

CITY OF LANGLEY
ORDINANCE NO. 1015
AN ORDINANCE AMENDING ORDINANCE NOS. 745, 938 AND 977 AND LANGLEY
MUNICIPAL CODE CHAPTER 5.04 REGARDING BUSINESS LICENSES

WHEREAS, Langley requires a license to do business within the City; and;

WHEREAS, the City's current regulations do not allow for seasonal business;

NOW, THEREFORE, the City of Langley does hereby ordain as follows:

Section 1. The Langley Municipal Code, Chapter 5.04 is hereby amended to read as follows:

Chapter 5.04
BUSINESS LICENSES

Sections:

5.04.010	Purpose and Policy.
5.04.015	Exercise of power
5.04.020	Definitions.
5.04.030	Business License Required.
5.04.040	Exemptions and Partial Exemptions.
5.04.050	Procedure.
5.04.055	Additional Regulations
5.04.060	Term of License and Renewal.
5.04.070	Penalty for Late Application.
5.04.080	Revocation or Suspension.

5.04.010 Purpose and Policy.

The City Council finds that in order for the City of Langley to responsibly 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, maintenance of current information and regulation with respect to business, trade, service, commercial and professional activities carried on within the City is necessary and essential for the maintenance of the public health, safety and welfare; that such information can best be accumulated and regulated on a current basis through establishment of a license fee supported program for the licensing and registration of such activities. (Ord. 977, 2012, Ord. 938, 2010)

5.04.015 Exercise of power

The provisions of this chapter shall be deemed an exercise of the power of the city to license for regulation and for revenue. (Ord. 977, 2012, Ord. 745, 1997)

5.04.020 Definitions.

(1) Person. The term "person" includes one or more persons of either sex; corporations, including not for profit corporations and municipal corporations, partnerships, including limited partnerships; associations, joint ventures or any other entity capable of having an action at law brought against such entity; but excluding employees.

(2) Business. The term "business" and the phrase "engage in business" each include all services and activities engaged in for a consideration or with the object of pecuniary gain, benefit or advantage to the

person, or to another person or class directly or indirectly, whether part-time or full-time; except non-business activities carried on by a religious organization.

(3) Non-profit corporation. “Non-profit corporation” means a corporation not for profit, subject to the provisions of Title 24 of the Revised Code of Washington. (Ord. 745, 1997)

5.04.030 Business License Required.

It is unlawful for any person to engage in any business as provided in this chapter within the city limits without first having registered with and obtained a business license from the City of Langley. If more than one business is conducted by a person, a separate registration and license shall be required for each separate business conducted, operated, engaged in or practiced. If one business is conducted at more than one premises in the city, only one registration and license shall be required. Businesses located outside the city which report any sales tax activity within the City of Langley location code (1502) shall be required to obtain a city license and pay an outside city business license fee. (Ord. 745, 1997)

5.04.040 Exemptions and Partial Exemptions.

To the extent set forth in this section, the following persons and/or businesses shall be partially exempt from either the registration, license and/or license fee requirements of this chapter.

(1) Public benefit non-profit corporations which hold a current IRS 501(c)(3) exemption certificate issued by the Internal Revenue Service shall, upon filing a copy of same with the city, shall be exempt from the license fee requirements of this chapter; provided however, that such organization shall file the required application form with the city for information purposes.

(2) Nonprofit activities carried on by religious or social Organizations shall be exempt from the license and license fee requirements of this chapter; provided however, that such organization shall file the required application form with the city for information purposes.

(3) Any instrumentality of the United States, State of Washington, or political subdivision or governmental agencies shall be exempt from the license and license fee requirements of this chapter; provided however, that such organization shall file the required application form with the city for information purposes.

(4) Gardeners selling their own unprocessed farm products raised or grown exclusively upon lands occupied by them shall be exempt from the requirements of this chapter.

(5) Persons or businesses having a gross revenue of two thousand dollars or less per year shall be exempt from the requirements of this chapter. (Ord. 745, 1997)

5.04.050 Procedure.

A. Application for a business license shall be made in writing to the office of the clerk-treasurer upon a form provided by the city. The applicant shall at that time deposit with the city, in advance, the license fee herein required. The application shall state the nature of and location of the business, name and address of the owner or applicant, an emergency notification name and address, together with such other information as may be required by the office of the clerk-treasurer. **Fees for business licenses shall be established by Resolution of the City Council.**

B. After receiving a complete application for a business license the clerk-treasurer shall forward copies of the application to the appropriate city officials for their approval regarding compliance with all laws and regulations under their jurisdiction. The clerk-treasurer shall consider all materials and comments submitted and shall issue or deny the license within 20 working days after the date on which a completed application was filed unless the applicant agrees to an extension of said time period in writing.

