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6.29.010 Definitions. 

Except where otherwise required by the context in which the terms are used, the following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) "County" means the unincorporated area of Thurston County, Washington.
- (b) "Flea market dealer" means and includes any person who engages in the conduct of an activity primarily involving offering a place for other persons to engage in the purchase, sale, trade, barter, auction, sale on consignment, or exchange of new, secondhand or antique goods regardless of whether the proceeds from such operation are to be used for charitable purposes.
- (c) "Itinerant dealer" means any person who engages in the conduct of a business or employment involving buying, selling, collecting and/or delivering of junk, secondhand or antique goods within the county which is not flea market, junk, secondhand or antique dealing as defined in this chapter.
- (d) "Junk" means and includes old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; bones; wastepaper, plastic and other waste or discarded material which might be prepared to be used again in some form;

and motor vehicles, no longer used as such, to be used for scrap metal or for stripping of parts, but "junk" shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of a business, employment, or home occupancy, nor shall such term apply to materials or objects held and used by a manufacturer as an integral part of a manufacturing operation.

(e)

"Junk dealer" means and includes any person who engages in the maintenance and/or operation of a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of keeping, dismantling, processing, buying, selling or offering for exchange any such junk in whole units or by parts as a business or employment, regardless of whether the proceeds from such operation are to be used for charitable purposes.

(f)

"Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind.

(g)

"Secondhand or antique dealer" means and includes any person who engages in the conduct of a business or employment involving the purchase, sale, trade, barter, auction, sale on consignment, or exchange of secondhand or antique goods who is not a flea market, itinerant or junk dealer as defined in this chapter, regardless of whether the proceeds from such business are to be used for charitable purposes. Such term includes dealers in used or remanufactured automobile parts or tires; provided, that such term shall not apply to those persons engaged exclusively in the business of selling operational, used or secondhand motor vehicles or boats.

(h)

"Secondhand or antique goods" means and includes any and all previously used, remanufactured or antique goods which do not constitute junk as defined in this chapter.

(Ord. 7204 § 2 (part), 1982)

6.29.020 License required.

(a)

It is unlawful for any person to act as a flea market, itinerant, junk, secondhand or antique dealer in Thurston County, whether personally or by agents or employees, singly or along with some other business or enterprise, without first having obtained a license therefor in accordance with the provisions of this chapter.

(b)

A person who operates more than one premises subject to the terms of this chapter shall have in effect a separate license for each premises. No license issued under this chapter shall be transferred or assigned or used by any person other than the one to whom it was issued, and no such license shall be used at any location other than the one described in the application for which it was issued.

(Ord. 7204 § 2 (part), 1982)

6.29.030 License—Application—Contents—Procedure.

(a)

A person seeking a license under this chapter shall apply in person for such license to the Thurston County auditor. The applicant shall complete a written application upon forms provided by the auditor containing the information listed below. The truth of the contents of the application shall be sworn to by each of the signers before a notary public or other officer authorized by law to administer oaths.

(1)

Name;

(2)

Residence, address and telephone number;

(3)

Business name, address, telephone number and assessor's parcel number;

(4)

Applicant's date of birth;

(5)

The number of applicant's Washington driver's license; Washington identification card; military identification or other identification containing a picture of the applicant and other identifying information;

(6)

Applicant's social security number;

(7)

Applicant's physical description.

(b)

An applicant which is a corporation, partnership, or other entity operating pursuant to Washington state law shall provide information on the application form which enables identification and location of the corporate officers, or partners, and shall be signed by an agent of the entity who is empowered to make and execute contracts for the same.

(c)

An applicant proposing to use or expand a business premises for activities licensed pursuant to this chapter shall submit a site plan along with the application showing

the location of the site with reference to nearby streets, roads and other landmarks, and showing the location of buildings, structures and other facilities upon the site.

(d)

The application shall contain a short description of the nature of the operation for which a license is sought including the type of merchandise offered for sale or trade and the kind of manufacturing, reconditioning, dismantling or reconstruction work performed upon the premises.

(e)

Upon receipt of an application for a new or renewal license, the auditor shall furnish a copy of the same to the planning department for review. Within twenty-one days after receipt of the application copy, the planning department shall report any findings made, including conditions which must be met prior to issuance of a license.

(Ord. 7204 § 2 (part), 1982)

6.29.040 License—Issuance—Contents—Recording.

(a)

Upon submittal of a completed application, together with any required site plan, the auditor shall confirm the correctness of the identifying information given by requiring presentation of a Washington driver's license, Washington identification card, military identification card, or other identification containing a picture of the applicant, together with other identifying information required above. Upon the auditor's receipt of the application, payment for the required fee shall be due. Following receipt of the planning department's approval of the application, the auditor shall issue the license provided for by this chapter. If twenty-one days have elapsed after the planning department has been furnished with a copy of the application without comment from that department, the auditor shall issue the license provided for by this chapter.

