

**ORDINANCE NO. 2011-907**

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CERTAIN PROVISIONS OF CHAPTER 5.02 OF THE DEER PARK MUNICIPAL CODE TO PROVIDE FOR THE DENIAL OF BUSINESS REGISTRATIONS FOR ANY ACTIVITY THAT IS DETRIMENTAL TO PUBLIC PEACE, HEALTH, OR WELFARE, OR THAT IS ILLEGAL UNDER STATE OR FEDERAL LAW, AND TO PROVIDE FOR APPEALS FROM DENIALS OF REGISTRATION; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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**WHEREAS**, the City of Deer Park has adopted local regulations establishing standards and procedures for obtaining business registrations to operate in the City, which regulations are set forth in Chapter 5.02 of the Deer Park Municipal Code; and

**WHEREAS**, the City Council now desires to amend Chapter 5.02 of the Deer Park Municipal Code to clarify that applications for business registration may be denied if the proposed activity is deemed to be detrimental to the public peace, health, or welfare, or is determined to be prohibited under City, state, or federal law; now, therefore,

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

**Section 1.** Section 5.02.040 of the Deer Park Municipal Code is hereby amended to read as follows:

**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:

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.

**Section 2.** Subsection 5.02.060(7) of the Deer Park Municipal Code is hereby amended to read as follows:

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.

**Section 3.** A new Section 5.02.110 of the Deer Park Municipal Code is hereby adopted to read as follows:

**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 twenty one (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, non-appealable judgment of the Spokane County Superior Court reverses the decision of the City that is the subject of the appeal.

**Section 4.**     **Severability.** 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, clause, or phrase of this Ordinance.

**Section 5.**     **Effective Date.** 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.

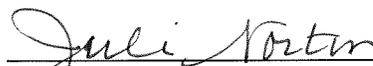
APPROVED:

  
MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

  
DEBY CRAGUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY:   
for CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK : 07-14-2011  
PASSED BY THE CITY COUNCIL : 8-17-2011  
PUBLISHED : 8-22-2011  
EFFECTIVE DATE : 8-27-2011  
ORDINANCE NO. : 2011-907

SUMMARY OF ORDINANCE NO. 2011-907

of the City of Deer Park, Washington

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On the 17<sup>th</sup> day of August, 2011, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2011-907. 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 CERTAIN PROVISIONS OF CHAPTER 5.02 OF THE DEER PARK MUNICIPAL CODE TO PROVIDE FOR THE DENIAL OF BUSINESS REGISTRATIONS FOR ANY ACTIVITY THAT IS DETRIMENTAL TO PUBLIC PEACE, HEALTH, OR WELFARE, OR THAT IS ILLEGAL UNDER STATE OR FEDERAL LAW, AND TO PROVIDE FOR APPEALS FROM DENIALS OF REGISTRATION; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

DATED this 18<sup>th</sup> day of August, 2011.

  
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CITY CLERK, DEBY CRAGUN