

# ORIGINAL

## ORDINANCE NO. 543

### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ESTABLISHING A BUSINESS LICENSE FOR THE REGISTRATION OF BUSINESSES OPERATING WITHIN SHORELINE, AND ADDING CHAPTER 5.05 TO THE SHORELINE MUNICIPAL CODE

WHEREAS, there are many resources available to the business community to assist in their success and the business licensing program can be a tool to help inform the business community of those resources; and

WHEREAS, implementing a business license program is considered to be a sound management practice; and

WHEREAS, the City desires to have all businesses register with the City in order to facilitate the dissemination of information to businesses relating to City policies, regulations and economic development; and

WHEREAS, the registration of all businesses will assist the City in the audit of sales tax receipts; and

WHEREAS, the State of Washington's Department of Licensing Master Licensing Service program provides the opportunity for the City of Shoreline to partner with the Department of Licensing to provide a centralized, "one-stop" combined-licensing service between the City, the State, and the business community ;

### NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1. New Chapter.** A new Chapter 5.05 "Business Licenses" is added to the Shoreline Municipal Code as follows:

#### Section 5.05 BUSINESS LICENSES

Section 5.05.010	Chapter and purpose
Section 5.05.020	Definitions—general
Section 5.05.030	Business License required—posting
Section 5.05.040	Exception—applicability of provisions
Section 5.05.050	Application and renewal
Section 5.05.060	License term or expiration
Section 5.05.070	Fee
Section 5.05.080	Penalty for late renewal
Section 5.05.090	License—suspension, denial or revocation
Section 5.05.100	Violation—penalty
Section 5.05.110	Additional enforcement

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5.05.010 Chapter and purpose. Maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the City allows the City to carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the State of Washington as a noncharter code city. Such information can best be accumulated and maintained on a current basis through the establishment of a program for the licensing and registration of such activities. The licensing and registration program is established to protect the public and promote economic development and not intended to benefit any individual or class.

## 5.05.020 Definitions—general

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section.

- A. "Business", "occupation" or "pursuit" means and includes all home occupations, wholesalers, retailers, service providers, towing operators, peddlers, canvassers, solicitors, for-hire vehicles, limousine services, pawnbrokers, secondhand dealers and junk dealers engaged in with the object of economic gain, benefit or advantage to the person, firm or corporation, or to another person or class, directly or indirectly, whether part-time or full-time, whether resident or nonresident.
- B. "City" means the City of Shoreline, Washington.
- C. "Clerk" means such city employees or agents as the city manager shall designate to administer this chapter, or any designee thereof.
- D. "Engage in business" means commence, conduct, or continue in business, and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
- E. "Person," "firm," or "corporation," used interchangeably in this chapter, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, corporation, association, canvasser, peddler, solicitor, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof.

## 5.05.030 Business License required—posting

It is unlawful for any person, firm or corporation which is required to register with the State Department of Revenue to engage in any business, occupation or pursuit in the city without first having obtained a business license therefore as provided in this chapter. The business license provided for in this chapter shall be posted in a conspicuous location at the place of the business. Such business license is nontransferable.

## 5.05.040 Exception – applicability of provisions.

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This chapter shall not be applicable to:

- A. The performance of governmental or proprietary functions by any instrumentality of the United States, the State of Washington, or any political subdivision thereof.
- B. Businesses or activities for which a regulatory business license or franchise is required by any other chapter or section of the Shoreline Municipal Code as now or hereafter enacted or amended.
- C. The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a business premises outside of the City and the only event occurring within the City is a delivery;

