

ORDINANCE NO. 006/2011

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON,
AMENDING CHAPTER 5.02 MMC TO REVISE THE CITY'S BUSINESS
LICENSING REGULATIONS, CLARIFYING ADMINISTRATIVE
FUNCTIONS RELATED THERETO, ESTABLISHING EXEMPTIONS
FOR COMMUNITY OPEN-AIR MARKET PARTICIPANTS, CERTAIN
CONSIGNMENT SALES AND MATTERS THAT ARE PREEMPTED BY
LAW, CLARIFYING REGULATORY COMPLIANCE STANDARDS,
PROVIDING FOR SEVERABILITY, AND FIXING A TIME WHEN THE
SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Monroe wishes to encourage business growth within the city limits; and

WHEREAS, to that end the city wishes to expedite the issuance of business licenses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MONROE as follows:

Section 1. Chapter 5.02 of the Monroe Municipal Code – Amended. Chapter 5.02 is hereby amended to replace all references to “city clerk”, “clerk’s office”, “clerk” with “City Administrator or designee” and to remove all occurrences of “in coordination with the city clerk”.

Section 2. Section 5.02.030 of the Monroe Municipal Code – Amended. The heading of Section 5.02.030 is hereby amended to read “License Required”.

Section 3. Section 5.02.040 of the Monroe Municipal Code – Amended. Section 5.02.040(A) is hereby amended to replace the phrase “street fair or exhibit” with “special event”. Additionally, Section 5.02.040(A) is hereby amended by adding the following two exemptions:

Participants in Community-Oriented Open-Air Markets operated in accordance with MMC 18.12.190(B).

Any person consigning items for sale in a retail shop possessing a valid City of Monroe business license.

Section 4. Section 5.02.110 of the Monroe Municipal Code – Amended. Section 5.02.110 is hereby amended to replace the phrase “Monroe zoning, building and fire codes” with “Monroe zoning code”.

Section 5. Chapter 5.02 of the Monroe Municipal Code - New Sections. Chapter 5.02 of the Monroe Municipal Code is hereby amended to add the following new sections:

Administration. The City of Monroe city administrator or designee shall administer this chapter and shall have the authority to develop and implement administrative procedures to manage and enforce this chapter.

Compliance with other Codes. The issuance of a business license under this chapter shall not relieve the applicant of complying with other provisions of the Monroe Municipal Code or other State or Federal laws, rules, and regulations.

Section 6. Chapter as Amended. The amendments to Chapter 5.02 MMC affected by this ordinance are set forth in legislative format in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

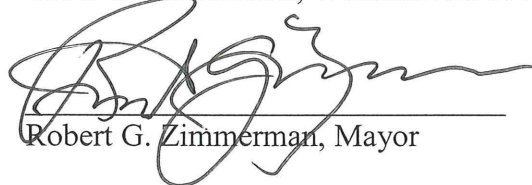
Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance shall take effect thirty (30) days after final passage by the City Council.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 15th day of February 2011.

1st Reading: 2/15/11
Published: 2/22/11
Effective: 3/17/11

CITY OF MONROE, WASHINGTON


Robert G. Zimmerman, Mayor

ATTEST/AUTHENTICATED:


Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:


J. Zachary Lell, City Attorney

Chapter 5.02 BUSINESS LICENSES

Sections:

5.02.010 Purpose.

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5.02.120 Notice of noncompliance – Revocation – Final action.

5.02.130 Appeal to hearing examiner.

5.02.140 Violation – Misdemeanor.

5.02.010 Purpose.

The purpose of this chapter is to provide a means for obtaining public information and compiling statistical information on existing and new business in the city to regulate and ensure the legal conduct of businesses and to assist in the effective administration of health, fire, building, zoning and other codes of the city. (~~Ord. 711, 1980~~)

5.02.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Engaged in business" means commencing, conducting or continuing in business or carrying on of any form of activity for gain, profit or advantage, whether direct or indirect, with an office or place of business being located within the city.

B. "Person" means any individual receiver, assignee, trustee in bankruptcy, trust, estate, partnership, joint venture, club, company, joint stock company, business trust, corporation, association, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof. (~~Ord. 021/2006 § 1; Ord. 782, 1985; Ord. 711, 1980~~)

5.02.025 Administration.

The City of Monroe city administrator or designee shall administer this chapter and shall have the authority to develop and implement administrative procedures to manage and enforce this chapter.

5.02.030 License Required~~Persons subject to license fee.~~

On or after the effective date of the ordinance codified in this chapter, all persons engaged in business in the city shall apply for a business license. No person shall engage in any business within the city without first having secured a license to do so as hereinafter provided unless exempted in this chapter. (~~Ord. 021/2006 § 2; Ord. 711, 1980~~)

5.02.040 Exemptions.

A. The provisions of this chapter shall not apply to:

1. Minors doing business or operating a business concern where no other person is employed by the minor;
2. The United States or any instrumentality thereof and the state of Washington or any municipal subdivision thereof;
3. Participants in a ~~street fair or exhibits~~special ~~pursuant to~~event pursuant to Chapter 5.28 MMC where the following conditions have been met:
 - a. The participant is identified on a list of participants to be provided by the applicant for a license under Chapter 5.28 MMC to the ~~clerk's office~~City Administrator or designee at least three days in advance of the event,
 - b. The participant to be exempt participates in no more than two such ~~street fairs~~special events in any calendar year;
4. Persons whose sole activity is the rental of real property.

