article unless it contains a provision which is substantially similar to the following:

The city has previously entered into leases with other tenants for their equipment and antennae facilities. Lessee acknowledges that the city is also leasing the city property for the purposes of transmitting and receiving telecommunication signals from the city property. The city, however, is not in any way responsible or liable for any interference with lessee's use of the city property which may be caused by the use and operation of any other tenant's equipment, even if caused by new technology. In the event that any other tenant's activities interfere with the lessee's use of the city property, and the lessee cannot work out this interference with the other tenants, the lessee may, upon thirty days notice to the city, terminate this lease and restore the city property to its original condition, reasonable wear and tear excepted. The lessee shall cooperate with all other tenants to identify the causes of and work towards the resolution of any electronic interference problem. In addition, the lessee agrees to eliminate any radio or television interference caused to city-owned facilities or surrounding residences at lessee's own expense and without installation of extra filters on city-owned equipment. Lessee further agrees to accept such interference as may be received from city-operated telecommunications or other facilities located upon the city property subject to this lease.

(Ord. 2117 § 1 (part), 1997)

5.45.310 - Ownership and removal of improvements.

No facilities lease shall be granted under this article unless it contains a provision which states that all buildings, landscaping, and all other improvements, except telecommunications equipment, shall become the property of the city upon expiration or termination of the lease. In the event that the city requires removal of such improvements, such removal shall be accomplished at the sole expense of the lessee and completed within ninety days after receiving notice from the city requiring removal of the improvements. In the event that telecommunications facilities or other equipment are left upon city

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property after expiration or termination of the lease, they shall become the property of the city if not removed by the lessee upon thirty days' written notice from the city.

(Ord. 2117 § 1 (part), 1997)

5.45.315 - Cancellation of lease by lessee.

- A. All facilities leases are contingent upon the prospective lessee obtaining all necessary permits, approvals, and licenses for the proposed facilities. In the event that the prospective lessee is unable to obtain all such permits, approvals, and licenses, it may cancel its lease, and obtain a pro rata refund in any rents paid, without further obligation by giving thirty days' prior written notice to the city.
- B. In the event that the holder of a facilities lease determines that the city property is unsuitable for its intended purpose, the lessee shall have the right to cancel the lease upon one hundred twenty days written notice to the city. However, no prepaid rent shall be refundable.

(Ord. 2117 § 1 (part), 1997)

5.45.320 - Compensation to the city.

Each facilities lease granted under this article is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the rights granted to the lessee; provided, nothing in this chapter shall prohibit the city and a lessee from agreeing to the compensation to be paid. Such compensation shall be payable in advance of the effective date of the lease and on or before January 31st of each calendar year. Any payments received after the due date shall include a late payment penalty of two percent of the annual rental fee for each day or part thereof past the due date.

(Ord. 2117 § 1 (part), 1997)

5.45.325 - Amendment of facilities lease.

Except as provided within an existing lease agreement, a new lease application and lease agreement shall be required of any telecommunications carrier or other entity that desires to expand, modify, or relocate its telecommunications facilities or other equipment located upon city property. If ordered by the city to locate or relocate its telecommunications facilities or other equipment on the city property, the city shall grant a lease amendment without further application.

(Ord. 2117 § 1 (part), 1997)

5.45.330 - Renewal application.

A lessee that desires to renew its facilities lease under this article shall, not more than one hundred twenty days nor less than sixty days before expiration of the current facilities lease, file an application with the city for renewal of its facilities lease which shall include the following:

- A. The information required pursuant to this chapter;
- B. Any information required pursuant to the facilities lease agreement between the city and the lessee;
- C. All deposits or charges required pursuant to this chapter; and
- D. An application fee which shall be set by the city council by resolution. [Such fee is in addition to the city business license renewal fee set forth in this Chapter.](#)

Updated 4/25/2019

(Ord. 2117 § 1 (part), 1997)

5.45.335 - Renewal determination.

Recognizing that the city is under no obligation to grant a renewal of a facilities lease for the use of city property, the city shall strive to consider and take action on applications for renewal of such leases within sixty days after receiving a complete application for such a lease renewal. When such action is taken, the city shall issue a written determination granting or denying the lease renewal in whole or in part, applying the standards set forth below, or any other such criteria as the city council may choose to apply. If the renewal application is denied, the written determination shall include the reason for denial, if any.

- A. The financial and technical ability of the applicant.
- B. The legal ability of the applicant.
- C. The continuing capacity of the city property to accommodate the applicant's existing facilities.
- D. The applicant's compliance with the requirements of this chapter and the lease agreement.
- E. Applicable federal, state and local telecommunications laws, rules and policies.
- F. Such other factors as may demonstrate that the continued grant to use the city property ways will serve the community interest.

(Ord. 2117 § 1 (part), 1997)

5.45.340 - Obligation to cure as a condition of renewal.

No facilities lease shall be renewed until any ongoing violations or defaults in the lessee's performance of the lease agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the lessee has been approved by the city.

(Ord. 2117 § 1 (part), 1997)

Article VII. - Conditions of Telecommunications Right-of-Way Use Authorizations, Telecommunications Franchises, and Facilities Leases

5.45.345 - Purpose.

The purpose of this article is to set forth certain terms and conditions which are common to all telecommunications right-of-way use authorizations, telecommunications franchises, and facilities leases. Except as otherwise provided in this chapter or in such an authorization, franchise, or lease, the provisions of this article apply to all such authorizations, franchises, and leases approved or granted by the city.

(Ord. 2117 § 1 (part), 1997)

5.45.350 - Acceptance.

No authorization, franchise, or lease granted pursuant to the provisions of this chapter shall become effective unless and until the ordinance or other city action granting the same has become effective. Within thirty days after the effective date of the ordinance or other city action granting an authorization, franchise, or lease, or within such extended period of time as the council in its discretion may authorize, the applicant shall file with the mayor or designee an unconditional written acceptance of the

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authorization, franchise, or lease, in a form satisfactory to the city attorney, together with the bonds, insurance policies, and security fund required by this article.

(Ord. 2117 § 1 (part), 1997)

5.45.355 - Police power.

In accepting any authorization, franchise or lease, the grantee, franchisee, or lessee acknowledges that its rights hereunder are subject to the legitimate rights of the police power of the city to adopt and enforce general ordinances necessary to protect the safety and welfare of the public, and it agrees to comply with all applicable general laws enacted by the city pursuant to such power.

