

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO.O2002-118**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, ESTABLISHING BUSINESS LICENSE  
REQUIREMENTS.**

WHEREAS, the City Council has determined that it is a necessary exercise of the duties and authorities delegated to it by the Washington State Constitution and the laws of the State of Washington to establish regulations designed to maintain current information with respect to business, trade, service, commercial and professional activities carried on within the City; and

WHEREAS, the City Council has determined that the maintenance of information with respect to current business, trade, service, commercial and professional activities carried on within the City can best be accomplished through the establishment of a program for the licensing and registration of such activities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Purpose. In order for the city 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 with respect to business, trade, service, commercial and professional activities carried on within the city is necessary and essential to the public health, safety and welfare. Such information can best be accumulated and maintained on a current basis through the establishment of a program for the licensing and registration of such activities.

Section 2. Definitions. A. Unless defined otherwise herein, this chapter incorporates by reference all definitions set forth in Chapter 82.04 RCW, or as hereafter amended.

B. "Business" means all activities engaged in with the object of gain, benefit or advantage to any person, directly or indirectly.

C. "Director" means the city's finance director or the director's designee.

D. "Engaging in Business" means every act within the city engaged in for the purpose of business including, but not limited to, commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business. Businesses or person's providing services to people or property located within the city, operating from premises located within the city, soliciting business within the city, or using either a business telephone number or business address within the city shall be presumed to be engaged in business within the city.

E. "Person" means any individual, corporation, company, firm or legal entity, or receiver, trustee in bankruptcy, association or joint venture.

F. "Peddler" means any person who sells, attempts to sell, or solicits the sale or purchase of goods, wares or merchandise, or services, by going from place to place or from house to house,

whether he or she carries with him or her for delivery such property or whether he or she merely solicits orders for future delivery or performance.

G. "Transient merchant" means any person, firm or corporation who engages in, does or transacts any temporary business at wholesale or retail for the sale of goods, wares or merchandise, or services, and who for such purpose shall use or occupy any building, vehicle, booth or other structure, either temporary or permanent, for the exhibition and/or sale of such property or services.

Section 3. License required. – Exceptions.

A. Except as provided in subsection C of this section, every person who engages in business within the city shall apply for and obtain from the director a license for each calendar year or portion thereof, regardless of the amount of income received.

B. Every business shall post the license issued to the business pursuant to this ordinance on the premises of the business. Every transient merchant, peddler or street peddler shall have in his or her possession at all times, while conducting business as such, the license issued pursuant to this chapter.

C. The following shall be exempt from the licensing provisions of this chapter:

1. The performance of governmental or proprietary functions by any instrumentality of the United States, the state of Washington, or any political subdivision thereof;

2. Sales by farmers or gardeners of their own farm products raised and grown exclusively upon lands owned or occupied by them;

3. Casual and isolated sales, including garage sales conducted on residential premises in compliance with this code provided that not more than four such sales are made during the calendar year;

4. The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a business premises outside of the city and the only event occurring within the city is a delivery;

5. Taxi, limousine, airporter, or similar services where the business operates from premises located outside the city;

6. Sales of goods or services by mail, telephone, internet or similar means where the seller operates from premises located outside the city and the only event occurring within the city is receipt of such goods and services;

7. Provision of internet or wireless phone services where the provider operates from premises located outside the city and the only event occurring within the city is receipt of such services.

Section 4. License Fee. A. A business license fee shall be paid to the city in an amount set by resolution of the city council.

B. Payment of the license fee shall be due before business commences and renewed on or before the last day of January of each successive year.

C. The license fee shall be in addition to any license fee or tax imposed or levied under any law or other ordinance of the city, except as otherwise expressly provided.

D. The following shall be exempt from payment of fee:

1. Nonprofit activities carried on by religious, charitable, educational, benevolent, fraternal or social organizations which have been determined by the Internal Revenue Service (IRS) of the United States to be exempt from the payment of income tax and whose charitable contributions would be deemed tax deductible, provided that the organization

shall file a true and correct copy a current IRS 501(c) exemption certificate. Such organizations with the city may be issued a business license at no charge.

Section 5. License – Application and issuance. A. A business license must be obtained and the license fee paid before a business commences operation within the city. If business is transacted by one person at two or more separate locations within the city, a separate license shall be obtained and displayed in each location.

B. A business license shall expire on December 31<sup>st</sup> of the year for which it is issued. A new license shall be required for each year and the license fee shall be paid on or before the last day of January.

