

Chapter 5.04

BUSINESS LICENSES

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5.04.010

Intent.

The purpose of this chapter is to provide a means of registering certain businesses operating within the city for informational and economic development purposes and to disseminate information to businesses relating to city policies, regulations, and economic information. Fees for business licenses are intended to cover costs related to business licensing and not intended as a revenue generating source to the city. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.020

Rules of interpretation.

- A. For the purposes of this chapter, all words used shall have their normal and customary meanings, unless specifically defined otherwise in the code.
- B. Words used in their present tense include the future.
- C. The plural includes the singular and vice versa.
- D. The words "will" and "shall" indicate mandatory action.
- E. The word "may" indicates that discretion is allowed.
- F. The masculine gender includes the feminine and vice versa. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.030

Definitions.

The following definitions shall apply to this chapter:

A

"Applicant" means a person seeking a business license.

"Application" means a document, in the form approved by the city clerk-treasurer, for the purpose of collecting information from the applicant to meet the objectives and goals of this chapter.

B

"Building department" means the city of Cashmere building department.

"Business" or "commerce" means the engaging in the profession, purchase, sale, barter or exchange of services, goods, wares, or merchandise, and the maintenance or the operation of recreational or amusement enterprises. "Business" shall also include home occupations, door-to-door business, and child care centers.

"Business, door-to-door" means a person or firm that lacks a specific clientele, has no appointments to conduct business, and solicits business by approaching persons at their homes or other buildings.

"Business, minor" means businesses operated or owned by persons under the age of 18 years. Examples of minor businesses are babysitting, newspaper delivery, lawn mowing, refreshment sales, and others conducted by persons under the age of 18.

"Business, mobile" means a business that is based inside or outside the city limits of Cashmere, but sells goods or services or otherwise solicits business by driving, riding, or parking upon the streets, rights-of-way, or public sidewalks of the city.

"Business, nonresident" means a business that is based outside of the city corporate limits, but may conduct business visits within the city.

"Business, vehicles for hire" means any business operating upon the streets of the city to transport people for entertainment or special events, not including licensed taxicabs.

"Business visit" means an individual trip made for the purpose of conducting business or receiving instruction, or for performing services, or for delivering goods or stock in trade, not including door-to-door businesses.

C

"Certificate" means a city of Cashmere approved business license.

"City" means the city of Cashmere.

"City clerk-treasurer" means the city clerk-treasurer of the city of Cashmere.

"City council" means the city council of the city of Cashmere.

"Code" means the City of Cashmere Municipal Code.

D

"Day care center" means a building used to provide child care services for 12 or more children, including those of the day care center operator.

"Department of Ecology" means the Washington State Department of Ecology.

"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family. "Dwelling unit" does not include recreational vehicles.

E

“Engaging in business” means commencing, conducting, or continuing in any business.

F

“Fire chief” means the fire chief of the city of Cashmere.

H

“Health district” means Chelan-Douglas Counties health district.

“Home occupation” means an economic enterprise to make and/or sell a product or perform a service that is conducted or operated within a residential dwelling unit or building accessory to a residential dwelling unit, by the resident, occupant, or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including by use of the dwelling unit as a business address in a directory or as a business mailing address.

N

“Notice of denial” means a document stating that an application for a business license has not been approved.

“Notice of violation” means a document signed by the mayor’s designee stating the specific code(s) or regulation(s) that is/are being violated, that the violation must cease, the required mitigation to correct the violation, the date by which the violation must cease, and a statement that legal action may be taken that may include penalties or fines.

S

“Stock in trade” means any item or good that: (1) is produced, purchased, processed, finished or fabricated as part of a home occupation, or (2) is incorporated into any such item, or (3) is used to make, manufacture, produce, process, finish or fabricate any such item, or (4) is intended for resale on site; provided, that it does not include samples.

Y

“Yard/garage sale” means a sale of used personal or household items and operated on a temporary basis (no more than two yard/garage sales per calendar year per parcel). Each sale shall last no longer than three days. (Ord. 1177 § 1, 2010; Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.040

Business license requirement.

A business license shall be required for any person, persons, company, corporation or association to transact, exercise, engage in or carry on, either directly or indirectly, within the city limits, any business or commerce except those exempted in CMC 5.04.050. The business license is issued to the business owner or operator at a specific location and not to the business. Change of ownership or location shall require

application and approval of a new business license. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 954 § 1, 1999; Ord. 877 § 2, 1996).

5.04.05

Businesses exempt from license requirements.

