

Ordinance 2007-26

**AN ORDINANCE OF THE TOWN OF EATONVILLE AMENDING
EMC SECTION 5.04 BUSINESS LICENCES**

Whereas, Eatonville Municipal Code Chapter 5.04 (EMC 5.04) sets out the requirements for the purchase of Business Licenses from the Town but lacks a provision stating the purpose of said chapter; and

Whereas, it is desired to have certain exemptions to the requirements set forth in EMC 5.04; and

Whereas, it is desired to include a provision of responsibility in EMC 5.04 for the purchase of a Business License; and

Whereas, the time is appropriate for adjusting the fees charged by the Town for Business Licenses as well as the amounts charged as penalties when licenses are not purchased as required;

NOW, THEREFORE, the Town Council hereby amends EMC section 5.04 as follows:

Chapter 5.04

BUSINESS LICENSES

Sections:

5.04.010 Purpose

5.04.020 Definitions.

5.04.030 Required.

5.04.040 Exemptions.

5.04.050 Applicable regulations

5.04.060 Application and Fee Renewal

5.04.070 Term.

5.04.080 Issuance of license.

5.04.090 Assignability.

5.04.100 License fee for business.

5.04.110 Revocation.

5.04.120 Exercise of power.

5.04.130 Violation – Penalty.

5.04.010 Purpose

The purpose of this chapter is to regulate and ensure the legal conduct of businesses, assist in the effective administration of health, fire, building, zoning, and other codes of the town, to impose fees for revenue purposes, and to provide a means for obtaining public information and compiling statistical information on existing and new businesses in the town.

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~~ sixty 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.

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. ~~"Temporary business" means the conducting of a business on a sporadic basis, a non-continuing business activity of a limited nature, specifically relating to time, with a commencement and conclusion; although the business activity may be more than once a year it is not a continuous activity. It shall not include wholesale suppliers to businesses in town unless the supplier's business is located within the town, nor any business which is conducted for less than three consecutive days.~~

F. "Year" means the calendar year. (Ord. 91-21 § 1, 1991).

5.04.020 5.04.030 Required.

Unless listed as exempt under section 5.04.040, it is unlawful for any person, firm or corporation to engage in or carry on within the town any business, profession, trade or occupation designated in this chapter without first having obtained from the town a license to do so. All licenses issued pursuant to the provisions of this chapter shall be posted in a prominent location at the premises where the licensed business, profession, trade or occupation is carried on. (Ord. 91-21 § 2, 1991).

5.04.040 Exemptions.

The following businesses and activities shall be exempt from the provisions of this chapter:

- 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 news papers, lawn mowing, car washing and other similar activities.
- C. Any instrumentality of the United States, State of Washington, or any political subdivision 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.

5.04.050 Applicable regulations

- A. Agents responsible for Obtaining License. The representatives of non residents who are doing business in the town shall be personally responsible for the compliance of their principals, and the business they represent, with this chapter.
- B. Joint Operation. A person engaged in two or more businesses at the same location shall be required to obtain separate business licenses for conducting each of the businesses.

5.04.030 5.04.060 Application and Fee Renewal

Application for such license shall be made at the office of the clerk on a form to be furnished for that purpose, and shall be accompanied by the appropriate license fee. Each such application shall be signed by the person, firm or corporation to be licensed. Licenses may thereafter be renewed without further application, upon the payment to the town of the annual license fee on or before February 1st each year. (Ord. 91-21 § 3, 1991).

5.04.040 5.04.070 Term.

Licenses issued pursuant to this chapter shall be due January 1st of each year and shall be valid for the calendar year, or balance thereof, in which application is received, and the fee license provided for in this chapter shall be payable annually. There shall be no reduction of any license fee because of the fact that an application is received late in the calendar year or for any other reason. (Ord. 91-21 § 4, 1991).

5.04.050 5.04.080 Issuance of license.

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. (Ord. 91-21 § 5, 1991).

5.04.060 5.04.090 Assignability.

Licenses issued pursuant to the terms of this chapter shall be personal to the applicant or the business for which they were obtained and shall not be assignable in the event of sale or transfer of such business to other ownership except upon application to the town for such transfer and the payment of a transfer fee of \$20.00. (Ord. 91-21 § 6, 1991).

5.04.070 5.04.100 License fee for business.

- A. Every non-exempt person, firm, or corporation engaged in any business, profession, trade, or occupation within the town shall pay an initial \$50.00 business license fee for the privilege of engaging in business in the town.
- B. Business licenses shall be renewed annually prior to February 1st of any year. The renewal fee shall be \$50.00. A penalty of \$25.00 plus \$5.00 per month starting on March 1st shall be assessed on any delinquent license renewal which has not been paid on or before February 1st of any year.

C. Business License Fees shall be waived for temporary vendors selling wares at the farmers market or arts festival for no longer than 3 consecutive days, provided that the farmers market or arts festival locations are approved by the Mayor or Town Council.

