

Chapter 5.44

BUSINESS LICENSES

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5.44.005 Definitions.

Unless otherwise provided in this title, the following terms, when used in this title, shall mean:

``Business'' means all vocations, occupations, professions, and activities which are conducted for private profit, directly or indirectly. Business does not include schools, recognized churches, or other not-for-profit organizations which are recognized by the Internal Revenue Service as a nontaxable entity.

``City'' means the City of Granger, Washington.

``Employee'' means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of any business.

``Food and beverages'' means its usual and ordinary meaning and shall include edibles and drinks cooked, mixed, prepaed, solid, or distributed for consumption.

``Hawker'' means all persons, both principals and agents, who sell or barter any goods, wares or merchandise at auction or public outcry; provided, however, that nothing herein shall

apply to any administrator or executor selling property of deceased persons, or to private individuals or their agents selling their household property or furniture, or farming tools, implements or livestock, or any produce grown or raised by such person.

``Itinerant vendor or merchant'' means any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a business of selling and delivering goods, wares, food or merchandise of any kind or description, who conducts such a business outside of a permanent structure affixed to real property.

``License'' means a right to operate.

``Landlord'' shall mean anyone who rents or leases two or more properties including land, houses, apartments or businesses.

``Master license'' means a special license with no fee that is available to the nonprofit community organizations for community events held on city property with the approval of the city council.

``Mobile vending unit'' means any business conducted from a vehicle or trailer, not permanently fixed as to location, and from which sales or other distribution of food or beverages is conducted.

``Nonprofit'' means not for a monetary gain unless for charitable purpose.

``Operator'' means any person who manages, direct, administers or is in charge of the affairs and/or conduct of any portion of any activity occurring at any business premises.

``Person'' means any individual, partnership, joint venture, corporation, company, firm, association or any group of individuals acting as a unit.

``Public place'' means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, schools, city or county property or buildings, the interior and exterior areas surrounding public buildings, playgrounds, and automobiles, whether moving or not.

``Stationary vendor'' means any vendor engaged in the sale of any goods, food, beverages, wares or merchandise within the city who is not permanently located and regularly taxed in the city.

``Temporary food service establishment'' means a food service establishment operating at a fixed location for not more than 21 consecutive days in conjunction with a single event or celebration.

``Transient vendor'' means any person who sells or offers to sell any goods, food, beverages, wares or merchandise within the city or operates any type of public entertainment such as circus, carnival or road show, and who temporarily occupies any building, trailer, motor vehicle, table, stand, tent, hotel or motel room or other structure or is in the open while engaged in such activity, or who is not permanently located and regularly taxed in the city and has no manifest intention of permanently locating in the city.
(Ord. No. 1099A, § 1, 9-9-2008)

5.44.010 Business license required

All businesses are required to be licensed except as hereinafter provided. No person shall operate a business which generates income within the limits of the city for which a license is required or a license fee provided without first obtaining such a license and paying such fee. Including landlords and or individuals owing land, houses or apartments and leasing or renting two or more of these properties to others. All such licenses shall be issued annually, shall be effective for one year or fraction thereof, and shall expire on the 31st day of December of each year. Applications for a business license shall be made in writing on forms provide by the public work's office. Each application shall state the name under which the business is to be conducted, the address of the business, the name of the applicant, the residence address of the applicant, the nature of the business to be conducted, the state employer identification number, the contractor's registration number if such business is required to be registered as a contractor under RCW Title 18, and such additional information as man be needed for the proper guidance of the city officials in the issuing of the license applied for.

Applications shall be kept on file by the public works department and each license issued shall bear the signature of the public works director.
(Ord. No 1099A, § 1, 9-9-2008)

5.44.015 Exceptions.

The provisions of this chapter shall not apply to the following:

A. Suppliers who do not have a place of business in the city and who are engaged solely in wholesale selling to licensed retailers;

B. Any fraternal or social corporation or organization whose purpose is charitable and nonprofit.

C. Any religious organization or church, or other religious assemblage;

D. Any person who is by the laws of the United States of America or the state, exempt from such tax;

E. Any municipality or political subdivision of United States or the state'

F. Any charitable or fund raising organization;

G. Vendors in a temporary bazaar or community fair for which a master license has been given to the sponsor thereof.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.020 Investigations.

Within three business days of the time of the receipt of an application for a license where ordinances of the city necessitate an inspection, or investigation before the issuance of such licenses, the public works office shall refer such application to the proper city department for making such investigation. The person charged with the duty of making the investigation shall make a report thereon, favorable or otherwise, within seven days after receiving the application or a copy thereof.

(Ord. No. 1099A, §1, 9-9-2008)

5.44.030 Building and premises.

Before a license may be issued, the applicant must certify that to the best of his knowledge and belief the premises and building where the business is to be conducted are in substantial compliance with the requirements of the city ordinances, including but not limited to the zoning ordinance, fire code, building code, plumbing code, electrical code, and other applicable ordinances or regulations.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.040 Inspections.

Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations hereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested. Additional more thorough owner requested inspections can be made at the request and expense of owner at rates established through the building permit office.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.050 Suspension or revocation.

