ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING PROVISIONS RELATING TO THE BUSINESS REGISTRY IN THE CITY, AMENDING CHAPTER 5.02 OF THE DEER PARK MUNICIPAL CODE; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Clerk/Treasurer has been working with the Business Licensing Service Division of the State of Washington, Department of Revenue to set up a revised Business License Registration procedure for the City; and

WHEREAS, as a result of this activity, the State Department of Revenue has recommended multiple changes to the provisions of Chapter 5.02 of the Deer Park Municipal Code to conform the code to the anticipated terms of an agreement between the City and the State of Washington; and

WHEREAS, City staff recommends adoption of this Ordinance and the Mayor and City Council have reviewed this Ordinance and determined that the provisions in this Ordinance are in the best interests of the public health, safety and welfare of the citizens of the City of Deer Park; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The name of Title 5 of the Deer Park Municipal Code should be revised to read as follows:

Business Registry And Regulations

Section 2. Chapter 5.02 of the Deer Park Municipal Code should be amended to read as follows:

Title 5

Business ~~Taxes, Licenses~~Registry And Regulations

Chapter 5.02
BUSINESS REGISTRY

Sections:

5.02.010 Authority.

5.02.020 Definitions.

5.02.030 Registration – Required.

5.02.040 Registration – Application information – Denial.

5.02.050 Nontransferable.

5.02.060 Exemptions.

5.02.070 Fees.

5.02.080 Fee Payment – Late Fee – Registration Cancellation.

5.02.100 Penalty – Failure to register or submitting false information.

5.02.110 Appeal from denial of registration.

5.02.010 Authority.

The provisions of this chapter are an exercise of the power of the council to ~~license~~require businesses to be registered and obtain a license.

5.02.020 Definitions.

For purposes of this chapter, the following words and phrases shall be defined as follows:

A. "Business" means all kinds of vocations, occupations, professions, enterprises, establishments, industries, services and all other kinds of activities and matters which are conducted for private profit or benefit in or on any premises in the city.

B. "Business license" means the document indicating the licenses and registrations that have been issued to a business through the Business Licensing Service.

C. "Business Licensing Service" means the office within the state Department of Revenue administering the application and renewal of the city business registration, and issuing the business license on behalf of the City of Deer Park.

D. "City" means the city of Deer Park, Spokane County, Washington.

~~C.~~E. "Engage in business" means the commencement, conduct or continuation of a business in any form whatsoever.

~~D.~~F. "Home occupation" means an occupation carried on entirely within a residence in the residential zones established by city ordinance.

~~E.~~G. "Person" means any individual, company, partnership, receiver, assignee, trustee in bankruptcy, trust, estate, firm, joint venture, club, corporation, association, society or any individual or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

5.02.030 Registration – Required.

~~On or before January 31, 1989, every~~No person may engage~~d~~ in business in the city ~~shall~~ without first having registered the business and acquired a business license as provided in this chapter. The registration must be renewed annually by the expiration date. ~~with the city clerk before engaging in business or for the continuation of business during the calendar year of the registration by completing an application including the information provided in this chapter.~~

5.02.040 Registration – Application information – Denial.

A. ~~Each person shall register with the city clerk during regular business hours, on application forms approved and provided by the city clerk, the following information~~Application to register a business or renew a business registration, and receive a business license is made through the state Department of Revenue's Business Licensing Service. All information and fees required to register a business must be submitted to the Business Licensing Service.~~:~~

~~1. The owner of the business;~~

~~2. The name of the business;~~

~~3. The location of the business;~~

~~4. The address of the business if different from the location;~~

~~5. The type of goods or services provided to the public;~~

~~6. The state tax identification number;~~

~~7. The Spokane County health district permit number (if applicable);~~

~~8. The home occupation permit number (if applicable); and~~

~~9. The term of the business (if other than indefinite).~~

B. The city may deny an application for registration or refuse to register any business or activity upon a written finding by the mayor, or his or her designee, that:

1. Such business or activity proposed for registration is not in compliance with any applicable city regulation, general law of the state of Washington, or provision of federal law.