~~A. Every person, firm or corporation engaged in any business, profession, trade, or occupation within the town whose place of business or headquarters thereof is located within the corporate limits of the town shall pay the following license fee for the privilege of engaging in business in the town: The annual license fee shall be \$50.00. A renewal license shall be considered delinquent on February 1st of any year. A penalty of \$5.00 per month, which shall not be prorated, shall be assessed on any delinquent license renewal which has not been paid on or before February 1st of any year.~~

~~B. Every person, firm or corporation engaged in any business, profession, trade or occupation where the principal place of business or headquarters thereof is not located within the corporate limits of the town and who conducts temporary business within the town shall pay a license fee of \$15.00 per year. Temporary business, profession, trade or occupation is defined as a person engaging in services for four or more consecutive days and is not meant to include wholesale suppliers of business in the town, or occasional business contacts of less than three consecutive days' duration.~~

~~C. A business license fee of \$15.00 is required for all salespersons or solicitors that make personal contacts at the residence of citizens of the town without prior invitation, for any business purpose or to solicit a donation of money.~~

~~D. Exemptions. The fee for the business license shall be waived in the following instances, provided the town may require proof that the individual is entitled to the exemption prior to the conduct of any business:~~

- ~~1. A person under 18 years of age;~~
- ~~2. A duly authorized representative of any charitable, religious or nonprofit corporation, recognized as such by the Internal Revenue Service, performing services for such organization;~~
- ~~3. A garage or estate sale not lasting longer than three consecutive days, or more than two consecutive weekends in a row;~~
- ~~4. Temporary vendors selling wares at the farmers market or arts festival no longer than three consecutive days, provided the farmers market or the arts festival locations are approved by the council of the town. (Ord. 2002-07 § 1, 2002; Ord. 91-21 § 7, 1991).~~

5.04.080 5.04.110 Revocation.

A. If any person, firm or corporation licensed under this chapter violates any provision of this chapter or hereinafter set forth restrictions or violates any other town ordinance or provisions thereof, in addition to the criminal penalty provided for in such provisions, the license of the person, firm or corporation shall be revoked or suspended ~~by the mayor and the town council:~~

1. Not to permit any gambling or immoral conduct on such premises, not to keep, sell, give away or otherwise dispose of any controlled substance or intoxicating liquor on such premises nor permit the same to be kept, sold, given away or otherwise disposed of

thereon by any person. The prohibitions contained in this subsection concerning intoxicating liquor shall have no application to establishments from which persons under the age of 21 are excluded either by law or as a matter of business policy nor to a business licensed by the state to sell intoxicating liquor;

2. Not to have a financial interest in any business within one year from the date of revocation of the business license;

3. Not to permit any intoxicating liquors kept for unlawful use, sale or distribution or allow any act done or any omission to perform a duty, which act or omission shall:

a. Annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons, or

b. Offend public decency, or

c. Unlawfully interfere with, befoul, obstruct or tend to obstruct or render dangerous for passage a public park, square, street, alley or highway, or stream, or

d. In any way render a considerable number of persons insecure in life or the use of property.

Provided, that the person, firm or corporation may request a hearing before the town council by giving written notice of appeal to the town clerk within 15 days of receipt of notice of revocation or suspension; provided, further, that the mayor and town council may suspend the license for any term they deem appropriate.

B. If a license is revoked or suspended under this section, the license fee shall be forfeited and not refundable. (Ord. 91-21 § 8, 1991).

5.04.090 5.04.120 Exercise of power.

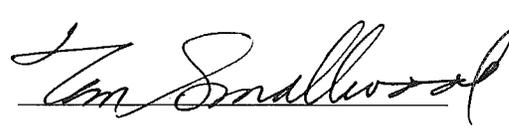
This chapter shall be deemed an exercise of the power of the town to license for revenue and regulation, and nothing in this chapter shall be construed to repeal or affect any other ordinance of the town which purports to regulate some business or activity pursuant to the general police power of the town, notwithstanding the fact that such ordinance may or might contain provisions relating to the licensing of such activity. (Ord. 91-21 § 9, 1991).

5.04.100 5.04.130 Violation – Penalty.

Any person, firm or corporation who violates any of the provisions of this chapter or fails to comply with any of the requirements thereof shall be guilty of a misdemeanor. (Ord. 91-21 § 10, 1991).

PASSED BY THE Town Council and approved by the Mayor of the Town of Eatonville, Washington, at a regular meeting of this 22 day of Nov, 2007.

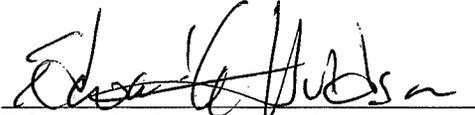
ATTEST:

Chrystal McGlone, Town Clerk

Tom Smallwood, Mayor

APPROVED AS TO FORM:


Edward Hudson, Town Attorney