A. Any license may be suspended or revoked at any time during the term of such license for any violation of the licensee of any of the provisions of this Code related to the license, the subject matter of the license, or to the premises occupied or upon the following grounds:

1. Illegal issuance of the permit or license;
2. Issuance of the permit or license without authority or power;
3. Issuance under an unauthorized ordinance or under an ordinance illegally adopted;
4. Issuance in violation of an ordinance;
5. When the business license or permit was procured by fraud or false representation of facts;
6. When issued through mistake or inadvertence;
7. When the license or permit application contains false or misleading statements, evasions or suppression of material facts; or upon:
 - a. Substantial violations of the terms and conditions on which a license or permit is issued;
 - b. Violation of ordinances or laws authorizing or regulating the license or permit, or regulating the business activity or purpose for which the license or permit is issued;
 - c. Conviction of infractions or offenses under such an ordinance or law;
 - d. Wrongful behavior of a substantial character and of a public concern in relation to the licensed activity.

Conviction of a crime is not necessary to establish wrongful behavior of a substantial character;

8. When reasonably necessary in the interests of protection of the public health, safety, peace or welfare.

B. Such suspension or revocation may be in addition to any fine imposed.

C. If a determination is made that a licensee has violated any of the provisions of this title or any of the provisions of this Code, such licensee shall be subject to a suspension not to exceed 30 days, or revocation, as the case be, as determined by the public works director. The public works director shall mail written notice of such determination to the licensee at the address stated on the license application. The licensee may obtain an appeal of such suspension or revocation by appealing in writing to the city council within ten days of the date of mailing of such notice. Such appeal must state the grounds upon which the licensee is appealing. The city council or appointed examiner shall schedule a hearing no later than two regularly scheduled council meeting dates after the filing of the notice of appeal to gather facts upon which to make a decision. The licensee shall be given notice of the hearing and may be represented at such hearing. After the hearing, the city council may affirm the decision of the city clerk, extend or reduce the period of suspension, or may revoke the license based upon the facts presented at such hearing. After such hearing, the city clerk shall mail written notice of this decision to the licensee at the address stated on the license application. The decision of the city council shall be final, but shall be appealable to the Yakima County superior court only upon the grounds of being arbitrary or capricious, and provided that notice of appeal is given within 14 days of the date of the mailing of the decision of the city council.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.060 Posting license.

It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times, except that transient licensees shall make their license available upon request.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.070 Regulations.

The regulations set forth in this chapter are not exclusive. Other regulations set forth in other sections of this title shall apply when appropriate from their meaning and context. A violation of any of the provisions of this title, including the business regulations, shall be punishable as provided in section 5.44.100.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.075 Excise tax returns-State of Washington Department of Revenue.

All persons, firms and corporations who perform labor, services and construction, or who sell goods or any other items deemed taxable by the state department of revenue within the city (as provided in Rule 11, WAC 458-20-145), shall report the city "Location Code Number 3902" on their excise tax returns to the state department of revenue. On any violation hereof the amount of the local sales and use taxes due the city shall be paid to the city by the violator, together with a penalty of 100 percent in addition to all other penalties, fines and remedies provided in this chapter.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.080 Business license fee.

A. Unless otherwise provided in the chapter dealing with specific types of business, the fee for a new business license shall be \$50.00 and the fee for an annual renewal of a business license shall be \$25.00 as required in section 5.44.010. This annual license fee is a basic fee for the privilege of doing and conducting business within the city limits.

B. Unless otherwise exempted in this chapter, the business license fee applies to any business located outside the city that engages in some business activity inside the city limits.

C. If any person is engaged in operating or carrying on in the city more than one business, then such person shall pay the license herein prescribed for as many of said businesses as are carried on by such person.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.085 Business license penalty.

There is established a penalty to be added to each annual business license fee for failure to pay said fee within 60

days after the due date. The due date shall be prior to commencing business for any new business beginning operation after January 1st and shall be January 1st for any business having previously been in operation in the prior year. The penalty shall be double the basic fee. Failure to pay the fee and penalty is grounds for denial of the application and/or imposition of penalties as provided for in section 5.44.100.

(Ord. No. 1099A, 5 1, 9-9-2008)

5.44.090 Master license.

A. Where any business activities, except carnivals, take place as part of an event being held entirely within the confines of the city parks which event is sponsored by the city parks and recreation department, a master license may be issued by the city to the department for the event. There shall be no fee for such master license.

B. Community events in city parks, streets or property, nonprofit community organizations from the city, such as the Chamber of Commerce, Rotary Club, Lions Club, Kiwanis, and other similar nonprofit community organizations from the city, may obtain a master business license. Business or fundraising activities which are conducted at a community event sponsored by a nonprofit community organization shall not be required to obtain a business license if registered with and operating under the master license of the sponsoring nonprofit community organization. Businesses not registered with the sponsoring organization shall be licensed in accordance with Section 5.44.010. For purposes of this section, a community event shall mean any event sponsored by a nonprofit community organization. Such master license shall be valid only for community events which are conducted on city property with the prior approval of the city council. There shall be no fee for the master license.

(Ord. No. 1099A, § 1, 9-9-2008)

5.44.100 Penalties.

A. In addition to the suspension or revocation provided in Section 5.44.050, any violation of this chapter shall be a misdemeanor and may be punishable by a fine of up to \$100.00 per day for any such violation of this chapter.

B. In addition to the remedies and penalties provided in this chapter, and as distinct and separate remedies, the city may sue in any court of competent jurisdiction to obtain a judgment and enforce collection thereof by execution for any

license fee due under this chapter, or the city may seek an injunction prohibiting a person from engaging in any unlicensed business. In any action or suit authorized by this section, the city, if it prevails, shall be entitled to recover a reasonable attorney's fee to be set by the court along with its costs and disbursements.
(Ord. No. 1099A, § 1, 9-9-2008)