

AN ORDINANCE AMENDING AMC CHAPTER 5.10 TO MODIFY THE APPLICATION FOR TRANSIENT MERCHANT LICENSES RELATED TO SITE PLAN REVIEW (FILE DC-02-11), AMENDING ORDINANCE NO. 5634, AND DECLARING AN EMERGENCY.

WHEREAS, AMC 5.10 governs application for transient merchant licenses and sets forth the duration during which business may be conducted pursuant to such a license; and

WHEREAS, AMC 5.10.050 requires a Site Plan Review "Option C" for uses that will operate more than 30 days and less than 120 days; and

WHEREAS, Site Plan Review "Option C" as referenced in the Albany Municipal Code is no longer an option due to the approved Albany Development Code amendments that removed it in 2011; and

WHEREAS, these amendments are proposed to ensure that any Site Plan Review process that involves interpretation is a land use decision.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Amendment of AMC 5.10.050(2) License – Issuance – Investigation.

**"5.10.050 License – Issuance – Investigation.**

Upon receipt of such application and payment by the applicant of a license fee, a license shall be issued by a **designated the City employee Recorder**. The City Recorder shall keep a full record ~~in his/her office~~ of all licenses issued. This license shall contain the name of the licensee, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name or names of the person or persons authorized to carry on the same.

(1) An application for a sale that will occur no longer than 30 days' duration in a calendar year will pay a license fee of \$50.00.

(2) An application for a business that will operate longer than 30 days ~~but less than~~ **and up to** 120 days will be referred to the Community Development Department for Site Plan Review under ~~"Option C"~~ **in accordance with the Albany Development Code and staff recommendation**. The license fee for the Site Plan Review will be ~~\$100 plus~~ applicable planning fees. **Site Plan Review approval shall be valid for up to three years subject to an annual license renewal fee of \$100 paid to the City upon a finding that there have been no changes in site usage or operations.**

(3) A business operating for more than 120 days will be subject to all of the Development Code requirements for permanent businesses and shall not require a transient merchant license."

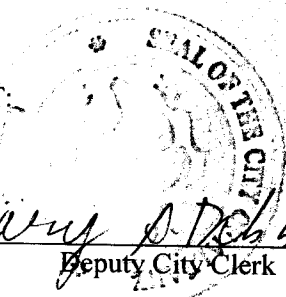
Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: February 22, 2012

Approved by the Mayor: February 22, 2012

Effective Date: February 22, 2012

ATTEST:

  
Mary D. DeBelle  
Deputy City Clerk

  
Mayor

**Dibble, Mary**

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**From:** Dibble, Mary  
**Sent:** Monday, April 09, 2012 11:20 AM  
**To:** 'Eric Pidkameny'  
**Subject:** RE: Albany supplement questions

The entire Chapter 2.92 should be renumbered 2.50.

The only language changes are It should be three members, not two members, and the added language "from July 1 in the year of their appointment" is correct.

2.50 should include the above changes.

Thank you!

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**From:** Eric Pidkameny [<mailto:ericp@codepublishing.com>]  
**Sent:** Friday, April 06, 2012 6:47 PM  
**To:** Dibble, Mary  
**Cc:** Langwell, Betty  
**Subject:** Albany supplement questions

Hi Mary,

We had the following questions regarding the current supplement to the code:

Ord. 5778 contains instructions to move Section 2.92.020 to a new Chapter 2.50 and become Section 2.50.010. It does not specify if the rest of Chapter 2.92 was also intended to be moved to Chapter 2.50. Later on in Ord. 5778, Section 2.92.020 is again listed, but with different amendments than those listed earlier (the first version had the word "two" changed to "three," whereas the later version did not have this change but added the words "from July 1 in the year of their appointment" to the end of the section).

Please let us know which version of the amendments to Section 2.50.010/2.92.020 are correct (or if both are), and what should be done with the other sections in Chapter 2.92.

Thank you for your help.

Eric Pidkameny, Editor  
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Ord 5774