

ORDINANCE NO 1081

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, AMENDING CHAPTER 5.05, BUSINESS LICENSES AND REGULATIONS BY AMENDING SECTION 5.05.010, DEFINITIONS; AMENDING SECTION 5.05.030, LICENSE APPLICATION, AMENDING SECTION 5.05.050, FEES; AMENDING SECTION 5.05.060, BUSINESS LOCATED OUTSIDE CITY; AMENDING SECTION 5.05.080, PERSONS CONDUCTING BUSINESSES FROM SITES THAT ARE NOT PERMANENT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City has received several applications for business licenses operating from sites that are not permanent; and

WHEREAS, during the application review the City has found some discrepancies and needed updates in Roslyn Municipal Code Section 5.05, which governs those types of applications; and

WHEREAS, the City of Roslyn wishes to make necessary changes to maintain an accurate and complete code, and to streamline the processing of business licenses; and

WHEREAS, the City desires to remove fees from specific code provisions and place all fees in a fee Resolution;

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

Section 1. Roslyn Municipal Code Section 5.05.010, Definitions, is hereby amended as follows:

5.05.010 Definitions.

In construing the provisions of this chapter, except where otherwise declared, apparent or clearly appearing from the context of the passage or chapter, the following definitions shall be applied:

A. "Year" means the calendar year from January 1st to and including the succeeding December 31st.

B. "Person" means any individual, firm, partnership, company, corporation, association, receiver, assignee, trustee in bankruptcy, trust, society or any group of individuals acting as a unit.

C. "Business" includes all activities, trades, pursuits or professions, except sales or deliveries exclusively to retail businesses, located and/or performed within the city with the object of gain, benefit or advantage to the taxpayer, including, but not limited to, retail sales of goods or services, construction activities, professional offices, corporate offices and the renting out of three or more premises within the city.

D. "Taxpayer" includes any person who engages in business or who is required to have a business license hereunder, or who performs any acts for which a license fee or tax is imposed by this chapter.

E. "City" means the city of Roslyn, Washington.

F. "Permanent" means any structure/building that is built on site and permanently affixed to the ground.

Section 2. Roslyn Municipal Code Section 5.05.030, License application, is hereby amended as follows:

5.05.030 License application.

Each person required to procure a license and pay a fee or tax under this article shall apply for such license with and pay such fee or tax to the city clerk during the period of the first day of January to and including the last day of February of every year, or immediately thereafter if commencing to operate after the first day of February and shall apply on such form as shall be provided by the city clerk. Each applicant on such form shall give such information as the city clerk shall deem reasonably necessary to enable the city to administer and enforce this chapter, including the name of the business address, the type of business, the name of the owner or owners thereof or the major stockholders if a corporation and each holder of the license shall immediately notify the city clerk during the year of any change in said information provided to the city. ~~Each person who, after April 1, 1979, initially applies for a business license under this chapter and whose principal place of business is located in the city of Roslyn shall appear before the city council before the initial issuance of such license to such person for the purpose of providing such information or additional information as the city council deems reasonably necessary to enforce this chapter~~ The Clerk shall approve all business licenses in accordance with this chapter and submit a list of newly approved licenses to the City Council.

Section 3. Roslyn Municipal Code Section 5.05.050, Fees, is hereby amended as follows:

5.05.050 Fees.

Unless it is otherwise provided by a provision in a chapter of this title providing for the licensing of a special, named, enumerated or specific business or activity, the annual license fee shall be based as to the number of employees as follows: listed on the City's fee schedule as established and amended by Resolution of the City Council.

1-5 employees	\$50.00
6-10 employees	\$100.00
11 or more employees	\$200.00

In the event any business is sold or otherwise transferred during the year, the new owner thereof shall immediately so notify the city clerk and apply for a transfer of the business license by giving the above-stated information required for an application for a license and shall pay the city clerk a transfer fee of ~~\$25.00~~ as listed on the City's fee schedule as established and updated by Resolution of the City Council.

Section 4. Roslyn Municipal Code Section 5.05.060, Business located outside city, is hereby amended as follows:

5.05.060 Business located outside city.

This article covers and applies to any business of whatsoever nature located outside the city that engages in some business activity in the city. Any such business located outside the city so engaging in some business activity in the city shall also report such business to the state of Washington, Department of Revenue, ~~for five percent sales and use tax purposes~~ in accordance with WAC 458-20-145 (Rule 145).

Section 5. Roslyn Municipal Code Section 5.05.080, Persons conducting businesses from sites that are not permanent, is hereby amended as follows:

5.05.080 Persons conducting businesses from sites that are not permanent.

A. A person who conducts a business from a site that is not permanent ~~within the meaning of Section 1205.195~~ shall not be issued a business license unless the following conditions are met at the time the person applies for the business license:

1. The property on which the business shall be conducted is (a) private property, and (b) is located within the proper zone for said business;
2. The person shall produce written permission from the property owner to conduct his or her business on the property;
3. The person shall produce proof that his or her business is registered with the Washington Department of Revenue;
4. The person shall agree, in writing, to meet the setback requirements for permanent buildings; and
5. The design of the site has been approved by the ~~planning commission~~ City Planner.

B. Additionally, at the time of licensing, and during the period of licensure, the provisions of RMC 5.15.030, 5.15.040, 5.15.050, 5.15.060, 5.15.070 and 5.15.080 shall apply to any business licensed and/or operating under this section.

C. A business license issued under this section shall expire ~~90 days after issuance. The license may be renewed for an additional 90 days upon review and approval by the Roslyn city council on December 31 of the year issued.~~

Section 6. 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.

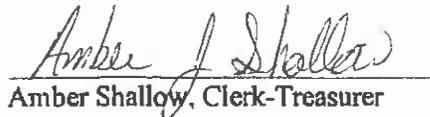
Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _
23rd DAY OF AUGUST, 2011.**

CITY OF ROSLYN


Jeri B. F. Porter, Mayor

ATTEST/AUTHENTICATED:


Amber Shallow, Clerk-Treasurer

Approved as to form:


Margaret King, City Attorney

Filed with the City Clerk: August 19, 2011
Passed by the City Council: August 23, 2011
Date of Publication: August 26, 2011
Effective Date: August 31, 2011