

**CHAPTER 5.06
LICENSING REGULATIONS - TEMPORARY LOCATIONS**

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5.06.010 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 35.24.290 (7). (Ord. 1113, 1983)

5.06.020 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 within the City of Moses Lake as a transient merchant, itinerant merchant, or itinerant vendor as defined in Section 5.06.030 without first obtaining a license therefore in compliance with the provisions of this chapter. (Ord. 1113, 1983)

5.06.030 Definitions: For the purpose of this chapter, a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm, corporation or association, whether as owner, agent, consignee or employee, whether a resident of the city or not, which engage in a temporary business of selling and delivering goods, wares, and merchandise within said city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, parking lot or area, motor vehicle, tent, railroad boxcar or both, public room in hotels, motels, lodging houses, apartments, shops, or any street, alley, or other public places within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, corporation or association who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm, corporation or association so engaged shall not be released from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. (Ord. 1113, 1983)

5.06.040 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 their 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. 2492, 7/28/09; Ord. 1113, 1983)

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- 5.06.050 Review by Fire Chief and Building Official: Prior to the issuance of all licenses authorized by this chapter, the Finance Director shall submit the application to the Fire Chief and Building Official 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 exiting and/or new structures. (Ord. 2492, 7/28/09; Ord. 1113, 1983)
- 5.06.060 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 Official 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 licensee for a change of his location, and the new business license issued shall carry the same expiration date. (Ord. 2492, 7/28/09; Ord. 1113, 1983)
- 5.06.070 Term of License: All licenses shall be for a period of one year, unless otherwise provided in this chapter; such license is to begin January 1 of each year and terminate the following December 31. (Ord. 1113, 1983)
- 5.06.080 Fee Schedule: The business license fee schedule is fixed in the amount of two hundred dollars (\$200) per year or part thereof, payable in advance, for each business, trade or profession, conducted or carried on within the corporate limits of the city; except for each business selling fireworks as allowed by law which shall pay a business license fee of six hundred dollars (\$600) per stand except for those which are operated by non-profit companies, associations, corporations, or co-partnerships which shall pay a fee of three hundred dollars (\$300) per stand; provided, that tax exempt nonprofit companies, associations, corporations, or co-partnerships of whatever kind as defined by the federal or state government, shall not be required to pay the business license fee except if they operate fireworks sales operations, but, nevertheless, shall obtain a business license, without fee, if conducting a business in order to raise funds from members outside the organization. The business license for tax exempt nonprofit companies, associations, corporations, or co-partnerships of whatever kind as referred to herein shall be obtained once and shall be effective for the lifetime of the organization except if they operate fireworks sales operations in which case the tax exempt non-profit companies, associations, corporations, or co-partnerships of whatever kind shall obtain a business license for each year they operate a fireworks sales operation and pay the appropriate fee. This exemption is an addition to that provided in Section 5.06.090. No business, trade or profession conducted or carried on in a single location under one (1) 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 co-partnership of whatever kind as defined by the federal or state governments which operates or conducts a community festival or event or event of no more than four (4) 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 (1) location within the city shall pay a license fee for each location where the business, profession, or trade is conducted. (Ord. 1460, 1990; Ord. 1420, 1990; Ord. 1151, 1984; Ord. 1113, 1983)
- 5.06.090 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 5.06.080, 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 one thousand dollars (\$1,000) per year. (Ord. 1113, 1983)

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- 5.06.100 Cash Deposit: Before a license is issued under authority of this chapter, the applicant, in addition to paying the applicable license fees, shall deposit with the Finance Director a refundable cash deposit or a cashier's check in the amount of one hundred fifty dollars (\$150). The deposit or cashier's check shall be refunded or returned to the licensee at such time as it has been determined that any check used to pay the license fee has cleared and after the licensee delivers to the city a signed, declaration indicating the amount of gross sales and which calculates the amount of sales tax to be forwarded to the Washington Department of Revenue. In addition the statement shall contain a current address and telephone number of the licensee. (Ord. 2492, 7/28/09; Ord. 1113, 1983)
- 5.06.110 Non-Transferability of License: All licenses provided for in this chapter shall be non-transferable. (Ord. 1113, 1983)
- 5.06.130 Duty of Building Official to Enforce: It shall be the duty of the Building Official of the City of Moses Lake and his designee to examine all places of business and persons subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this ordinance against any person found to be violating the same. (Ord. 1113, 1983)
- 5.06.140 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. (Ord. 1113, 1983)
- 5.06.150 Fees Collected by Court: The city shall have the power to institute suit or action in any court of competent jurisdiction for the purpose of collecting any license fees that are due and payable. (Ord. 1113, 1983)
- 5.06.160 Penalty for Violations: Failure to comply with any provision of this chapter shall subject the violator to the following penalties as they are defined in Chapter 1.08 of this code:

<u>Violation</u>	<u>Penalty</u>
Failure to Obtain License (Ord. 1113, 1983)	C-7