A. Nonresident businesses, except businesses identified as mobile, door-to-door, or vehicles for hire.

B. Minor businesses.

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

D. Any religious organization or church, or other religious assemblage.

E. Any charitable fund raising organization.

F. Any municipality or political subdivision of the United States or of the state of Washington.

G. Any public utility companies.

H. Farmers or gardeners selling their own unprocessed farm products raised or grown exclusively upon lands owned or occupied by them.

I. Rental of real property, by the owner.

J. Yard/garage sales that meet the definition in CMC 5.04.030. (Ord. 1177 § 2, 2010; Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.060

License term.

All business licenses shall be issued annually and shall be effective for one year or fraction thereof and shall expire on June 30th of each year, unless otherwise provided, and the fee shall not be prorated. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.070

License fee.

A. The fee for all new licenses or initial applications for licenses shall be \$20.00.

B. All renewal license fees shall be \$10.00. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.080

Application procedures.

A. The applicant shall complete the application provided by the city and submit same along with the appropriate fee to the city clerk-treasurer.

B. The city clerk-treasurer shall provide information relating to services provided by the city, applicable regulations, and other information as may be needed for all new applicants. Any changes in services, regulations, and other information, shall be given to applicants renewing their business licenses.

C. The mayor's designee shall review all applications. He may refer the application to the fire chief, building department, health district, Department of Ecology, or other agencies or departments he deems necessary. The mayor's designee's review and

approval or denial shall be completed within 10 days of the application date unless additional time is needed by other agencies or a time extension is mutually agreed upon by the mayor's designee and the applicant.

D. Upon approval, the city clerk-treasurer shall provide the applicant with a license certificate. In case of application denial, a notice of denial shall be mailed by the mayor's designee. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.090

Reasons for application denial.

The mayor's designee shall review and approve all applications in a timely manner, except that he shall deny applications for only the following reasons:

- A. Incomplete or inaccurate application;
- B. The appropriate fee has not been submitted with the application;
- C. The business would violate any code;
- D. The business would violate health district regulations;
- E. The business would violate Department of Ecology or other state and federal health and safety regulations. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.100

Revocation of a business license.

The mayor's designee shall revoke a business license for the following reasons:

- A. The application for the business was falsified;
- B. The check or other payment instrument used to pay the fee was returned to the city because insufficient funds were available for the check or payment instrument;
- C. The business is in violation of the Cashmere Municipal Code, health district regulations, and/or other state and federal health and safety regulations. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.110

Procedures for revocation.

The mayor's designee shall follow the procedures below when revoking a business license.

A. A notice of violation shall be sent or delivered to the business. In the case of imminent danger to the public the notice shall also be posted at the business location by the mayor's designee.

B. The time for correcting the violation shall be determined by the mayor's designee. The time for correction of the violation shall be reasonable and dependent on the severity of the situation and danger to the public.

C. The mayor's designee may grant an extension in time because of extenuating circumstances, if there is no danger to the public.

D. If the violation(s) are not corrected within the time established by the mayor's designee the business license shall become void and the city clerk-treasurer shall send a

notice to the business that his business license has been revoked. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.120

Penalties and fines.

A. Initial Business Licenses. Hereafter it shall be unlawful for any person, persons, company, corporation or association to do, transact, exercise, engage in or carry on, either directly or indirectly, within the city limits, any trade, business, commerce, occupation or activity for which a license is hereafter required or a license fee provided without first procuring such license and paying such fee. A person found doing business without a license shall receive a letter of notification requiring application within 15 days of the date of the letter. Upon expiration of the deadline, a notice of violation shall be sent by the mayor's designee. Said person shall have 15 days from the date on the notice of violation in which to obtain a business license or be in violation of this chapter. A person who fails to obtain the necessary license or fails to comply with a notice of violation shall be guilty of an infraction and shall be required to pay a penalty of \$250.00.

B. Renewal of Business Licenses. There is established a late payment penalty to be added to each business license renewal fee for failure to pay such renewal fee within 15 days after the due date. The due date shall be July 1st for any business in operation on that date. Such penalty shall be \$40.00. Any person failing to pay said business license renewal fee and penalty within 45 days of due date shall be guilty of an infraction and shall be required to pay an additional penalty of \$200.00. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 899 § 1, 1997; Ord. 877 § 2, 1996).

5.04.130

Appeal to the city council.

Any person may appeal the mayor's designee's decision to approve or deny an application pertaining to this chapter to the city council. Appeals shall be filed in accordance with CMC 14.11.030. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).

5.04.140

Judicial appeal.

Any person may appeal the city council's decision relating to an appeal of the mayor's designee's decision through the court system. Judicial appeals shall be accomplished in accordance with CMC 14.11.040. (Ord. 1150 § 1 (Exh. A), 2009; Ord. 877 § 2, 1996).