

ORDINANCE NO. 364

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTIONS 6, 7 AND 16 OF ORDINANCE NO. 357, WHICH ESTABLISHED A BUSINESS LICENSE PROGRAM, BY EXEMPTING FROM LICENSING ANY BUSINESS WITH A GROSS ANNUAL REVENUE OF LESS THAN \$12,000 AND PROVIDING FOR DENIAL OR REVOCATION OF BUSINESS LICENSES IF ANY CITY TAX, PENALTY, OR FEE IS UNPAID

WHEREAS, RCW 35A.82.020 permits the City to license, inspect, and regulate all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades, professions, and other lawful activity, unless preempted by the State; and

WHEREAS, on November 18, 2002, the City Council adopted Ordinance No. 357 establishing a business license program in the City of University Place; and

WHEREAS, the City Council finds that it is in the best interests of the public to encourage small businesses within the City; and

WHEREAS, the City Council finds that it is in the best interests of the public to promote timely payment of monies owed to the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. AMENDING SECTION 6 OF ORDINANCE NO. 357. Section 6 of Ordinance No. 357 of the City of University Place is hereby amended as follows:

Section 6. Exemptions. The following shall be exempt from the provisions of this ordinance:

A. Casual or isolated sales made by persons who are not engaged in the on-going business of selling the type of property involved, providing that not more than four (4) such sales events are made during any tax year.

B. All businesses with gross annual revenues of less than \$12,000.

CB. All businesses which are exempt from master business license registration under WAC 458-20-101(2)(a), that:

- ~~(1) Earn less than \$12,000/year, and~~
- ~~(2) Do not have a business name, and~~
- ~~(3) Have no employees, and~~
- ~~(4) Are not required to collect or pay to the Department of Revenue retail sales tax or any other tax or fee that the Department is authorized to administer and/or collect.~~

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

DE. Any instrumentality of the United States, State of Washington, or any political subdivision thereof, with respect to the exercise of governmental functions.

FE. All special events sponsored by the City, but not to include participating commercial peddlers.

GF. Non-profit organizations, including but not limited to religious, civic, charitable, benevolent, non-profit, cultural or youth organizations.

Section 2. AMENDING SECTION 7 OF ORDINANCE NO. 357. Section 7 of Ordinance No. 357 of the City of University Place is hereby amended as follows:

Section 7. Processing Procedure. The City Clerk shall issue registrations in the name of the City to all persons qualified under the provisions of this article and shall:

A. Adopt all forms and prescribe the information required to implement this ordinance including, but not limited to, annual gross revenue declarations.

B. The City Clerk shall establish procedures to carry out the business license exemption program and shall obtain a sworn declaration from business owners or managers that the business meets the exemption criteria of Section 6 above.

CB. Submit all applications to the Community and Economic Development Department, Planning Division, ~~and Building Division, and Finance Division;~~ the Police Department; ~~and/or the Fire District;~~ and any other City Department or Division as necessary for their endorsements as to compliance by applicant with all City regulations which they have the duty of enforcing.

DC. Notify any applicant of the acceptance or rejection of the application and shall, upon denial of any registration, state in writing the reason for rejection and the process for appeal.

ED. Deny any application for registration upon written findings: (1) that the granting would be detrimental to public peace, health, or welfare; or (2) that such application for registration is not in compliance with any applicable City regulation; or (3) that the applicant has not paid any applicable tax penalty or fee imposed by the City.

FE. When any such registration is denied, the applicant may appeal such decision to the Hearing Examiner pursuant to the process described in Section 19.

GF. When a registration issuance is denied as well as any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the registration was refused unless or until the registration is issued pursuant to an administrative or judicial judgment.

Section 3. AMENDING SECTION 16 OF ORDINANCE NO. 357. Section 16 of Ordinance No. 357 of the City of University Place is hereby amended as follows:

Section 16. Revocation; Suspension; Denial. A registration issued under this ordinance may be revoked, suspended, or denied for any one or more of the following reasons:

A. Failure to comply with any federal, state, or local laws or regulations;

B. Failure to comply with any of the terms and conditions imposed by the City on the issuance of the registration;

C. Failure to pay any applicable tax, penalty, or fee imposed by the City.

D. Failure to operate the business or activity in accordance with any federal, state or local law or regulation;

E. Conduct of the business or activity in a manner which endangers the public health, welfare, or safety;

F. When the registration was procured by fraud or false representation of facts;

G. When the registration was issued through mistake or inadvertence;

H. When the registration application contains false or misleading statements, evasions or suppression of material facts.

Section 4. SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 5. PUBLICATION AND EFFECTIVE DATE. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect on January 1, 2003.

PASSED BY THE CITY COUNCIL ON DECEMBER 16, 2002.




Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: 12/18/02
Effective Date: 1/01/03