

## ORDINANCE NO. 755

AN ORDINANCE OF THE CITY OF SPRAGUE ESTABLISHING COSTS AND/OR FEES FOR BUSINESS LICENSES, PEDDLER AND TRANSIENT MERCHANT LICENSES, AND GAMES OF SKILL OR CHANCE; AND OUTLINING PROCEDURES FOR SUCH LICENSES; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, REPEALING ORDINANCE 732 AND ALL OTHER CONFLICTING ORDINANCES.

THE CITY COUNCIL OF THE CITY OF SPRAGUE DOES ORDAIN AS FOLLOWS:

### **SECTION I**

**DEFINITIONS:** In construing the provisions of this ordinance, unless otherwise specified or clearly apparent from the context, the definitions set forth in this section shall apply:

- A. “**Business**” means and includes all activities engaged with the object of gain, benefit or advantage to the licensee, or to another person or class, directly or indirectly.
- B. “**Engaging in business**” means commencing, conducting or continuing in business and also includes the exercise of corporate or franchise powers, as well as liquidators thereof hold themselves out to the public as conducting such a business.
- C. “**Persons or Company**” herein used interchangeably in this Ordinance, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, and includes the United States or any instrumentality thereof, PROVIDED a valid license fee may be levied upon or collection therefrom under the provisions of this Ordinance.
- D. “**Taxpayer**” includes any person who engages in business or who is required to have a business license hereunder, or who performs any acts for which a license fee or tax is imposed by this ordinance.
- E. “**City**” means City of Sprague, Washington.
- F. “**Year**” means the calendar year from January 1<sup>st</sup> to and including the succeeding December 31<sup>st</sup>.

### **SECTION II**

**AUTHORITY:** The provisions of this ordinance shall be deemed an exercise of the authority and power of the City of Sprague to license for the purpose of revenue regulation, each and every kind of business authorized by law to operate within the corporate limits of the city, as provided by RCW 35A.82.020.

### **SECTION III**

**BUSINESS LICENSE REQUIRED:** It is unlawful for any person, partnership, company, association, or corporation to conduct, operate, engage in or practice any

business within the City without having first obtained a business license from the City. If more than one (1) business is conducted on a single premises, a separate license shall be required for each separate business conducted, operated, engaged in or practiced.

- A. HOME OCCUPATIONS. A home business is required to obtain a business license in the same manner as any other business and must pay the same fees.
- B. NONPROFIT CORPORATIONS. Business activities carried on by nonprofit corporations, recognized by the Internal Revenue Service, shall be considered to be a "business", however, no license fee shall be charged for the license. A nonprofit corporation must provide proof of Internal Revenue Service nonprofit status prior to the waiver of a license fee.

#### **SECTION IV**

**APPLICATION PROCEDURE:** No business license shall be issued or renewed except upon written application to the City Clerk. Such application shall be signed by the person who intends to conduct, operate or engage in the business for which the license is to be issued, and shall state the following: The nature of the business to be conducted; the name under which the business is to be conducted; the address of the business or businesses; the name of the applicant; the residence address of the applicant; and such additional information as may be needed for the proper guidance of the city's officials in issuing of the license applied for. A nonrefundable application fee in an amount equal to the first annual license fee for the business for which the license is sought shall accompany the application. In the event that the license shall be granted, the application fee shall be credited to the payment of the first annual license fee.

If the applicant is a partnership, the application must be made and signed by one (1) of the partners; if a corporation, by one (1) of the officers thereof, if a foreign corporation, partnership or nonresidential individual, by the resident agent or local manager of the corporation, partnership or individual.

The City Clerk shall approve or deny the license after review by and receipt of a decision by the City Mayor. The City Mayor shall indicate on the license application whether the proposed business meets all current zoning and building code requirements. If an application is denied by the City Clerk, the reason for denial shall be stated.

Neither the filing of an application for a license, or the renewal thereof, nor the payment of any application or renewal fee, shall authorize a person to conduct, operate or engage in a business until such license has been granted or renewed.

#### **SECTION V**

**LICENSE APPLICATION FORM:** The business license application shall contain the provision that additional permits may be necessary before the owner can commence business.



## **SECTION VI**

### **TERM OF LICENSE AND PROCEDURE FOR RENEWING LICENSE:**

All business licenses issued pursuant to the provisions of this ordinance shall be valid until December 31<sup>st</sup> of the year for which they are issued. All renewals thereafter shall be for a period of one (1) year commencing on January 1<sup>st</sup> of the year for which the license is issued and terminating and expiring on December 31<sup>st</sup> of the same year.

The City Clerk shall mail to licensees of the City a notice of expiration of the license held by the licensee at least thirty days prior to the date of such expiration; provided, that a failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or renewal thereof, nor shall it be a defense in an action for operating without a license. All licenses to be issued pursuant to the provisions of this ordinance shall be renewed by following the same procedure as required for the original application.

## **SECTION VII**

**BUILDING AND PREMISES:** No license shall be issued for conducting of any business if the premises and the building to be used for the purposes of the business do not fully comply with the requirements of the City ordinances, including, but not limited to, the zoning ordinance, building code, fire code, and applicable regulations.