C. Applications for business licenses shall be made to the director on forms provided by the city, which shall state the residence of the applicants, the nature of the proposed business, the proposed location of the business, and such other information as the director may reasonably request. If the director finds that the application is complete and correct, that all required fees have been paid, and all laws and requirements have been complied with, a business license shall be issued. Business license applications submitted to the city, and business licenses, are public records open to inspection, except as otherwise provided by law.

D. The director shall, when appropriate, refer applications to the department of community development, the police department, the fire department, or other governmental agencies for their review.

E. If more than one business is conducted or operated on a single premises, a separate license shall be required for each business. If a business is conducted or operated on more than one premises in the city, a separate license shall be required for each premises in the city.

F. The filing of an application for a license, or the renewal thereof, or the payment of any application or renewal fee, shall not authorize a person to engage in or conduct a business until such license has been granted or renewed.

G. A business license shall be personal and nontransferable. Where a licensee's place of business is changed, the licensee shall return the license to the director and a new license shall be issued for the new place of business without charge. No licensee shall allow another person to operate a business under, or display, the license, nor shall another person operate under or display the license.

H. The city's decision to issue or the issuance of a business license shall not be construed as permission or acquiescence in a prohibited activity or other violation; and the city shall not be held liable for the actions of any licensed business by virtue of having issued a license to conduct business.

I. Every licensee shall permit reasonable inspections of the business premises by governmental authorities for the purpose of enforcing the provisions of this chapter.

Section 6. Successor liability. A. Whenever any person required to be licensed by this chapter quits business, or sells, exchanges or otherwise disposes of his/her business or stock of goods, any license fee, tax or penalty payable to the city shall immediately become due and payable, and such person shall, within 30 days, file the required forms and pay the amounts due. Any person who becomes a successor to such person shall become liable for the full amount of the license fee, tax or penalties due and owing, unless such person gives written notice to the director of such acquisition no less than 30 days before the date of closing.

B. Each person's account will remain on an active status and be subject to all license fees

and penalties until such time as the director is notified in writing that the person has discontinued business activity within the city.

Section 7. License – Suspension, denial or revocation. A. A business license may be denied, suspended or revoked by the director whenever the licensee or any of its officers, directors, agents, owners or employees fails or have failed:

1. To maintain the licensed premises or business activity in compliance with applicable health, building, fire, safety laws, ordinances, or regulations; or

2. To comply with the requirements of this ordinance. Any suspension shall remain in effect until the conditions causing the suspension are cured and reasonable measures are taken to ensure that those conditions will not recur.

B. The director shall, by certified mail, give written notice to the applicant of denial of a license or to the licensee of suspension or revocation of a license, including a summary of the complaints, objections and information considered by the director and the reason(s) for the action. Notice mailed to the mailing address on the application or most recent renewal shall be deemed received three days after mailing. The director's decision may be appealed to the City Hearing Examiner upon payment of the appropriate appeal fee.

C. A business license revoked for failure to pay the annual license fee or business and occupation tax shall be reinstated if payment of the amount due, together with any penalties due thereon, is made within 15 days of the date of the notice.

Section 8 Duties of the Director. A. The director shall keep full and accurate records of all funds received under the provisions of this ordinance. Upon receipt of such amount, the director shall deposit the amounts collected into the current expense fund of the city.

B. The director may adopt, publish and enforce rules and regulations for the purpose of carrying out the provisions of this ordinance, and it is unlawful to violate or fail to comply with any such rule or regulation.

Section 9 Enforcement. A. Collection. The license fee and all penalties imposed under this ordinance shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other existing remedies. Any judgment entered in favor of the city shall include an award to the city of all court and collection costs including attorney's fees. Amounts delinquent more than 90 days may be assigned for collection, in which case the amount of any collection charges shall be in addition to all other amounts owed.

B. Criminal Penalties. It shall be a misdemeanor when any person:

1. Engages in business within the city without first obtaining or renewing a business license or fails to comply with any provision of this ordinance; or

2. Makes any false representation in connection with an application for a business license. Second or subsequent offenses shall be gross misdemeanors.

Section 10. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

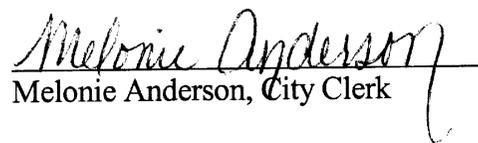
Section 11. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force beginning February 1, 2003.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3<sup>rd</sup> OF DECEMBER 2002.**

CITY OF SAMMAMISH

  
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Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

  
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Melonie Anderson, City Clerk

Approved as to form:

  
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Bruce L. Disend, City Attorney

Filed with the City Clerk:	November 10, 2002
First Reading:	November 20, 2002
Passed by the City Council:	December 3, 2002
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