5. Participants in Community-Oriented Open-Air Markets operated in accordance with MMC 18.12.190(B).

6. Any person consigning items for sale in a retail shop possessing a valid City of Monroe business license.

B. The license fee portion of this chapter shall not apply to:

1. Fraternal benefit associations or societies as defined in RCW 48.36A.010;
2. Nonprofit religious organizations;
3. Nonprofit associations, clubs, or corporations maintained for the purpose of organized sports, charity, public school-related activities or municipal corporation-related activities, including police and fire department reserve organizations;
4. Persons required to obtain a license and pay a license fee for a specific activity or business under other provisions of this code who have indeed procured such a license and paid the fee for such license. (~~Ord. 1283, 2002; Ord. 782, 1985; Ord. 718, 1981; Ord. 711, 1980~~)

5.02.050 Issuance of licenses.

Any new nonexempt business shall make application for a business license prior to commencing business in the city. Application for license shall be accomplished by filing a master application through the State Department of Licensing's Master License Service, ~~in coordination with the city clerk.~~ Persons applying for a license must pay a fee as established by the city council by periodic resolution and the Master License Service's handling fee. (~~Ord. 021/2006 § 3; Ord. 711, 1980~~)

5.02.060 Posting of license.

Each person required to obtain a business license under this chapter shall at all times post said business license in the place of business for which it is issued. (~~Ord. 711, 1980~~)

5.02.070 License not transferable.

When the place of business of a person required to obtain a business license under this chapter is changed, the person shall inform the Master License Service of the change, ~~in coordination with the city clerk.~~ A change of place of business may require the filing of a new master application with the Master License Service. Upon approval by the city of the new place of business, a new license shall be issued for the person's new place of business. (~~Ord. 021/2006 § 4; Ord. 811, 1986; Ord. 711, 1980~~)

5.02.075 Ownership change.

When a licensed business changes ownership, the license of the previous owner may not be transferred to the new owner. The new owner shall apply for a license for the business by filing a master application with the Master License Service ~~in coordination with the city clerk.~~ (Ord. 021/2006 § 5; Ord. 811, 1986)

5.02.080 Fraudulent use of business license.

No person holding a city business license shall suffer or allow any other person for whom a separate license is required to operate under or display such person's license and no person may maintain a business license obtained through a false or fraudulent application or return of any false statement or representation in or in connection with any such application or return for such business license. (Ord. 711, 1980)

5.02.090 Revocation of business license.

The ~~clerk~~ City Administrator or designee may revoke the license issued to any person required to obtain a business license who is in default in any payment of any license fee or who shall fail to comply with any of the provisions of this chapter. Notice of such revocation shall be mailed to the person by the ~~city clerk~~ City Administrator or designee, and on and after the date thereof any such person who continues to engage in business shall be deemed to be operating without a license and shall be subject to any or all penalties provided for in this chapter. (Ord. 711, 1980)

5.02.100 License renewal.

All businesses shall renew their business license each year. Businesses must pay a renewal fee as established by the city council by periodic resolution and the Master License Service's handling fee. (Ord. 021/2006 § 6; Ord. 1283, 2002; Ord. 914, 1989; Ord. 811, 1986; Ord. 711, 1980)

5.02.110 Compliance with codes required.

Notwithstanding any contrary provision hereof, a business license issued under this chapter may not be issued to any person using or occupying any real property in violation of the provisions of the Monroe zoning, ~~building and fire codes~~ and all amendments thereto. (Ord. 711, 1980)

5.02.115 Compliance with other Codes.

The issuance of a business license under this chapter shall not relieve the applicant of complying with other provisions of the Monroe Municipal Code or other State or Federal laws, rules, and regulations.

5.02.120 Notice of noncompliance – Revocation – Final action.

A pending application for renewal under this chapter shall be deemed in compliance with this chapter unless the applicant is notified by the ~~city clerk~~ City Administrator or designee in writing that said application may not be granted because of noncompliance with the provisions of this chapter. In the event such notice is given, the applicant shall have ninety days from the date of such notice to comply with any section violated under this chapter prior to final action upon said application for renewal unless an extension for compliance is granted by the council. (Ord. 711, 1980)

5.02.130 Appeal to hearing examiner.

Any person aggrieved under the provisions of this chapter may appeal to the hearing examiner from such finding of the ~~city clerk~~ City Administrator or designee within fifteen days from the time as such taxpayer was given written notice of noncompliance with the provisions of this chapter. The ~~clerk~~ City Administrator or designee shall, as soon as practical, fix a time and place for hearing of such appeal, which time shall not be more than thirty days after filing a notice of appeal and the hearing examiner shall cause a notice of the time and place thereof to be mailed by certified mail, return receipt requested, to the person appealing the ~~clerk's~~ City Administrator or designee's proposed action. At such hearing, the taxpayer shall be entitled to be heard and to introduce evidence in his own behalf. The hearing examiner shall thereupon make a finding and notify the appellant thereof by mail. The city may, before the appeal is to be heard, by subpoena require the attendance at such hearing of any person and may

require such person to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the hearing examiner as to any matter required of such person pertinent to the appeal and it shall be unlawful for such person to fail or refuse to do so.

Hearing examiner action shall be final unless within thirty days thereof an appeal has been filed with Snohomish County superior court by writ of certiorari. (~~Ord. 975, 1991; Ord. 711, 1980~~)

5.02.140 Violation – Misdemeanor.

Any violation of this chapter shall be deemed a misdemeanor and shall be punished by a fine not to exceed three hundred dollars or by imprisonment not to exceed ninety days or by both such fine and imprisonment, and any person who engages in or carries on any business subject to the provisions of this chapter without obtaining a business license, or who carries on such activities in violation of this chapter shall be guilty of a separate violation of this chapter for each day during which the business is so engaged in or carried on, and any taxpayer who fails or refuses to pay the business license fee or any part thereof on or before the due date shall be deemed to be operating a business without having a proper license to do so. (~~Ord. 711, 1980~~)