(Ord. 2117 § 1 (part), 1997)

5.45.360 - Rules and regulations by the city.

In addition to the inherent powers of the city to regulate and control any authorization, franchise, or lease it issues, the authority granted to it by the Cable Act and the Telecommunications Act of 1996, and those powers expressly reserved by the city, or agreed to and provided for in any authorization, franchise, or lease, the right and power is hereby reserved by the city to promulgate such additional regulations as it may find necessary in the exercise of its lawful powers giving due regard to the rights of grantees, franchisees, and lessees. Except as provided in this chapter, the foregoing does not allow for amendment by the city of material terms of any authorization, franchise, or lease it issues without the consent of the grantee, franchisee, or lessee. The city reserves the right to delegate its authority for authorization, franchise, and lease administration to a designated agent.

(Ord. 2117 § 1 (part), 1997)

5.45.365 - Location of facilities.

All facilities shall be constructed, installed, and located in accordance with the following terms and conditions, unless otherwise specified in an authorization, franchise, or lease agreement.

- A. Unless otherwise provided in an authorization, franchise, or lease, a grantee, franchisee, or lessee with permission to occupy a public way must locate its cable or telecommunications facilities underground.
- B. Whenever any new or existing electric utilities, cable facilities, or telecommunications facilities are located or relocated underground within a public way of the city, a grantee, franchisee, or lessee that currently occupies the same public way shall relocate its facilities underground at no expense to the city. Absent extraordinary circumstances or undue hardship as determined by the city public works director, such relocation shall be made concurrently to minimize the disruption of the public ways. No extension granted by the director of public works under this subsection shall exceed a period of twelve months.
- C. Whenever new cable or telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future cable or telecommunications carriers or facilities, the grantee, franchisee, or lessee and all other occupants of the public way shall provide additional ducts, conduits, manholes, and other facilities for nondiscriminatory access to future operators and carriers at their own expense.

(Ord. 2117 § 1 (part), 1997)

5.45.370 - Compliance with one number locator service.

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All grantees, franchisees, and lessees shall, before commencing any construction in the public ways, comply with all regulations of Chapter 19.122 RCW, the one- number locator service.

(Ord. 2117 § 1 (part), 1997)

5.45.375 - Construction permits.

All grantees, franchisees, and lessees are required to obtain construction permits for cable and telecommunications facilities as required in Article VI of this chapter. However, nothing in this chapter shall prohibit the city and a grantee, franchisee, or lessee from agreeing to alternative plan review, permit, and construction procedures for an authorization, franchise, or lease granted under this chapter, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

(Ord. 2117 § 1 (part), 1997)

5.45.380 - Interference with the public ways.

No grantee, franchisee, or lessee may locate or maintain its cable or telecommunications facilities so as to unreasonably interfere with the use of the public ways by the city, by the general public or by other persons authorized to use or be present in or upon the public ways. All such facilities shall be moved by the grantee, franchisee, or lessee, at the grantee, franchisee, or lessee's cost, temporarily or permanently, as determined by the city public works director.

(Ord. 2117 § 1 (part), 1997)

5.45.385 - Damage to property.

No grantee, franchisee, or lessee, nor any person acting on a grantee, franchisee, or lessee's behalf shall take any action or permit any action to be done which may impair or damage any city property, public ways of the city, other ways or other property, whether publicly or privately owned, located in, on or adjacent thereto.

(Ord. 2117 § 1 (part), 1997)

5.45.390 - Notice of work.

Unless otherwise provided in an authorization, franchise, or lease agreement, no grantee, franchisee, or lessee, nor any person acting on the grantee, franchisee, or lessee's behalf, shall commence any nonemergency work in or about the public ways of the city, other ways, or upon city property without ten working days advance notice to the city.

(Ord. 2117 § 1 (part), 1997)

5.45.395 - Repair and emergency work.

In the event of an unexpected repair or emergency, a grantee, franchisee, or lessee may commence such repair and emergency response work as required under the circumstances, provided the grantee, franchisee, or lessee shall notify the city as promptly as possible, before such repair or emergency work commences or as soon thereafter as possible if advance notice is not practicable.

Updated 4/25/2019

(Ord. 2117 § 1 (part), 1997)

5.45.400 - Maintenance of facilities.

Each grantee, franchisee, or lessee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(Ord. 2117 § 1 (part), 1997)

5.45.405 - Relocation or removal of facilities.

Within thirty days following written notice from the city, a grantee, franchisee, or lessee shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any cable or telecommunications facilities within the public ways or upon city property whenever the city public works director shall have determined that such removal, relocation, change, or alteration is reasonably necessary for:

- A. The construction, repair, maintenance, or installation of any city or other public improvement in or upon the public ways; and
- B. The operations of the city or other governmental entity in or upon the public ways.

(Ord. 2117 § 1 (part), 1997)

5.45.410 - Building moving.

Whenever any person shall have obtained permission from the city to use any street or public way for the purpose of moving any building, a grantee, franchisee, or lessee, upon seven days' written notice from the city, shall raise or remove, at the expense of the person desiring to move the building, any of the grantee, franchisee, or lessee's facilities which may obstruct the removal of such building; provided, that the person desiring to move the building shall comply with all requirements of the city for the movement of buildings.

(Ord. 2117 § 1 (part), 1997)

5.45.415 - Removal of unauthorized facilities.

Within ninety days following written notice from the city, any telecommunications carrier or provider or other person who owns, controls, or maintains any unauthorized cable or telecommunications system, facility, or related appurtenances within the public ways of the city shall, at its own expense, remove such facilities or appurtenances from the public ways of the city. A cable or telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

- A. Upon expiration or termination of the grantee or franchisee's authorization or franchise;
- B. Upon abandonment of a facility within the public ways of the city. Any property of a grantee or franchisee shall be deemed abandoned if left in place ninety days after expiration or termination of an authorization or franchise;
- C. If the system or facility was constructed or installed without the prior grant of an authorization or franchise;
- D. If the system or facility was constructed or installed without the prior issuance of a required construction permit; and

- E. If the system or facility was constructed or installed at a location not permitted by the authorization or franchise.