## 5.05.050 Application and renewal.

- A. Application for a business license shall be made by filing a Master Application through the State Department of Licensing's Master License Service, in coordination with the City Clerk, giving such information as is deemed reasonably necessary to enable the enforcement of this chapter. Persons applying for a license must pay a fee as established by the city council by ordinance, and the Master License Service's handling fee.
- B. A business license must be approved by the city before a business commences operation within the City. If business is transacted by one person at two or more separate locations within the City a separate application must be filed for each business location and a separate license shall be obtained and displayed in each location.
- C. The Clerk may refer applications to the Planning and Development Services Department, the Police Department, or other governmental agencies for their review. Compliance with building, zoning and other laws is the business owner's responsibility and issuance of a business license is not a guarantee of compliance or a waiver of future enforcement by the City or other agency with jurisdiction.
- D. If more than one business is conducted or operated on premises, a separate license shall be required for each business. Each business owner must make a separate application for license.
- E. The filing of an application for a license, or the renewal thereof, or the payment of any application or renewal fee, shall not authorize a person to engage in or conduct a business until such license has been granted or renewed.
- F. A business license is not nontransferable. No licensee shall allow another person to operate a business under, or display the license issued to their business, nor shall another person operate under or display the license issued to another business. A person who acquires an existing business must make application for a city business license before commencing business within the city with that business. A

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licensee must report a change of location of the business to the Master License Service, in coordination with the City Clerk. A change of the location of a business requires approval by the city before business may commence at the new location, and may require submitting a new Master Application and payment of fees.

- G. License renewals are handled by the Master License Service in coordination with the City. Renewal of the city license requires payment of fees including handling fees.

## 5.05.060 License term or expiration.

Each city license issued shall expire on the date determined by the Master License Service, in coordination with the City. The City license fee may be prorated to coordinate with the expiration date assigned by the Master License Service.

## 5.05.070 Fee.

- A. The fee for the business license required by this chapter shall be established by ordinance of the City Council. The fee may be prorated as necessary to conform to Section 5.05.060.
- B. The license fee shall be in addition to any license fee or tax imposed or levied under any law or other ordinance of the City except as otherwise expressly provided.
- C. If conducting business within the city, businesses registered with the Washington Secretary of State as a nonprofit corporation must obtain a city business license, but are exempt from paying the city's business license fee.

5.05.080 Penalty for late renewal. Licenses must be renewed annually on or before the expiration date, or expiration of any prorated period. Failure to renew a business license by the license expiration date may result in the assessment of a late renewal penalty of 50% of the renewal fee. Non-renewal may require reapplication for the city license, and approval by the city.

## 5.05.090 License – Suspension, denial or revocation.

- A. A business license may be denied, suspended or revoked by the clerk whenever the licensee or any of its officers, directors, agents, owners or employees fail:

1. To maintain the licensed premises or business activity in compliance with applicable health, building, fire and safety laws, ordinances or regulations;

2. To comply with the requirements of this chapter.

- B. The clerk shall, by certified mail, give written notice to the applicant of denial of a license or to the licensee of suspension or revocation of a license, including a summary of the complaints, objections and information considered by the clerk and the reason(s) for the action. Notice mailed to the mailing address on the application or most recent renewal shall be deemed received three days after mailing. The clerk's

decision may be appealed to the City hearing examiner upon payment of the appropriate appeal fee.

C. Any suspension or revocation shall remain in effect until the conditions causing the suspension or revocation are cured and reasonable measures are taken to ensure that those conditions will not recur.

D. Appeals of any license suspension, revocation or denial shall be heard by the Shoreline Hearing Examiner. An Appeal Statement must be filed with the City Clerk within fourteen (14) days of the decision being appealed.

5.05.100 Violation—penalty. Any violation of this chapter shall constitute a misdemeanor and the punishment shall be as provided by the laws of the State of Washington.

5.05.110 Additional enforcement. Notwithstanding the existence or use of any other remedy, the city attorney may seek legal or equitable relief to enjoin any acts or practices, which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

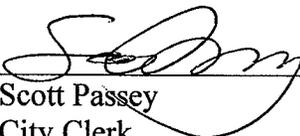
**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect 30 days after publication.

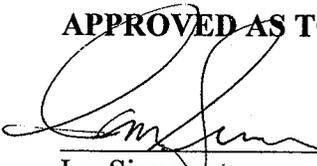
**ADOPTED BY THE CITY COUNCIL ON JUNE 22, 2009.**

  
\_\_\_\_\_  
Mayor Cindy Ryu

**ATTEST:**

  
\_\_\_\_\_  
Scott Passey  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: June 25, 2009

Effective Date: July 25, 2009