(b)

Each license shall be numbered and contain the name and residence address of the applicant, together with the business name and address. Each license shall bear the following information on its face:

This license applies only to the premises indicated herein and authorizes the licensee to operate in a lawful manner only; it is not a substitute for any certificate of occupancy, building permit or other certificate or permit required by law, and it does not relieve the licensee of the responsibility to have such permits or certificates at all times and to comply with all laws affecting the business for which this license is issued.

(c)

The Thurston County auditor shall keep a permanent record of all applications filed and all licenses issued pursuant to this chapter.

(Ord. 7204 § 2 (part), 1982)

6.29.050 License—Term—Renewal.

(a)

Any license issued hereunder shall be effective for one year from the date of issuance.

(b)

An applicant for a renewal license shall file a new application as required by [Section 6.29.030](#), together with the required fee. Upon verification of the information provided by the renewal application, together with receipt of any required site plan and license fee, the auditor shall issue a renewal license.

(Ord. 7204 § 2 (part), 1982)

6.29.060 License—Fees.

The annual fee to be paid for any license or renewal license issued hereunder shall be fifty dollars in order to operate as a flea market, junk, secondhand or antique dealer, and ten dollars to operate as an itinerant dealer.

(Ord. 7204 § 2 (part), 1982)

6.29.070 Operating requirements.

(a)

The following general operating requirements shall apply to all persons licensed pursuant to this chapter:

(1)

The license issued pursuant to this chapter shall be prominently displayed on the business premises;

(2)

The business premises shall at all times be maintained so as to avoid sanitary, health, or fire hazards;

(3)

The area of the premises where junk, secondhand goods or antiques are stored (other than indoors or displayed for business purposes during business hours) shall be enclosed by a solid, eight-foot fence, except for necessary entrances and exits. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the business and shall be capable of being closed by a gate or door in order to screen the storage area from outside view;

(4)

The licensee shall permit inspection of the business premises by any member of the sheriff's department at any reasonable time;

(5)

Each acquisition of junk, secondhand or antique goods shall be recorded on forms provided by the Thurston County auditor in a permanent register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the materials acquired, and the date of the transaction. Such data shall be held available for inspection by the sheriff's department for a period of at least one year;

(6)

No noisy processing of junk or other noisy activity shall be carried on in connection with any licensed business between the hours of six p.m. and seven a.m., except in industrial zones or where it can be demonstrated that the noise is not detrimental to the surrounding neighborhood;

(7)

Every licensee operating as a flea market dealer shall require all persons selling goods at a licensed premises to provide and the licensee shall record the following information: the person's name, address and telephone number; the number of the person's Washington driver's license, Washington identification card, military identification, or other identification showing the person's picture and physical description, and a general description of the items to be offered for exchange. The licensee shall maintain a list of all persons providing the information required above for at least one year and shall permit such list to be inspected by members of the sheriff's department at any reasonable time.

(b)

The following general operating requirements shall apply to all licensees operating as an itinerant dealer:

(1)

The licensee shall have the license issued to him under this chapter in his immediate possession at all times when acting as an itinerant dealer in the county and shall exhibit it to any person upon request;

(2)

The licensee shall record on forms provided by the Thurston County auditor each acquisition of junk, secondhand or antique goods, giving the name and residence address of the person from whom the acquisition was made and a description of the goods acquired. Such information shall be recorded on the date of the transaction and shall be retained for at least one year. The licensee shall permit inspection of the list by any member of the sheriff's department at any reasonable time.

(Ord. 7204 § 2 (part), 1982)

6.29.080 Compliance with related laws. 

(a) Possession of the license required by this chapter shall not relieve the licensee from complying with all other laws, ordinances and regulations which are applicable.

(b) Any person or premises licensed pursuant to Chapter 308-61 of the Washington Administrative Code, "Abandoned and Inoperative Vehicles," shall be required to be licensed pursuant to this chapter for any premises located in Thurston County; provided, that any standards or reporting requirements specifically imposed by reason of state law or regulations shall supersede or take precedence over conflicting standards or regulations required by this chapter.

(Ord. 7204 § 2 (part), 1982)

6.29.090 Violation deemed misdemeanor.

Any violation of the provisions of this chapter shall constitute a misdemeanor.

(Ord. 7204 § 2 (part), 1982)

6.29.100 Enforcement.

(a) The Thurston County sheriff shall be responsible for enforcing compliance with this chapter and for such purpose any member of the sheriff's department shall have the right and is empowered to enter upon any premises upon which any business subject to the provisions of this chapter is located for the purpose of examining goods held for exchange or to examine records maintained pursuant to this chapter.

(b) The prosecuting attorney is authorized to seek legal or equitable relief to remedy any acts or practices which constitute a violation of the terms of this chapter.

(Ord. 7204 § 2 (part), 1982)