Provided, however, that the city may, in its sole discretion, allow a grantee, franchisee, or other such persons who may own, control, or maintain cable or telecommunications facilities within the public ways of the city to abandon such facilities in place. No facilities of any type may be abandoned in place without the express written consent of the city. Any plan for abandonment or removal of a grantee or franchisee's facilities must be first approved by the public works director, and all necessary permits must be obtained prior to such work. Upon permanent abandonment of the property of such persons in place, the property shall become that of the city, and such persons shall submit to the city an instrument in writing, to be approved by the city attorney, transferring to the city the ownership of such property. The provisions of this section shall survive the expiration, revocation, or termination of an authorization or franchise granted under this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.420 - Emergency removal or relocation of facilities.

The city retains the right and privilege to cut or move any cable or telecommunications facilities located within the public ways of the city and upon city property, as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency. The city shall not be liable to any cable operator, telecommunications carrier or provider, or any other party for any direct, indirect, or any other such damages suffered by any person or entity of any type as a direct or indirect result of the city's actions under this section.

(Ord. 2117 § 1 (part), 1997)

5.45.425 - Damage to facilities.

Unless directly and proximately caused by the wilful, intentional, or malicious acts by the city, the city shall not be liable for any damage to or loss of any cable or telecommunications facility upon city property or within the public ways of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind on such city property or within the public ways by or on behalf of the city.

(Ord. 2117 § 1 (part), 1997)

5.45.430 - Restoration of public ways, other ways and city property.

- A. When a grantee, franchisee, lessee, or any person acting on its behalf, does any work in or affecting any public ways, other ways or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to as good a condition as existed before the work was undertaken, unless otherwise directed by the city.
- B. If weather or other conditions do not permit the complete restoration required by this section, the grantee, franchisee, or lessee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the grantee, franchisee, or lessee's sole expense and the grantee, franchisee, or lessee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
- C. A grantee, franchisee, lessee or other person acting in its behalf shall use suitable barricades, flags, flagmen, lights, flares, and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle, or property by reason of such work in or affecting such ways or property.

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- D. The public works director shall be responsible for inspection and final approval of the condition of the public ways, other ways, and city property following any construction and restoration activities therein. Further, the provisions of this section shall survive the expiration, revocation, or termination of an authorization, franchise, lease, or other agreement granted pursuant to this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.435 - Facilities maps.

Each grantee, franchisee, and lessee shall provide the city with a map or maps accurately reflecting the horizontal and vertical location and configuration of all of their telecommunications facilities within the public ways and upon city property. Each grantee, franchisee, and lessee shall provide the city with updated maps annually or upon request by the city.

(Ord. 2117 § 1 (part), 1997)

5.45.440 - Duty to provide information.

Within ten days of a written request from the city, each grantee, franchisee, or lessee shall furnish the city with information sufficient to demonstrate:

- A. That the grantee, franchisee, or lessee has complied with all requirements of this chapter; and
- B. That all sales, utility and/or telecommunications taxes due the city in connection with the cable or telecommunications services and facilities provided by the grantee, franchisee, or lessee have been properly collected and paid by the grantee, franchisee, or lessee.

All books, records, maps and other documents, maintained by the grantee, franchisee, or lessee with respect to its facilities within the public ways and upon city property shall be made available for inspection by the city at reasonable times and intervals; provided, however, that nothing in this section shall be construed to require a grantee, franchisee, or lessee to violate state or federal law regarding subscriber privacy, nor shall this section be construed to require a grantee, franchisee, or lessee to disclose proprietary or confidential information without adequate safeguards for its confidential or proprietary nature.

(Ord. 2117 § 1 (part), 1997)

5.45.445 - Leased capacity.

A grantee, franchisee, or lessee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers consistent with such permit, franchise, or lease; provided:

- A. The grantee, franchisee, or lessee shall furnish the city with a copy of any such lease or agreement between the grantee, franchisee, or lessee and the customer or lessee; and
- B. The customer or lessee has complied, to the extent applicable, with the requirements of this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.450 - Insurance.

Unless otherwise provided in an authorization, franchise, or lease agreement, each grantee, franchisee, or lessee shall, as a condition of the permit or grant, secure, and maintain the following liability insurance policies insuring both the grantee, franchisee, or lessee and the city, and its elected and

appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers as co-insureds against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges, and authority granted to the grantee, franchisee, or lessee:

- A. Comprehensive general liability insurance, written on an occurrence basis, with limits not less than:
 - 1. Five million dollars for bodily injury or death to each person;
 - 2. Five million dollars for property damage resulting from any one accident; and
 - 3. Five million dollars for all other types of liability.
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars for each person and three million dollars for each accident;
- C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars.
- D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars;
- E. The liability insurance policies required by this section shall be maintained by the grantee, franchisee, or lessee throughout the term of the authorization, franchise, or lease, and such other period of time during which the grantee, franchisee, or lessee is operating without an authorization, franchise, or lease hereunder, or is engaged in the removal of its telecommunications facilities. The grantee, franchisee, or lessee shall provide an insurance certificate, together with an endorsement naming the city, and its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers as additional insureds, to the city prior to the commencement of any work or installation of any facilities pursuant to said authorization, franchise, or lease. Any deductibles or self-insured retentions must be declared to and approved by the city. Payment of deductibles and self-insured retentions shall be the sole responsibility of the grantee, franchisee, or lessee. The insurance certificate required by this section shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. The grantee, franchisee, or lessee's insurance shall be primary insurance as respects the city, its officers, officials, employees, agents, consultants, and volunteers. Any insurance maintained by the city, its officers, officials, employees, consultants, agents, and volunteers shall be in excess of the grantee, franchisee, or lessee's insurance and shall not contribute with it;
- F. In addition to the coverage requirements set forth in this section, each such insurance policy shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 60 days after receipt by the City, by registered mail, of a written notice addressed to the Public Works Director of such intent to cancel or not to renew.
- G. Within thirty days after receipt by the city of said notice, and in no event later than fifteen days prior to said cancellation or intent not to renew, the grantee, franchisee, or lessee shall obtain and furnish to the city replacement insurance policies meeting the requirements of this section.

(Ord. 2117 § 1 (part), 1997)

5.45.455 - General indemnification.

No authorization, franchise, or lease shall be deemed to be granted under this chapter unless it includes an indemnity clause substantially conforming to the following:

The grantee, franchisee, or lessee hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the city, its elected and appointed officials, officers, employees, agents, representatives, engineers, and consultants from any and all claims, costs, judgments, awards, or liability to any person, including claims by the grantee, franchisee, or lessee's own employees to which the grantee, franchisee, or lessee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property of which the negligent acts or omissions of the grantee, franchisee, or lessee, its agents, servants, officers, or employees in performing under this authorization, franchise, or lease are the proximate cause.