A home occupation is by definition, a business conducted as an accessory use to a residential dwelling unit located in a residential zone or located in an existing residential dwelling in commercial zone. Home occupations shall be subject to the requirements described in the Zoning Ordinance.

## **SECTION VIII**

**POSTING LICENSE:** It shall be the duty of any person conducting or operating a licensed business in the City to keep his/her license posted in a prominent place on the premises used for such business at all times, except that peddlers, hawkers and transients shall carry their license on their persons at all times when conducting or operating their business and shall display it upon request.

## **SECTION IX**

**TEMPORARY LICENSE:** Licenses issued for the following businesses by the City shall be temporary and a permanent license shall not be issued by the City until the business has been approved by the Lincoln County Health Department. Such approval must be obtained within thirty (30) days after the issuance of the temporary license.  
**Bakeries, Cafes & Restaurants, Confectioneries, Espresso/coffee stands or carts, Grocery Stores, Meat Markets, Produce Stores (wholesale and retail), Soda Fountains, Taverns, Motels, Hotels, Inns, Bed & Breakfasts and any other business which is or shall be required by law to obtain a Health Permit.**

If at any time, any of the businesses licensed under the provisions of this ordinance do not meet with the approval of the Lincoln County Health Department, the license shall be revoked and shall not be reissued until such time as the business again meets approval of The Lincoln County Health Department.



Any person engaged in business within the City for a period not to exceed thirty (30) days, during any one-year period of time, may obtain a temporary business license upon application to the City Clerk. The fee for this temporary license shall be ten (\$10.00) dollars. The temporary license may be renewed upon payment of the \$10.00 fee.

#### **SECTION X**

**FEES-TIME FOR PAYMENT:** The initial license fee for each license required by this ordinance shall be \$25.00, payable on or before February 28<sup>th</sup> of the year for which the renewal is issued.

#### **SECTION XI**

##### **PEDDLER OR TRANSIENT MERCHANT LICENSE FEE:**

Any person selling any commodity or merchandise from house to house, or any person selling from any location on temporary basis shall pay five (\$5.00) dollars a day, after application and approval for each business conducted or carried on in the City. No business conducted or carried on in a single location under one management or ownership shall pay more than one license fee, regardless of the business being carried on.

All businesses required to obtain licenses under this ordinance shall obtain the same and pay all fees required on or before the payment due date of each respective year. Any business which fails to obtain and pay the license fees by February 28<sup>th</sup>, shall in addition to any other penalties provided in this ordinance, be assessed twenty-five (\$25.00) dollars for each month past due as a penalty for such late application and/or payment.

#### **SECTION XII**

##### **SALE OR TRANSFER OF BUSINESS- NEW LICENSE REQUIRED**

Upon the sale or transfer of any business licensed pursuant to this ordinance, the license issued to the prior owner or transferrer shall automatically expire on the date of such sale or transfer and the new owner intending to continue such business in the City shall apply for and obtain a new business license pursuant to the procedures established in this ordinance prior to engaging in, conducting or operating the business.

#### **SECTION XIII**

**FEES COLLECTED BY COURT:** The City shall have the power to institute suit or action in any court of competent jurisdiction for the purpose of collecting any license fees which are due and payable.

#### **SECTION XIV**

**INELIGIBLE ACTIVITIES:** Notwithstanding any provisions of this ordinance, a license under this ordinance may not be issued to, or held by any person who uses, occupies, or proposes to use or occupy any real property or otherwise conducts or proposes to conduct any business in violation of the provisions of any ordinance of the City or the statutes of the State of Washington or any other applicable law or regulation. The granting of a business license shall not authorize any person to engage in any activity prohibited by federal, state or local law regulations.

## **SECTION XV**

### **REVOCATION OR SUSPENSION OF LICENSE- GROUNDS:**

The City Clerk may, at any time, upon receipt of a decision by the City Council, suspend or revoke any license issued under the provisions of this ordinance whenever the licensee, or officer, employee or partner thereof:

1. Has violated any federal, state or city statute, law, regulation or ordinance upon the business premises stated in the license or in connection with the business stated in the license, provided the licensee, officer or partner thereof, has been convicted in any court or competent jurisdiction of such violation; or
2. Is or has conducted, engaged in, or operated the business stated in the license upon premises which do not confirm the ordinance of the City; or
3. Has maintained or permitted the business stated in the license to be conducted, engaged in, or operated in such manner as to constitute a public nuisance; or
4. Has made any material false statement or representation in connection with obtaining the license.

## **SECTION XVI**

**PENALTIES:** Any person violating any of the provisions of this ordinance may be subject to a fine not to exceed two hundred fifty dollars (\$250.00). Each day's violation constitutes a separate offense, and said fine may be imposed as a lien against the property on which the business is conducted in each year in which the business is in violation. As to violations of Sections 4 and 15 of this ordinance, the ordinance enforcement officer and the City Attorney shall have the discretion to file such violations as civil infractions.

## **SECTION XVII**


**EFFECTIVE DATE:** This ordinance shall take effect and be in full force on March 19, 2002, following its passage, approval and publication.


## **SECTION XVIII**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this ordinance.

Passed and adopted by the City Council of the City of Sprague, Washington, this 19<sup>th</sup> day of March 2002.

ATTEST:

  
Clerk/Treasurer

  
Mayor

APPROVED AS TO FORM:

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ATTORNEY