C. A business license may only be denied by the city on one or more of the following grounds:

1. If the business or the premises on which it is located do not comply with all applicable regulatory codes of the city of Langley, Island County, and statutes of the state of Washington and the United States of America;

2. If the application is incomplete or if it contains any material misrepresentation;

3. If the application does not propose adequate measures for the protection of public health, safety and welfare in terms of pedestrian and vehicular traffic control, security, avoidance of public nuisances and avoidance of consumer fraud.

D. If the clerk-treasurer denies a license, written notice of said denial, stating the reasons therefor shall be sent to the applicant within one working day thereafter along with a refund of the business license fee. The applicant shall have a period of 10 working days after the date of license denial to appeal the same to the city council. Upon receiving written notice of appeal the city council shall hold a public hearing within 30 days thereafter to consider, de novo, whether to issue or deny the license. The applicant shall be given not less than seven days' advance written notice of the hearing. The decision of the city council shall be announced at the conclusion of the hearing and shall be final, subject only to a petition for writ of certiorari being filed with the Island County superior court within 14 days following the date of the city council's decision. (Ord. 977 § 1, 2012; Ord. 745, 1997)

Section 5.04.055 Additional Regulations.

Each licensee shall meet all of the requirements listed in this section. Failure to meet any of the requirements listed herein shall constitute grounds for non-issuance or revocation of a business license. These requirements are as follows:

- A) Displayed material shall remain in the area specified for such display.
- B) No part of the business and/or activity shall obstruct or cause the obstruction of any city property, or of any city rights-of-way including passageways, sidewalks, streets, avenues, and alleys.
- C) Any business license holders engaged in food sales shall comply with all laws, rules and regulations regarding food handling.
- D) No license shall be issued to any peddler, salesman, transient merchant or other persons to sell from door to door or from any doorway, building recess, alley or vacant lot or any other place facing on a public street without such activity and/or location being first approved by the Chief of Police and the Mayor after review by City Staff.
- E) Business licenses must be conspicuously displayed at the place of business. (Ord. 977, 2012)

5.04.060 Term of license and renewal.

There are three types of business licenses available within the city:

A. All annual business licenses required to be obtained pursuant to this chapter shall be issued on a basis and shall expire on June 30th of the year for which they are issued, with the exception of the 2010 license which shall be from January 1, 2010, until June 30, 2011. All such licenses shall be renewed annually with the fee due on the first day of July and payable no later than August 15th of that year. Application for renewal shall be made on the forms prescribed by the office of the clerk-treasurer. There shall be no reduction of any license fee because a new application is received late in the annual cycle; provided, that after January 1st of each year, the annual fee shall be reduced to one-half of the established fee for the remainder of the year for any new business. ~~Every license shall be personal to the licensee and shall not be assignable or transferable to any person.~~ (Ord. 977 § 1, 2012; Ord. 938, 2010; Ord. 745, 1997)

B. Seasonal business licenses may be applied for at any time, and shall be valid for a period not to exceed ninety (90) days in any calendar year. Food truck vendors approved pursuant to Section 12.22 of this Code shall be considered seasonal businesses.

C. Temporary business licenses may be applied for at any time, and shall be valid for a period not to exceed ten (ten) days. A temporary business license may be renewed for up to two (2) additional ten day periods within a calendar year. Every license shall be personal to the licensee and shall not be assignable or transferable to any person.

5.04.070 Penalty for Late Application.

Any applicant or licensee who shall fail to make application for an original business license or renewal of an existing business license, shall be subject to a penalty, computed as follows:

- A. Delinquent from thirty-one to sixty days, a penalty of fifteen percent of the prescribed fee.
- B. Delinquent from, a penalty of sixty-one to ninety days, a penalty of thirty percent of the prescribed fee.
- C. Delinquent from ninety-one days or more, a penalty of fifty percent of the prescribed fee. (Ord. 745, 1997)

5.04.080 Revocation or Suspension.

The city council may, at any time, suspend or revoke any license issued hereunder whenever the licensee or an officer or partner thereof has been convicted in any court of competent jurisdiction of violating any criminal statute of the United States or the State of Washington or of any ordinance of the City of Langley upon the business premises stated in the license of connection with the business stated in the license or, where the place of business does not conform to the ordinances of the City of Langley; provided a hearing thereon shall be had before such revocation or suspension. The licensee shall be notified in writing by sending notice to the mailing address stated in the license. Said notice shall state the intention of the city council to revoke or suspend said license, the reason for such suspension or revocation, and the date and time of the meeting of the city council at which such will be considered, and the right of the licensee to appear at said meeting and be heard in opposition to such revocation or suspension. Such notice shall be given by certified mail to the licensee at least fourteen days prior to the date of said hearing. (Ord. 745, 1997)

Section 2. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ____ day of _____, 2015.

FRED McCARTHY, Mayor

ATTEST:

DEBBIE L. MAHLER, Director of Finance/City Clerk

APPROVED AS TO FORM:

JEFF TARADAY, City Attorney