The grantee, franchisee, or lessee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the city, its elected and appointed officials, officers, employees, agents, representatives, engineers, and consultants from any and all claims, costs, judgments, awards, or liability to any person including claims by the grantee, franchisee, or lessee's own employees, including those claims to which the grantee, franchisee, or lessee might otherwise have immunity under Title 51 RCW, arising against the city solely by virtue of the city's ownership or control of the rights-of-way or other public properties, by virtue of the grantee, franchisee, or lessee's exercise of the rights granted herein, or by virtue of the city's permitting the grantee, franchisee, or lessee's use of the city's rights-of-way or other public property, based upon the city's inspection or lack of inspection of work performed by the grantee, franchisee, or lessee, its agents and servants, officers or employees in connection with work authorized on the city's property or property over which the city has control, pursuant to this authorization, franchise, or lease, or pursuant to any other permit or approval issued in connection with this authorization, franchise, or lease. This covenant of indemnification shall include, but not be limited by this reference, claims against the city arising as a result of the negligent acts or omissions of the grantee, franchisee, or lessee, its agents, servants, officers, or employees in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction, or work in any public right-of-way or other public place in performance of work or services permitted under this authorization, franchise, or lease.

Inspection or acceptance by the city of any work performed by the grantee, franchisee, or lessee at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event that the grantee, franchisee, or lessee refuses the tender of defense in any suit or any claim, said tender having been made pursuant to the indemnification clauses contained herein, and said refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of the grantee, franchisee, or lessee, then the grantee, franchisee, or lessee shall pay all of the city's costs for defense of the action, including all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the city, including reasonable attorneys' fees of recovering under this indemnification clause.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the grantee, franchisee, or lessee, and the city, its officers, employees and agents, the grantee, franchisee, or lessee's liability hereunder shall be only to the extent of the grantee, franchisee, or lessee's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the grantee, franchisee, or lessee's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this section shall survive the expiration or termination of this authorization, franchise, or lease agreement.

Notwithstanding any other provisions of this section, the grantee, franchisee, or lessee assumes the risk of damage to its facilities located in the city's public ways, rights-of-way, easements, and property from activities conducted by the city, its officers, agents, employees, and contractors.

The grantee, franchisee, or lessee releases and waives any and all claims against the city, its officers, agents, employees, or contractors for damage to or destruction of the grantee, franchisee, or lessee's facilities caused by or arising out of activities conducted by the city, its officers, agents, employees, and contractors, in the public ways, rights-of-way, easements, or property subject to this authorization, franchise, or lease, except to the extent any such damage or destruction is caused by or arises from the sole negligence or any wilful or malicious action on the part of the city, its officers, agents, employees, or contractors. The grantee, franchisee, or lessee further agrees to indemnify, hold harmless and defend the city against any claims for damages, including, but not limited to, business interruption damages and lost profits, brought by or under users of the grantee, franchisee, or lessee's facilities as the result of any interruption of service due to damage or destruction of the user's facilities caused by or arising out of activities conducted by the city, its officers, agents, employees, or contractors, except to the extent any such damage or destruction is caused by or arises from the sole negligence or any wilful or malicious actions on the part of the city, its officers, agents, employees, or contractors.

(Ord. 2117 § 1 (part), 1997)

5.45.460 - Performance and construction surety.

Before an authorization, franchise, or lease granted pursuant to this chapter is effective, and as necessary thereafter, the grantee, franchisee, or lessee shall provide and deposit such moneys, bonds, letters of credit, or other instruments in form and substance acceptable to the city as may be required by this chapter or by an applicable authorization, franchise, or lease agreement.

(Ord. 2117 § 1 (part), 1997)

5.45.465 - Security fund.

Each grantee, franchisee, or lessee shall establish a permanent security fund with the city by depositing the amount of fifty thousand dollars or such lesser amount as deemed necessary by the public works director, with the city in cash, an unconditional letter of credit, or other instrument acceptable to the city, which fund shall be maintained at the sole expense of the grantee, franchisee, or lessee so long as any of the grantee, franchisee, or lessee's cable or telecommunications facilities are located within the public ways of the city or upon city property.

- A. The fund shall serve as security for the full and complete performance of this chapter, including any costs, expenses, damages, or loss the city pays or incurs, including civil penalties, because of any failure attributable to the grantee, franchisee, or lessee to comply with the codes, ordinances, rules, regulations, or permits of the city.
- B. Before any sums are withdrawn from the security fund, the city shall give written notice to the grantee, franchisee, or lessee:
 1. Describing the act, default or failure to be remedied, or the damages, costs or expenses which the city has incurred by reason of grantee, franchisee, or lessee's act or default;
 2. Providing a reasonable opportunity for grantee, franchisee, or lessee to first remedy the existing or ongoing default or failure, if applicable;
 3. Providing a reasonable opportunity for grantee, franchisee, or lessee to pay any monies due the city before the city withdraws the amount thereof from the security fund, if applicable; and
 4. That the grantee, franchisee, or lessee will be given an opportunity to review the act, default or failure described in the notice with the city or his or her designee.
- C. Grantees, franchisees and lessees shall replenish the security fund within fourteen days after written notice from the city that there is a deficiency in the amount of the fund.

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(Ord. 2117 § 1 (part), 1997)

5.45.470 - Restoration bond.

Unless otherwise provided in an authorization, franchise, or lease agreement, a performance bond written by a corporate surety acceptable to the city equal to at least one hundred percent of the estimated cost of removing the grantee, franchisee, or lessee's telecommunications equipment and facilities and restoring the public ways of the city and/or city-owned property to its pre-construction condition shall be deposited before any construction is commenced. Said bond shall be required to remain in full force until sixty days after completion of the construction and/or improvements within the public ways of the city or upon city-owned property, and shall warrant all such restoration work for a period of two years. The purpose of this bond is to guarantee removal of partially-completed and/or nonconforming telecommunications facilities and to fully restore the public ways of the city and city-owned property to its pre-construction condition.

(Ord. 2117 § 1 (part), 1997)

5.45.475 - Coordination of construction activities.

Existing franchise ordinances, agreements, leases and permits notwithstanding, all grantees and franchisees are required to cooperate with the city and with each other.

