

ORDINANCE NO. 2013 - 10

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING CHAPTER 5.04 “BUSINESS LICENSES” OF THE EATONVILLE MUNICIPAL CODE TO CLARIFY THAT BUSINESS LICENSES WILL NOT BE ISSUED TO BUSINESSES THAT ARE KNOWN TO VIOLATE LOCAL, STATE, OR FEDERAL LAW

WHEREAS, the Town of Eatonville has adopted local regulations establishing standards and procedures for business license, currently codified in Chapter 5.04 EMC; and

WHEREAS, the Town Council, Mayor, and staff are sworn to uphold local, state and federal laws; and

WHEREAS, the Town Council does not wish to place its staff in the position where they may be in violation of federal law by reviewing and approving a license application for medical marijuana businesses, dispensaries, collective gardens or facilities; and

WHEREAS, the Town Council wishes to amend Chapter 5.04 EMC to clarify that no local business license will be issued for any activity that is prohibited under state or federal law; and

WHEREAS, the Town Council wishes to amend its Code to make clear that medical marijuana dispensaries and collective gardens are businesses for purposes of the Code; and

WHEREAS, the Town Council is authorized to adopt regulations in the interest of the health, safety, and welfare of its residents; and finds that the following Code amendments are necessary to ensure the same;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville as follows:

SECTION 1. Section 5.04.020 of the Eatonville Municipal Code is hereby amended to read as follows:

5.04.020 Definitions.

In construing provisions of this chapter, the following words and terms shall have the meanings defined in this section, unless from the context a more limited or different meaning is clearly defined or apparent:

A. “Business” includes all activities, occupations, farmers deriving 60 percent or more of their income from farming pursuits or professions located

and/or engaged in within the town, with the object of gain, benefit or advantage to the licensee or to another person or class, directly or indirectly. Each business location shall be deemed a separate business. This term shall not include peddlers and hawkers as defined in Chapter 5.08 EMC. For purposes of this Chapter, "Business" also includes medical marijuana dispensaries and collective gardens as defined under Chapter 69.51A RCW.

B. "Engaging in business" means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators hold themselves out to the public as conducting such a business.

C. "Licensee" includes any person who is engaged in business or who is required to have a business license under this chapter or who performs any act for which a license fee is imposed by this chapter.

D. "License officer" means the employee of the town of Eatonville who is designated to administer this chapter.

E. "Year" means the calendar year.

SECTION 2. Section 5.04.030 of the Eatonville Municipal Code is hereby amended to read as follows:

5.04.040 Exemptions.

The following businesses and activities shall be exempt from the provisions of this chapter; provided, dispensaries and collective gardens as defined under Chapter 69.51A RCW are not covered by these exemptions:

A. Businesses where the sale or contract for services occurs on business premises outside of the town and the only event occurring within the town is the mere delivery of the goods or services to the customer or client by common carrier.

B. Minors engaged in baby-sitting, delivery of newspapers, lawn mowing, car washing and other similar activities.

C. Any instrumentality of the United States, state of Washington, or any political subdivisions thereof, with respect to the exercise of governmental functions.

D. Nonprofit organizations, including but not limited to religious, civic, charitable, nonprofit, cultural, or youth organizations.

SECTION 3. Section 5.04.080 of the Eatonville Municipal Code is hereby amended to read as follows:

5.04.080 Issuance of license.

A. No license shall be issued until the application has been fully completed

and all applicable ordinances have been fully complied with. In addition, any business requiring a state or federal license shall obtain the licenses and provide the town with proof of their issuance prior to the issuance of a town license or any renewal thereof.

B. A business license will not be issued for any activity that is known to violate local, state, and/or federal law.

SECTION 4. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 5. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 07/08/2013

2ND READING: __/__/2013 / 2ND READING WAIVED (EMC 2.04.011(C))

Passed by the Council of the Town of Eatonville at a regular meeting held this 8th day of July 2013.

Raymond Harper, Mayor

ATTEST:

Kathy Linnemeyer, Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, Town Attorney