

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1843

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.01.050, 5.01.090, 5.01.100, AND 5.44.050, AND REPEALING SECTIONS 5.44.020 AND 5.44.070 OF THE FIFE MUNICIPAL CODE REGARDING BUSINESS LICENSING**

WHEREAS, the City has the authority under its police power and the general laws of the State of Washington to regulate and license businesses within the City; and

WHEREAS, it is necessary to amend chapters 5.01 (Business and Special License Code) and 5.44 (Taxicabs) of the Fife Municipal Code to clarify business license exemptions and update application provisions; now, therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 5.01.050 the Fife Municipal Code is hereby amended to read as follows:

**5.01.050 Exemptions.**

A. Any business qualifying as nonprofit shall be exempt from paying a business license fee; provided, however, an application shall be required and an exempt business license must still be obtained. In order to qualify for nonprofit fee exemption, proof of such nonprofit status must be provided at time of application to the license officer. The only acceptable proof is the tax exempt letter referenced in FMC 5.01.010 under the definition of "nonprofit."

B. . No business license shall be required of vendors not otherwise engaged in business in the city who rent a booth or space, or are otherwise a participant, at a city-sponsored event with a duration of less than 24 hours or a city-operated farmers' market.

C. Pursuant to RCW 36.71.090, no business license shall be required of any farmer, gardener or other person to sell, deliver or peddle any fruits, vegetables, berries, eggs or any farm produce or edibles raised, gathered, produced or manufactured by such person. Collective gardens as defined under Chapter 69.51A RCW are not covered by this exemption.

D. No business license shall be required of minors (persons under 18) doing business or operating a business concern where no other person is employed by the minor, such as babysitting, lawn mowing, car washing, and similar activities.

E. No business license shall be required for casual or isolated sales or services made by persons who are not engaged in the ongoing business of selling the type of property involved. "Casual or isolated" is defined as not more than four such sales, not exceeding four consecutive days each, made during any calendar year. Examples include garage sales, yard sales, rummage sales, and bake sales by residents of a household where the exempt activity is taking place. Unless otherwise provided for in this section, vendors at flea markets, swap meets or other similar activities shall not be exempt.

Section 2. Section 5.01.090 the Fife Municipal Code is hereby amended to read as follows:

**5.01.090 General qualifications.**

No license or special license shall be issued, nor shall any license be renewed, pursuant to the provisions of this title to:

A. An applicant who is not 18 years of age at the time of the application, unless the applicant's parent or other lawful guardian is a co-applicant;

B. An applicant who has had a Fife business license revoked or suspended;

C. An applicant who shall not first comply with the general laws of the state of Washington;

D. An applicant who seeks such a license in order to practice some illegal act or some act injurious to the public health and/or safety;

E. Any person who is not qualified under any provision of this title for any particular license for which application is made.

Section 3. Section 5.01.100 the Fife Municipal Code is hereby amended to read as follows:

**5.01.100 Application procedures.**

A. Application for a license shall be made to the license officer, on a form to be furnished for that purpose, with:

1. The appropriate license fee (FMC 5.01.110);

2. The applicant's Washington State Unified Business Identifier (UBI) number;

3. Proof of employee count claimed (FMC 5.01.110);

4. Nonprofit exemption status (FMC 5.01.010(I) and 5.01.050) if claimed.

B. The application must be signed by the person in charge of the business operation within the city of Fife.

C. No license shall be issued until the application has been fully completed and all applicable ordinances and regulations of the city of Fife have been fully complied with.

D. No license shall be issued for activities requiring a license within an apartment complex unit, address or location, or within a motel/hotel without providing the license officer with the written consent of the property owner and/or property manager.

Section 4. Section 5.44.050 the Fife Municipal Code is hereby amended to read as follows:

**5.44.050 Applicant – Required information.**

Every applicant shall state his name, date of birth, place of residence, and such other information as required in the application form, allow a photocopy of his/her driver's license to be taken, and sign an authorization to conduct a criminal history background check and driver's license check.

Section 5. Repealer. Sections 5.44.020 and 5.44.070 the Fife Municipal Code are hereby repealed.

Section 6. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

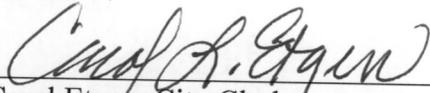
Section 7. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 10<sup>th</sup> day of Sept., 2013.

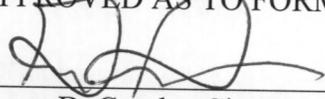
Passed by the City Council on the 24<sup>th</sup> day of Sept., 2013.

  
\_\_\_\_\_  
David K. Zabell, City Manager

ATTEST:

  
\_\_\_\_\_  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Loren D. Combs, City Attorney  
*assistant city atty*

Published: Sept 26, 2013  
Effective Date: Oct 1, 2013