- A. By February 1st of each year, grantees and franchisees shall provide the city with a schedule of their proposed construction activities in, around, or that may affect the public ways.
- B. Each grantee and franchisee shall meet with the city, other grantees and franchisees and users of the public ways annually or as determined by the city to schedule and coordinate construction in the public ways.
- C. All construction locations, activities and schedules shall be coordinated, as ordered by the city public works director, to minimize public inconvenience, disruption or damages.

(Ord. 2117 § 1 (part), 1997)

5.45.480 - Assignments or transfers of grant.

Ownership or control of a cable or telecommunications system, license, authorization, franchise, or lease may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee or franchisee, by operation of law or otherwise, without the prior written consent of the city, which consent shall not be unreasonably withheld or delayed, except as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein.

- A. No authorization, franchise, lease, or other grant shall be assigned or transferred in any manner within twelve months after the initial grant of the authorization or franchise, unless otherwise provided in the authorization or franchise agreement.
- B. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.
- C. The grantee, franchisee, or lessee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the city not less than one hundred fifty days prior to the proposed date of transfer:
 1. Complete information setting forth the nature, terms and condition of the proposed transfer or assignment;

2. All information required of an authorization, franchise, or lease applicant pursuant to Articles II, III, and IV of this chapter with respect to the proposed transferee or assignee;
 3. Any other information reasonably required by the city; and
 4. An application fee which shall be set by the city council by resolution.
- D. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to own, hold and operate the cable or telecommunications system pursuant to this chapter.
- E. Unless otherwise provided in an authorization, franchise, or lease agreement, the grantee, franchisee, or lessee shall reimburse the city for all direct and indirect costs and expenses reasonably incurred by the city in considering a request to transfer or assign an authorization, franchise, or lease. No approval shall be deemed approved until all such costs and expenses have been paid.
- F. Any transfer or assignment of an authorization, franchise, lease, system, or integral part of a system without prior written approval of the city under this section or pursuant to an authorization, franchise, or lease agreement shall be void and is cause for revocation of the grant.

(Ord. 2117 § 1 (part), 1997)

5.45.485 - Transactions affecting control of grant.

Any transactions which singularly or collectively result in a change of fifty percent or more of the ownership or working control of the grantee, franchisee, lessee, of the ownership or working control of a cable or telecommunications system, of the ownership or working control of affiliated entities having ownership or working control of the grantee, franchisee, or lessee or of a telecommunications system, or of control of the capacity or bandwidth of the grantee, franchisee, or lessee's cable or telecommunication system, facilities or substantial parts thereof, shall be considered an assignment or transfer requiring city approval pursuant to this chapter. Transactions between affiliated entities are not exempt from city approval. A grantee, franchisee, or lessee shall promptly notify the city prior to any proposed change in, or transfer of, or acquisition by any other party of control of a grantee, franchisee, or lessee's company. Every change, transfer, or acquisition of control of a grantee, franchisee, or lessee's company shall cause a review of the proposed transfer. In the event that the city adopts a resolution or other appropriate order denying its consent and such change, transfer or acquisition of control has been effected, the city may cancel the authorization, franchise, or lease. Approval shall not be required for mortgaging purposes or if said transfer is from a grantee, franchisee, or lessee to another person or entity controlling, controlled by, or under common control with a grantee, franchisee, or lessee.

(Ord. 2117 § 1 (part), 1997)

5.45.490 - Revocation or termination of grant.

An authorization, franchise, or lease granted by the city to use or occupy public ways of the city or city property may be revoked for the following reasons:

- A. Construction or operation in the city or in the public ways of the city or upon city property without a grant of authority from an authorization, franchise, or lease;
- B. Construction or operation at an unauthorized location;
- C. Unauthorized substantial transfer of control of a grantee, franchisee, or lessee;
- D. Unauthorized assignment of an authorization, franchise, or lease;

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- E. Unauthorized sale, assignment or transfer of a grantee, franchisee, or lessee's authorization, franchise, lease, assets, or a substantial interest therein;
- F. Misrepresentation or lack of candor by or on behalf of a grantee, franchisee, or lessee in any application or written or oral statement upon which the city relies in making the decision to grant, review or amend any authorization, franchise, or lease pursuant to this chapter;
- G. Abandonment of cable or telecommunications facilities in the public ways or upon city property;
- H. Failure to relocate or remove facilities as required in this chapter;
- I. Failure to pay taxes, compensation, fees or costs when and as due the city;
- J. Insolvency or bankruptcy of the grantee, franchisee, or lessee;
- K. Violation of any material provision of this chapter; and
- L. Violation of the material terms of an authorization, franchise, or lease agreement.

(Ord. 2117 § 1 (part), 1997)

5.45.495 - Notice and duty to cure.

In the event that the city believes that grounds exist for revocation of an authorization, franchise, or lease, the grantee, franchisee, or lessee shall be given written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee, franchisee, or lessee a reasonable period of time not exceeding thirty days to furnish evidence:

- A. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. That rebuts the alleged violation or noncompliance; and
- C. That it would be in the public interest to impose some penalty or sanction less than revocation.

(Ord. 2117 § 1 (part), 1997)

5.45.500 - Hearing.

In the event that a grantee, franchisee, or lessee fails to provide evidence reasonably satisfactory to the city as provided in Section 5.45.495, the city shall refer the apparent violation or noncompliance to the city council. The city council shall provide the grantee, franchisee, or lessee with notice and a reasonable opportunity to be heard concerning the matter.

(Ord. 2117 § 1 (part), 1997)

5.45.505 - Standards for revocation or lesser sanctions.

If the city council determines that a grantee, franchisee, or lessee wilfully violated or failed to comply with any of the provisions of this chapter or an authorization, franchise, or lease granted under this chapter, or through wilful misconduct or gross negligence failed to heed or comply with any notice given the grantee, franchisee, or lessee by the city under the provisions of this chapter, then the grantee, franchisee, or lessee shall, at the election of the city council, forfeit all rights conferred hereunder and the authorization, franchise, or lease may be revoked or annulled by the city council. The city council may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to pursue other remedies, including obtaining an order from the superior court having jurisdiction compelling the grantee, franchisee, or lessee to comply with the provisions of this chapter and any authorization,

franchise, or lease granted hereunder, and to recover damages and costs incurred by the city by reason of the grantee, franchisee, or lessee's failure to comply. The city council shall utilize the following factors in analyzing the nature, circumstances, extent, and gravity of the violation and in making its determination under this section:

- A. Whether the misconduct was egregious;
- B. Whether substantial harm resulted;
- C. Whether the violation was intentional;
- D. Whether there is a history of prior violations of the same or other requirements;
- E. Whether there is a history of overall compliance; and
- F. Whether the violation was voluntarily disclosed, admitted or cured.

