

**CHAPTER 5.04
LICENSING REGULATIONS**

Sections:

- 5.04.010 Authority
- 5.04.020 License Required
- 5.04.030 License - Contents
- 5.04.040 Application For New Business
- 5.04.050 Location Change
- 5.04.060 Term of License
- 5.04.070 Temporary Licenses
- 5.04.080 Fee Schedule
- 5.04.090 Certain Businesses Exempt
- 5.04.100 Payment of Fee - Time Limit
- 5.04.110 General Fund
- 5.04.120 Consent to Inspections and Searches

- 5.04.010 Authority: The provisions of this chapter shall be deemed an exercise of the authority and power of the city to license, for the purposes of regulation and revenue, all and every kind of business authorized by law and transacted and carried on within the corporate limits of the city, as provided by RCW 35A.11.020 and 35.23.440. (Ord. 2296, 3/27/07; Ord. 2282, 12/12/06)
- 5.04.020 License Required: It is unlawful for any person, firm, corporation, or association to engage in any kind of business, trade or profession authorized by law, which is not licensed as a transient merchant, itinerant merchant, itinerant vendor, or the like by Moses Lake Municipal Code 5.06, and for which a license is required, as provided in this chapter, within the city, without first obtaining a license as provided for by this chapter. Any person, firm, corporation, or association owning any rental units or mobile home spaces used for residential purposes which have an on-site residential manager shall be required to obtain a business license. Any person, firm, corporation, or association owning any transient living units, mini-storage units, recreational vehicle spaces, or campground spaces shall be required to obtain a business license. (Ord. 1618, 1994; Ord. 1599, 1993; Ord. 1361, 1989; Ord. 1112, 1983)
- 5.04.030 License - Contents: All licenses provided for in this chapter shall be issued by the Finance Director upon paying to the Finance Director the proper license fee as provided in this chapter. All licenses shall bear the name of the licensee, and shall designate the nature of the business, trade, or profession operated by the licensee; and shall also designate the location where the business, trade, or profession is carried on, the date of expiration of the license, the date of the issuance of the license, and the amount paid for the license. Each licensee shall conspicuously post such license in his place of business or office, and shall produce such license for inspection if required to do so by any authorized city official. (Ord. 1974, 11/14/00; Ord. 1885, 12/28/99)
- 5.04.040 Application For New Business: If the licensee is a new business, prior to the issuance of the business license, the Finance Director shall submit the application therefor to the Fire Chief and the Building Inspector of the city for approval of the location where the licensee is to carry on the business, trade or profession, and the business license shall be issued only if the location is in compliance with building and fire codes of the city as those codes relate to existing and/or new structures. (Ord. 1974, 11/14/00; Ord. 1885, 12/28/99)
- 5.04.050 Location Change: If an existing licensee desires to change the location of the business, trade, or profession from the location designated on the business license, application must be made to the Finance Director prior to the change in location and the Finance Director shall, prior to the issuance of a new business license, submit the application therefor to the Fire Chief and the Building Inspector of the city for approval of the new location where the licensee is to carry on the business, trade, or profession, and the business license shall be issued only if the location is in compliance with building and fire codes of the city as those codes relate to existing and/or new structures. There shall be no additional business license fee assessed an existing business

changing its location, and the new business license issued shall carry the same expiration date. (Ord. 1974, 11/14/00; Ord. 1885, 12/28/99)

5.04.060 Term of License: All licenses shall be for a period of one (1) year, unless otherwise provided in this chapter; such license is to begin January first of each year and terminate the following December thirty-first, and it must be renewed annually in advance. No license shall be transferable. All licenses will be renewed through the Finance Director with payment of the yearly fee. (Ord. 2282, 12/12/06; Ord. 1974, 11/14/00; Ord. 1459, 1990)

5.04.070 Temporary Licenses:

A. Licenses issued for the following businesses by the Finance Director shall be temporary and a permanent license shall not be issued by the Finance Director until the business has been approved by the Grant County Health Department, which approval must be obtained within thirty (30) days after the issuance of said temporary licenses:

1. Bakeries;
2. Cafes and restaurants;
3. Confectioneries;
4. Grocery stores;
5. Meat markets;
6. Produce stores (wholesale and retail)
7. Soda fountains;
8. Taverns;
9. Auto courts;
10. Cabin courts;
11. Hotels;
12. Trailer courts.

B. If at any time any of the businesses licensed in this section do not meet with the approval of the Grant County Health Department, the license shall be revoked and shall not be reissued until such business again meets with the approval of the Grant County Health Department. (Ord. 1974, 11/14/00; Ord. 1885, 12/28/99)