5.02.050 Nontransferable.

A. The registration required ~~shall be~~is personal and nontransferable~~, and shall be valid for the calendar year following registration.~~ A person acquiring an existing business must register the business and may not use the registration of the previous owner.

B. A registration applies only to the place of business for which it was issued. If business is conducted at multiple fixed locations in the city a separate registration must be filed and a separate license obtained for each fixed location.

C. If more than one ~~business owner~~person conducts business at the same location each person must register their own business separately.

5.02.060 Exemptions.

A. The following entities and activities ~~shall be~~are exempt from the provisions of this chapter:

1. The city of Deer Park, Washington;

2. The state of Washington or any agency thereof;

3. The United States Government or any agency thereof;

4. Deliverers of newspapers and periodicals;

5. Deliverers to and persons soliciting orders from retail establishments for the delivery and sale of goods, wares and merchandise to retailers for resale unless located within the city;

6. Persons soliciting orders to be filled by shipment of goods in interstate commerce;

7. Any person or organization conducting a nonprofit enterprise when the enterprise is operated without private profit, for a public, charitable, educational, literary, fraternal or religious purpose; provided, that no such enterprise shall be operated that is detrimental to the public peace, health, or welfare, or that violates or is not in compliance with city, state, or federal laws or regulations.

~~B~~8. The casual sale of items of personal property where the person conducting such sale is not regularly engaged in the business of selling items of personal property (for example, garage sales, service agency bake sales).

9. Temporary merchants, mobile vending units, and peddlers operating pursuant to the provisions of Chapter 8.36 DPMC.

5.02.070 Fees.

~~Registry~~Registration fees ~~shall be~~~~are~~shall be as established ~~set~~ by resolution of the city council ~~as stated in Ordinance No. 564~~from time to time.

5.02.080 Fee Payment – Late Fee – Registration Cancellation.

A. The registration fee ~~imposed herein shall be~~ is due with the application for registration, and annually for renewal of the registration on or before the expiration date established by the Business Licensing Service.

B. The registration fee may be prorated as necessary to accommodate synchronizing the expiration of the registration with the common expiration date established by the Business Licensing Service.

C. Total fees due include the Business Licensing Service application or renewal handling fee authorized by RCW 19.02.075.

D. Failure to renew the registration by the expiration date may result in the assessment of a late renewal penalty as authorized by RCW 19.02.085. Failure to complete the renewal of a registration by 120 days after the expiration date may result in the cancellation of the registration and require reapplication for the registration in order to continue to conduct business in the city. ~~on January 1st of each calendar year and shall be delinquent if not paid on or before January 31st thereof. The fee shall not be prorated but shall be paid in full for any calendar year or part thereof for which the person is engaged in business in the city.~~

5.02.100 Penalty – Failure to register or submitting false information.

Any person subject to this chapter who fails to pay the fee required or submits false information shall be deemed ~~guilty of a misdemeanor~~to have committed a civil infraction and shall be subject to th~~os~~e penalties set forth in ~~Chapter 1.16~~ DPMC 1.16.020.

5.02.110 Appeal from denial of registration.

A. In the event an application for registration pursuant to this chapter is denied or refused, the applicant may appeal such decision by filing an action in the Spokane County superior court and serving a copy of the action filed on the city within 21 days of the date of the written denial or refusal issued by the city.

B. Once an application for registration has been denied or refused, and during the pendency of any appeal therefrom, the applicant shall not engage in the business or activity for which the registration was denied or refused unless a final, nonappealable judgment of the Spokane County superior court reverses the decision of the city that is the subject of the appeal.

Section 2. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:

_____
MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

_____
DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: _____
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	3/28/13
PASSED BY THE CITY COUNCIL	:	
PUBLISHED	:	
EFFECTIVE DATE	:	
ORDINANCE NO.	:	

SUMMARY OF ORDINANCE NO. 2013-_____

of the City of Deer Park, Washington

On the _____ day of _____, 2013, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2013-_____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING PROVISIONS RELATING TO THE BUSINESS REGISTRY IN THE CITY, AMENDING CHAPTER 5.02 OF THE DEER PARK MUNICIPAL CODE; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2013.

_____

CITY CLERK-TREASURER, DEBY CRAGUN