(Ord. 2117 § 1 (part), 1997)

5.45.510 - Incorporation by reference.

The provisions of this chapter shall be incorporated by reference in any authorization, franchise, or lease approved hereunder. The provisions of any proposal submitted and accepted by the city shall be incorporated by reference in the applicable authorization, franchise, or lease. However, in the event of any conflict between the proposal, this chapter, and the authorization, franchise, or lease, the authorization, franchise, or lease shall be the prevailing document.

(Ord. 2117 § 1 (part), 1997)

5.45.515 - Notice of entry on private property.

If directed by the city, at least twenty-four (24) hours prior to entering private property or streets or public easements adjacent to or on such private property to perform new construction or reconstruction, a notice indicating the nature and location of the work to be performed shall be physically posted, at no expense to the city, upon the affected property by the grantee or franchisee. A door hanger may be used to comply with the notice and posting requirements of this section. A grantee or franchisee shall make a good faith effort to comply with the property owner/resident's preferences, if any, on location or placement of underground installations (excluding aerial cable lines utilizing existing poles and existing cable paths), consistent with sound engineering practices. Provided, however, that nothing in this chapter shall permit a grantee or franchisee to unlawfully enter or construct improvements upon the property or premises of another.

(Ord. 2117 § 1 (part), 1997)

5.45.520 - Safety requirements.

A grantee, franchisee, or lessee, in accordance with applicable federal, state, and local safety requirements shall, at all times, employ ordinary care and shall install and maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public and/or workers. All structures and all lines, equipment and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of a permit, franchise, or lease area, wherever situated or located, shall at all times be kept and maintained in a safe, suitable condition, and in good order and repair. The city reserves the general right to see that the system of a grantee, franchisee, or lessee is constructed and maintained in a safe condition. If a violation of the National Electrical Safety Code or other applicable regulation is found to exist by the city, the city will, after discussions with a grantee, franchisee, or lessee, establish a reasonable time for a grantee,

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franchisee, or lessee to make necessary repairs. If the repairs are not made within the established time frame, the city may make the repairs itself or have them made and collect all reasonable costs thereof from a grantee, franchisee, or lessee.

(Ord. 2117 § 1 (part), 1997)

5.45.525 - Most favored community.

In the event that a grantee, franchisee, or lessee enters into any agreement, franchise or other understanding with any other city, town or county in the state of Washington which provides terms or conditions more favorable to the city, town or county than those provided in its agreement with the city, such as, but not limited to, free or reduced fee hookups, access or service, the city shall be entitled to request at the city's option, and the grantee, franchisee, or lessee in question shall be required to execute, an amendment to its agreement which incorporates the more favorable terms and conditions.

(Ord. 2117 § 1 (part), 1997)

Article VIII. - Construction Standards

5.45.530 - Construction codes.

Cable and telecommunications facilities shall be constructed, installed, operated, and maintained in accordance with all applicable federal, state and local codes, rules and regulations.

(Ord. 2117 § 1 (part), 1997)

5.45.535 - Construction permits.

No person shall construct, install, repair, or maintain any cable or telecommunications facilities within the public ways of the city or upon city property without first obtaining the appropriate construction permit therefor, provided, however:

- A. No construction permit shall be issued for the construction or installation of cable or telecommunications facilities within the city unless the cable operator or telecommunications carrier has filed an application for a telecommunications business registration pursuant to this chapter;
- B. No permit shall be issued for the construction or installation of telecommunications facilities in the public ways unless the cable operator or telecommunications carrier or provider has applied for and received an authorization or franchise pursuant to this chapter;
- C. No permit shall be issued for the construction or installation of cable or telecommunications facilities without payment of any applicable construction permit fee; and
- D. No permit shall be issued for the construction or installation of telecommunications or other equipment on city property unless the telecommunications carrier or provider has applied for and received a facilities lease from the city. The city council reserves unto itself the sole discretion to lease city property for telecommunications and other facilities, and no vested or other rights shall be created by this section or any provision of this chapter applicable to such facilities leases.

(Ord. 2117 § 1 (part), 1997)

5.45.540 - Applications.

Applications for permits to construct cable or telecommunications facilities shall be submitted to the public works director upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

- A. That the facilities will be constructed in accordance with all applicable codes, rules and regulations;
- B. The location and route of all facilities to be installed on existing utility poles;
- C. The location, route, and configuration of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public ways;
- D. The location of all existing underground utilities, conduits, ducts, pipes, mains, and installations which are within the public ways along the underground route proposed by the applicant;
- E. The location of all other facilities to be constructed within the city, but not within the public ways;
- F. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public ways;
- G. The location, dimension and types of all trees within or adjacent to the public ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction;
- H. Proposed construction schedule and work hours; and
- I. The location of all survey monuments which may be displaced or disturbed by the proposed construction.

(Ord. 2117 § 1 (part), 1997)

5.45.545 - Engineer's certification.

Where required by the public works director, permit applications shall be accompanied by drawings, plans and specifications bearing the certification of a registered professional engineer.

(Ord. 2117 § 1 (part), 1997)

5.45.550 - Traffic control plan.

All permit applications which involve work on, in, under, across, or along any public ways shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with Uniform Manual of Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic.

(Ord. 2117 § 1 (part), 1997)

5.45.555 - Issuance of permit.

After submission of all plans and documents required of the applicant and payment of the permit fees required by this article, the public works director, if satisfied that the applications, plans and documents comply with all requirements of this chapter, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he or she may deem necessary or appropriate.

(Ord. 2117 § 1 (part), 1997)

5.45.560 - Appeal of director's decision.

