

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1861

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 5.01.050 OF THE FIFE MUNICIPAL CODE EXEMPTING CERTAIN INDEPENDENT CONTRACTORS WHO PROVIDE INSTRUCTION FOR FIFE PARKS, RECREATION, AND COMMUNITY SERVICES DEPARTMENT PROGRAMS FROM PAYING A BUSINESS LICENSE FEE**

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, the Fife Parks, Recreation and Community Services Department provides many public programs for youth and adult enrichment, including various music and dance classes, and fitness and sports programs; and

WHEREAS, many of the instructors and teachers needed for these programs are independent contractors not otherwise engaged in business in the city, who receive little compensation for providing their services for these programs; and

WHEREAS, requiring these instructors and teachers to pay a \$50 business license fee, is a deterrent to finding qualified instructors and teachers willing to provide these services for the Parks, Recreation, and Community Services Department programs, 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.

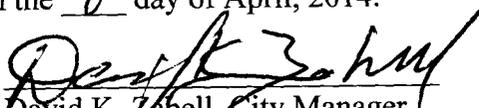
F. Any independent contractor that provides instruction or teaches classes in a Parks, Recreation and Community Services Department sponsored program, and who is not otherwise engaged in business in the city shall be exempt from paying a business license fee; provided, however, an application shall be required and an exempt business license must still be obtained.

Section 2. 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 3. 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 <sup>25<sup>th</sup></sup> day of <sup>March</sup> ~~April~~, 2014.

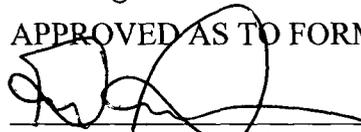
Passed by the City Council on the <sup>8<sup>th</sup></sup> day of April, 2014.

  
David K. Zabell, City Manager

ATTEST:

  
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Carol Etgen, City Clerk  
*acting*

APPROVED AS TO FORM:

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

Published: April 10, 2014

Effective Date: April 15, 2014