5.04.080 Fee Schedule: The business license fee schedule is fixed in the amount of eighty dollars (\$80) per year, payable in advance, for each business, trade or profession, conducted or carried on within the corporate limits of the city; provided, that tax exempt nonprofit companies, associations, corporations, or copartnerships of whatever kind as defined by the federal or state government, shall not be required to pay the business license fee, but, nevertheless, shall obtain a business license, without fee, if conducting a business in order to raise funds from members outside the organization. For the initial business license fee the eighty dollars (\$80) shall be prorated over four (4) quarters, eighty dollars (\$80) payable between January 1 and March 31, sixty dollars (\$60) payable between April 1 and June 30, forty dollars (\$40) payable between July 1 and September 31, and twenty dollars (\$20) payable between October 1 and December 31. The business license for tax exempt nonprofit companies, associations, corporations, or copartnerships of whatever kind as referred to herein shall be obtained once and shall be effective for the lifetime of the organization. This exemption is an addition to that provided in Section 5.04.090. No business, profession or trade conducted or carried on in a single location under one management or ownership shall pay more than one license fee regardless of the multiple nature of the business carried on; Provided further that no tax exempt nonprofit company, association, corporation, or copartnership of whatever kind as defined by the federal or state governments which operates or conducts a community festival or event of no more than four days in duration shall be required to obtain a business license as herein previously provided and the exemption which has been provided shall extend to the festival's or event's participants operating under sanction of said festival or event. Any business, profession or trade in more than one location within the city shall pay a license fee for each location where the business, profession, or trade is conducted. (Ord. 1974, 11/14/00; Ord. 1885, 12/28/99; Ord. 1442, 1990; Ord. 1150, 1984; Ord.

1132, 1984; Ord. 1053, 1982; Ord. 953, 1980)

5.04.090 Certain Businesses Exempt: Recognizing that there are locally owned and operated small or part-time businesses which would be unduly penalized by requiring licensing under this chapter and the payment of the business license fee as provided in Section 5.04.080, there is exempted from this business licensing chapter those locally owned and operated businesses, professions, or trades wherein the annual gross income is less than two thousand dollars (\$2,000) per year. (Ord. 1974, 11/14/00; Ord. 1885, 12/28/99)

5.04.100 Payment of Fee - Time Limit:

- A. All persons, copartnerships, companies, associations, or corporations who are engaged in business or in practice of their trades or professions in the city shall procure their license to operate on or before the thirty-first day of each and every January. In the event the license is not procured on or before January thirty-first of each year, the following penalties shall apply:
 - 1. If the renewed license fee is not paid before February first, the sum of twenty percent (20%) of the required license fee shall be assessed as a penalty;
 - 2. The sum of forty percent (40%) of the required renewed license fee shall be assessed as a penalty if the license fee is not paid before March first;
 - 3. If a business license is not renewed by March 31, enforcement will be taken as provided for in this section.
- B. All persons, copartnerships, companies, associations, or corporations who commence business or practice of their trades or professions in the city after the thirty-first day of January of each and every year, shall within one month from the commencement date procure their license to operate for the current year and if the license to operate is not procured within the month, then penalties shall apply and be imposed on the basis of a twenty percent (20%) penalty of the required license fee for the first month the business license is delinquent and an additional twenty percent (20%) for the second month the business license is delinquent. If a business license is not procured after the sixty (60) day delinquent period, enforcement will be taken as provided for in this section.
- C. When the Finance Director determines that a violation of this chapter exists, he or she may proceed against that violator using the procedures provided in this section.
- D. Notice of Violation and Order to Pay. If the Finance Director determines that any person, copartnerships, company, association, or corporation has engaged in any business or practice of their trade or profession in violation of this chapter, he or she may issue a Notice of Violation and Order to Pay. This Notice will specifically indicate the following:
 - 1. The name and address of the person(s) charged with the violation.
 - 2. The street address or description of the location of the site on which the violation has been determined to exist.
 - 3. The amount necessary to cure the violation, including purchase of a business license.
 - 4. The date by which the payment is to be made.

CITY OF MOSES LAKE MUNICIPAL CODE
CHAPTER 5.04 - LICENSING REGULATIONS

5. A statement that the civil penalties established in Section 1.20.050(5) shall be assessed against the person(s) cited if the payment is not made within the specified time.
- E. Appeals: Any Notice of Violation and Order to Pay issued by the Finance Director shall be appealable to the Hearing Examiner under Chapter 20.03.
- F. Penalties:
1. Any violation for which a Notice of Violation and Order to Pay has been issued but which has not been paid within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the day the payment was to be made. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to bar further operation of a business, trade, or occupation in violation of this chapter.
 2. If a penalty has been assessed pursuant to Section 1.20.050 E, a court shall assess that penalty and any additional penalty the court considers appropriate plus court costs and attorney's fees.
- G. If the Finance Director determines that the violator continues to operate a business, trade, or profession after the Notice of Violation and Order to Pay has been issued and payment has not been received within the time specified, the Finance Director shall issue a notice of termination of utility service to any property permitting such business, trade, or profession to operate without a business license and payment of any penalties imposed pursuant to this chapter. Such notice of termination of utility service shall be issued pursuant to Chapter 13.12 and the procedures therein shall be followed. The Finance Director may refer the matter to the City Attorney for civil enforcement by injunction or other appropriate action.
- H. Compromise, Settlement, and Disposition of Disputes or Litigation. The Finance Director and the City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city. (Ord. 2296, 3/27/07)
- 5.04.110 General Fund: All funds received by the city under the terms of this chapter shall be paid into the General Fund of the city and budgeted annually for any municipal purpose, as required by law.
- 5.04.120 Consent to Inspections and Searches: Every person who obtains a business license hereunder agrees to subject their place of business whether it be a building, room, cart, stand, vehicle, or stock of merchandise to inspection by city, county and health district and state officials with jurisdiction to enforce, health, safety, occupational, and tax laws. (Ord. 2296, 3/27/07)