Any person aggrieved by the granting or denying of a construction permit pursuant to this article shall have the right to appeal to the city council as follows:

- A. All appeals filed pursuant to this section must be filed in writing with the public works director within ten working days of the date of the decision appealed from;
- B. All appeals filed pursuant to this section shall specify the error of law or fact, or new evidence which could not have been reasonably available at the time of the public works director's decision, which shall constitute the basis of the appeal;
- C. Upon receipt of a timely written notice of appeal, the public works director shall advise the city council of the pendency of the appeal and request that a date for considering the appeal be established;
- D. The city council shall have the option of directing that the appeal be heard before the planning commission who shall forward a recommendation to the city council which shall take final action on the appeal. Referral to the planning commission may be made by motion approved by a majority of the council members present at the time of voting;
- E. At the time of notifying the city council of the pendency of the appeal, the public works director shall make his or her recommendation to the city council as to whether the appeal should be heard by the planning commission or the city council. The recommendation shall be based upon relevant considerations including, but not limited to, the time expected to be required to hear the appeal and the need to create a full, formal record;
- F. Regardless of whether the appeal is heard by the city council or planning commission, all relevant evidence shall be received during the hearing on the appeal;
- G. Unless substantial relevant information is presented which was not considered by the public works director, such decision shall be accorded substantial weight, but may be reversed or modified by the city council if, after considering all of the evidence in light of the applicable goals, policies, and provisions of this chapter, the city council determines that a mistake has been made. Where substantial new relevant information which was not considered in the making of the decision appealed from has been presented, the city council shall make its decision only upon the basis of the facts presented at the hearing of the appeal, or may elect to remand the matter for reconsideration by the public works director in light of the additional information;
- H. For all appeals decided pursuant to this section, the city shall provide for a record that shall consist of written findings and conclusions and a taped or written transcript;
- I. Unless otherwise provided by state statute or other law, all actions seeking review of a final action of the city, whether in the form of an appeal, declaratory judgment action, petition for writ of review or other extraordinary writ, or in any other form shall be filed with a court having jurisdiction over such action within fourteen working days of the decision, or the expiration of the reconsideration period, whichever is later, and otherwise shall be barred; and
- J. No action to obtain judicial review shall be commenced unless all rights of appeal provided by this section are fully exhausted. The cost of transcription of all records ordered certified by the court for such review shall be borne by the party seeking such review. A copy of each transcript prepared by such party shall be submitted to the city for confirmation of its accuracy.

(Ord. 2117 § 1 (part), 1997)

5.45.565 - Compliance with permit.

All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city public works director and his or her representatives

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shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements.

(Ord. 2117 § 1 (part), 1997)

5.45.570 - Display of permit.

The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the public works director or his or her representatives at all times when construction work is occurring.

(Ord. 2117 § 1 (part), 1997)

5.45.575 - Survey of underground facilities.

If the construction permit specifies the location of facilities by depth, line, grade, proximity to other facilities or other standard, the permittee shall cause the location of such facilities to be verified by a state-registered land surveyor. The permittee may be required to relocate any facilities which are not located in compliance with permit requirements.

(Ord. 2117 § 1 (part), 1997)

5.45.580 - Noncomplying work.

Upon order of the city public works director, all work which does not comply with the permit, the approved plans and specifications for the work, or the requirements of this chapter, shall be remedied or removed.

(Ord. 2117 § 1 (part), 1997)

5.45.585 - Completion of construction.

The permittee shall promptly complete all construction activities so as to minimize disruption of the public and other ways and other public and private property. All construction work authorized by a permit within public and other ways, including restoration, must be completed within one hundred twenty days of the date of issuance.

(Ord. 2117 § 1 (part), 1997)

5.45.590 - As-built drawings.

Within sixty days after completion of construction, the permittee shall furnish the city with two complete sets of plans, drawn to scale and certified to the city as accurately depicting the horizontal and vertical location and configuration of all cable or telecommunications facilities constructed pursuant to the permit. The public works director shall have the discretion to prescribe the format and/or media of said as-built drawings, consistent with city codes and policies.

(Ord. 2117 § 1 (part), 1997)

5.45.595 - Restoration after construction.

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Upon completion of any construction, maintenance, or repair work, the permittee shall promptly repair any and all public and private property improvements, fixtures, structures, and facilities in the public or other ways or otherwise damaged during the course of construction, restoring the same as nearly as practicable to its condition before the start of construction. All survey monuments disturbed or displaced shall be referenced and replaced as required by WAC 332-120 and the Camas Benchmark System second order, first class specifications. The referencing and replacement of survey monuments shall be performed by a licensed land surveyor. The public works director shall have final approval of the completeness of all restoration work and all permittees shall warrant said restoration work for a period of two years.

(Ord. 2117 § 1 (part), 1997)

5.45.600 - Landscape restoration.

- A. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation maintenance, repair, or replacement of cable or telecommunications facilities, whether such work is done pursuant to a franchise, permit, or lease shall be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.
- B. All landscape restoration work within the public ways shall be done in accordance with landscape plans approved by the city public works director.

(Ord. 2117 § 1 (part), 1997)

5.45.605 - Construction surety.

Prior to issuance of a construction permit, the permittee shall provide a performance bond, as provided in Section 5.45.470 of this chapter.

(Ord. 2117 § 1 (part), 1997)

5.45.610 - Exceptions.

Unless otherwise provided in an authorization, franchise, or lease agreement, all cable operators and telecommunications carriers are subject to the requirements of this article.

(Ord. 2117 § 1 (part), 1997)

5.45.615 - Responsibilities of the owner.

The owner of the facilities to be constructed and, if different, the grantee, franchisee, or lessee, are responsible for performance of and compliance with all provisions of this article.

(Ord. 2117 § 1 (part), 1997)

Chapter 5.50 - PAWN BROKERS AND SECOND HAND DEALERS

5.50.010 - Definitions.

"Pawnbroker" means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or conditional sales of personal property.

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"Secondhand dealer" means every person engaged, in whole or in part, in the business of buying or selling secondhand personal property, metal junk or melted metals.

"Secondhand property" means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, used books, and clothing of a resale value of seventy-five dollars or less, except furs; provided, however, that such terms shall not be construed to include the business of operating a public garage, a shop for the repair of motor vehicles, a boat repair shop, or the business of dealing used or secondhand motor vehicles or boats or used parts or accessories thereof.

(Ord. 2319 § 1 (part), 2002)

5.50.020 - License required—Expiration and fee.

- A. It is unlawful for any person to engage in the business of pawnbroking or act as a secondhand dealer in the city of Camas without first obtaining a license pursuant to the provisions of this chapter. Each license shall be for a two-year period to expire on December 31st of the second year from issuance. The license fee for a pawnbroking business shall be per the fee schedule established by the city council per resolution. [This license is in addition to the city business license required under CMC 5.02.](#)
- B. All applications for issuance of a pawnbroker or secondhand dealer's license shall be made to and filed with the [director city clerk](#) on forms furnished for such purpose, and shall be accompanied by the required fee. An initial or renewal application shall be referred to the chief of police for investigation, report and recommendation. Within thirty days after receipt of a copy of the application, the chief of police shall render a written recommendation to the [director city clerk](#) as to approval or denial of the application for license or renewal thereof.
- C. The [director city clerk](#) shall deny an initial or renewed pawnbroker's license to any applicant, or any other person with any interest in the application for, or holder of such license, if such licensee:
 - 1. Has been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years;
 - 2. Has obtained a pawnbroker or secondhand dealer license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
 - 3. Has had any license revoked pursuant to this chapter;
 - 4. Makes a misrepresentation of, or fails to disclose, any material fact to the city;
 - 5. Has failed to timely pay its pawnbroker or secondhand dealer license fee pursuant to this chapter;
 - 6. Has failed to display a pawnbroker or secondhand dealer license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity.

(Ord. 2319 § 1 (part), 2002)

([Ord. No. 2714](#), § X, 12-1-2014)

5.50.030 - Record book.

It shall be the duty of any pawnbroker or secondhand dealer doing business in the city to maintain in his or her place of business a book or other permanent record in which is legibly written in the English language, at the time of each loan, purchase or sale, the record thereof containing:

- 1. The date of the transaction;

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2. The name of the person or employee conducting the transaction;
3. The name, age, street and house number of the person with whom the transaction is had;
4. The name, street and house number of the owner of the property bought or received in pledge;
5. The street and house number of the place from which the property bought or received in pledge was last removed;
6. A description of the property received in the pledge, which shall include the name of the maker of such property or manufacturer thereof and the serial number, if the article has such marks on it, or any other inscription or identifying marks; provided, that when the article bought or received is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction is sufficient;
7. The price paid or the amount loaned;
8. The names, street and house numbers of all persons witnessing the transaction.

(Ord. 2319 § 1 (part), 2002)

5.50.040 - Inspection of records and goods.

Such record, and all goods received, shall at all times during the ordinary hours of business be open to the inspection of the chief of police or any police officer of the city of Camas, under his order, and no entry made in said report shall be erased or in any manner obliterated or defaced. Records shall be maintained and kept available for a period of three years from the date of the transaction or any part of each transaction.

(Ord. 2319 § 1 (part), 2002)

5.50.050 - Report to chief of police.

Every pawnbroker and secondhand dealer in the city shall before noon on Monday, furnish to the chief of police, at his office, on such forms as he may provide therefor, a full, true and correct transcript, in the English language, a record of all transactions had in the previous week, and if such pawnbroker or secondhand dealer shall have reason or cause to believe that any property in his possession has been previously lost or stolen, he shall forthwith report such fact to the chief of police, together with the name of the owner, if known, and the date when and the name of the person from whom the same was received by him. This information may be transmitted to the chief of police or his designee 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 chief of police.

(Ord. 2319 § 1 (part), 2002)

5.50.060 - Retention of property—Inspection.

No property bought or received in pledge by any pawnbroker or secondhand dealer shall be removed from his or her place of business, except when redeemed by the owner thereof, within fifteen days after the receipt thereof has been reported to the chief of police as provided in Section 5.50.050.

(Ord. 2319 § 1 (part), 2002)

5.50.070 - Prohibited transactions.

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No pawnbroker shall receive any goods or property from any person under the age of twenty-one years, or without requiring the submission of photographic identification of said person, or from any person under the influence of intoxicating liquor, or from any person known to the pawnbroker as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years, whether such person be acting in his own behalf or as agent of another, or in any other circumstance whereby the transaction violates the laws of the state of Washington. No pawnbroking transactions or any part of such transactions shall be carried on or conducted on any day before eight-thirty a.m. or after seven p.m.; nor on Sunday or on New Year's Day, President's Day, Declaration of Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or any other day recognized by the city as an official closing day; provided, however, that such establishment may remain open for carrying on the business of retail merchandising at any time on any day of the week unless prohibited by law.

(Ord. 2319 § 1 (part), 2002)

5.50.080 - Termination of business.

Whenever any person, firm or corporation engaged in business as a pawnbroker ceases, terminates or winds up such business, such intention shall be publicized by an advertisement in a daily newspaper published in the Clark County area, and such business shall be continued for a period of not less than one hundred twenty days from the date of such publication, during which period no additional loans shall be made provided; however, that this section shall not apply where such business is sold in its entirety to a pawnbroker duly licensed pursuant to the provisions of this chapter, in which case a written list of all outstanding loans for which redemption periods have not expired shall be furnished to the chief of police prior to the actual date of the sale of such business.

(Ord. 2319 § 1 (part), 2002)

5.50.090 - Number of licenses to be granted.

The number of licenses issued for pawnbrokers shall be limited to a number of such establishments in the city of Camas based on a ratio of one pawnbroker establishment per ten thousand inhabitants of the city or fractional part thereof.

(Ord. 2319 § 1 (part), 2002)

5.50.100 - Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a gross misdemeanor, under RCW Chapter 9A.20, and in addition hereto, any person found in violation of any provisions of this chapter shall have his license granted hereunder revoked for not less than thirty days for the first violation; not less than ninety days for the second violation; and upon a third violation, in any one calendar year, the pawnbroker's or secondhand dealer's license shall be permanently canceled.

(Ord. 2319 § 1 (part), 2002)

Chapter 5.55 - NATURAL GAS UTILITY TAX

5.55.010 - Imposition of tax.

Pursuant to Section 35.21.865 of the Revised Code of Washington, there is hereby imposed a utility tax to be collected from any gas distribution business, as defined in RCW 82.62.010, for use of any city of Camas right-of-way. The utility tax shall be in an amount equal to three percent of the gross revenue

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collected by any gas distribution business from its customers for gas consumed within the city of Camas. Gross revenue shall be computed by deducting from the total billings of any gas distribution business the total net write-off of an uncollectible account and excluding sales of gas at wholesale to any public utility or public agency where the public utility or public agency purchasing such gas is not the ultimate consumer, and by deducting revenues derived from the sale of such gas under a tariff schedule applying to gas supplied for industrial purposes.

(Ord. 2465 § 1 (part), 2006)

5.55.015 - Applicable state code.

The tax imposed by this chapter shall comply with all applicable rules, regulations, laws and court decisions regarding utility taxes as imposed pursuant to Chapter 35.21 RCW. The provisions of that chapter and any subsequent amendments thereto shall apply as if fully set forth in this chapter.

(Ord. 2465 § 1 (part), 2006)